

1                   SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2                   REGIONAL ADVISORY COUNCIL MEETING

3  
4                   PUBLIC MEETING

5  
6                   VOLUME III

7  
8  
9                   Sitka, Alaska  
10                  September 28, 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 Patricia Phillips  
26 Frank Wright  
27 John Yeager  
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32 Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Sitka, Alaska - 9/28/2012)

(On record)

CHAIRMAN ADAMS: Well, good morning everyone. It looks like everyone is in their seat but I'll give you a minute to get yourselves organized. Did you all enjoy the wind and rain last night.

(Laughter)

(TELECONFERENCE - dialing)

CHAIRMAN ADAMS: We'll wait until the telephone hooks up here.

(Pause)

CHAIRMAN ADAMS: Well, we're not going to wait we're going to get started.

Yeah, we abruptly stopped Cal from finishing his presentation yesterday. I think we're in the question portion of it. So if the Council has any questions to ask of Cal, you know, the floor is now open for that.

(No comments)

CHAIRMAN ADAMS: Questions anyone.

(No comments)

CHAIRMAN ADAMS: Do we remember what we're doing?

(Laughter)

CHAIRMAN ADAMS: Let me give you a couple of minutes to look over the proposal. We're on 20 -- see I can't remember that. 22.

MR. CASIPIT: The proposal number is 13-22, correct, the analysis itself begins on Page 90, the executive summary is on 89.

CHAIRMAN ADAMS: Okay.

1 (Pause)  
2  
3 CHAIRMAN ADAMS: Be patient there, Cal.  
4  
5 (Pause)  
6  
7 MS. NEEDHAM: Donald's got a question.  
8  
9 CHAIRMAN ADAMS: Donald, help yourself.  
10  
11 MR. HERNANDEZ: Yeah, Mr. Chairman, if  
12 we're ready to start I do have a question but if the rest  
13 of the Council wants to take a little more time to  
14 formulate their ideas we could wait a little while yet,  
15 or should I start?  
16  
17 CHAIRMAN ADAMS: Why don't you just go  
18 ahead and ask your questions.  
19  
20 MR. HERNANDEZ: Okay. In reading the  
21 analysis, Cal, just like the other proposal that came  
22 from Mr. Jackson, it states that the proponent asked to  
23 modify his proposal after it was published so that no  
24 harvest limits would apply for salmon residents of Kake,  
25 whether it listed on regulation or on Federal subsistence  
26 fishing permits so this analysis will focus on the  
27 proposal as published since this is the version presented  
28 for public review. The proponent could provide comments  
29 on the proposal at the Southeast Regional Advisory  
30 Council.  
31  
32 So I mean once again, you know, it sounds  
33 like the proponent asked for a modification but I guess  
34 we're to assume that this analysis is based on the  
35 proposal as originally submitted and not with the  
36 modification; is that correct?  
37  
38 MR. CASIPIT: Through the Chair. Mr.  
39 Hernandez. Yes, you are correct, it's only analyzed --  
40 we've only analyzed as published and the major difference  
41 between the proponent -- what he wanted to modify was  
42 that the limits wouldn't apply in regulation and on  
43 permits, so he was adding add on permits, is what he was  
44 trying to add.  
45  
46 MR. HERNANDEZ: So I was hoping Mr.  
47 Jackson would be here to speak on his proposal. I guess  
48 I'm assuming he was not here, I haven't seen him, do we  
49 know otherwise.  
50

1 MR. LARSON: There's nobody on line.

2

3 MR. HERNANDEZ: So in reading the  
4 proposal I want to -- it kind of enters into a new topic  
5 here of eliminating any harvest limits on subsistence  
6 harvest and I don't know, when you were reading your  
7 analysis, there, several times you made reference to  
8 unlimited harvest or no limits to harvest and I kind of  
9 -- I'm kind of getting the impression reading through the  
10 analysis of some of the cultural history and maybe also  
11 benefitting a little bit from Mr. Jackson appearing  
12 before the Council at various times in the past and  
13 giving us his views on things, that one of the things I  
14 would have asked him and I don't know if you've had  
15 discussions with him about this but I was kind of given  
16 the impression that he's not really talking about no  
17 harvest limits or unlimited harvest, I think what he  
18 might be bringing into question here is whether or not in  
19 their traditional areas, the people of Kake can decide  
20 for themselves what the harvest limit should be as  
21 opposed to having arbitrary harvest limits on permits and  
22 regulations. You know, recognizing that every year is  
23 different, returns vary, the harvest limits always seem  
24 to stay the same year after year. I realize there's a  
25 little bit of in-season management but did Mr. Jackson  
26 kind of indicate to you that maybe the people in Kake  
27 would like to have more input as to what those harvest  
28 limits would be year to year.

29

30 MR. CASIPIT: Well, I can't speak to the  
31 question directly of what people in Kake think, but I  
32 have heard over the years from many villages that, yes,  
33 people would like more input into how bag limits are --  
34 or harvest limits are determined on the permits. And  
35 we've tried to do that. You know, we've had community  
36 meetings in various places with our State partners in  
37 places where we have been -- we have been able to  
38 increase limits or what have you, we have in places where  
39 we felt we could through the -- with our partners and the  
40 State.

41

42 Your observation about an unlimited  
43 harvest and, you know, it's more like traditional harvest  
44 methods of, you know, people taking only what they need,  
45 you know, you're probably right there. And what I was  
46 trying to get at in the analysis, while the Board could  
47 do that for some areas of their C&T, they wouldn't be  
48 able to do that because of the C&T area shared with other  
49 communities and they have to go through Section .815 for  
50 closure and then an ,804 analysis for determining bag

1 limits -- or harvest limits. So I think that's more of  
2 the crux of the issue for us as the OSM Staff, is how you  
3 work out those limits with this overlying customary and  
4 traditional use determination on top of it, which causes  
5 some issues.

6

7 MR. HERNANDEZ: Right. I'll just  
8 followup. It does sound like this proposal does involve  
9 a lot of knowledge of customary and traditional use  
10 determinations and how those play into it, which is also  
11 another topic on the agenda, is reviewing that whole  
12 procedure so I know it gets fairly complicated, and so  
13 we'll try and sort through it.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Any more questions.

18

19 MS. PHILLIPS: Mr. Chair.

20

21 CHAIRMAN ADAMS: Yes, Patty. Oh, by the  
22 way welcome back Patty, we missed you.

23

24 MS. PHILLIPS: Thank you. And I  
25 apologize for not being here for the first two days. And  
26 I apologize for not being here for the analysis. But I'd  
27 like to know, Cal, could we -- could there be a community  
28 harvest quota set for, you know, what they're asking, to  
29 meet that, what he's proposing? Could we do it community  
30 by community?

31

32 MR. CASIPIT: Through the Chair. Ms.  
33 Phillips. Yes, under both Federal and State regulations  
34 there are provisions for community harvest limits,  
35 community harvest activities. For the State side  
36 hopefully from the State is here, they can correct me if  
37 I'm wrong, but on the State side of the regulations it's  
38 basically a person or a community leader would go to the  
39 local manager and ask for a community use permit,  
40 something like that, and most of the time I would imagine  
41 that it would be granted. A similar process is on  
42 Federal side where a community could submit a proposal to  
43 have the community harvest limit under Federal  
44 regulations, a community harvest permit. That is a  
45 possibility.

46

47 CHAIRMAN ADAMS: Go ahead, Patty.

48

49 MS. PHILLIPS: Thank you. Have there  
50 been determined actual amounts necessary for subsistence

1 for the community of Kake?

2

3 MR. CASIPIT: Through the Chair. Ms.  
4 Phillips.

5

6 Yes. Again, this is under the State  
7 regulatory system so if I misspeak hopefully somebody  
8 will correct me, but the ANS amounts for Southeast Alaska  
9 were last revisited by the Board of Fisheries probably  
10 about six years ago, seven years ago, it's been awhile.  
11 But the ANS amounts are based on the permit area. So in  
12 Southeast Alaska it's broken up, I believe, into five  
13 permit areas, and ANS amounts are set on those by those  
14 permit areas.

15

16 So, for instance, there's a Juneau permit  
17 area that covers Angoon, Hoonah, Juneau under the State  
18 system because all residents in the state are able to  
19 subsistence harvest. So under the State system the ANS  
20 amounts are based on the permit area and it's a very  
21 large geographic area. They aren't determined for each  
22 community, which is -- and I'm digressing here but  
23 that's, you know, one of the issues that came up in the  
24 Angoon ETJ petition, so, you know.

25

26 CHAIRMAN ADAMS: Mr. Bangs.

27

28 VICE CHAIR BANGS: No, Patty, wanted to  
29 follow up.

30

31 CHAIRMAN ADAMS: Did you have a follow  
32 up?

33

34 MS. PHILLIPS: Yes, Mr. Chair.

35

36 CHAIRMAN ADAMS: Yes, go ahead.

37

38 MS. PHILLIPS: Thank you, Mr. Chair.  
39 Yes, you're correct that that is one of the conclusions  
40 we came up with at our ETJ discussions in Juneau and  
41 that's kind of where I'm going, is that, with the number  
42 of tribal communities that spoke in support of the Angoon  
43 ETJ, and one of our findings is that a proposal would be  
44 submitted that would look at amounts necessary for  
45 subsistence for Angoon and, to me, you know, Mr. Jackson  
46 spoke in favor of Angoon's ETJ, that as a Federal  
47 Subsistence Management Council RAC that -- that  
48 subsistence, ANILCA, as a whole, as we're evolving and  
49 maturing and perhaps we would evolve to more tribal  
50 community -- a community harvest that meets their actual

1 subsistence needs.

2

3                   We're not -- we're taking -- we're  
4 talking and asking questions about the possibility of  
5 doing that, and we're only at the very beginning stages  
6 but as Angoon goes through those steps to submit a  
7 proposal, perhaps Kake could be doing a similar proposal  
8 also.

9

10                   Thank you.

11

12                   CHAIRMAN ADAMS: Do you have a response  
13 to that, Cal.

14

15                   MR. CASIPIT: Well, I guess I can't  
16 answer directly what Kake should or shouldn't do. But --  
17 and, you know, since ANS isn't part of -- amounts  
18 necessary for subsistence is not part of the Federal  
19 system, it's the State system, it's tough for me to react  
20 to that. But, you know, as an individual, as a person,  
21 I would think that ANS determinations should be at the  
22 community level rather than at a permit area level, just  
23 as a, you know, as my personal feeling. It makes more  
24 sense for it to be at the community level in my mind.

25

26                   CHAIRMAN ADAMS: Okay, thank you. Okay,  
27 let me say something here first.

28

29                   Yesterday, Patty, we had a training  
30 session which I thought was very helpful and it had to do  
31 with, you know, going through proposals and I'll just  
32 outline to you, you know, the process that we've kind of  
33 been following yesterday when we go through proposals, as  
34 a result of that training.

35

36                   We listen to the, you know, the analysis  
37 given by Staff and then at that point we ask questions.  
38 And we find that, you know, the process moves a lot  
39 faster if we just limit our comments to questions. And  
40 then when we go into our deliberations then we can make  
41 our comments and so forth. Okay. And then we go to the  
42 next, you know, person, like the Fish and Game and so  
43 forth down the line and that process is practiced, you  
44 know, all the way through until we go into deliberations.  
45 And we found that it moved along pretty well.

46

47                   MS. PHILLIPS: Yeah.

48

49                   CHAIRMAN ADAMS: Somebody had something  
50 over here. Mr. Wright, go ahead.

1 MR. WRIGHT: Thank you, Mr. Chair. When  
2 I had done community sets, you know, for the community,  
3 what I did was I just call the Department of Fish and  
4 Game over in Juneau and they had given me a limit on how  
5 many fish I wanted to get for the community and it was --  
6 sometimes I say 500, sometimes I say 800, sometimes I say  
7 500 but I get 700, it's no big deal but, you know, I used  
8 to be able to get rid of that fish within two hours, you  
9 know, the community would just come down and crawl all  
10 over my boat so that's how we did it in Hoonah.

11  
12 Thank you.

13  
14 CHAIRMAN ADAMS: Okay. Did you have a  
15 question to ask of Cal?

16  
17 MR. WRIGHT: Mr. Jackson, is he talking  
18 individuals or is he talking community for the unlimited?  
19

20 MR. CASIPIT: The way I read the proposal  
21 and the way it's analyzed it's based on the permit, which  
22 are given to households so it's no harvest limits would  
23 apply either in regulation or on the household permits  
24 for the residents of Kake, so that's how I interpreted  
25 it, that's how I analyzed it.

26  
27 CHAIRMAN ADAMS: Any more questions of  
28 Cal. Cathy.

29  
30 MS. NEEDHAM: Thank you, Mr. Chair.

31  
32 Cal, can you speak towards whether or not  
33 the OSM preliminary conclusion would have been different  
34 than opposing it if the proponent had left out the  
35 districts that were in conflict with the users, the other  
36 non-Federally-qualified users to the .815-3, that seemed  
37 to be a big portion of why OSM recommended opposition  
38 because a portion of their proposal is technically not  
39 available for them to actually make that change to. So  
40 if they left those districts out, would OSM's preliminary  
41 conclusion have changed?

42  
43 MR. CASIPIT: Through the Chair. Ms.  
44 Needham. Probably not, because the other issue here is we  
45 have harvest limits in some of these -- especially some  
46 of these sockeye locations for good reason that we're  
47 concerned about being fair about harvest for all  
48 subsistence users in the area, so probably not.

49  
50 CHAIRMAN ADAMS: Okay, thank you.

1 Mr. Bangs.  
2  
3 VICE CHAIR BANGS: Thank you, Mr.  
4 Chairman. I'm a little confused after reading the  
5 justification that they're taking only reported 20  
6 sockeye and no coho under the Federal permit because they  
7 fish in State waters. So did Mr. Jackson explain what  
8 the reason that he's asking us for limit changes when  
9 they don't even fish in Federally-permitted areas instead  
10 of -- or is he asking the State for different limit  
11 change through the Board of Fish process. I'm wondering  
12 what he is expecting us to do when they're not really  
13 utilizing the Federal permits.  
14  
15 MR. CASIPIT: Through the Chair. Mr.  
16 Bangs. You know, I don't know if Mr. Jackson intends to  
17 submit something similar in the Board of Fish process,  
18 this was simply a proposal to the Federal program and  
19 we're analyzing it, you know, like we do all proposals  
20 that are submitted to us. I don't know if he has an  
21 intention to submit these to the Board of Fish.  
22  
23 CHAIRMAN ADAMS: Is anyone on line.  
24  
25 (No comments)  
26  
27 CHAIRMAN ADAMS: Hello.  
28  
29 (No comments)  
30  
31 CHAIRMAN ADAMS: Well, it sounded like  
32 there was. Maybe you could check on it Mr. Larson.  
33  
34 MR. LARSON: Is there anybody on the  
35 teleconference line.  
36  
37 MR. VANALEN: Yeah, this is Ben in Juneau.  
38  
39 MR. LARSON: Good morning, Ben. Is there  
40 anybody else?  
41  
42 MS. VANALEN: Not yet, I think Carol's  
43 going to call in.  
44  
45 MR. LARSON: Okay.  
46  
47 CHAIRMAN ADAMS: Okay, Ben, welcome.  
48  
49 MR. VANALEN: Thank you.  
50

1 CHAIRMAN ADAMS: We're on Proposal No. 22  
2 right now and Cal has given the analysis and the Council  
3 is now asking him questions so we're at that process  
4 right at this point, so, welcome on line, Ben.  
5  
6 MR. VANALEN: Thank you. It's good to be  
7 here, I was on hands free for a bit.  
8  
9 CHAIRMAN ADAMS: Okay.  
10  
11 MR. VANALEN: I'll just listen in, thank  
12 you.  
13  
14 CHAIRMAN ADAMS: All right, thank you.  
15 Mike.  
16  
17 MR. DOUVILLE: I have a question for Cal.  
18 I was wondering if you could tell us how many permits,  
19 Federal permits you issue per year or for any one time.  
20 I can see like he said there was only 20 sockeye  
21 harvested. Do you issue Federal permits there every year  
22 or have you ever or what are those numbers?  
23  
24 MR. CASIPIT: Through the Chair. Mr.  
25 Douville. Those are the only records of Federal permits  
26 issued to residents of Kake, was that one permit issued  
27 in 2005, I think. Yeah, 2005 was the only time we issued  
28 a permit, a Federal permit in Kake.  
29  
30 CHAIRMAN ADAMS: Follow up.  
31  
32 MR. DOUVILLE: So you've only issued one  
33 Federal permit in Kake and they got 20 fish?  
34  
35 MR. CASIPIT: Through the Chair. Mr.  
36 Douville. That is correct.  
37  
38 Most of the fishing occurs under State  
39 permits there. I mean that shows in the harvest history  
40 there where I -- you know, I took the 2005 numbers just  
41 because we only had a permit for 2005 and I wanted to  
42 compare apples to apples, and so I provide the reported  
43 harvest off the State permits there as well and, you  
44 know, 1,655 under the State permit in 2005 versus 20  
45 under our Federal permit.  
46  
47 CHAIRMAN ADAMS: Okay, any more  
48 questions. Merle, go ahead.  
49  
50 MS. HAWKINS: Yeah, Cal, so under Federal

1 permits they're only allowed to take them by spear,  
2 dipnet, rod and reel; is that correct?

3

4 MR. CASIPIT: Through the Chair. Ms.  
5 Hawkins. That is the approved gear type for cohos,  
6 sockeye, it's a seines -- beach seines and gillnets are  
7 also there as well.

8

9 CHAIRMAN ADAMS: Welcome, Mr. Kookesh.  
10 We're on the question and answer -- questioning Mr.  
11 Casipit for, you know, after he -- you remember he did  
12 the analysis yesterday, we're asking him questions at  
13 this point.

14

15 MR. KOOKESH: Thank you.

16

17 CHAIRMAN ADAMS: Anyone else have any  
18 questions.

19

20 (No comments)

21

22 CHAIRMAN ADAMS: Do you have any  
23 questions, Floyd?

24

25 MR. KOOKESH: Am I late?

26

27 CHAIRMAN ADAMS: Kind of.

28

29 Okay, thank you, Cal, appreciate it.

30

31 Is there someone representing the State.

32

33 (No comments)

34

35 \*\*\*\*\*

36 STATE OFFICIAL WRITTEN COMMENTS

37 \*\*\*\*\*

38

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

41

42 Fisheries Proposal FP13-22:

43

44 Eliminate subsistence salmon harvest  
45 limits for Kake, AK residents.

46

47 Introduction:

48

49 This proposal by the Organized Village of  
50 Kake would establish a new regulation that unless noted

1 on a federal subsistence fishing permit, there would be  
2 no harvest limits for salmon harvested by the residents  
3 of Kake, Alaska.

4

5                   The proponent states this proposal  
6 better recognizes and accepts the subsistence priority  
7 need of individual and households in the community of  
8 Kake. This regulation helps provide residents of Kake  
9 with a meaningful priority for the customary and  
10 traditional (C&T) take of fish. These subsistence users  
11 fish where there are fish and take only what they need  
12 because they rely on salmon for food and this is their  
13 way of life .

14

15                   Impact on Subsistence Users:

16

17                   If this proposal is adopted, federal  
18 subsistence users from Kake would have no harvest limits  
19 for subsistence-caught salmon. The proponent anticipates  
20 federal subsistence users residing in Kake would benefit  
21 from alleviation of harvest limits since citations from  
22 enforcement officers for harvest limit violations when  
23 engaged in C&T fishing for salmon would not occur.

24

25                   However, the potential unintended  
26 negative impact imposed upon subsistence users by  
27 adoption of this regulation could reasonably manifest in  
28 the loss of sustainability of the resource, as  
29 unrestrained exploitation the resource without restraint  
30 may occur. This would result in loss of subsistence  
31 opportunity not only for subsistence users from Kake, but  
32 subsistence users that do not reside in Kake, as well.

33

34                   Impact on Other Users:

35

36                   In the event of an unsustainable  
37 exploitation of this resource, all users would suffer.

38

39                   Opportunity Provided by State:

40

41                   Under state regulations, subsistence is  
42 the priority consumptive use and salmon may be harvested  
43 throughout most of the Southeast Alaska area. Under the  
44 state subsistence salmon permit, limits and seasons can  
45 vary by system depending on the productivity and  
46 run-timing of the system. These limits and seasons are  
47 determined by the state to be necessary to ensure the  
48 long-term sustainability of the resource. State  
49 subsistence fishing opportunity is directly linked to  
50 abundance and is only closed to subsistence users if

1 necessary to meet escapement needs.

2

3

Conservation Issues:

4

5

6 There are no stocks of concern in  
7 Southeast Alaska at this time. Based on harvests  
8 reported on state subsistence salmon permits, subsistence  
9 users from Kake harvest sockeye salmon primarily at Falls  
10 Lake and Gut Bay Lake on Baranof Island, and Kutlaku Lake  
11 on Kuiu Island. These systems represent 46%, 24%, and  
12 31% of the total sockeye harvested by Kake residents,  
13 respectively. Approximately 90% of the total Falls Lake  
14 sockeye harvest is by subsistence users from Kake. There  
15 are no escapement goals for these systems and only Falls  
16 Lake has had a long-term escapement project that began in  
17 2001. The average escapement at Falls Lake since 2001  
18 was 2,867 sockeye and average harvest was 1,564 sockeye  
19 salmon. In 2002 and 2008, based on onsite creel surveys,  
20 the subsistence fishery harvested 2,600 and 1,530 sockeye  
21 salmon, respectively, while escapements were only 1,090  
22 and 700, respectively. These two years provide examples  
23 of the potential for subsistence harvests to compromise  
24 desired escapement levels. The Falls Lake subsistence  
25 fishery was closed early by emergency order in 2002,  
26 2004, 2010, and 2011 due to low sockeye returns.

26

27

28 Provided there is a continuation of  
29 healthy salmon stocks in the Southeast Alaska area,  
30 combined with responsible harvest, this proposal would  
31 present little negative impact to the long-term  
32 sustainability of the resource. However, the risk to  
33 benefit ratio associated with this proposal dictates  
34 state opposition lest our managers abrogate their  
35 responsibilities. Should one or more of these factors  
36 fall short, a long-term risk to sustainability of the  
37 resource is inherently unavoidable.

37

38

Enforcement Issues:

39

40

41 Passage of this proposal would create  
42 divergent federal and state regulations which are  
43 difficult for enforcement and a burden to users.

43

44

45 Federally-qualified subsistence salmon  
46 users may put themselves at risk of receiving a citation  
47 if they catch salmon on state or private land or marine  
48 waters under state jurisdiction and do not comply with  
49 terms specified on their subsistence fishing permits. An  
50 example is adherence to harvest limits during years when  
there is a conservation concern for fish stocks in a

1 particular area required by state regulation.

2

3

Jurisdiction Issues:

4

5

The Federal Subsistence Board does not have the authority to regulate nonfederally-qualified users participating in fisheries on waters outside of federal subsistence jurisdiction. While standing on state and private lands (including state-owned submerged lands), persons must comply with state law and cannot harvest under conflicting federal regulations.

12

13

Enforcement difficulties and user confusion -- concerning where and how federal regulations that are different than state regulations apply -- will result unless detailed maps and explanations specific to the area are provided. At Falls Lake, Gut Bay and Kutlaku, the majority of the subsistence harvesting occurs in marine waters under state jurisdiction.

20

21

Other Issues:

22

23

On state or private lands where federal subsistence fisheries are not authorized to occur, the federal board does not have authority to supersede state commercial and subsistence fisheries regulations unless a full closure is required for conservation purpose within water of claimed federal jurisdiction. Changes to state commercial and subsistence fisheries regulations must be submitted to the Alaska Board of Fisheries for coordination. The federal program currently provides for designated fishers to harvest for others above their personal limit. Users who expect a plentiful harvest who wish to share above their established amounts reasonably necessary for subsistence amount have this option available to them to avoid citation. Passage of this proposal creates divergent federal and state regulations which are difficult for enforcement and a burden to users.

40

41

Recommendation: Oppose.

42

43

CHAIRMAN ADAMS: Okay. Any Federal agencies.

45

46

(No comments)

47

48

CHAIRMAN ADAMS: Tribal, Native organizations.

49

50

1 (No comments)  
2  
3 CHAIRMAN ADAMS: InterAgency Staff.  
4  
5 (No comments)  
6  
7 CHAIRMAN ADAMS: Nothing. Okay, Advisory  
8 Groups, like neighboring Regional Councils.  
9  
10 (No comments)  
11  
12 CHAIRMAN ADAMS: Local Fish and Game  
13 Advisory Committees.  
14  
15 (No comments)  
16  
17 CHAIRMAN ADAMS: Park Service.  
18  
19 (No comments)  
20  
21 CHAIRMAN ADAMS: Nothing. Do we have any  
22 written comments, Mr. Larson.  
23  
24 MR. LARSON: Mr. Chair. Again, you've  
25 caught me unawares here, unprepared.  
26  
27 (Pause)  
28  
29 VICE CHAIR BANGS: There is one.  
30  
31 MR. LARSON: Yes, there is -- thank you,  
32 Mr. Chair. There is one comment and that is in  
33 opposition and that is from the Southeast Alaska  
34 Fishermen's Alliance. They're similar comments they  
35 provided for Proposal 13-17.  
36  
37 Thank you.  
38  
39 CHAIRMAN ADAMS: Thank you. Public  
40 testimony.  
41  
42 (No comments)  
43  
44 CHAIRMAN ADAMS: Hearing none, we can now  
45 go into deliberations.  
46  
47 And then, you know, Patty, for your  
48 benefit, we do, you know, talk about it at this point and  
49 make comments and, you know, just discuss it all to death  
50 and then when we're done.....

1 MS. PHILLIPS: Thank you, Mr. Chair.  
2  
3 CHAIRMAN ADAMS: And then when we're done  
4 somebody will make a motion and second it and then we'll  
5 go from there. Okay.  
6  
7 MS. PHILLIPS: Yes, sir.  
8  
9 CHAIRMAN ADAMS: Okay.  
10  
11 VICE CHAIR BANGS: We're going to make  
12 the motion first.  
13  
14 CHAIRMAN ADAMS: Mr. Bangs.  
15  
16 VICE CHAIR BANGS: Thank you, Mr.  
17 Chairman. I move to adopt FP13-22.  
18  
19 CHAIRMAN ADAMS: Do I hear a second.  
20  
21 MR. DOUVILLE: Second.  
22  
23 CHAIRMAN ADAMS: Okay, now we are in  
24 discussion.  
25  
26 Tim, go ahead.  
27  
28 MR. ACKERMAN: Mr. Chair, thanks. On  
29 this, I'd like to see some more information on this, in  
30 particular, on the State harvest levels and permits and  
31 all that stuff. You know as the price of fuel and all  
32 food and everything goes up in the whole Southeastern  
33 state here, you would think that they would raise the  
34 limit, you know, just to kind of compensate for, you  
35 know, everything else goes up except for the harvest  
36 limits on fish so it'd be interesting, you know, to see  
37 exactly -- I know in here he says that he -- this is just  
38 a proposal and he will accept comments on that and he  
39 said he would comment on this proposal here. But I had  
40 a request for extra fish from some friends down in Kake,  
41 they asked for some to be sent down so evidently I'll  
42 have to contact them again and see if there is, in fact,  
43 a shortage of harvesters down there or something's going  
44 on.  
45  
46 Thanks.  
47  
48 CHAIRMAN ADAMS: Thank you. Mr. Kookesh.  
49  
50 MR. KOOKESH: Mr. Chairman. I'd really

1 like to believe that there'd be a point where we will go  
2 to this no harvest limits for salmon, and hopefully  
3 through this adjustment in seine management, Southeast  
4 seine management with the seiners this will become more  
5 of a reality, especially in light of the fact that we  
6 have high fuel costs and low limits. I support this in  
7 spirit and definitely will support it moving forward even  
8 though, in my opinion, this RAC probably won't pass it  
9 because there's a lot of flaws in the system. But  
10 hopefully we'll get to the point where we can go there.  
11 And keeping in mind that the Native people understand  
12 what conservation is, it's not a learned process, it's  
13 something we naturally can do.

14

15 Thank you.

16

17 CHAIRMAN ADAMS: Thank you. Anyone else  
18 got a comment.

19

20 Mr. Hernandez.

21

22 MR. HERNANDEZ: I also will be voting  
23 against the proposal. I think I -- I agree with Floyd  
24 for a lot of his same reasons that, you know, eventually  
25 we may get to the point where we'll be able to have some  
26 more serious discussions on this type of management and  
27 I also agree with something Patty said, you know, our  
28 system is kind of still evolving, although maybe what  
29 we're doing is maybe evolving back to the past where we  
30 may get to a system -- I guess I particularly paid  
31 attention to the testimony of Mr. Martin yesterday and I  
32 know, you know, in the Native community there's been a  
33 whole different system of fisheries management over the  
34 generations with the clans and if we're evolving, we may  
35 be evolving the past but maybe that's a good thing. But  
36 as far as the here and now, we do have a lot of  
37 regulatory language and customary and traditional use  
38 determinations that are in place and a proposal such as  
39 this would make some of those very difficult at this  
40 time.

41

42 As far as our criteria, I don't feel  
43 we're dealing with a conservation concern. I think the  
44 stocks have been well managed. Is it supported by  
45 substantial evidence, yes, I think it has and we have  
46 benefited by some traditional ecological knowledge on  
47 this proposal. Will it be detrimental to subsistence  
48 users, no, it could be beneficial to subsistence users.  
49 However, the last one, will a recommendation  
50 unnecessarily restrict other uses involved, and on that

1 point I think it's shown by Mr. Casipit in his analysis  
2 that, just due to the way the customary and traditional  
3 use determinations were made, that this could restrict  
4 some other users of those systems and at this time I  
5 think we'd have to vote against it.

6

7 Thank you.

8

9 CHAIRMAN ADAMS: Thank you. Thanks for  
10 doing the justification for us.

11

12 Anyone else.

13

14 (No comments)

15

16 MR. WRIGHT: Question.

17

18 CHAIRMAN ADAMS: Question's been called  
19 for. Okay, all in favor of the motion please signify by  
20 saying yea.

21

22 MR. ACKERMAN: Yea.

23

24 MR. KOOKESH: Yea, yea.

25

26 CHAIRMAN ADAMS: All opposed, nay.

27

28 IN UNISON: Nay.

29

30 CHAIRMAN ADAMS: Thank you. Okay. So  
31 the next one is, and I don't have it in my computer but  
32 I got it in my book over here, is Proposal No. 24, is it?

33

34 VICE CHAIR BANGS: Yes.

35

36 CHAIRMAN ADAMS: Okay. 24.

37

38 MS. KENNER: Mr. Chair. This is Pippa  
39 Kenner with the Office of Subsistence Management in  
40 Anchorage.

41

42 CHAIRMAN ADAMS: Hi, Pippa. Are you  
43 going to do the analysis here?

44

45 MS. KENNER: Yes.

46

47 CHAIRMAN ADAMS: Go ahead.

48

49 MS. KENNER: Okay. Can you hear me okay?

50

1 CHAIRMAN ADAMS: We hear you fine.

2

3 Does everyone up there hear okay?

4

5 (Audience nods affirmatively)

6

7 CHAIRMAN ADAMS: Go ahead.

8

9 MS. KENNER: Okay, this proposal FP13-24  
10 begins on Page 29 of your books -- excuse me, 99 of your  
11 books and was submitted by James See of Craig.

12

13 It requests only elders unable to fish  
14 for themselves or people who are severely disabled be  
15 allowed to designate another person fish for them in the  
16 Klawock River.

17

18 The OSM preliminary conclusion was to  
19 oppose this proposal if either Proposal 24 or 18 was  
20 supported by the Council. This is because action on  
21 either proposal would address any conservation concerns  
22 in the Klawock River. Earlier the Council supported  
23 Proposal 18 and addressed the conservation concerns in  
24 the Klawock River, therefore, the OSM preliminary  
25 conclusion is to oppose FP13-24.

26

27 Thank you, Mr. Chair. Members of the  
28 Council. I'd be happy to answer any questions you might  
29 have.

30

31 CHAIRMAN ADAMS: Sure. Questions are  
32 open now for the Council to ask Pippa.

33

34 (No comments)

35

36 CHAIRMAN ADAMS: Hearing none. Pippa,  
37 thank you very much, appreciate it.

38

39 MS. KENNER: You're welcome, Mr. Chair.

40

41 CHAIRMAN ADAMS: Okay. The next thing is  
42 to -- where's my thing. Alaska Department of Fish and  
43 Game, anyone here to do that.

44

45 (No comments)

46

47 \*\*\*\*\*

48 STATE OFFICIAL WRITTEN COMMENTS

49 \*\*\*\*\*

50

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

3  
4 Fisheries Proposal FP13-24:

5  
6 Restrict designated fishers on Klawock  
7 River to only be allowed to fish for elders who are  
8 unable to fish for themselves or people who are severely  
9 disable.

10  
11 Introduction:

12  
13 This proposal, brought by James See of  
14 Craig, AK, requests that designated harvest permits for  
15 those who want another to fish for them on Klawock River  
16 be issued only to elders who are unable to fish for  
17 themselves and people who are severely disables.

18  
19 The proponent s justification for this  
20 change is [There is a] very limited resource on the  
21 Klawock River and I believe it is being abused. [He  
22 hopes] this regulation change will help sustain the run  
23 of fish [steelhead trout].

24  
25 Impact on Subsistence Users:

26  
27 If this proposal is adopted, individual  
28 federal subsistence users who fish for others with a  
29 designated harvest permit would only be allowed to fish  
30 for elders who are unable to fish for themselves and  
31 people who are severely disabled.

32  
33 Impact on Other Users:

34  
35 Since the intent of this proposal is to  
36 reduce the designated fish permit harvest and eliminate  
37 a perceived abuse, in theory, adoption of this proposal  
38 would provide greater opportunities for other  
39 federally-qualified subsistence users and  
40 sport/recreational users to catch fish.

41  
42 Opportunity Provided by State:

43  
44 Alaska Statute (AS) 16.05.405 allows a  
45 resident to take fish or game harvested primarily for  
46 food on behalf of another person and outlines the  
47 requirement that must be met in order to do so. AS  
48 16.05.404(c) states a resident holding a valid  
49 noncommercial fishing license may take fish on behalf of  
50 a person who is blind, a person with physical

1 disabilities, or a person who is 65 years of age or older  
2 if the resident possesses, on the resident s person, a  
3 document signed by the person on whose behalf the fish is  
4 taken, stating that the resident possesses the person s  
5 sport fishing license, subsistence fishing permit,  
6 personal use fishing permit, or permanent identification  
7 card in order to take fish on behalf of that person. AS  
8 16.05.404(e) states a resident who takes, or attempts to  
9 take, fish on behalf of a person may also engage in  
10 fishing for the resident s use; however, the resident may  
11 not take or attempt to take fish by proxy for more than  
12 one person at a time.

13

14 Alaska regulation 5 AAC 01.011 specifies  
15 conditions whereby finfish may be taken by subsistence  
16 fishing by proxy.

17

18 Conservation Issues:

19

20 Little historical or current information  
21 is available to document steelhead trout population  
22 sizes, characteristics, run timing, and spatial  
23 distribution in the majority of the 85 Prince of Wales  
24 Island streams that contain this species Hoffman (2008).  
25 Lack of data on these stocks has hampered efforts to  
26 assess the potential effects of directed subsistence  
27 harvest and prevents refinement of federal regulations  
28 that, when coupled with conservative state sport fishing  
29 regulations, would ensure adequate conservation and allow  
30 for expanded subsistence harvest opportunities.

31

32 Enforcement Issues:

33

34 Enforcement difficulties and user  
35 confusion -- concerning where and how federal regulations  
36 that are different than state regulations apply -- will  
37 result unless detailed maps and explanations specific to  
38 the area are provided.

39

40 Jurisdiction Issues:

41

42 The Federal Subsistence Board does not  
43 have the authority to regulate nonfederally-qualified  
44 users participating in fisheries on waters outside of  
45 federal subsistence jurisdiction.

46

47 Other Issues:

48

49 Should the board move forward with  
50 further qualifying requirements for designated

1 harvesters, the qualifications adopted should be the  
2 least divergent from that of the state and neighboring  
3 areas to reduce user confusion and enforcement  
4 complications.

5  
6 Recommendation: Support with  
7 modification. Amend to criteria to match that of the  
8 state.

9  
10 CHAIRMAN ADAMS: Any Federal agencies.

11  
12 (No comments)

13  
14 CHAIRMAN ADAMS: Native or tribal.

15  
16 (No comments)

17  
18 CHAIRMAN ADAMS: Village.

19  
20 (No comments)

21  
22 CHAIRMAN ADAMS: InterAgency Staff.

23  
24 (No comments)

25  
26 CHAIRMAN ADAMS: Okay, neighboring  
27 Regional Councils.

28  
29 (No comments)

30  
31 CHAIRMAN ADAMS: Local Fish and Game  
32 Advisory Committees.

33  
34 (No comments)

35  
36 CHAIRMAN ADAMS: Park Service.

37  
38 (No comments)

39  
40 CHAIRMAN ADAMS: Mr. Larson, do we have  
41 any written comments.

42  
43 MR. LARSON: No, Mr. Chair, there are no  
44 written public comments.

45  
46 CHAIRMAN ADAMS: Okay. Anybody from the  
47 public like to testify on this proposal.

48  
49 (No comments)

50

1 CHAIRMAN ADAMS: Okay, now we go into  
2 Council deliberation. What's the wish of the Council.  
3  
4 Mr. Bangs.  
5  
6 VICE CHAIR BANGS: Move to adopt FP13-25.  
7  
8 CHAIRMAN ADAMS: Do I hear a second.  
9  
10 MR. YEAGER: I'll second.  
11  
12 CHAIRMAN ADAMS: It's been moved and  
13 seconded. We are now in discussion.  
14  
15 Do you want to -- since you were the  
16 maker of the motion, Mr. Bangs, you want to do the  
17 justification.  
18  
19 VICE CHAIR BANGS: Well, I do have some  
20 thoughts that I'm not sure whether I should ask Pippa or  
21 not, but I see in the OSM conclusion they signaled out  
22 steelhead and the proposal seems to be -- just says fish,  
23 and I'm wondering are we talking steelhead or is that  
24 just singled out because of the concern about harvest  
25 limits on steelhead and that they're also including other  
26 fish?  
27  
28 Does anybody see that or am I not reading  
29 it right?  
30  
31 MS. KENNER: Mr. Bangs.  
32  
33 CHAIRMAN ADAMS: That would be an  
34 appropriate question to have asked Pippa, you know, when  
35 she was there but I'll go ahead and allow it if she has  
36 an answer for you, Mr. Bangs.  
37  
38 VICE CHAIR BANGS: Thank you, Mr. Chair.  
39  
40 CHAIRMAN ADAMS: Go ahead, Pippa.  
41  
42 MS. KENNER: Oh, thank you, Mr. Chair.  
43 Yes, the proposal did address all fish, however, through  
44 the analysis it was determined that the conservation  
45 concern in the Klawock River was steelhead.  
46  
47 CHAIRMAN ADAMS: Okay.  
48  
49 VICE CHAIR BANGS: (Nods affirmatively)  
50

1 CHAIRMAN ADAMS: Okay, we're back to  
2 Council deliberations. Comments.

3

4 Mr. Ackerman.

5

6 MR. ACKERMAN: Yeah, thank you, Mr.  
7 Chair. Apparently this is in Federal waters, this river  
8 is in Federal waters so before the fish enter that system  
9 they would be under the State permit system. In our  
10 permit system up there where I am at, I am a designated  
11 harvester for a disabled person and I'm able to fish  
12 their proxy and get them salmon and apparently in the  
13 river here there's probably some concern about  
14 conservation possibly, and that's the way it kind of  
15 reads here, but, yeah, the State allows this to happen  
16 and I'm a harvester for a disabled.

17

18 So, thanks.

19

20 CHAIRMAN ADAMS: Thank you, Tim.

21

22 MR. KOOKESH: I have a question.

23

24 CHAIRMAN ADAMS: Question, go ahead, Mr.  
25 Kookesh.

26

27 MR. KOOKESH: Yeah, Mr. Chairman, my  
28 comment just goes for the good of the order. I was  
29 always under the understanding that you're the Chairman,  
30 that under Robert's Rules of Order -- Robert's Rules of  
31 Order was never intended to hinder the process, Robert's  
32 Rules of Order was always intended to allow the process  
33 to move freely. When we start creating restrictions  
34 about whether or not it's a comment or a question, you're  
35 -- we're hindering the process. I know that we operate  
36 in a better process than Board of Fish, in my opinion,  
37 but my take on Robert's Rules of Order is that the  
38 process was always intended to not hinder anything, and  
39 not create a restriction.

40

41 CHAIRMAN ADAMS: Yeah, thank you, Mr.  
42 Kookesh, well taken.

43

44 Gunalcheesh.

45

46 CHAIRMAN ADAMS: Cathy.

47

48 MS. NEEDHAM: Thank you, Mr. Chair. I  
49 would oppose this proposal. In reading through the  
50 analysis I understand that the proposal actually does

1 include all fish, a restriction for doing that, but there  
2 is a conservation concern on the table which we addressed  
3 when we looked through Fisheries Proposal 13-18, and that  
4 actually -- our decision on that proposal assisted with  
5 that conservation concern, and I think if we were to  
6 support this proposal, you know, we wouldn't -- there is  
7 a conservation concern of steelhead still and so I think  
8 in opposing it -- that's the first question that we have  
9 to ask and answer. And so there is a conservation  
10 concern for at least one species within this system,  
11 specifically, which I think is a justification for  
12 opposition.

13

14 I also think that the proposal, in and of  
15 itself, limits people under -- for having other fish, it  
16 puts more restrictions on designated fishers. People who  
17 actually go out and are able to harvest for other people,  
18 it puts the restriction that they can only be elders and  
19 be able to prove that they're severely disabled and I  
20 know that some designated fishers, you know, fish just  
21 some years for temporary impacts and I think it would be  
22 burdensome for those designated fishers in order to be  
23 able to be approved to fish for other people.

24

25 And so based on that justification I  
26 would oppose this proposal.

27

28 CHAIRMAN ADAMS: Okay, thank you. Any  
29 more comments.

30

31 Go ahead, Mike.

32

33 MR. DOUVILLE: I do not support the  
34 proposal. You know the system we have works with your  
35 designated fishing permit or hunting permit, it does  
36 work, you don't have to be disabled, we're not all  
37 fishermen or we're not all hunters and some households do  
38 not have one or the other, somebody else can help them  
39 out. I think there's nothing wrong with that, it works.  
40 I don't believe there's a conservation concern in this  
41 river, even on steelhead. It's been managed  
42 conservatively and I do not believe that the magic  
43 guideline harvest level has been exceeded, you know, so  
44 I don't believe there is a conservation concern. It's  
45 just managed conservatively like all steelhead fisheries  
46 are in the small streams.

47

48 So I do not support the proposal.

49

50 CHAIRMAN ADAMS: Thank you, Mike. Anyone

1 else.

2

3 MS. PHILLIPS: Mr. Chair.

4

5 CHAIRMAN ADAMS: Patty.

6

7 MS. PHILLIPS: Thank you, Mr. Chairman.

8 I'm going to vote no on the proposal. There are

9 harvesters in our communities who provide resources for

10 all segments of our community, and, you know, you have

11 single parents and you have families who don't have

12 access to go out and do that and those harvesters are

13 looked at prominent people in our community because they

14 bring back a resource that we need. And to limit them to

15 only elders or those with disabilities is restricting

16 needs to the rest -- to the meet the needs of the rest of

17 our community.

18

19 Thank you.

20

21 CHAIRMAN ADAMS: Thank you, Patty.

22 Anyone else, please.

23

24 VICE CHAIR BANGS: Question.

25

26 CHAIRMAN ADAMS: Did somebody call for

27 the question.

28

29 VICE CHAIR BANGS: (Nods affirmatively)

30

31 CHAIRMAN ADAMS: Okay, the question was

32 called by Mr. Bangs. All in favor please say yea.

33

34 (No yea votes)

35

36 CHAIRMAN ADAMS: Opposed, nay.

37

38 IN UNISON: Nay.

39

40 CHAIRMAN ADAMS: Thank you. The proposal

41 fails.

42

43 Moving on, it's Proposal FP09-05, and Mr.

44 Suminski is going to do the analysis for us so have fun.

45

46 (Laughter)

47

48 MR. SUMINSKI: Good morning, Mr.

49 Chairman. Council members. My name is Terry Suminski,

50 with the US Forest Service. I'm the subsistence program

1 leader for the Tongass National Forest.

2

3                   You'll find the executive summary of  
4 Proposal FP09-05 deferred on Page 130 with the analysis  
5 beginning on Page 131 of your Council books.

6

7                   Proposal FP09-05 submitted by the Sitka  
8 Tribe of Alaska seeks to close the Federal public waters  
9 in the Makhnati Island area near Sitka to the harvest of  
10 herring and herring spawn, except for subsistence harvest  
11 by Federally-qualified subsistence users.

12

13                   This proposal was deferred for a period  
14 not to exceed two years by the Federal Subsistence Board  
15 in January of 2009 and then for another period of two  
16 years in January of 2011. The proponent believes the  
17 closure of these waters is necessary to insure the  
18 continuation of subsistence uses by Federally-qualified  
19 users and to provide a meaningful preference for  
20 qualified subsistence users of herring. The proponent  
21 states that subsistence users were unable to harvest the  
22 amount of herring spawn necessary for subsistence uses in  
23 2005, 2007, 2008 and 2011, and also 2012.

24

25                   Under existing Federal regulations all  
26 rural residents of Alaska are eligible to harvest herring  
27 and herring spawn from Federal public waters in Southeast  
28 Alaska. There are no closed seasons, no harvest limits  
29 or closed areas in regulation. The Federal Subsistence  
30 Program has jurisdiction over approximately 800 acres of  
31 marine waters near Makhnati Island, which is near Sitka.

32

33                   The Federal Subsistence Board rejected a  
34 similar proposal in the 2008 regulatory cycle, which was  
35 Proposal FP08-18. The Board's rationale for rejection  
36 was that there was not substantial evidence of a pending  
37 conservation concern or a need for a closure to insure  
38 the continuation of subsistence uses. In January of  
39 2009, the Federal Subsistence Board deferred this  
40 proposal until this -- until the next fisheries cycle to  
41 allow pending research to be completed and peer reviewed  
42 and also to wait for the Alaska Board of Fisheries to  
43 rule on a variety of proposals that could make changes to  
44 the Sitka Sound herring fisheries.

45

46                   In January of 2011 the Board deferred  
47 this proposal again for the following reasons. The Sitka  
48 Tribe of Alaska was conducting a study commissioned by  
49 the Bureau of Indian Affairs of current herring  
50 management in Sitka Sound, however, this study has not

1 been peer reviewed for publication and it's not  
2 anticipated to ready for review by the Council or the  
3 Board before its January 2013 meeting. Also the Sitka  
4 Tribe of Alaska wanted results of Project 08-651 which is  
5 a Fisheries Resource Monitoring Project to be available  
6 to be available to the Council and Board. That project  
7 has been completed. The Sitka Tribe of Alaska also  
8 formed a herring planning research priority group and the  
9 work of that group is not anticipated to be ready for  
10 review by the Council or the Board before the January  
11 2013 Board meeting. On February 28th of 2012 the Alaska  
12 Board of Fisheries took action to define the subsistence  
13 only or non-commercial sac roe zone in Sitka Sound, and  
14 that's shown in Figure 1.

15

16 This proposal would close the Federal  
17 public waters in the Makhnati Island area near Sitka to  
18 all uses of herring and herring spawn except for  
19 subsistence harvest by Federally-qualified users. All  
20 rural residents of Alaska would be eligible to harvest  
21 herring and herring spawn for subsistence purposes but  
22 there would be no State subsistence, sport or commercial  
23 harvest in these Federal public waters.

24

25 The OSM preliminary conclusion is to  
26 oppose this proposal.

27

28 This proposal is similar to the proposals  
29 considered by the Board at its December 2007 meeting. At  
30 that time the Board determined there was no conservation  
31 concern in this area for herring and closing Federal  
32 public waters to non-Federally-qualified users would not  
33 benefit subsistence users. The biomass in Sitka Sound  
34 has been trending higher since 1971 and the greatest  
35 estimated biomass occurred in 2011. No commercial  
36 harvest has occurred in Federal public waters from 2007  
37 through 2010, or in 2012. Most of the commercial harvest  
38 has been taken well away from Federal public waters and  
39 traditional subsistence harvest areas and there have been  
40 no restrictions on subsistence uses. In years when  
41 subsistence harvest were not adequate it is unlikely that  
42 a closure to other users in the Makhnati Federal public  
43 waters would have made a difference. Additionally recent  
44 actions by the Alaska Board of Fisheries has created a  
45 non-commercial sac roe fishing zone that protects  
46 subsistence uses in the more productive portions of the  
47 Makhnati Federal public waters.

48

49 Adoption of this proposal would result in  
50 further area closures to non-Federally qualified users,

1 which do not appear needed for either conservation  
2 purposes or to protect Federally-qualified uses.

3  
4 So with that I'll be ready for questions.

5  
6 Thank you.

7  
8 CHAIRMAN ADAMS: Thank you, Terry.  
9 Questions from the Council.

10  
11 Go ahead, Donald.

12  
13 MR. HERNANDEZ: Thank you. Terry, were  
14 the subsistence needs met for the people in Sitka this  
15 year in this year's herring harvest?

16  
17 MR. SUMINSKI: Through the Chair. Mr.  
18 Hernandez. We don't have the final report on that, but  
19 every indication that I've heard from the tribe is that  
20 they were not satisfied with the harvest this year.

21  
22 MR. HERNANDEZ: Just a followup, I guess  
23 we'll probably have testimony from the Sitka Tribe on  
24 this, I'm assuming so.....

25  
26 CHAIRMAN ADAMS: I hope they're here  
27 today.

28  
29 MR. HERNANDEZ: Hopefully. Yes, I see a  
30 yes, okay, we can talk about that with them better.

31  
32 Further questions, can I keep going here.

33  
34 CHAIRMAN ADAMS: Go ahead.

35  
36 MR. HERNANDEZ: So in the Board of Fish  
37 action this previous meeting, they actually instituted a  
38 closure for commercial use within Sitka Sound, I see.  
39 And I'm looking at the map -- am I looking at the right  
40 map on Page 139 in our book?

41  
42 MR. SUMINSKI: (Nods affirmatively)

43  
44 MR. HERNANDEZ: I think it said in your  
45 analysis that that area includes some of the Federal  
46 waters, I don't see how the State closure could include  
47 Federal waters, I don't understand that.

48  
49 MR. SUMINSKI: Through the Chair. Mr.  
50 Hernandez. If you look at the map, on the south end of

1 that closure, can you identify the causeway, it forms the  
2 southern boundary of that closure, and if you look at Map  
3 2, it kind of shows a little better where that causeway  
4 is and where the Federal waters are. The way that the  
5 closure works, it closes the northern, roughly half, of  
6 Federal waters. The southern half of the Federal waters  
7 is still not included in that State closure.

8

9 MR. HERNANDEZ: I guess that's what I  
10 don't understand is how the Board of Fish can close  
11 Federal waters, is that really what happened?

12

13 MR. SUMINSKI: Through the Chair. Mr.  
14 Hernandez. They didn't actually close Federal waters.  
15 They closed that area to commercial uses for herring. So  
16 basically they just restricted their commercial fisheries  
17 from that area. We don't -- you know, under Federal  
18 rules that area is not closed to other uses so the State  
19 still manages that area, you know, unless we have a  
20 specific regulation that prohibits that.

21

22 MR. HERNANDEZ: So if I could continue.  
23 So we have a proposal from the Sitka Tribe to close those  
24 very same waters which -- close it to commercial fishing  
25 and you're recommending that we oppose that whereas the  
26 State, who has always opposed all of our closures has now  
27 closed it; is that correct?

28

29 MR. SUMINSKI: Through the Chair. Mr.  
30 Hernandez. What we're really talking about, what's left  
31 of this proposal is the southern half. So the question  
32 is really whether we would add that southern half of the  
33 Federal waters to the State closure.

34

35 The other thing to remember is that our  
36 closure would be different, because if we close Federal  
37 waters, that's closed to all but Federally-qualified  
38 people. So whereas the State closure is only closed to  
39 commercial. So for the southern area, if you it was  
40 closed by the Board, you know, people from Juneau or non-  
41 rural people wouldn't be able to participate in that so  
42 it's a little more of a restrictive closure than what's  
43 in place on the north side right now. And the reason  
44 that we're opposing it is it's basically from ANILCA and  
45 we have to demonstrate a conservation concern with the  
46 resource or a detriment to subsistence uses, and, you  
47 know, through the analysis we didn't really find that  
48 those exist and that's been the position throughout the  
49 -- I don't know how many years this has been, since 2006  
50 we've been dealing with this proposal.

1                   The other interesting thing is -- and I  
2 don't want to put Jeff on the spot, but when Sitka Tribe  
3 put in their proposal for those closed areas they didn't  
4 include the southern part of the Federal waters in their  
5 request to the State Board of Fish. And there may be  
6 good reason for that, I mean just logistically it's  
7 difficult to find the southern boundaries of the Federal  
8 waters because they're just meets and bounds. The  
9 causeway provides a pretty defined area to draw a border,  
10 you know, that's what I'm thinking but, you know, Jeff  
11 may have more information on that.

12  
13                   CHAIRMAN ADAMS: Are you done, Don.

14  
15                   MR. HERNANDEZ: I think I'm done with  
16 questions to Terry but will have some questions for Sitka  
17 Tribe I'm sure.

18  
19                   CHAIRMAN ADAMS: Okay. Any more  
20 questions for Terry.

21  
22                   Mr. Kookesh, okay.

23  
24                   Can I have that top jar?

25  
26                   MR. KOOKESH: No, those are for our non-  
27 Native friends.

28  
29                   CHAIRMAN ADAMS: Okay.

30  
31                   MR. KOOKESH: Lowest bidder.

32  
33                   CHAIRMAN ADAMS: Go ahead.

34  
35                   MR. KOOKESH: Mr. Chairman. OSM  
36 preliminary conclusion says that there is no conservation  
37 concern in this area that's why they're opposed to this  
38 proposal and they go on to state on Page 147 under  
39 justification, the first paragraph, that the biomass in  
40 Sitka Sound has been trending higher since 1971 with the  
41 greatest biomass occurring in 2011, how do you complete  
42 the rest of the sentence for 2012 based on the GHL, where  
43 they only had 13,000 tons as opposed to the 29,000 they  
44 were shooting for. Is this -- is this -- does this  
45 continue to justify the trending higher number and the  
46 opposition?

47  
48                   MR. SUMINSKI: Through the Chair. Mr.  
49 Kookesh. If you look at Table 2 on Page 143, I believe  
50 it is. The forecasted biomass for last year, for 2012,

1 or for this year actually was 144,143 tons. From that  
2 they calculated the commercial sac roe quota, nearing  
3 29,000 tons. I think it's fairly well accepted that that  
4 amount of fish did not show back up in the Sound. We  
5 don't have the final numbers of that from Fish and Game  
6 yet that's why it's still blank, what the actual  
7 escapement was. And that's probably a factor why the  
8 actual catch was roughly half of what the quota was. But  
9 even given that, which is, you know, likely it'll turn  
10 out to be that the catch was consistent with, you know,  
11 the biomass that showed up. But even given that, the  
12 level at which there would be no fishery is a predicted  
13 biomass of 25,000 tons. We're likely still three or four  
14 times above that level, you know, for the level where  
15 there'd be no commercial fishery. So it's still a  
16 healthy stock. And it -- you know, it's trending higher,  
17 which doesn't mean, you know, every year is higher than  
18 the last it just means overall it's still on an upward  
19 trend and we won't know for years what -- you know, where  
20 this is heading, if it's going to continue to drop or  
21 it's going to come back.

22

23 So that's about the best I can offer.

24

25 MR. KOOKESH: Follow up.

26

27 CHAIRMAN ADAMS: Follow up, please.

28

29 MR. KOOKESH: So based on what you just  
30 said that if this proposal continues to come here time  
31 and time again for the next few years, we should never  
32 pass it.

33

34 MR. SUMINSKI: Through the Chair. Mr.  
35 Kookesh. If the same conditions exist, yeah, that would  
36 be correct, that would be the recommendation.

37

38 CHAIRMAN ADAMS: Any more questions.

39

40 Mr. Bangs.

41

42 VICE CHAIR BANGS: Thank you, Mr.  
43 Chairman. I recall we went on a boat ride at a previous  
44 meeting here in Sitka and a big portion of that area,  
45 actually it's all the area that the State closed in the  
46 Makhmati area is -- contains Whiting Harbor and I think  
47 that's where there's like an invasive species in there,  
48 are subsistence users allowed to go in there and put  
49 branches in there or is that kind of an off limits place?  
50

1 MR. SUMINSKI: Through the Chair. Mr.  
2 Bangs. You're correct there's an invasive species,  
3 tunakit (ph) that exists in Whiting Harbor, there's no  
4 regulation that people can't fish in there but both the  
5 Department and everyone involved in the fisheries have  
6 advised people not go to in there and either set branches  
7 or nets or anything because if there's any disturbance to  
8 this tunakit, it breaks up and it spreads. So it's to  
9 everyone's benefit to just stay out of there. The  
10 Department's not going to open a commercial fishery in  
11 there for sure. The subsistence users have been advised  
12 to avoid the area just to prevent the spread of that  
13 tunakit.

14

15 CHAIRMAN ADAMS: Follow up, please.

16

17 VICE CHAIR BANGS: So the request for the  
18 closure of Makhnati Islands would only allow for  
19 subsistence uses, more or less, in the area that's not  
20 closed already and that would be just the southern part,  
21 and from what testimony in the past, that is not viewed  
22 as a really good place to put branches, is that correct,  
23 I remember testimony like that, something like that.

24

25 MR. SUMINSKI: Through the Chair. Mr.  
26 Bangs. My understanding is that's correct. The south  
27 side of the causeway gets a lot more wave action, and  
28 it's not a good place for setting branches, at least on  
29 the outer western edge of that, because there's just too  
30 much sand, too much wave action and it reduces the  
31 quality of the eggs when sand gets in them.

32

33 There is some harvest of spawn on kelp in  
34 that area, there's macrocystis. The other issue that --  
35 well, I'll just say it, the sewage outfall is on that  
36 side of the city, you know, it's supposedly clean but  
37 it's still not, I guess appetizing for everyone to use  
38 that side as heavily. But there is some activity with  
39 macrocystis, I wouldn't say it's the best place to set  
40 branches but people do harvest roe on kelp.

41

42 VICE CHAIR BANGS: Thank you.

43

44 CHAIRMAN ADAMS: Anyone else. Mr.

45 Wright.

46

47 MR. WRIGHT: Thank you, Mr. Chairman. I  
48 was looking at the numbers on, you know, the quota tons  
49 and pretty much most of them are pretty close to fishing  
50 the quota but when you come to 2012 you got 28,000 and

1 then 10,000 tons harvest, so that's quite a difference,  
2 you know, so I was just curious, does anyone know why it  
3 was like that. Because, you know, going down -- maybe  
4 I'm reading it wrong but it says, quota tons and then  
5 harvest tons, and pretty much everything comes right in  
6 line of what the harvest was going to be. But, you know,  
7 from 28 to 10, you know, that's a big difference. Was  
8 the biomass just deeper or were they not there or--  
9 because, you know, I'm just curious if you had any  
10 information on that.

11  
12 MR. SUMINSKI: Through the Chair. Mr.  
13 Wright.

14  
15 You know, I did mention that -- I think  
16 it's pretty well accepted that that predicted mass didn't  
17 show up. I think the Department's said that we don't have  
18 the exact number but that seems to be a large factor. I  
19 think, you know, why the fish didn't set up, you know,  
20 and why the -- you know, for good fishing situations, I  
21 think I'd have to defer that to the State to really get  
22 into any detail there.

23  
24 But, you know, I'm not trying to avoid  
25 the question but I don't manage that fishery. I have  
26 ideas but I would really hate to speak for the State in  
27 that respect.

28  
29 MS. PHILLIPS: Mr. Chair.

30  
31 CHAIRMAN ADAMS: Go ahead, Patty.

32  
33 MS. PHILLIPS: On Page 139, the map,  
34 Figure 1, is that non-commercial area or zone, is that  
35 open for anyone to go in and get eggs?

36  
37 MR. SUMINSKI: Through the Chair. Ms.  
38 Phillips. That is correct. It's only closed to  
39 commercial uses of herring so anyone is still allowed to  
40 go in and use that area for subsistence uses.

41  
42 MS. PHILLIPS: Mr. Chair. Follow up.

43  
44 CHAIRMAN ADAMS: Follow up, go ahead.

45  
46 MS. PHILLIPS: That means anyone from  
47 Ketchikan or Juneau or Anchorage or Ohio, Mr. Suminski.

48  
49 MR. SUMINSKI: Through the Chair. Ms.  
50 Phillips. That's correct, yeah.

1 CHAIRMAN ADAMS: Anyone else.  
2  
3 MR. SUMINSKI: I'm sorry, I missed the  
4 Ohio part.  
5  
6 (Laughter)  
7  
8 MR. SUMINSKI: It's residents of the  
9 state, only residents of the state and under State rules  
10 are eligible to fish subsistence.  
11  
12 (Laughter)  
13  
14 MR. SUMINSKI: No offense, John.  
15  
16 (Laughter)  
17  
18 CHAIRMAN ADAMS: All right. Anyone else.  
19  
20 (No comments)  
21  
22 CHAIRMAN ADAMS: Thank you, Mr. Suminski.  
23  
24 MR. SUMINSKI: Thank you, Mr. Chairman.  
25  
26 CHAIRMAN ADAMS: All right, State. I  
27 think Mr. Larson is going to testify or make comments for  
28 the State or on behalf of the State. Did this authority  
29 come from an authoritative person?  
30  
31 MR. LARSON: The State has relevant  
32 comments and I think it's appropriate that I bring them  
33 to the Council's attention.  
34  
35 As you know, if you look on Page 149, if  
36 you look on Page 149 you'll find the State's comments.  
37 And what the State would like to emphasize to the Council  
38 is the action by the Board of Fish in 2012, this spring.  
39 If you look on the middle of the introduction, the second  
40 paragraph and I'll just read it real quick to you.  
41  
42 In 2012 the Alaska Board of Fisheries  
43 adopted regulations closing a large area  
44 of Sitka Sound to commercial herring  
45 harvest for the purpose of providing for  
46 subsistence opportunity. This closure  
47 area includes about half of Makhnati  
48 Island, Federal public waters, and also  
49 includes areas of Sitka Sound more  
50 heavily used by subsistence harvesters

1 than the Makhnati Federal waters. The  
2 total area closed by the Alaska Board of  
3 Fisheries is approximately 25 square  
4 kilometers compared to the three square  
5 kilometers of the Makhnati Federal  
6 waters.

7  
8 They are opposed to the closing of the  
9 waters under Federal jurisdiction.

10  
11 Thank you, Mr. Chair.

12  
13 \*\*\*\*\*  
14 STATE OFFICIAL WRITTEN COMMENTS  
15 \*\*\*\*\*

16  
17 Alaska Department of Fish and Game  
18 Comments to the Regional Advisory Council

19  
20 Fisheries Proposal FP09-05:

21  
22 Close Makhnati Island Area to harvest of  
23 herring by non-federally qualified users.

24  
25 Introduction:

26  
27 Proposal FP09-052 requests closure of  
28 marine waters of Makhnati Island and Whiting Harbor,  
29 which are subject to federal claims of jurisdiction, to  
30 harvest of herring by non-federally qualified users. The  
31 closure would only allow subsistence herring fishing by  
32 federally-qualified users and would bar state  
33 subsistence, sport, and commercial fisheries for herring  
34 or herring spawn in the area. The proposed closure area  
35 is not where the primary subsistence herring fishing has  
36 occurred, and commercial harvest rarely occurs in the  
37 area. In 2012, the Alaska Board of Fisheries adopted  
38 regulations closing a large area of Sitka Sound to  
39 commercial herring harvest for the purpose of providing  
40 for subsistence opportunity. This closure area includes  
41 about half of the Makhnati Island Federal public waters  
42 and also includes areas of Sitka Sound more heavily used  
43 by subsistence harvesters than the Makhnati federal  
44 waters. The total area closed by the Alaska Board of  
45 Fisheries is approximately 25 square kilometers compared  
46 to the 3 square kilometers of the Makhnati federal waters  
47 (see attached map). There is no new information provided  
48 that would support the proposed closure.

49  
50 Impact on Subsistence Users:

1                   The proposed closure would prohibit  
2 subsistence and sport harvest in this area by  
3 non-federally qualified individuals. A closure in this  
4 small area (3 square kilometers) would have little or no  
5 impact on the total subsistence, sport, or commercial  
6 harvests.

7  
8                   Impact on Other Users: None noted at  
9 this time.

10  
11                   Opportunity Provided by State:

12  
13                   For the majority of subsistence herring  
14 egg harvest, the department does not restrict fishing  
15 periods, seasons, or amount of herring harvested for  
16 subsistence purposes in this area. Harvest of spawn on  
17 hemlock boughs or spawn on hair kelp is unrestricted, and  
18 no state permit is required. The Alaska Board of  
19 Fisheries, in February 2012, closed approximately 25  
20 square kilometers of Sitka Sound to the commercial  
21 harvest of herring for the purpose of providing for  
22 subsistence herring egg harvesting opportunity. This  
23 closure encompasses areas most heavily used by  
24 subsistence harvesters and includes a portion of the  
25 Makhnati federal public waters north of the causeway.  
26 Post-season evaluation of subsistence harvest is  
27 accomplished by a harvest monitoring program conducted by  
28 Sitka Tribe of Alaska in cooperation with the  
29 Department s Division of Subsistence. The results of this  
30 monitoring program have indicated little subsistence  
31 harvesting effort occurs in the Makhnati federal waters.

32  
33                   The Alaska Board of Fisheries found that  
34 136,000 to 227,000 pounds of herring spawn is the amount  
35 reasonably necessary for subsistence uses in Sections  
36 13-A and Section 13-B north of Aspid Cape. The  
37 Department requires a permit that may limit harvest of  
38 spawn on *Macrocystis* kelp and requires harvest reporting  
39 following the season. (See 5 AAC 01.730(g)) Harvest of  
40 *Macrocystis* kelp accounts for an average of only two  
41 percent of the subsistence harvest on all substrate  
42 types, so state requirements for spawn on kelp harvest is  
43 not a significant limitation.

44  
45                   The limited non-commercial exchange for  
46 cash of subsistence-harvested herring roe on kelp,  
47 harvested in Districts 1-16 under terms of a permit, is  
48 allowed as customary trade. The annual possession limit  
49 for spawn-on-kelp is 32 pounds for an individual and 158  
50 pounds for a household of two or more people. The

1 Department has authority to issue additional permits for  
2 herring spawn-on-kelp above the annual possession limit  
3 if harvestable surpluses are available. Commercial  
4 herring vessels, permit holders, and crew members may not  
5 take or possess herring 72 hours prior to or following a  
6 commercial herring fishing period.

7

8

Conservation Issues:

9

10

There are no conservation or management  
11 concerns for the Sitka Sound herring stock that  
12 potentially spawn in waters of the Makhnati Island area.  
13 From 1979 through present, the Sitka Sound herring  
14 resource has been above the current 25,000 ton threshold  
15 every year, with only one exception, and the run has  
16 averaged 105,000 tons per season in the ten-year period  
17 (2002-2011). Herring are managed under a conservative  
18 management strategy that sets threshold biomass levels  
19 below which commercial harvest is not allowed and limits  
20 harvest rates to 12-20 percent of total mature spawning  
21 biomass. This is a time-proven strategy that provides  
22 for conservation benefits above the threshold level and  
23 harvest rate, especially given the highly variable nature  
24 of herring spawning behavior.

25

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Other Issues:

Herring biomass in Sitka Sound has shown  
45 a long-term increase and is considered healthy. The  
46 State closure applies only to the commercial harvest of  
47 herring allowing the continued use of this area by  
48 non-federally qualified subsistence, personal use and  
49 sport harvesters.

1                   The 2012 herring biomass forecast was  
2 144,143 tons and the commercial guideline harvest level  
3 was 28,829 tons. The commercial harvest in 2012 was  
4 13,215 tons taken during 3 openings. The spawning biomass  
5 after the 2012 fishery, as estimated by spawn deposition  
6 surveys, is not available at this time, though the  
7 observed spawn indicated that the return of spawning  
8 herring to Sitka Sound was substantially less than  
9 forecast. In 2012, the total shoreline mapped with  
10 herring spawn was 55.9 nautical miles. The average spawn  
11 mileage for the period of 1979-2011 is 58.8 nautical  
12 miles.

13

14                   Recommendation: Oppose.

15

16                   CHAIRMAN ADAMS: Okay. Questions for Mr.  
17 Larson.

18

19                   (No comments)

20

21                   CHAIRMAN ADAMS: Okay. Any -- oh, Mike,  
22 go ahead.

23

24                   MR. DOUVILLE: My question would be, was  
25 this closure in effect for the last season of the sac roe  
26 fishing?

27

28                   MR. LARSON: Mr. Chair. No, it was not.

29

30                   MR. DOUVILLE: So then this would be a  
31 brand new thing then that would come into effect for this  
32 coming year's sac roe fishery?

33

34                   MR. LARSON: That is correct.

35

36                   MR. DOUVILLE: Thank you.

37

38                   CHAIRMAN ADAMS: Okay. Anyone else for  
39 the State.

40

41                   (No comments)

42

43                   CHAIRMAN ADAMS: Federal agencies.

44

45                   (No comments)

46

47                   CHAIRMAN ADAMS: Native, tribal.

48

49                   MR. LORRIGAN: Good morning, Mr.  
50 Chairman. Council members. My name is Jack Lorrigan,

1 I'm the Native liaison for OSM.

2

3 I just wanted to make the Council and the  
4 Chair.....

5

6 CHAIRMAN ADAMS: Just a minute. We need  
7 to congratulate you for your new appointment, Jack, so go  
8 ahead.

9

10 MR. LORRIGAN: Thank you, sir. I just  
11 wanted to make the Council and the Chairman aware that we  
12 had tribal consultation on the 18th and 19th of  
13 September, the afternoon of the 18th the tribes called  
14 in, and the morning of the 19th the corporations called  
15 in about the fisheries proposals around the state. And,  
16 in particular, the Sitka Tribe called in for Southeast on  
17 this particular proposal.

18

19 I just wanted to make the Council aware  
20 that later on in the agenda we'll be covering that  
21 consultation event more thoroughly. But to let you know  
22 that it happened on this proposal particularly from  
23 Southeast.

24

25 Thank you, Mr. Chairman.

26

27 CHAIRMAN ADAMS: Thank you, Jack. Next.

28

29 MR. FELDPAUSCH: Mr. Chairman. Council.  
30 My name is Jeff Feldpausch, I'm the resource protection  
31 director for the Sitka Tribe.

32

33 As Mr. Suminski mentioned this proposal  
34 has been deferred twice. Currently we do have the  
35 Makhnati report through the FRMP Program 08-651 is  
36 completed. The other deferral, unfortunately we were not  
37 able to complete the items we wanted to get done, one of  
38 those was a peer review of the stock assessment that we  
39 had independently done through BIA funds. Unfortunately  
40 we ran out of funds and didn't have enough money to do a  
41 full on peer review. The report is very thick, very  
42 technical, the executive summary is probably 17 pages  
43 long and is a very challenging read. One thing that did  
44 -- and I will go through BIA and make sure that that  
45 report is released. One thing that did come out in the  
46 report was the author has concerns due to the  
47 continuously moving back of spawn or the later spawn  
48 that's occurring and the shortness of spawn, that this is  
49 indicative of a stressed stock. But I will make sure  
50 that that report gets out here just shortly.

1                   The other issue was our herring research  
2 planning group, unfortunately, I've been through about  
3 three biologists since the last deferral and we haven't  
4 been able to complete that particular project but that  
5 will hopefully be done here by this next spring.  
6

7                   STA, or the Sitka Tribe has chosen not to  
8 defer this proposal any further. We feel it's time that  
9 it should run its course and go in front of the Board for  
10 a number of reasons. You know the first one is, just  
11 because we weren't able to complete that peer review,  
12 we'll just go ahead and release that paper on the stock  
13 assessment. The other one is, specifically, the Board of  
14 Fish actions this last spring to identify subsistence  
15 only zone and not allow commercial herring harvest in  
16 that area, if you look on Page 136 that was the area that  
17 the tribe initially proposed. We felt that that gave us  
18 enough boundary or enough cushion, or buffer around the  
19 core subsistence zones, that it would help prevent the  
20 intensity and duration of the fishery from affecting  
21 subsistence harvest.  
22

23                   What we ended up with, you will see is  
24 on, what did I have here, Page 139, you can see it's a  
25 fairly significant reduction. We lobbied heavily to keep  
26 the initial zone in tact but this is ultimately what we  
27 ended up with. In the past I know we've been in front of  
28 the Board of Fish and feel that we have been thrown, if  
29 you'll excuse the analogy, a bone without any meat on it,  
30 this is a bone that does have a little bit of meat on it.  
31 I believe the Board, you know, would not have approved  
32 this zone if they didn't feel there was a need to have a  
33 subsistence only zone.  
34

35                   Initially when we had put this proposal  
36 in front of -- up for a decision it was strictly for  
37 subsistence and subsistence concerns and keeping the  
38 fishery away from the subsistence zones. The actions of  
39 this last year's fishery and actually the last few years  
40 have raised conservation concerns within the tribe. And  
41 just to take you back to earlier this year, and this  
42 year's fishery, the State came out with a guideline  
43 harvest level of just roughly over 29,000 tons, which  
44 equates into about 58 million pounds of herring. They  
45 had their winter bait fishery and used the scale data  
46 that they got from that particular fishery to adjust  
47 their in-season GHL, and it came down to about 56 million  
48 pounds. Now, just to give you an idea of the volume of  
49 fish, what you're looking at, that number or that volume  
50 of fish would cover an NFL football field, since NFL has

1 been in the news lately, that would cover an NFL football  
2 field, sideline to sideline, end zone to end zone,  
3 approximately 20 feet high. So from where you're sitting  
4 now to the base of the rafters up above you, that would  
5 fill an NFL, that area of a football field. To give you  
6 another perspective, the white totes that sometimes you  
7 see sitting out in front of cold storages that have the  
8 ribs down the side, it would fill over 43,000 of those  
9 totes, now you put those totes end to end, that'll  
10 stretch 33 miles. That's the volume of herring that was  
11 projected to be harvested this last year out of the Sitka  
12 Sound.

13

14                   As we got into the fishery the manager  
15 identified a mass of herring and there were two  
16 commercial openings. After those openings there was a  
17 great deal of searching for a large enough biomass of  
18 herring to have a harvest, or a commercial opening on --  
19 in between Okay. in these commercial openings it takes  
20 about three days to process the harvest, so there was a  
21 delay between the first opening, the second opening, and  
22 then looking for a third opening. In the third opening  
23 it was up towards Salisbury Sound area and the managers  
24 let the harvest go and we were catching 120 gram average  
25 herring. I've got reports back that a lot of herring  
26 were getting gilled in the nets, so they were very small,  
27 young herring. Ultimately this last year, the State's  
28 ASA model grossly failed to predict the overall biomass  
29 in the Sound. The end of the season the manager  
30 commented on his closure -- during his closure on the  
31 radio and said that he estimated there was about 99,000  
32 tons of herring, just a rough in-season estimate, I think  
33 that's a liberal estimate of what was actually out there.  
34 That's about 33 percent off from what they had predicted.  
35 And just to back up a little bit, going into -- at the  
36 Board of Fish meeting we had our stakeholders meeting  
37 that they have every year for the harvesters, the  
38 processors, ADF&G and STA is invited to that. In this  
39 particular meeting the State commented that the herring  
40 were very happy, abundance was up, the herring condition  
41 factor, which is a weight/length ratio that tells you  
42 basically the plumpness of the fish, on how healthy they  
43 are, they said the condition factor was looking great,  
44 there were no issues. We get halfway through the season,  
45 the fish stop showing up and all of a sudden, now ADF&G  
46 is voicing concerns about disease and one of those  
47 diseases is ichthyophonous, which is basically a parasite.  
48 So we go from having a very healthy stock, everything is  
49 fine to all of a sudden we have serious issues.

50

1                   So the other issue that we have with it  
2 is that in-season, managers failed to spot this failure  
3 of the ASA model to predict the correct biomass. I think  
4 it might have been between the second and third fishery  
5 the local manager did an interview on Raven Radio and  
6 commented on how it would be much easier to manage this  
7 fishery if all the GHL could be harvested in three days.  
8 That should scare all of us sitting at this table, those  
9 kind of comments. What he should have said is, thank God  
10 the processors couldn't keep up, that it slowed the  
11 fishery down, and allowed managers to realize that there  
12 was trouble. So it gives you an idea of what we're  
13 looking at.

14  
15                   The other issue I want to bring up is  
16 that in the past we have requested emergency closures  
17 when we've saw there's going to be a subsistence issue  
18 but, unfortunately OSM takes about two weeks to respond  
19 and by that time the fishery is over and, you know, those  
20 closures don't happen. In talking with Federal managers,  
21 they say there is no in-season data that they could even  
22 close these fisheries on, how this fishery is managed is  
23 a GHL is set, every attempt is made to catch that GHL and  
24 then post-season you collect your data and decide if  
25 you've overharvested or not. You may be able to get away  
26 with that with upper atrophic level fish, salmon,  
27 halibut, that kind of thing, we're talking the very  
28 bottom of the food chain. We're talking forage fish.  
29 The thing that feed everything else that's out there in  
30 the ocean, fin fish, marine mammals, sea birds, you name  
31 it. We can't afford to make these kind of mistakes, and  
32 we can't afford to be harvesting at the rates that we've  
33 been harvesting at.

34  
35                   So we have a grave concern that there is  
36 a conservation concern, just due to the reckless  
37 management by the State of Alaska.

38  
39                   And just to point out, what these  
40 increasing -- the increasing biomass or theorized  
41 increasing biomass, we have an increasing frequency of  
42 the ANS not being met, or the amount necessary for  
43 subsistence, and that -- and just to point out this last  
44 year I know the industry has hired boats to go out and  
45 try to attempt to make sure that the ANS is being met.  
46 There were several boats hired this last year, I know one  
47 of them went home to Kake and didn't have any eggs to  
48 take home and they weren't real happy with them over  
49 there. And this is a resource that's not only utilized  
50 in Sitka, this is -- and not just a regional, Southeast

1 resource, these eggs end up all over the state of Alaska  
2 and are shared with folks around the state, so you're  
3 talking a very -- you're talking the last herring stock  
4 in Southeast that I know of that there is a subsistence  
5 harvest on and we need to protect it.

6

7                   Now, will this proposal magically  
8 guarantee that subsistence needs will be met next year or  
9 in the future, no. Will this proposal guarantee that  
10 herring are protected for generations to come, no. But  
11 it is a step towards overall protecting this ecological  
12 and cultural keystone species for future generations.

13

14                   Thank you.

15

16                   CHAIRMAN ADAMS: Thank you. Any  
17 questions of -- what was your name again, sir?

18

19                   MR. FELDPAUSCH: Jeff.

20

21                   CHAIRMAN ADAMS: I'm sorry, I was trying  
22 to get your name again.

23

24                   MR. FELDPAUSCH: Jeff Feldpausch, the  
25 last name's a tough one.

26

27                   CHAIRMAN ADAMS: I'm not going to try the  
28 last name, I'll just call you Jeff. Questions of Jeff,  
29 Council members.

30

31                   Mr. Kookesh.

32

33                   MR. KOOKESH: Yeah, mine goes back to the  
34 basic question is, it's all about a buck. Everything's  
35 about a buck, except for hunting, we don't sell that  
36 stuff. What did the 13 -- how much did that 13,000 tons  
37 go for per ton in the market and what kind of market did  
38 it go to; do you have that?

39

40                   MR. FELDPAUSCH: Mr. Chairman. I'm glad  
41 you asked that question. It's something we did a little  
42 research on last year and we've actually gotten a  
43 subscription, I guess, to an online Japanese market  
44 website and got some of this information back.

45

46                   In 2011 the -- I'm trying to remember  
47 back now, I think in 2010 the ex-vessel value -- or the  
48 wholesale value per ton was \$1,200 a ton at about a  
49 18,000 ton harvest rate or a GHL. In 2011 we had a  
50 19,500 or thereabout GHL and the price got cut in half to

1 \$600 a ton, and this is in 2011 for the wholesale. This  
2 last year we saw a significant decrease and I've seen a  
3 couple of different numbers, post-season data said there  
4 was 13,500 tons, I see the data in the report here says  
5 about 10,000-some odd tons, the wholesale value as  
6 recorded on these Japanese marketing websites is about  
7 \$1,400 to \$1,500 a ton, so there was about a 2.3 percent  
8 increase over last year and it was one of the arguments  
9 we made, why are we harvesting significantly more fish  
10 and overall, in the end, the bottom line is we're getting  
11 less money for them, wouldn't it make more sense to  
12 harvest less fish, put less overhead, at least on the  
13 fishermen's side and the processors, put less overhead  
14 into harvesting those fish and actually get more money  
15 back for them in the end.

16

17                   As far as markets, the primary markets  
18 have been the Kozonoki markets over in Japan. The  
19 industry has mentioned that they're looking for  
20 additional markets. The Japanese website that we found  
21 mentioned in 2011 one of the processors sent fish -- or  
22 sent some herring to, I believe, it was Africa to be  
23 processed, I think that's where it went, at \$1,500 a ton,  
24 the only problem was that 60 percent of that price was  
25 shipping cost so it equated back to about the \$600 a ton  
26 they were talking about.

27

28                   The other markets that have been brought  
29 up were Chinese markets. Now, one of the markets that  
30 popped up on this website was a twice frozen market, so  
31 basically the herring would be frozen here in the round,  
32 shipped to wherever they're being processed, thawed, the  
33 roe extracted and refrozen again, now whether that was a  
34 human consumption market or a fishmeal market that's  
35 another issue I'm not sure of. But fishmeal prices are  
36 up right now, they're up about -- I think they went up  
37 from around \$1,200 a ton to \$1,500 a ton and the big  
38 buyer right now in the market is China. China is buying  
39 those fishmeal markets to -- or buying that fishmeal for  
40 their aquaculture production. Now, that's -- a portion  
41 of these herring are going to be going to fishmeal and if  
42 we can -- and it'll help supply fishmeal to those markets  
43 and keep that fishmeal price down, the lower those  
44 fishmeal prices the easier it is for farmed fish to be  
45 able to compete with our wild salmon markets.

46

47                   So we may be making money -- there may be  
48 a short-term monetary gain for a very few people in this  
49 fishery. In the long run supplying fishmeal to those  
50 markets actually hurts other fisheries in Alaska.

1 CHAIRMAN ADAMS: Mr. Ackerman.

2

3 MR. ACKERMAN: Thank you, Mr. Chair.

4 Jeff, in an observation and your communication with the  
5 Sitka Tribe, based on local knowledge, not scientific,  
6 would you say that the biomass of herring has been  
7 reduced to the point that the predators that prey on this  
8 biomass, including all, you know, predators, including  
9 the fishermen, do you think that this biomass is in  
10 danger of collapsing? Has there been any talk about the  
11 stocks being close to that point at all?

12

13 Thanks.

14

15 MR. FELDPAUSCH: Mr. Chairman. It's  
16 quite an interesting subject. I know ADF&G reports a  
17 very large biomass out there, if you talk to a lot of  
18 folks around Sitka who have lived here all your lives  
19 we're not really seeing it out there. You know, we hear  
20 that there's more fish than ever before in recorded  
21 history, at least with ADF&G, before that ecological  
22 knowledge tells you there was herring from one end of  
23 Southeast to the other, and we question those numbers,  
24 the validity of the numbers that are coming out of the  
25 biomass out there. We're not seeing it as far as just  
26 observations being out there on the water during the  
27 harvest.

28

29 As far as whether this stock is at that  
30 teetering point where the predators will keep it down,  
31 you know, I don't know what next year will bring. You  
32 know, I don't know what next year will bring. I know  
33 we're on a downward trend right now, at least that's the  
34 way it looks. We have seen increased whales, or  
35 humpbacks in the area in the springtime. You know, I  
36 think folks have mentioned that there's a lot more sea  
37 lions around. So we may be on an upward swing. I've  
38 heard reports that there was actual talk about delisting  
39 humpbacks from the threatened or endangered list, that  
40 the numbers are up. So we have an increasing demand on  
41 these herring stocks and we're on a downward cycle right  
42 now and that does have concerns. Whether it will get to  
43 the point where it's like some of these inside fisheries,  
44 like West Behm, Lynn Canal, Semyour Canal, to where those  
45 stocks are having a hard time rebounding due to natural  
46 predation or not, I don't know if we're at that point yet  
47 but I think we're heading that direction.

48

49 CHAIRMAN ADAMS: Go ahead, Donald.

50

1 MR. HERNANDEZ: Thank you, Mr. Chairman.  
2 In our Council books, Page 141 we have the amount of  
3 subsistence harvest over the years and it said it was  
4 still pending for 2012, do you have a figure of that at  
5 the Sitka Tribe, what was harvested for this year?  
6

7 MR. FELDPAUSCH: Mr. Chairman. We do  
8 work with the Division of Subsistence on subsistence  
9 harvest surveys and we have collected that data, we have  
10 not compiled it yet. I usually wait for the Division to  
11 come out with it.  
12

13 Speaking on behalf of the tribe, I know  
14 we have a traditional foods program. We only ended up  
15 with about half the amount of eggs that we normally  
16 harvested. There were a number of harvesters who didn't  
17 get any eggs. It was a very short, very quick spawn,  
18 which was really an unusual year. So my gut feeling is  
19 we did not meet that ANS. I know there were a number of  
20 villages throughout Southeast that did not get eggs, I  
21 know that Kake was one of them that were waiting for that  
22 boat to come home and it came home empty. So I don't  
23 believe the ANS was met. I'm fairly confident that it  
24 wasn't.  
25

26 One of the arguments that's being put out  
27 by the industry is that there's a lack of effort on the  
28 part of subsistence harvesters. They're seeing fewer  
29 harvesters out there. I think what you're actually seeing  
30 is a number of harvesters combining efforts with fuel  
31 costs, and maintenance and upkeep, you have people  
32 combining, going out in one boat. One of our -- my  
33 proposal, anyway, to the Division of Subsistence, would  
34 be to try to track this through the number of sets that  
35 are being put out. If we have half the number of  
36 harvesters out there, we may have the same number of sets  
37 that are out there, so we can track that unit of effort.  
38 But I don't believe the ANS was met this year.  
39

40 MR. HERNANDEZ: Quick follow up.

41  
42 CHAIRMAN ADAMS: Follow up.

43  
44 MR. HERNANDEZ: And what is the poundage  
45 for that amount necessary for subsistence, I don't  
46 recall?  
47

48 MR. FELDPAUSCH: I don't either. Yeah,  
49 I can't remember them off the top of my head, but I think  
50 we fell significantly short this year.

1 MR. HERNANDEZ: Yeah, I'm thinking it was  
2 -- I read somewhere in the analysis around 100,000 pounds  
3 and I'm looking here at the table and I see at least four  
4 years in the past that was not met, is that kind of your  
5 recollection, that there's about that many years where it  
6 hasn't been met in the recent past?

7  
8 MR. FELDPAUSCH: Mr. Chairman. That is  
9 correct. I believe it was 2003, '05, '07, '08, '11, and  
10 then I believe again this 2012 would be. And that ANS,  
11 or that amount necessary for subsistence is 136,000  
12 pounds to 227,000 pounds.

13  
14 MR. HERNANDEZ: Okay, thank you. So  
15 there have been, yeah, a number of years in the recent  
16 past that that hasn't been met. And it sounds like  
17 you're saying you doubt whether it'll be met this year as  
18 well, so thank you.

19  
20 CHAIRMAN ADAMS: Okay. Any more  
21 questions.

22  
23 Mr. Wright.

24  
25 MR. WRIGHT: Thank you, Mr. Chairman. On  
26 the area that we're talking about is pretty much most of  
27 the subsistence that is taken from there or the numbers  
28 that you have given out are from all around the Sitka  
29 area?

30  
31 MR. FELDPAUSCH: Mr. Chairman. The  
32 majority of the harvest occurs in the core subsistence  
33 area, which is for the most part encompassed by the final  
34 Board of Fish action for the subsistence zone on Page  
35 139. That's not to say that subsistence doesn't happen  
36 outside that zone, but the core subsistence area is where  
37 the majority of it happens.

38  
39 Now, you know, 2011 was a very different  
40 year, a lot of the herring ended up spawning on the south  
41 side of the Makhnati and on the south side of the bridge.  
42 There was some small spawn on the northern end but it was  
43 quite an erratic spawning event, I guess, if you will.  
44 It wasn't something that you'd normally see.

45  
46 CHAIRMAN ADAMS: Follow up, go ahead.

47  
48 MR. WRIGHT: Yes. Also I'd like to thank  
49 Sitka Tribe because we sent a boat -- a boat came over  
50 and got some eggs and we -- not as much as usual but

1 anyway.

2

3                   The reason I asked that question is  
4 because, you know, that is a good size area and I -- you  
5 know, I'm not a herring fisherman, thank God, because my  
6 boat would probably be wrecked.

7

8                   (Laughter)

9

10                   MR. WRIGHT: But, you know, it's a pretty  
11 big area that, you know, the commercial does it and, you  
12 know, up by Sitka Rocks, I know used to get herring from  
13 that place so I'm just curious about how much subsistence  
14 eggs were taken and especially in that area. You don't  
15 have numbers probably because it's probably -- well,  
16 okay, I have another question. When a biomass is  
17 predicted and the fishery opens and then they do, you  
18 know, is the biomass continually observed or is it just  
19 a prediction by the Department of Fish and Game, because  
20 if I was the Department of Fish and Game and had a  
21 predation on the biomass, it -- when -- before the  
22 fishery was opened then I would be watching whether I'm  
23 going to open or not because, you know, the 144,000  
24 biomass that was predicted for 2012, I would think that  
25 if there was -- the Department of Fish and Game kept  
26 watching it that they would see that there wasn't that  
27 biomass, so is it watched all the time or is it just  
28 between openings or is it just opened because of that one  
29 prediction?

30

31                   MR. FELDPAUSCH: Mr. Chairman. Initially  
32 when the biologists go out they will -- the test roe  
33 comes in and they will do sonar soundings and make the  
34 call as to whether the 25,000 ton threshold has been met,  
35 once that threshold's been met the opening can happen.  
36 That doesn't mean that they have to verify that there's  
37 the -- that the entire biomass is there, just 125,000  
38 tons. Once that's been verified, at least, through  
39 visual observations and I don't know if there's a true  
40 numerical or if it's quantified in that way other than  
41 just a judgment call by the biologist, in-season they'll  
42 continue to go out and look for this biomass and this  
43 last year they saw this biomass out there but it did  
44 raise some concerns on the tribe's part because how are  
45 they able to differentiate spawned out herring that have  
46 made the way to the beach, spawned and gone back out and  
47 mixed in with this biomass. They continue to see a  
48 biomass out there, but they have no idea whether those  
49 are partially spawned out herring or just what, or non-  
50 spawned herring. So that raised one of our concerns this

1 year also and it really points out how much isn't known  
2 about managing these fish.

3  
4 MS. PHILLIPS: Mr. Chair. I call a point  
5 of order, I'm sorry, Mr. Wright.

6  
7 Mr. Chair.

8  
9 CHAIRMAN ADAMS: Yes, go ahead.

10  
11 MS. PHILLIPS: He asked a question of how  
12 the State operates and this man is with the Sitka Tribe  
13 of Alaska and he's saying he doesn't know and yet he  
14 inserts his own judgment and so I'm uncomfortable with  
15 that.

16  
17 CHAIRMAN ADAMS: Okay.

18  
19 MS. PHILLIPS: And if there are questions  
20 for the State they should be directed to them directly.

21  
22 Thank you.

23  
24 CHAIRMAN ADAMS: Point well taken, Patty.

25  
26 Any more questions for Jeff.

27  
28 Floyd.

29  
30 MR. KOOKESH: But thank God, traditional  
31 ecological knowledge we can go there.

32  
33 I have a question that kind of goes back  
34 to this proposal. Angoon didn't necessarily benefit very  
35 well from this last year's herring spawn, the subsistence  
36 users, and to claim that -- whoever makes the claim that  
37 -- you know, whoever's watching us the most that says  
38 we're not out there doing it, doesn't realize that this  
39 is a technological age where there's a greater degree of  
40 efficiency in harvesting. You know the Native people can  
41 figure out just as good as a non-Native how to do it, it  
42 doesn't mean it's just exclusive to the non-Natives to be  
43 an efficient killer. But we did not, in Angoon, I have  
44 to say Angoon -- I know you mentioned Kake, you have to  
45 put Angoon right along in that same -- in that same  
46 sentence when you talk about not having their needs being  
47 met. But we do have in our community, and I do know --  
48 I have a nephew who does all he could -- he did  
49 everything he could this last year to get herring eggs  
50 for Angoon and he didn't, and he didn't just come over

1 here and party and have a great time. It costs a lot of  
2 money, it takes a lot of time, boat, it takes a lot out  
3 of him, but he didn't get anything.

4

5 But the fact is.....

6

7 MS. PHILLIPS: Mr. Chair. Again, point  
8 of order, is there a question for Sitka Tribe of Alaska,  
9 we are in the question and answer period.

10

11 MR. KOOKESH: I'm just providing the  
12 gentleman with information concerning the fishery because  
13 I'm wondering how this -- this proposal -- I asked in the  
14 beginning how this proposal would be beneficial to us, to  
15 the Federally-qualified subsistence user, Angoon being  
16 one of those people -- hopefully being one of those  
17 people. I'd like to see Angoon -- this proposal work for  
18 our benefit.

19

20 CHAIRMAN ADAMS: So would you please  
21 answer that question, please.

22

23 MR. FELDPAUSCH: Mr. Chairman. I feel  
24 this proposal -- the tribe feels this proposal would be  
25 beneficial to all subsistence harvesters of herring eggs  
26 and that it will provide a sanctuary or conservation zone  
27 for those herring that they will not be harvested within  
28 those areas and it'll help protect the stock.

29

30 CHAIRMAN ADAMS: Thank you. Any more  
31 questions of Jeff.

32

33 Mike.

34

35 MR. DOUVILLE: That partially answers  
36 something that I was going to ask.

37

38 Part of the area around Makhnati to the  
39 north has been taken care of by the Department, and as I  
40 believe I heard Terry say, that the southern part of it  
41 is really not desirable, it's got a lot of wave action,  
42 I know i've been around here, and sand, so it's really  
43 not desirable for setting branches and so on. There may  
44 be a small section on the other side. In nutshell, what  
45 does Sitka Tribe hope to gain other than what you said,  
46 like a sanctuary, or what is it exactly that you're  
47 hoping to gain because you'd only be -- it'd just be a  
48 small area to the south which you really don't use  
49 anyway?

50

1 MR. FELDPAUSCH: I think it goes back to  
2 the original proposal, that we're hoping to create a  
3 buffer around the subsistence zones to insure, I guess,  
4 unharassed spawning by the herring and at the same time,  
5 like I said our focus the last few years have been on  
6 conservation and the majority of the southern end would  
7 be a conservation zone to protect herring and allow them  
8 to spawn unharassed.

9  
10 CHAIRMAN ADAMS: Thank you. Any more  
11 questions. Go ahead, Albert.

12  
13 (Laughter)

14  
15 CHAIRMAN ADAMS: I'm sorry, Floyd.

16  
17 (Laughter)

18  
19 MR. KOOKESH: Yeah, well, my brother was  
20 here already. I know Sid's here but Albert's coming.  
21 Don't ruin my question now, you'll get me confused.

22  
23 (Laughter)

24  
25 MR. KOOKESH: No, what I wanted to talk  
26 about -- or ask a question of, Sitka Tribes, I don't know  
27 how many years ago -- and withdrew a request for ETJ, is  
28 that where you're leaning toward, Federal takeover of  
29 marine waters, that already exists, doesn't it? Are you  
30 going to ETJ, that's my question, basically?

31  
32 MR. FELDPAUSCH: Mr. Chairman. That  
33 would be something for the Council to decide. I can't  
34 make that decision. I think -- I know we are -- I know  
35 we are curious to see what happens in the Peratrovich  
36 case, in its final ruling. We're curious to see, I guess,  
37 how things play out in the current ETJ petition of  
38 Kootznoowoo. I won't say it's ruled out in the future but  
39 I think we're kind of waiting to see how these other  
40 items settle out.

41  
42 CHAIRMAN ADAMS: Okay. Go ahead, Mike.

43  
44 MR. DOUVILLE: Thank you. I've got one  
45 more question. So I understand that your sanctuary or  
46 concept, how much actual commercial harvest occurs in the  
47 southern section that would not be protected, how much  
48 commercial harvest actually happens there or happened in  
49 the past, do you have any idea?

50

1 MR. FELDPAUSCH: I don't have numbers on  
2 that. I do know that in 2011 a portion of those waters  
3 were opened for commercial harvest but I don't have that  
4 data on me right now.

5  
6 CHAIRMAN ADAMS: Okay. Any more  
7 questions.

8  
9 (No comments)

10  
11 CHAIRMAN ADAMS: Appreciate you being  
12 here, Jeff. Thank you very much you've been very  
13 informative.

14  
15 MR. FELDPAUSCH: Well, thank you.

16  
17 CHAIRMAN ADAMS: Albert Judson.

18  
19 (In Tlingit)

20  
21 MR. JUDSON: (In Tlingit)

22  
23 I was born at Hoonah, Hoonah, Alaska, and  
24 I was raised in the Wolf House at Hoonah, Alaska. My  
25 missionary name is Albert Judson. I'm not here to  
26 represent anyone. I'm not elected or appointed or  
27 anything. I'm here because of my concern for subsistence  
28 as a person.

29  
30 There's a story about a Tlingit  
31 grandfather sitting around next to the campfire with his  
32 grandson cooking fish. He started to feel sad because  
33 the culture's disappearing and because it's getting  
34 harder just to catch one fish. There's so many things to  
35 consider, laws, regulations, and everything else. So he  
36 started to sing a Tlingit song, Tlingit anthem.

37  
38 (Singing Tlingit)

39  
40 MR. JUDSON: And as he sang, when he got  
41 to the last note the sun went down and his grandson  
42 grabbed his sleeve and said, gee, grandpa, can you do  
43 that again.

44  
45 I have some questions I'd like to ask  
46 about the Board make up. I read somewhere in one of the  
47 news articles that -- I can't remember which paper it  
48 was, but it said that the Board had a sports hunting and  
49 fisherman representative on it and if this is true, it's  
50 too bad, and if it's not true, that's great. But I'm

1 opposed to sportshunting and sportsfishing. And if there  
2 is a representative there shouldn't be, it should be a  
3 single purpose board. Also there should be single  
4 purpose councils.

5  
6           There were a couple reports that were in  
7 newspapers concerning Yakutat. In the late '90s there  
8 was a report about sportsmen shooting at Native people  
9 that were subsistence fishing. And I read it in the  
10 paper and it was way in the back somewhere close to the  
11 crossword puzzles and it was a very short article, and  
12 there was a never a followup. I never did find out what  
13 happened to that case, whether or not the people that  
14 were shooting at Native people were criminally charged or  
15 arrested or what happened.

16  
17           And the second thing that happened in the  
18 Yakutat area is that there was a report in the newspaper  
19 that fish disappearing right about the time that cruise  
20 ships started in the Yakutat area, and the actual reason  
21 for the fish disappearing was never ascertained.

22  
23           And I would like to bring up the  
24 historical perspective. The historical perspective is  
25 what brings us here today and is what will bring us  
26 together in the future, whether I'm here or not, it'll  
27 bring people together to address subsistence.

28  
29           Subsistence is a word that comes from the  
30 farming industry and it's what happens after the harvest  
31 is over and the farmers get the leftovers, the rest goes  
32 to the market. But it's leftovers, that's the definition  
33 of subsistence.

34  
35           In American history, American Indian wars  
36 lasted from 1774 to 1891, about 117 years, and after the  
37 last Indian war the United States declared that from now  
38 on the wars would be fought on paper. I didn't make this  
39 up. This is a quote of American Indian policy. And 80  
40 years after that statement, ANCSA was passed, ANCSA is  
41 the Alaska Native Claims Settlement Act. Under ANCSA the  
42 Federal government got 60 percent, 197 million acres, the  
43 State government got 30 percent, 124 million acres and  
44 the Native people got 10 percent 44 million acres, but  
45 man under ANCSA, and every time American Indians are  
46 mentioned and every time the Native people are mentioned  
47 there is always that word but, but man under ANCSA is not  
48 man per se, it is considered capital. In other words,  
49 it's fictional, title. Native people got fictional title  
50 for Native entity called corporations only, and the

1 Federal government and State government got actual title.  
2 Also aboriginal land title was extinguished along with  
3 aboriginal hunting and fishing rights. The Federal and  
4 State government cannot afford to permanently extinguish  
5 aboriginal hunting and fishing because they would be  
6 guilty of genocide under the Helsinki Accord under  
7 International law.

8

9 The corporate structure, itself, is  
10 opposed to Native cultures. The corporate structure is  
11 designed to transform natural resources into saleable  
12 forms on the market at Wall Street according to Wall  
13 Street, for example, turning trees into boards, et  
14 cetera, et cetera, and this is what brings us here today  
15 and will continue to bring us here because we are  
16 struggling for these leftovers, subsistence.

17

18 CHAIRMAN ADAMS: Thank you, Albert. I'm  
19 going to respond to the questions that you asked and then  
20 I'll have the Council, you know, field questions to you  
21 as well.

22

23 Your concern was that sportfishing and  
24 maybe big game hunters, you know, were infiltrating into  
25 this body. And, you know, I think that we have a Council  
26 here who is involved in every one of those user groups.  
27 I am a commercial fisher -- first off I am a subsistence  
28 fisherman, I'm a commercial fisherman, I also charter  
29 boat, I also sportfish, and so that helps me a lot, you  
30 know, in working with this body here. And I think there  
31 was a time, you know, when we were very concerned about  
32 some people getting in here but, you know -- getting into  
33 this body but without -- you know we addressed it a  
34 little bit and as a result of the way that they handled  
35 it they just began to filter their way out, and so you  
36 can be assured that everyone that sits on this Council  
37 here are really deeply involved in subsistence. When it  
38 comes time to vote we don't talk about voting, you know,  
39 in favor of a sport or commercial or, you know, any other  
40 user group. It all deals with subsistence. So I hope  
41 that we can set your mind at ease with that.

42

43 In regards to the sportfishing --  
44 sportfishermen shooting at subsistence users in Yakutat.  
45 Way back in the early '90s down in the East Alsek River,  
46 there is a small river. It's a very small river and it  
47 was one of the most productive rivers, you know, in the  
48 '80s and into the '90s and then we had kind of a crash.  
49 But to answer your question about that, what happened is  
50 that there were inland fishermen, people who fish inside

1 the river, they setnet, and then there's a certain time  
2 of the year, late July, August when maybe a dozen or so  
3 Yakutat fishermen who normally fish in the Situk and the  
4 Arhnklin, a place closer to Yakutat but there's a real  
5 good run of salmon that enter into the East Alsek River,  
6 they were surf fishermen, they fished out in the surf.  
7 It takes brave people to do that. Sometimes, you know,  
8 when the weather was bad they would move their setnets  
9 inside, inland, and as a result it kind of congested the  
10 nets together and there was a lot of conflict and there  
11 was shooting, but it wasn't between sport and subsistence  
12 fishermen, it was between commercial fishermen and  
13 commercial fishermen. Okay.

14

15 In regards to the fish disappearing  
16 because of the cruise ships, we have never seen any  
17 evidence that the fish are disappearing because of the  
18 cruise ships coming into the Yakutat Bay, for example, we  
19 are more concerned about the seals, you know, so I just  
20 wanted to set the record straight on that.

21

22 I thank you for your questions.

23

24 MR. JUDSON: Okay.

25

26 CHAIRMAN ADAMS: But at this time, you  
27 know, if you have any more comments I will ask the  
28 Council to field questions to you. Before we do that,  
29 though, and I might forget if I don't do it now, but I  
30 want to recognize Carole who walked in this morning and  
31 is sitting very quietly over there. She's the Sitka  
32 District Ranger from the Forest Service, so welcome,  
33 Carole.

34

35 Go ahead.

36

37 Mr. JUDSON: Yeah, perhaps the Board  
38 could clarify for Native people what -- exactly what the  
39 policy is from the United States concerning subsistence,  
40 whether or not is it going to be temporary or is the war  
41 still on paper? There's never been clarification since  
42 that statement was made.

43

44 CHAIRMAN ADAMS: Did anyone hear that  
45 question, I couldn't. I'm kind of losing my hearing on  
46 this side. Go ahead.

47

48 MR. ACKERMAN: Thank you, Mr. Chairman.  
49 Judson, Al, yeah, if you could read ANILCA, you probably  
50 have been in the book, I'm sure.

1 MR. JUDSON: Yeah.  
2  
3 MR. ACKERMAN: But you need to read that  
4 again and then look at that really carefully and then  
5 read also what we are doing here under ANILCA, it has a  
6 lot of affect on what we do here, too. So, yeah, feel  
7 free to read the book and then put us under the spotlight  
8 there, if you would, a microscope, so, yeah, appreciate  
9 your comments, too.  
10  
11 Thanks.  
12  
13 MR. JUDSON: Yeah, thank you.  
14  
15 CHAIRMAN ADAMS: Mr. Bangs.  
16  
17 VICE CHAIR BANGS: Thank you, Mr.  
18 Chairman. I appreciate this gentlemen's comments, but I  
19 think in my mind I would like to stay -- you know, the  
20 public testimony part of it, I thought we were working on  
21 a proposal and there was no testimony in regards to this  
22 proposal and I think we should set -- in the future I  
23 would like to see his testimony come at a different time.  
24 That's just my own feeling. It's really confusing to me  
25 to being focused on this proposal and then have testimony  
26 that's irrelevant.  
27  
28 Thank you.  
29  
30 CHAIRMAN ADAMS: Yeah, that was something  
31 that I was going to bring up, too. Because we have two  
32 of your blue slips here, so what he did is he testified  
33 on one and then didn't address the proposal at all.  
34  
35 But do you have any comments to make on  
36 the herring, herring fishery in Sitka, Mr. Judson?  
37  
38 MR. JUDSON: Okay. No.  
39  
40 MR. KOOKESH: You have to speak up.  
41  
42 CHAIRMAN ADAMS: Do you have any comments  
43 to make in regards to your thing here on herring?  
44  
45 MR. JUDSON: Oh, herring?  
46  
47 CHAIRMAN ADAMS: Uh-huh. The Sitka  
48 herring.  
49  
50 MR. JUDSON: Oh.

1                   CHAIRMAN ADAMS: The Sitka herring,  
2 that's what we are taking testimony on right now --  
3 taking testimony for right now, so we do appreciate your  
4 comments but if you would like to make a comment, though,  
5 please, do so now.

6  
7                   MR. JUDSON: The only thing I know of is  
8 that it's been getting harder and harder to get herrings  
9 no matter what it's -- and it's getting less and less.  
10 We had a boat that used to come from Hoonah down to Sitka  
11 and pass out herring eggs but there's less and less  
12 herring eggs coming up.

13  
14                   CHAIRMAN ADAMS: Okay, thank you.

15  
16                   MR. JUDSON: Yeah.

17  
18                   CHAIRMAN ADAMS: Gunalcheesh.

19  
20                   MR. JUDSON: Okay, thank you.

21  
22                   CHAIRMAN ADAMS: Steve. I'm not going to  
23 try to pronounce your last name.

24  
25                   You're going to testify on the Makhnati  
26 Island, FP09-05.

27  
28                   MR. REIFENSTUHL: Mr. Chairman, yes, I  
29 am. And I have written testimony that I'll submit. My  
30 name's Steve Reifentstuhl. I'm representing Southeast  
31 Herring Conservation Alliance, fishermen tender boats,  
32 spotter pilots, crew members.

33  
34                   First of all the fishermen that fish the  
35 herring in Sitka Sound, 19 percent of those are Alaska  
36 Natives. Johansens, Sonny Enlow used to fish that,  
37 Skeeks, and a number of others, so it's a very important  
38 fishery to Southeast Alaska because they bring their  
39 paychecks back to the communities they live in.

40  
41                   We are opposed to this proposal. You've  
42 already heard the reasons. There's very little  
43 subsistence, even acknowledged by Mr. Feldpausch, very  
44 little subsistence herring take in that Makhnati area.  
45 It can be an area that's open during the commercial  
46 fishery, so that's important to not par that down any  
47 smaller than it is. As you heard earlier, the Board of  
48 Fish did provide a very large, 23 or four acre area in  
49 the core zone for subsistence herring.

50

1                   There was a comment that I wanted to  
2 address, is that, anybody can go in there, just not  
3 commercial. Well, that's not exactly -- you have to be  
4 a qualified Alaska resident and then you can go in there  
5 because we, as some of you know, we're providing herring  
6 subsistence because Steve Demmert, you know, volunteered  
7 to use his boat, platform, to harvest herring eggs and  
8 then provide those to the communities of Southeast as  
9 well as to right here in Sitka. He's no longer able to  
10 do that because of objections from the Sitka Tribe,  
11 specifically to keep him from doing it. In my mind  
12 that's a tragedy because one year he harvested 60,000  
13 pounds for the communities, another year he harvested  
14 65,000 pounds for the communities. He's excellent at it  
15 and he's a great fisherman, and he has relatives in every  
16 one of those communities that he's stopped at.

17  
18                   This past year, I can shed a little light  
19 on how the fishery went if people are interested. But we  
20 did harvest, you know, Delbert Kadake harvested about  
21 22,000 pounds of herring, subsistence, or eggs and those  
22 were provided here in Sitka, he didn't go back to Kake  
23 with any eggs because he provided all those eggs to here  
24 in Sitka. John Carle harvested about 10,000 pounds of  
25 herring eggs and provided those here and he did take some  
26 south to Hydaburg.

27  
28                   Let's see there were some questions on  
29 the biology. The visualization of the biomass, the large  
30 quantity and the football field, I think it's more  
31 appropriate -- you can think of that analogy but that  
32 represents 20 percent of the biomass, so there's actually  
33 eight times that visualization left in the water to spawn  
34 and reproduce for other years. And that's the way the  
35 fishery is managed, that's the way fisheries -- herring  
36 fisheries are managed the world over, and in no place  
37 better than Alaska. So in context, were there problems  
38 or was the estimate perhaps high for 2012, it looks like  
39 it probably was. But in context, when the State started  
40 managing the herring fisheries in Alaska, and so in Sitka  
41 here what we're talking about, the biomass back in the  
42 '60s and early '70s was about 5,000 tons. If you look at  
43 the record from the mid-70s until 2012 that biomass has  
44 gone from 5,000 to 144,000 tons, so 20-fold increase.  
45 One year where the biomass decreased is not a collapse,  
46 it's not a failure. The Department forecast pink salmon,  
47 sometimes they hit it right on, sometimes they under  
48 estimate, sometimes they over estimate, it's not a  
49 precise thing that you can say that there will be  
50 exactly, you know, 144,000 tons. Again, for sake of

1 comparison, the pink salmon harvest for 2011 was twice  
2 what the biomass was that we pulled out of Sitka Sound in  
3 herring.

4  
5                   One of the things that did happen in 2012  
6 was the fish held off and they spawned very quickly and  
7 it caught people by surprise. And I think Mr. Feldpausch  
8 and others acknowledged that it was an unusual year, fish  
9 -- herring are known to have spawned up in Slocum this  
10 year, that's not -- that's unheard of, at least in recent  
11 history. So it was an unusual event.

12  
13                   Is there a downturn in the population,  
14 there could be but there are downturns in every natural  
15 population, they go up and down. And the responsibility  
16 of the management agency is to be able to study that and  
17 identify it and to react to it and which I can assure you  
18 the Department will do that.

19  
20                   I think on the market of herring, there's  
21 some very innovative things happening right here in  
22 Sitka, where they are sex sorting so that only the  
23 females would be frozen and shipped and the rest could be  
24 turned into meal right here. I mean this body really  
25 doesn't get into marketing and I think it would be a  
26 tough thing -- I'm not going to spend much time talking  
27 about marketing. I think it should be left to the market  
28 and to the experts and the people who are making and  
29 losing money doing it. But right now the demand for  
30 fishmeal is so great it can absorb anything that goes  
31 into the market. There's a tremendous amount of research  
32 on using soy protein and soy meal because there is a  
33 shortage of fishmeal.

34  
35                   I guess on the participation, there was  
36 a comment about that it's not -- or the industry says --  
37 the industry, and I will speak for the industry it's not  
38 saying -- we're not doing research that says the  
39 participation is declined, that is in reports time and  
40 again in subsistence -- the State Subsistence Division,  
41 it's in that report. It reported to the Board of Fish  
42 that participation is declining, so that's not industry  
43 saying that, that's the Division who studies it, is  
44 saying that participation is declining, and it's  
45 declining for many of the reasons that people don't  
46 participate in a lot of things. They're busy. It's  
47 harder to make a living. So they spend time with the job  
48 so they can bring money home and don't have the time or  
49 maybe the money to be able to go out and harvest, and  
50 that's true for all cultures. But that's documented in

1 the Subsistence Division report and the newest one came  
2 out this past year.  
3  
4 I guess.....  
5  
6 CHAIRMAN ADAMS: Steve.  
7  
8 MR. REIFENSTUHL: Yes.  
9  
10 CHAIRMAN ADAMS: Excuse me, could you  
11 kind of start winding down here a little bit. I was  
12 hoping we would have been done with this meeting by noon  
13 but it doesn't look like it's going to be and then I was  
14 just wondering, you know, if there is anybody on the  
15 Council who has reservations to leave for back home any  
16 time today.  
17  
18 MR. KOOKESH: (Nods affirmatively)  
19  
20 CHAIRMAN ADAMS: What times is your  
21 flight.  
22  
23 MR. KOOKESH: Alaska Air flies out of  
24 here at 1:30.  
25  
26 CHAIRMAN ADAMS: Oh, okay. All right,  
27 so, please indulge us.  
28  
29 MR. REIFENSTUHL: With that I'll  
30 conclude.  
31  
32 CHAIRMAN ADAMS: Okay. We'll open up for  
33 questions to you then, by the Council.  
34  
35 MR. REIFENSTUHL: Okay.  
36  
37 CHAIRMAN ADAMS: Floyd, go ahead.  
38  
39 MR. KOOKESH: Yes, you mentioned that the  
40 Department says that we're not -- that there's been a  
41 decline, but in the Native community, what we -- we don't  
42 really intend to always be consistent about it. It's not  
43 like we're just totally eating herring eggs, we're also  
44 doing other -- other -- other harvests and we shouldn't  
45 be consistent about it because if there's a decline the  
46 people stop harvesting. We just don't seem to do what  
47 the non-Native would consider continuing to do. So that  
48 -- to -- to kind of speak to what you mentioned earlier  
49 about the decline, we don't always have to do it, we're  
50 just doing it because it's our traditional way of life.

1 If we get a little, that's fine, if there's not much we  
2 know that's what we have -- we're going to have.

3  
4 And I was wondering why -- why you are so  
5 concerned about our right to harvest herring eggs when we  
6 don't -- when people like me, and people in Angoon, don't  
7 even care what NSRAA's up to.

8  
9 MR. REIFENSTUHL: Thank you. Through the  
10 Chair. Mr. Kookesh.

11  
12 Number one, I'm not representing NSRAA  
13 here. And I don't think I said I had a concern about  
14 your right at all. I think that what I'm saying is that  
15 the industry, the commercial fishermen and associates are  
16 trying to help with providing herring eggs because there  
17 has been statements that ANS has not been met and so  
18 there is concern -- the concern is that we want to help  
19 and so that is what we have been doing.

20  
21 MR. KOOKESH: Follow up.

22  
23 CHAIRMAN ADAMS: Follow up, go ahead.

24  
25 MR. KOOKESH: Well, one of the things  
26 that I notice, that when there was an attempt by the  
27 seiners to bring Angoon sockeyes, we didn't want them to  
28 bring us sockeyes, we wanted to go and get our own  
29 because it was what we do it -- how we wanted to do it.  
30 People looked at it as welfare. They just want us to sit  
31 home and then they'll use it as a tool against us.  
32 They're so lazy now all they do is sit there and wait for  
33 us to bring it to them.

34  
35 MS. PHILLIPS: Mr. Chair.

36  
37 CHAIRMAN ADAMS: Yes, ma'am, go ahead.

38  
39 MS. PHILLIPS: Thank you. Mr.  
40 Reifenstuhl, you say 19 percent are Alaska Native  
41 commercial fishermen in the Sitka sac roe fishery?

42  
43 MR. REIFENSTUHL: Yes.

44  
45 MS. PHILLIPS: Do you know what percent  
46 might be rural residents of Alaska?

47  
48 MR. REIFENSTUHL: I don't know that.  
49 What I do know is that 75 percent of the permitholders  
50 are Alaska residents. I know one of the residents is an

1 Anchorage residents, and I think most of the rest of them  
2 are in communities that would be considered rural --  
3 well, Juneau's not, so there's one I know that lives in  
4 Juneau, that would not be. And most of the rest live in,  
5 you know, Kodiak, Ketchikan, Petersburg, so forth.

6

7 MS. PHILLIPS: Thank you.

8

9 CHAIRMAN ADAMS: Mike.

10

11 MR. DOUVILLE: Thank you. I asked Sitka  
12 Tribe what they hoped to gain, now I'm going to ask you,  
13 what do you think that the fishermen would lose by  
14 closing this little small area, it is very small and it  
15 was open in 2011 but I don't think you could determine  
16 how much actual fishing was done in that area that the  
17 tribe wants to close. So I guess my question is, what  
18 kind of economic hardship is that going to put on the sac  
19 roe fishery because it is a really small area that really  
20 doesn't get fished much?

21

22 MR. REIFENSTUHL: Well, at the Board of  
23 Fish, you know, 23 acres were given up where we can't  
24 fish any longer so every little increment is meaningful,  
25 some are more meaningful than others so just adding on an  
26 additional area to what already exists as a closure  
27 potentially has some impact on some years.

28

29 I mean I couldn't put it in terms of, you  
30 know, how many fisheries have occurred in that area, I  
31 mean that's kind of what you're getting at so to do that  
32 kind of analysis I -- it hasn't been done. But we don't  
33 want to see additional areas, particularly if they're not  
34 meaningful to subsistence harvest.

35

36 CHAIRMAN ADAMS: Got a follow up, Mike.

37

38 MR. DOUVILLE: (Shakes head negatively)

39

40 CHAIRMAN ADAMS: Anyone else.

41

42 (No comments)

43

44 CHAIRMAN ADAMS: Okay, Steve, thank you.

45

46 MR. REIFENSTUHL: Okay, thank you very  
47 much.

48

49 CHAIRMAN ADAMS: Thank you. Okay, let's  
50 move on here. Any other people who would like to make a

1 comment -- do a testimony on this proposal.

2

3 (No comments)

4

5 CHAIRMAN ADAMS: InterAgency Staff.

6

7 (No comments)

8

9 CHAIRMAN ADAMS: None. Park Service.

10

11 (No comments)

12

13 CHAIRMAN ADAMS: Summary of written  
14 comments, Mr. Larson.

15

16 MR. LARSON: Yes, Mr. Chair, there are in  
17 your Council book on Page 152, there is two written  
18 comments. Both of these are in opposition.

19

20 One is from the Southeast Herring  
21 Conservation Alliance, the other is from the Southeast  
22 Alaska Fishermen's Alliance. I think they succinctly  
23 could be summarized saying that the State has provided  
24 for a closure and this additional closure is not  
25 necessary.

26

27 I think that it is relevant to remind the  
28 Council of previous -- because this is a deferred  
29 proposal, there's been a large number of public comments  
30 that have entered into this discussion from at least two  
31 previous meetings, and the -- we've heard a number of  
32 public comments from local residents where it would be  
33 beneficial, at the same time we've heard a number of  
34 written and oral comments from other people -- primarily  
35 a number of fairly strong statements from the industry  
36 saying that this is not necessary and it does not assist  
37 in providing for eggs for subsistence fisheries. So we  
38 should keep that in mind that this is not the first time  
39 we've heard this argument and we've had extensive public  
40 testimony before this.

41

42 Thank you.

43

44 CHAIRMAN ADAMS: Thank you. Is there any  
45 other public testimony.

46

47 (No comments)

48

49 CHAIRMAN ADAMS: Hearing none, let's take  
50 a break and then we'll go into Council deliberations.

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN ADAMS: Okay.

6

7 (Pause)

8

9 CHAIRMAN ADAMS: Okay, we're in Council  
10 deliberations now. And so we need a motion and then we  
11 will talk about this proposal.

12

13 Let me first, you know, say I'd like to  
14 turn the gavel over to Mr. Bangs. My wife came in from  
15 Yakutat last night and they caught that late plane, 11:00  
16 o'clock it was supposed to arrive here and it was late,  
17 it didn't arrive here until 12:30 or so, and then I  
18 waited until a little after 1:00 o'clock before they  
19 checked in and then we got into our room and we all  
20 crawled into bed but we talked to about 3:00 o'clock in  
21 the morning so I got only about two or three hours of  
22 sleep and so I feel kind of groggy this morning. So  
23 we'll go ahead and entertain a motion at this time and  
24 then, Mr. Bangs, go ahead and take over the absentee  
25 ballot -- I mean mallet.

26

27 VICE CHAIR BANGS: Thank you, Mr.  
28 Chairman. I was just going to make the motion to adopt  
29 the proposal but I guess I can't.

30

31 CHAIRMAN ADAMS: Okay, that's fine, and  
32 we'll go with a second.

33

34 MR. KOOKESH: Second.

35

36 CHAIRMAN ADAMS: All right, seconded by  
37 Floyd, and we are now in discussion.

38

39 Before we go into discussion I really  
40 would like to start off if I might, because, you know, we  
41 have been dealing with this issue and it has been on the  
42 back burner for a long time. And when the Federal  
43 Subsistence Board deferred this proposal, I think it was  
44 in 2009, I had one of the Board members pull me aside and  
45 he told me the reason why he voted to deferred or not to  
46 accept to -- or vote in favor of the proposal and I said  
47 well tell me a little bit about why you didn't and he  
48 said because there was no science to back up our proposal  
49 and so I would like to address that. I didn't have an  
50 opportunity to sit down and talk with him after that,

1 he's gone now, we have new Board there.

2

3                   But as Mr. Larson shared with us a little  
4 while ago about the amount of testimony that was taken  
5 here, if you remember if you were here that one year, I  
6 can't remember, you know, we spent three days listening  
7 to testimony from the people here in Sitka, and so we  
8 have a lot of testimonies and a lot of documentation  
9 about this but let me address, if I might, you know, this  
10 individual's concern about not enough science being  
11 backed up. I want to address TEK and science. I was  
12 talking to Cathy a little bit about that this morning so  
13 you'll get a little bit of understanding of what I really  
14 mean here.

15

16                   Traditional knowledge is derived from  
17 observations that the elders had learned over the many  
18 years of observing things that happened out in the  
19 environment and as they learned more and more about it,  
20 what they were doing is they were learning how to live  
21 and abide by the laws of nature. And so as they began --  
22 and our culture, you know, in Tlingit culture, we know  
23 and remember the times when the uncles were the ones who  
24 took a boy, you know, when they were seven or eight years  
25 old and they began to train them and their purpose was to  
26 teach them how to live and abide by the laws of nature.  
27 And so as that information was passed down from uncle to  
28 child, from uncle to child and so forth it boils down to  
29 the fact that through all of the things that they have  
30 learned is exactly the same as Western Science. You take  
31 Western Science and they go into the laboratory and they  
32 do experiments and they work on theories and all of that  
33 good stuff and when it comes down to actually  
34 determining, you know, whether that issue or whatever it  
35 is is true or not, it comes together; traditional  
36 knowledge and Western Science are the same.

37

38                   And so that's why I always say, you know,  
39 we place a lot of emphasis on the elders and we listen to  
40 the elders here and they use their knowledge, they use  
41 their observations from thousands and thousands and  
42 thousands of years and so they knew what would happen  
43 under certain conditions and certain circumstances as  
44 well as science has learned what will happen under  
45 certain conditions and circumstances, and so it's the  
46 same.

47

48                   And so I wish I would have had an  
49 opportunity to share these thoughts with this guy, and I  
50 could probably talk a little bit more about it, but I'm

1 just going to make it short, he would have been the swing  
2 vote on this issue. And when he came and told me that he  
3 was not willing to support the proposal, the original  
4 one, because there was no science to back it up. We  
5 listened to science three days here in Sitka during those  
6 hearings by the elders and the people of this community.  
7 And so I'm inclined, you know, well, I'm going to vote in  
8 favor of this motion because of that. We can't waste the  
9 testimonies that were made by the traditional and  
10 ecological knowledge; I call them the wisdom keepers.  
11 And so if we could embrace that, I think, you know, we  
12 might be able to make a better decision on this proposal  
13 and I'll go ahead and let you take over the gavel, Mr.  
14 Chairman -- or Mr. Vice Chairman.

15  
16 VICE CHAIR BANGS: Thank you, Mr. Adams.  
17 I believe the proposal has been moved and seconded and  
18 it's on the floor and it's open for discussion.

19  
20 Anybody have any comments.

21  
22 Cathy.

23  
24 MS. NEEDHAM: Thank you, Mr. Chair. I,  
25 too, am going to support Sitka Tribe in this, based on  
26 the words of Chairman Adams at this point because I feel  
27 like as a newer Council member here, we haven't even been  
28 provided with all of that testimony and so I wasn't a  
29 part of those and I have not had a chance to hear it but  
30 I trust that Mr. Adams has summarized the overall outcome  
31 of all of the public hearings and, so, I too would  
32 support it because of that.

33  
34 Thank you.

35  
36 VICE CHAIR BANGS: Thank you, Ms.  
37 Needham. Anyone else.

38  
39 Don.

40  
41 MR. HERNANDEZ: Thank you, Mr. Chairman.  
42 I'm also going to vote in favor of this proposal.

43  
44 I think it's really important that core  
45 areas of subsistence use be identified and protected, and  
46 that's what the Sitka Tribe did. They identified a core  
47 area for subsistence and Makhmati Island waters are part  
48 of that core area. It's ironic to me that the Board of  
49 Fish, as an arm of the State approved a portion of that  
50 core area as a closed area, as the State Fish and Game

1 Department has been opposed to our efforts to close  
2 Makhnati Island Federal waters and so now we have a  
3 situation where a portion of that core area is closed in  
4 State waters and, yet, the Federal public waters, a  
5 portion of them remain open, and I just find that very  
6 ironic and hard to understand.

7  
8                   And I think the question of whether or  
9 not either the commercial activity or the subsistence  
10 activity that takes place within that small area that  
11 we're talking about would make a significant difference  
12 to either fishery is somewhat irrelevant especially on  
13 the subsistence fishery because we have testimony that in  
14 a number of years in the recent past the subsistence  
15 needs have not been met in Sitka Sound. And, to me,  
16 having waters under Federal jurisdiction it's fairly  
17 clear if subsistence needs aren't being met there's  
18 justification to close those waters to non-subsistence  
19 uses, and whether or not that would make a significant  
20 difference or not doesn't -- isn't really relevant. It's  
21 a pretty clear matter that in order to protect those  
22 uses, Federal waters, there is a priority use and Federal  
23 waters should be closed.

24  
25                   So I think we have ample reason to  
26 justify that closure and in the OSM's justification,  
27 that's pretty much their argument, that it really doesn't  
28 -- wouldn't make a significant difference, and I just  
29 disagree with that and so I'm going to vote in favor of  
30 this proposal.

31  
32                   VICE CHAIR BANGS: Thank you, Donald.  
33 Anyone else.

34  
35                   (No comments)

36  
37                   VICE CHAIR BANGS: Mr. Hernandez, would  
38 you like to read the justification criteria for the  
39 proposal.

40  
41                   MR. HERNANDEZ: Thank you, Mr. Chairman.  
42 I guess I could address that.

43  
44                   First of all the conservation concern.  
45 We've also heard testimony from Sitka Tribe that they  
46 believe there is a conservation concern. There, still is  
47 maybe a lot of science that needs to be conducted on  
48 that, I know there's still studies out there. But it is  
49 still a question, I guess, that there may be possible  
50 conservation concerns.

1                   Is your recommendation supported by  
2 substantial evidence. I would agree with Mr. Adams that  
3 we have had a great deal of traditional ecological  
4 knowledge on this proposal and that it should be  
5 considered.

6  
7                   For the reasons I stated earlier I think  
8 it would be beneficial to the subsistence users.

9  
10                  And will it restrict other uses involved,  
11 that issue was raised by Mr. Suminski that a Federal  
12 closure does affect all other non-subsistence users,  
13 including what would be personal use individuals from  
14 non-qualified subsistence communities, but I think that  
15 would be justified in this case where subsistence needs  
16 are not being met.

17  
18                  Thank you.

19  
20                  VICE CHAIR BANGS: Thank you, Don. Any  
21 other comments.

22  
23                  MS. PHILLIPS: Mr. Chair.

24  
25                  VICE CHAIR BANGS: Ms. Phillips.

26  
27                  MS. PHILLIPS: Thank you. I'm going to  
28 be voting no for FP09-05.

29  
30                  I understand the justification given by  
31 Mr. Hernandez. There has been lots of testimony on both  
32 sides of this, you know, pro's and con's. We have heard  
33 that subsistence needs are not being met, but also we  
34 have scientific data in front of us that shows us record  
35 numbers of forecast biomass and quota available; so is  
36 there a conservation concern when there's 99,000 to  
37 144,000 biomass available. And the Board of Fish has  
38 breakout committees that where stakeholders meet together  
39 to discuss the Board of Fish proposal that came before  
40 them and it is through consensus and people having to  
41 give up their firm positions to say, okay, I can live  
42 with that, of which Sitka Tribe was a part of. And when  
43 you have a committee like that coming together and  
44 agreeing this is what we can live with, isn't that what  
45 we should be honoring, that they're working together to  
46 come up with a solution. And then it hasn't been  
47 implemented until the 2013 season so we will not see the  
48 results of the decision of that Board of Fish proposal  
49 for how many years out. And what Board of Fish did was  
50 say this is a non-commercial zone, it's not saying

1 subsistence only, subsistence does have a right within  
2 that zone, but what this proposal would do is say, on  
3 that side of Makhnati, subsistence only, that means other  
4 people who would enjoy the right in the non-commercial  
5 zone would not enjoy the right in the subsistence only  
6 zone of the Makhnati Federal subsistence designated area,  
7 so you're narrowing the field down from a group of people  
8 that enjoy it in the non-commercial zone.

9

10                   And that's my justification.

11

12                   There's not a conservation concern. The  
13 substantial evidence. The Sitka Tribes of Alaska talks  
14 about the three reports that have not been made available  
15 for the public to review as of yet. I mean I'm the sort  
16 of person that I would do my homework and I would read  
17 that and then I would, okay, I see what they're saying  
18 but it's not been made available to me as a member of the  
19 public or as a member of the RAC. And how will the  
20 recommendation address the subsistence needs involved, it  
21 will restrict it to subsistence only and we've said that  
22 Ketchikan should have subsistence, we've said Juneau  
23 should have subsistence, but the way it's written is that  
24 they won't. They won't be able to go in that area and  
25 harvest and I know that the Bill Brady Healing Center  
26 takes their alcohol, you know, people in the alcohol  
27 rehab to that area and they're not always from rural  
28 areas to put down their branches and stuff, but we're  
29 saying that you can't do that anymore. But will it  
30 unnecessarily restrict other uses involved, so I think I  
31 gave that justification.

32

33                   Thank you.

34

35                   VICE CHAIR BANGS: Thank you, Patty.  
36 Point well taken.

37

38                   Mr. Douville.

39

40                   MR. DOUVILLE: I do not intend to support  
41 the proposal for some of the same reasons that you  
42 stated. We have to have a conservation concern in order  
43 to close an area and obviously there's not one here  
44 because the threshold is like 25,000 tons and we're well  
45 above that. To do it because we want to provide a  
46 sanctuary is not good grounds, I don't believe. And it  
47 doesn't look like -- it looks like to me that no one's  
48 going to lose or gain either way here. If they're not  
49 getting subsistence needs met and the biomass is big  
50 enough certainly to do that, there's other issues

1 involved that don't involve the biomass. It's something  
2 -- the fish are being pushed around or there's some other  
3 reason for it that has to be addressed and I don't think  
4 closing this is the answer to it. And I don't think we  
5 have the proper justification to do it or evidence  
6 provided for us to do so.

7

8 VICE CHAIR BANGS: Thank you, Mike.  
9 Merle.

10

11 MS. HAWKINS: Yeah, I would oppose this  
12 proposal. On Page 137 it talks about the three studies  
13 that were supposed to provide the information we need to  
14 justify this, and the BIA study, what, they said it was  
15 thick and complex and the report is to come and also that  
16 it hasn't been peer reviewed. Well, when we did our BIA  
17 study in the Ketchikan area pursuing rural status, it  
18 wouldn't be accepted until it had that peer review. And  
19 so I don't see that the scientific information has been  
20 provided. Certainly the public testimony is valuable.  
21 But for me, from Ketchikan, and not having rural status  
22 which we fought for and didn't get, we don't have any  
23 more Joe Demmerts or Leo Woods that bring deck loads of  
24 herring eggs down to our community. That was our Easter  
25 in Ketchikan, that was our spring. And that's like a  
26 community event and they still do that in Sitka and I  
27 know that they share what they can and there's been  
28 attempts to bring down herring eggs, but this is going to  
29 shut off that opportunity for -- and, you know, we know  
30 now that the majority of seine permits are owned by non-  
31 Natives and even out of state people so they wouldn't  
32 have the opportunity to get the herring eggs and bring  
33 them to the various communities that don't have access to  
34 them. And it's even more important now because of that  
35 major change but also because Ketchikan, Ketchikan Indian  
36 Community Tribe has taken over the daily lunch program  
37 and try -- attempt to provide the food necessary for the  
38 diets of our elders that are in their older years or 60s  
39 to their 90s and even up to 100 years old. I sit and  
40 have lunch with some guy that's in his 100s now and so  
41 the other day we had hot dogs and tater totes, you know,  
42 when they can provide red snapper, which they have, and  
43 people have provided halibut, they can, but for me  
44 shutting off that opportunity is -- and I know that I  
45 represent all of Southeast Alaska in my decisionmaking  
46 but, you know, I just don't see this benefiting and I  
47 don't see the conservation concern, and it's not working  
48 for me, so I would oppose this.

49

50 Thank you.

1 VICE CHAIR BANGS: Thank you, Merle.  
2 Anyone else.  
3  
4 Ms. Needham.  
5  
6 MS. NEEDHAM: Thank you, Mr. Chairman.  
7 I appreciate all of the Council's comments. You've  
8 provided a lot of information that I haven't been able to  
9 really consider. I just want to put on the record that  
10 as a newer Council person, since 2010, I haven't been  
11 able to have the benefit of the information that some of  
12 the older Council members have had regarding this issue  
13 because the proposal has been deferred a number of times,  
14 and so I think based on that -- I want to support the  
15 proposal in my heart, but I think I'm probably going to  
16 abstain for lack of information.  
17  
18 VICE CHAIR BANGS: Thank you.  
19  
20 MR. KOOKESH: Question.  
21  
22 VICE CHAIR BANGS: Question's been called  
23 for. It seems that the vote is going to be split here  
24 and we don't have a secretary to do a roll call so would  
25 it be appropriate to show a raise of hands.  
26  
27 CHAIRMAN ADAMS: Get someone to do the  
28 roll call.  
29  
30 VICE CHAIR BANGS: Would you like to do  
31 that?  
32  
33 CHAIRMAN ADAMS: Have Robert do it.  
34  
35 VICE CHAIR BANGS: Mr. Larson, could you  
36 do a roll call vote, please.  
37  
38 MS. HAWKINS: Mr. Chair. Could I have a  
39 point of clarification first.  
40  
41 VICE CHAIR BANGS: Merle.  
42  
43 MS. HAWKINS: Is Ms. Needham's an  
44 appropriate reason for abstaining according to Robert's  
45 Rules of Order.  
46  
47 VICE CHAIR BANGS: Is that appropriate,  
48 I.....  
49  
50 MS. HAWKINS: I don't believe it is. I

1 don't think so.

2

3 MR. LARSON: Mr. Chair. It's my  
4 understanding that a person's personal preferences here  
5 is -- we're not forcing her to vote.

6

7 MS. HAWKINS: I think you're wrong.

8

9 MR. LARSON: If she's voting her  
10 conscious and that prevents her from voting, then that is  
11 her personal decision.

12

13 Thank you.

14

15 VICE CHAIR BANGS: Thank you. Does that  
16 answer your question, Ms. Hawkins.

17

18 MS. HAWKINS: Not really because I've  
19 been a tribal leader for over 12 years and it just  
20 doesn't seem like an appropriate reason to not vote from  
21 what I've learned, but I'm not going to push the issue.

22

23 Thank you.

24

25 VICE CHAIR BANGS: Thank you. Any one  
26 else, any comments -- well, the question's been called --  
27 Bert.

28

29 CHAIRMAN ADAMS: I do have a final  
30 comment here, Mr. Chairman. You know as I sat before the  
31 Federal Subsistence Board on this issue, you know, the  
32 times that it was brought up at their table the thing  
33 that kept circulating in my mind is that this is Federal  
34 waters and they do have the authority to open or shut or  
35 close or do whatever but they get a lot of pressure from  
36 the other user groups, the State and, you know, they  
37 failed to listen to Sitka. They failed to listen to  
38 Sitka because of those and, you know, I'm a proponent of  
39 traditional and ecological knowledge and I am just going  
40 to reemphasize again that those -- we have it on record,  
41 we listened to them and I'm going to stick with my guns  
42 and I'm going to vote in favor of this proposal.

43

44 Thank you.

45

46 VICE CHAIR BANGS: Thank you, Mr.  
47 Chairman. I didn't get a chance to weigh in here. I  
48 should have done it a little earlier.

49

50 I think I'm going to vote against this

1 proposal just because I think it will be detrimental to  
2 some subsistence users and I think that alone is  
3 substantial enough for me to not have the justification  
4 to vote for this proposal.

5  
6 Thank you.

7  
8 Mr. Douville.

9  
10 MR. DOUVILLE: I already said I was  
11 opposed to it but, you know, some significant strides  
12 have been made since this proposal was first initiated.  
13 It's changed a lot. I mean you've got a Board proposal  
14 here that does exactly what Sitka Tribe was trying to do,  
15 maybe not in as big as area as they wished but  
16 significant progress has been made in that direction  
17 since this was first submitted, but I think it's in a  
18 favorable direction and I would like to give that an  
19 opportunity to work, too.

20  
21 VICE CHAIR BANGS: Thank you, Mike. So  
22 are we ready to take a vote.

23  
24 (Council nods affirmatively)

25  
26 VICE CHAIR BANGS: Mr. Larson.

27  
28 MR. LARSON: Final vote on deferred  
29 herring proposal for Makhnati Islands.

30  
31 Mr. Hernandez.

32  
33 MR. HERNANDEZ: I vote yes.

34  
35 MR. LARSON: Ms. Hawkins.

36  
37 MS. HAWKINS: No.

38  
39 MR. LARSON: Mr. Nielson is absent. Mr.  
40 Ackerman.

41  
42 MR. ACKERMAN: Yes.

43  
44 MR. LARSON: Mr. Kookesh.

45  
46 MR. KOOKESH: Yes.

47  
48 MR. LARSON: Ms. Phillips.

49  
50 MS. PHILLIPS: No.

1 MR. LARSON: Mr. Adams.  
2  
3 CHAIRMAN ADAMS: Yes.  
4  
5 MR. LARSON: Mr. Kitka is absent. Mr.  
6 Bangs.  
7  
8 VICE CHAIR BANGS: No.  
9  
10 MR. LARSON: Mr. Douville.  
11  
12 MR. DOUVILLE: No.  
13  
14 MR. LARSON: Mr. Wright.  
15  
16 MR. WRIGHT: No.  
17  
18 MR. LARSON: Ms. Needham.  
19  
20 MS. NEEDHAM: Abstain.  
21  
22 MR. LARSON: Mr. Yeager.  
23  
24 MR. YEAGER: No.  
25  
26 (Pause)  
27  
28 MR. LARSON: Mr. Chair. We're 11 members  
29 present. There is four yes, six no's, with one  
30 abstention. The proposal fails.  
31  
32 VICE CHAIR BANGS: Thank you, Mr. Larson.  
33 The proposal fails.  
34  
35 So moving on to the rest of the agenda.  
36 We're down to State of Alaska regulatory proposals. Is  
37 there someone from the State that's going to -- it  
38 wouldn't be the State that would address -- do we have a  
39 Staff report on upcoming reports to the Board of Game.  
40  
41 (No comments)  
42  
43 VICE CHAIR BANGS: Anybody have any --  
44 okay, Doug Larson.  
45  
46 MR. D. LARSON: Thank you, Mr. Chairman  
47 and Council members. For the record my name is Doug  
48 Larson and I'm the Division of Wildlife Conservation's  
49 regional supervisor for Southeast Alaska.  
50

1                   And, Mr. Chairman, I really am sensitive  
2 to the Council's time. I don't want, obviously, to spend  
3 a bunch of time on things that aren't either relevant to  
4 this meeting or to your needs. And, so while I have a  
5 fair amount of information that I could provide relative  
6 to wildlife activities across the region and certainly  
7 relative to the Board of Game process, if nothing else,  
8 I really want to respect your time knowing that you're  
9 under a fairly tight agenda.

10

11                   So with that said, I guess the one thing  
12 that would perhaps be useful is for me to share what the  
13 Board's process is, a timeline so that you can engage in  
14 that effort. Would that be appropriate, Mr. Chairman?

15

16                   CHAIRMAN ADAMS: (Nods affirmatively)

17

18                   MR. D. LARSON: So I guess one of the  
19 things that's changed with the State is that we now have  
20 a single call for proposals, for wildlife proposals. It  
21 used to be we would do them a couple of times during the  
22 year but now it's all done at one time. And the reason  
23 for that is to give the public and other agencies and  
24 entities an opportunity to see those proposals and spend  
25 more time reviewing and responding to them. And, so with  
26 that in mind, the deadline for proposals for this next go  
27 around for State proposals was on May 1st, so that's  
28 obviously come and gone. The proposal packet was  
29 available to the public on June 30th, which, again, has  
30 passed. We, within the Wildlife Division, are right now  
31 in the process of developing our analysis and  
32 recommendations on the 39 proposals that are pertinent to  
33 Southeast.

34

35                   Now, again, this call for proposals is  
36 statewide, but for our purposes in Southeast we've got 39  
37 proposals that we'll be addressing.

38

39                   And we will have our analysis and  
40 recommendations into our Board support section in mid-  
41 November, and then in December, probably mid-December, we  
42 would have those analysis and recommendations available  
43 to the public so that they then could see what we're  
44 thinking and respond as they feel appropriate. Now,  
45 obviously within the State/Federal system we work pretty  
46 closely with our Federal counterparts, and so as we  
47 develop analysis and recommendations and have discussions  
48 in terms of discussions about those, we certainly  
49 entertain and are very interested in sharing those  
50 thoughts with Federal counterparts so that we're -- to

1 the extent that we can understand one another's  
2 perspectives and what we're trying to get to.

3  
4                   The Board meeting will take place here in  
5 Sitka, January 11th through the 15th. One of the things  
6 I think has been really useful, in November of 2010,  
7 which was the last time the Board of Game met in  
8 Southeast, we had Mr. Douville there as a representative  
9 from the RAC, that was huge in terms of having somebody  
10 there that could talk to us on side bars and offer  
11 insights and stuff from the RAC's perspective, at least  
12 he could represent that. And I thought that was really  
13 huge, it's really something that we would hope to see  
14 happen at the upcoming meeting in January as well. So  
15 one piece of action that the Council may want to take up  
16 is identifying somebody or at least recognizing the value  
17 of having somebody from the RAC participate in that  
18 meeting.

19  
20                   Of the proposals that are in the book,  
21 the 39, several of them, if the Board of Game was to take  
22 affirmative action on them and pass them, they would have  
23 relatively little impact or effect in the big picture,  
24 and the reason is many of the proposals, as you can  
25 appreciate, really fall in areas that are more linked to  
26 people that are Federally-qualified as subsistence users.  
27 And so while it may affect people from Ketchikan or  
28 Juneau or Anchorage or elsewhere under State regulations,  
29 without similar regulations by the RAC, really a lot of  
30 these things wouldn't have too much of an effect, at  
31 least, wouldn't have the kinds of effects that we would  
32 be hoping to get by supporting those proposals, and by  
33 the Board of Game supporting those proposals. So I think  
34 that's pretty huge, as well, in terms of, you know, the  
35 RAC looking at those proposals and then when your cycle  
36 comes around looking to see what could be done to mirror  
37 those where you feel it is appropriate for justified  
38 reasons, that we would hopefully be able to provide you  
39 with and then have seasons that were in line or methods  
40 and means that were in line and so forth.

41  
42                   So, Mr. Chairman, that's a general  
43 overview. And, again, I'm more than happy to go through  
44 proposals or issues or activities that we're involved  
45 with on the State side, but, again, I'm very sensitive to  
46 your time and I do appreciate the opportunity to be here  
47 and to offer whatever I can.

48  
49                   Thank you.  
50

1 VICE CHAIR BANGS: Thank you, Doug. Any  
2 questions.

3  
4 (No comments)

5  
6 VICE CHAIR BANGS: I have one question  
7 that I'd kind of bring to the Council. It's too late for  
8 us, at this point, to comment on the proposals without  
9 the knowledge of the analysis because we won't have our  
10 next meeting until, you know, the late winter, but I feel  
11 partially like I dropped the ball on my own thoughts by  
12 not reading the book when it came out and bringing some  
13 thoughts to the Council if there is proposals that would  
14 affect us. And my question is, is there proposals that  
15 you can think of that are directly going to affect  
16 subsistence users?

17  
18 MR. D. LARSON: Mr. Chairman, yes, there  
19 are. And, actually one of the things that Mr. Larson,  
20 the other Mr. Larson did, on the Council's behalf, was  
21 provided the Council with some of the proposals and us,  
22 as well, on the State side, that he thought might be of  
23 most relevance to the Council. And we certainly have  
24 some, at least, initial thoughts relative to those  
25 proposals. There's a handful of them, and I think you  
26 received a handout from him. Now, those are ones that I  
27 could go through if you're interested in me doing so, but  
28 it might not be a quick thing.

29  
30 VICE CHAIR BANGS: Okay. I don't think  
31 we need to go through them -- or need to go through them,  
32 but I would hope that the Council would come with some  
33 comments or concerns or ideas to add to the process  
34 before the Board of Game meeting.

35  
36 Is there any Council members that have  
37 specific thoughts on any of the proposals that we might  
38 want to take action on?

39  
40 MS. PHILLIPS: Mr. Chair.

41  
42 VICE CHAIR BANGS: Yes, Ms. Phillips.

43  
44 MS. PHILLIPS: Thank you, Mr. Bangs. We  
45 could have a teleconference about it at a more -- after  
46 we've had more of a chance to review those proposals.

47  
48 VICE CHAIR BANGS: That's definitely a  
49 possibility we've done that before. Maybe we could  
50 report to Mr. Larson between now and the end of the year

1 as individuals and see if there's enough, you know, if  
2 there is any concerns and then we could arrange for a  
3 teleconference. Would that be possible, Mr. Larson?

4

5 MR. LARSON: Yes, Mr. Chair. Actually it  
6 would be more appropriate for you to contact your  
7 Chairman to identify the need for a teleconference and we  
8 would work with the Chair and the rest of the Council to  
9 establish a time and place for a teleconference for a  
10 specific reason and in this case it would be to review  
11 the State's analysis, Staff analysis of the Board of Game  
12 proposals. Yes, that's absolutely necessary -- or  
13 appropriate and something we could do.

14

15 VICE CHAIR BANGS: Okay, thank you, Mr.  
16 Larson. Thank you, Doug.

17

18 If there's no more questions.....

19

20 MR. DOUVILLE: I got one.

21

22 VICE CHAIR BANGS: Mr. Douville.

23

24 MR. DOUVILLE: I guess we'll get into  
25 this farther at some point but there's one proposal, No.  
26 23, open resident hunting season seven to 10 days before  
27 non-resident seasons for Southeast Region Unit, and I  
28 have some questions about that and perhaps maybe some  
29 concerns.

30

31 But one of them would be, is that  
32 proposal wanting to open the season earlier or delaying  
33 the season for non-residents; you know what I mean?

34

35 MR. D. LARSON: Through the Chair. Mr.  
36 Douville. Yes, I do know what you mean, and, frankly  
37 it's not clear to us either which of those approaches the  
38 proponent is asking for. We need to get clarification  
39 from them. But I guess the one thing I can say is when  
40 it comes to things like that, that's an allocation issue,  
41 clearly, and we would recommend to the Board that we --  
42 we would say we have no recommendations because, I mean  
43 it's really about who's going to get what, you know,  
44 who's going to get early use in this particular instance.  
45 So regardless of which approach is desired by the  
46 proponent the recommendation that we would give the Board  
47 would be the same, then it's on the Board's shoulders to  
48 determine whether they feel that it's appropriate to give  
49 residents an advantage or not.

50

1                   Historically they have not done that, and  
2 so I don't know if that means they would in the future  
3 but at least for what it's worth, historically they  
4 haven't gone there.

5  
6                   VICE CHAIR BANGS: Any other questions  
7 for Mr. Larson.

8  
9                   Mr. Hernandez.

10  
11                  MR. HERNANDEZ: If I could just ask a  
12 quick question, not directly related to this but previous  
13 action.

14  
15                  How did the required reporting go this  
16 past season for deer hunting in Southeast, you got some  
17 results back from that?

18  
19                  MR. D. LARSON: Through the Chair. Mr.  
20 Hernandez. Actually that's a really good topic. And  
21 number 1, I guess, just by way of a quick history review,  
22 this Council, I think, as has the Board of Game, and  
23 certainly our Staff and I think Federal Staff as well,  
24 collectively, have felt that the harvest surveys that  
25 we've used in the past have been less than ideal in terms  
26 of really getting a good handle on what kinds of harvest  
27 we have across the region. So what Mr. Hernandez is  
28 describing is we went to an actual reporting system.  
29 Last year we actually implemented that program where  
30 people could go on line and report their harvest on line.  
31 Well, unfortunately when technology works it's great,  
32 when it doesn't it's not. And, sadly, that technology,  
33 the online reporting part of it, did not work well, and  
34 so we ended up having to regroup and sending out notices  
35 to people to get feedback because the stuff we'd gotten  
36 through the electronic system was not what we could  
37 depend upon.

38  
39                  So in answer to your question, Mr.  
40 Hernandez, I guess this is one of those out of the gate  
41 bumps, a fairly large bump, and we believe at this point  
42 that we've corrected that and we would expect that the  
43 information we get henceforth will be better, but we  
44 haven't given up completely on the data that we have  
45 because we have used other techniques to go back and  
46 resurvey people but it isn't as good as we had hoped and  
47 would anticipate it being once it's in place and working.

48  
49                  VICE CHAIR BANGS: Any other comments or  
50 questions.

1 (No comments)

2

3 VICE CHAIR BANGS: Thank you, Doug.

4

5 MR. D. LARSON: Thank you, Mr. Chairman.

6

7 VICE CHAIR BANGS: There's been a request  
8 for C&T workgroup to just go over, and start the  
9 discussion on the work that they did.

10

11 Cathy.

12

13 MS. NEEDHAM: Thank you, Mr. Chair. I'd  
14 like to request on behalf of the workgroup that Pat  
15 Petrivelli sit at the table to offer technical assistance  
16 in our discussion portion of the C&T use process. For  
17 the record I'm going to read into the record the briefing  
18 paper that I handed out to all of you on Monday, which I  
19 hope you've had a chance to take a quick look at, but if  
20 not you can listen while I read it into the record.

21

22 A draft policy of the customary and  
23 traditional use determination process was subject to  
24 public comment and during the fall of 2007 Regional  
25 Advisory Council meeting window. The Federal Subsistence  
26 Board deferred finalization on that policy in March of  
27 2008. In September of 2010 the Secretaries directed the  
28 Federal Subsistence Board with RAC input to review  
29 customary and traditional use determination process to  
30 provide clear, fair, and effective determinations in  
31 accordance with Title VIII of ANILCA, goals and  
32 provisions and recognize that changes would require -- if  
33 the process was not working it'd recognize that changes  
34 would be required to new regulations.

35

36 During March 2011 meeting in Sitka the  
37 Southeast RAC was asked for input on the C&T process. A  
38 subcommittee was assigned and developed recommendations.  
39 I also handed out a paper on Monday that gave the full  
40 recommendation of that subcommittee. Three things I'd  
41 like to highlight from it, are:

42

43 The subcommittee wanted to know that  
44 ANILCA does not require the customary  
45 and traditional use determinations be  
46 made nor that the eight factors be used  
47 in evaluating subsistence uses. ANILCA,  
48 itself, does allow for a Section .804  
49 analysis during times of shortage to  
50 allow for a subsistence priority, so,

1 therefore C&T use determinations are not  
2 required under ANILCA.

3  
4 The C&T determination and the eight  
5 factor analysis is a carryover in  
6 implementing regulations from when the  
7 State of Alaska managed subsistence and  
8 at that time it was unknown how long the  
9 Federal government would maintain  
10 management authority.

11  
12 The State of Alaska is known to continue  
13 to have strict interpretation of how the  
14 Federal Subsistence Board applies the  
15 eight factor analysis and has even sued  
16 over how these factors have been  
17 applied.

18  
19 During the March 2012 meeting in Juneau,  
20 an update on the Secretarial Review by Pete Probasco  
21 stated that nine Regional Advisory Councils felt that the  
22 C&T use determination process was adequate and only the  
23 Southeast Alaska Regional Advisory Committee had comments  
24 or changes to that process. Mr. Probasco stated that the  
25 ball was back in the Southeast Regional Advisory  
26 Council's court if they wished to pursue the matter  
27 further. At the end of that meeting, a workgroup was  
28 assigned, and that workgroup consists of Patty Phillips,  
29 Tim Ackerman and myself, as well as we've received Staff  
30 support from Pat Petrivelli, Pippa Kenner and Robert  
31 Larson. The workgroup had discussion via email and phone  
32 and a teleconference to discuss recommendations. The  
33 workgroup reviewed the 2007 draft policy, the public  
34 comments that came from that draft policy public review,  
35 the other Regional Advisory Council transcripts from the  
36 spring of 2011 meeting where the RACs were requested to  
37 give input into the process and the Federal Subsistence  
38 Board transcripts that summarized the Regional Advisory  
39 Council input on the C&T process.

40  
41 At this time this workgroup has the  
42 following recommendations.

43  
44 Two of the subjects -- this is at the end  
45 of the briefing papers, the three bullet items. Two of  
46 the subjects we felt -- the first two subjects we felt  
47 needed to be actually discussed by the Southeast RAC and  
48 put into record in order for us to make our third  
49 recommendation. And these were recommendations that came  
50 out of the original subcommittee on the subject matter.

1                   The first thing that we are hoping that  
2 this Regional Advisory Council will discuss is striking  
3 C&T use determination regulations altogether. That was  
4 a recommendation that came out of that subcommittee and  
5 the Council, as a whole, did not discuss that as an  
6 option or whether or not it's a wish of this Council in  
7 moving forward. And the workgroup thinks when considering  
8 this particular subject that you should ask two  
9 questions:

10

11                   Why should a C&T use determination be  
12 made.

13

14                   As a management tool, how can C&T use  
15 determination process be used to meet  
16 subsistence needs.

17

18                   So we'd like the Regional Advisory  
19 Council to discuss that part so that, we, as a workgroup  
20 can understand where this Council, how we want to move  
21 forward.

22

23                   The second discussion item is also, we  
24 felt needed further discussion from the Council as a  
25 whole, which was a recommendation from the subcommittee  
26 and that's: To discuss a specific regulation change.  
27 The original subcommittee, their first recommendation was  
28 to strike the C&T use determination process altogether,  
29 but in light of that not being feasible they recommended  
30 a specific regulation change to 50 CFR 100.16.A, and that  
31 particular regulation change is on the paper that I  
32 handed out on Monday that is the original recommendation  
33 from the subcommittee.

34

35                   After these two discussions have  
36 happened, the workgroup feels that an action item that  
37 can come out of this meeting is that the Southeast  
38 Regional Advisory Council reengage the other Regional  
39 Advisory Councils across the state on the subject matter.  
40 We advise that the -- we're recommending that we reengage  
41 them because so far what's been reported back to us is  
42 that they were okay with the process as is, but when we  
43 reviewed the materials and the transcripts from the  
44 Regional Advisory Councils, there was a lot of discussion  
45 that was not privy to other Regional Advisory Councils  
46 and it seemed like they actually weren't in support of it  
47 at all. And so any regulation change that comes about on  
48 the C&T use determination process has statewide effects  
49 and so the workgroup has recommended that our RAC contact  
50 the other RACs and ask them to have another discussion

1 regarding C&T use determination process at their spring  
2 2013 meetings. And I'll point out on a final note that  
3 I handed out a draft letter that the workgroup put forth  
4 to try to streamline the process if the Council wishes to  
5 send a letter to the other Regional Advisory Councils.  
6 It's a draft letter that we can work from.

7

8 Thank you.

9

10 VICE CHAIR BANGS: Thank you, Cathy. And  
11 thank you to the workgroup that put a lot of work in, it  
12 looks like.

13

14 So what's the Council's wish on this,  
15 questions to the workgroup or any comments.

16

17 MS. PHILLIPS: Mr. Chair.

18

19 VICE CHAIR BANGS: Ms. Phillips.

20

21 MS. PHILLIPS: Thank you. As we've all  
22 heard the differences between the Federal and State  
23 programs, they have different mandates. The Federal  
24 Program's limited to rural users and the State program  
25 encompasses commercial, sport and subsistence. This  
26 customary and traditional use determinations came out of  
27 the Secretarial Review of the Federal Subsistence Program  
28 as a directive to the Federal Subsistence Board to ask  
29 the RACs their -- ask the RACs for their, what, advice,  
30 or input on the customary and traditional use  
31 determinations.

32

33 I feel that OSM did not -- did a  
34 disservice to the RACs in their presentations to the RACs  
35 across the state. There was not consistency in OSM's  
36 Staff presentations to the RACs, and it was a bit  
37 misleading when they said that the other RACs didn't have  
38 a problem with the way things were and I did review the  
39 transcripts of the Federal Subsistence Board meeting and  
40 the RAC meetings across the state and there are very  
41 valid points that the RAC members and Board bring to the  
42 tables that should have been shared with the RACs, and  
43 that would more engage the RACs to bring additional  
44 recommendations concerning C&T to the discussion. C&T is  
45 really like a puzzling or it's complex and so, you know,  
46 how are you supposed to just come before us and say, you  
47 guys -- are you okay with it or not and what are your  
48 concerns, well, we didn't even have -- like our statement  
49 says we had no background material to -- I mean to have  
50 us make an informed deliberation and so anyways -- so,

1 you know, what is the effects of C&T and that's what I'd  
2 like to ask Ms. Petrivelli, is, you know, what is C&T and  
3 what affects does it have on us as rural users.

4

5 Thank you.

6

7 VICE CHAIR BANGS: Pat.

8

9 MS. PETRIVELLI: Well, when the Board  
10 makes a customary and traditional use determination, what  
11 that means is that the Federally-qualified users that are  
12 given that determination are the only people allowed to  
13 harvest under Federal regulations. So once that  
14 determination is made it becomes a restrictive  
15 determination. So some people see that as advantage of  
16 providing the preference but as you look at the different  
17 determinations made -- and I think you've dealt with that  
18 like when Gustavus asked for the determination for the  
19 Berner's Bay moose, it would have restricted all of --  
20 well, that Berner's Bay moose just to the residents of  
21 Gustavus but then the analysis said, let's look at the  
22 whole thing because that determination -- because there  
23 was no determination I think then or it was a negative,  
24 but your Council took a look at it and recognized all the  
25 users in evaluating that determination.

26

27 But whenever a determination is made,  
28 once it is made, only the people recognized in the  
29 determinations can qualify -- harvest under Federal  
30 regulations.

31

32 VICE CHAIR BANGS: Ms. Phillips.

33

34 MS. PHILLIPS: Mr. Chair. Did that  
35 answer the question of why are C&T determinations being  
36 made?

37

38 MS. PETRIVELLI: That only says they're  
39 being made. That doesn't really answer why they're being  
40 made. But when you look at the regulations it just says  
41 -- the process identifies -- it just states there is a  
42 process for identifying how to make them, it doesn't say  
43 why they're being made.

44

45 VICE CHAIR BANGS: Merle.

46

47 MS. HAWKINS: So another example would be  
48 the Saxman people have the C&T for Hugh Smith Lake and  
49 Naha?

50

1 MS. PETRIVELLI: Those determinations  
2 were leftover from the State of Alaska and the State of  
3 Alaska had a different system and a different purpose for  
4 making determinations, but the Federal Board adopted  
5 existing State determinations. And with the  
6 understanding that they would be reviewed on an as-needed  
7 basis as the different users brought it up. Because like  
8 for Prince of Wales Island, certain communities only had  
9 determinations for fish use like Craig and Hydaburg and  
10 eventually this Council looked at the whole C&T  
11 determinations and made a broader determination that  
12 recognized rural residents' use that were broader than  
13 the existing State one. They haven't addressed any of  
14 the Saxman determinations.

15  
16 VICE CHAIR BANGS: Anything -- Ms.  
17 Phillips.

18  
19 MS. PHILLIPS: Thank you, Mr. Chair. In  
20 your involvement of being at RAC meetings and at the  
21 Federal Subsistence Board meetings, what other approaches  
22 have been discussed to address C&T use?

23  
24 MS. PETRIVELLI: Well, I know in the past  
25 this Council has tried to broaden the use by recognizing,  
26 say, all fish in a certain area and I think that's what  
27 this Council did with the Prince of Wales Island, like  
28 all fish in a certain area for certain residents. But --  
29 and throughout the state, like in the Kotzebue area, you  
30 know, in that Kotzebue fisheries management area all  
31 residents of the Kotzebue fisheries management area are  
32 recognized as a positive customary and traditional use of  
33 all fish in that fisheries management area. But it is a  
34 really scattered, varied approach with that patchwork of  
35 determinations across the state because the Board wants  
36 to recognize the regional differences.

37  
38 And then, of course, the State, because  
39 they don't provide a priority for anyone, they just  
40 identify species in areas, they don't recognize residents  
41 or groups of residents having a determination.

42  
43 VICE CHAIR BANGS: Anything else.

44  
45 MS. PHILLIPS: Mr. Chair.

46  
47 VICE CHAIR BANGS: Ms. Phillips.

48  
49 MS. PHILLIPS: Is there a requirement for  
50 C&T use determinations in ANILCA?

1 MS. PETRIVELLI: And I think -- well, we  
2 have that in there, but there's Section .804, and Section  
3 .804 just says whenever it's necessary to restrict the  
4 taking of populations of fish and wildlife on such lands  
5 for subsistence uses, and it says, when you have to  
6 protect the continued viability then there's those three  
7 criteria: customary and direct dependence upon the  
8 populations; local residency and availability of  
9 alternative resources

10  
11 That's the only place where it mentions  
12 customary use being a factor, but in ANILCA there isn't,  
13 but it is in the regulations, of course, the regulations  
14 just say there's a process.

15  
16 VICE CHAIR BANGS: I have a question,  
17 something that's always been bothering me about the C&T,  
18 is there's no concise definition of what customary is or  
19 what traditional is because we have C&T findings for  
20 things that were -- for species that were introduced, I  
21 mean there's no exact thing and what I'm getting from you  
22 is the reason that we do this is for restrictive  
23 purposes; is that correct?

24  
25 MS. PETRIVELLI: I wouldn't say the  
26 reason that we do this is for restrictive purposes, the  
27 result is restrictive purposes.

28  
29 The Board has the flexibility to  
30 recognize customary and traditional uses and in some  
31 regions, because the Councils say subsistence is  
32 recognized as an opportunistic use that people -- you  
33 know there's some feeling that maybe the species carries  
34 the subsistence determination with it, like, say if deer  
35 keeps moving north with climate change, that would that  
36 become -- keep being a subsistence species as it moves  
37 north. You know, and like goat on Kodiak Island, of  
38 course, Kodiak Island's odd because they have like 28  
39 introduced species, and deer is an introduced species and  
40 it's a subsistence use. Goat is not recognized yet but  
41 it's almost inhabited the whole island and there's a  
42 large population. It's just the question of recognizing  
43 the function of the species, you know, that people see it  
44 and they use it as food, does that make it a subsistence  
45 use. But it's usually -- the Board likes to listen to  
46 the Council and the Council listens to subsistence users.

47  
48 VICE CHAIR BANGS: Thank you. Any other  
49 comments.

50

1 (No comments)

2

3 VICE CHAIR BANGS: What's the wish of the  
4 Council, how do you want to proceed, Cathy?

5

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

7

8 I also want to point out that the -- or  
9 I want to re-point out that the workgroup acknowledged  
10 that the Secretaries directive was to look at the C&T use  
11 determination process and they acknowledged that if it  
12 was not working that regulation changes would need to  
13 occur and the subcommittee in the March meeting here in  
14 Sitka, the previous meeting, you know, their primary  
15 recommendation was to just eliminate the C&T process  
16 because it wasn't required under ANILCA, and then also  
17 they realized at that point in time that that might not  
18 be an easy feat and so they came up with an alternative  
19 and that was to amend regulations, and the subcommittee  
20 recommended to modify 50 CFR 100.16.A and that regulation  
21 states:

22

23 The Board shall determine which fish  
24 stocks and wildlife populations have  
25 been customarily and traditionally used  
26 for subsistence. These determinations  
27 shall identify the specific communities  
28 or areas used for specific fish stock  
29 and wildlife population.

30

31 Instead the subcommittee recommended that  
32 that regulation allow for rural subsistence users to be  
33 allowed to harvest every and all species that they have  
34 traditionally used in their traditional, both past and  
35 current geographic areas.

36

37 And this Council, at the end of that  
38 meeting, forwarded these recommendations directly on to  
39 the Federal Subsistence Board, and, again, that's a  
40 regulation change that would affect the entire state, the  
41 other RACs as well, not just our region. And so I don't  
42 know if it warrants additional discussion. It hasn't  
43 been discussed if that is something that if this Council  
44 feels we should potentially move towards requesting to  
45 have C&T process eliminated altogether or if we should  
46 actually put that specific modified changes, they're two  
47 different things, the outcomes of those two  
48 recommendations are different and so it would be nice to  
49 know prior to sending the letter out to the other  
50 Regional Advisory Councils to ask them to consider these

1 things if we are going to head toward -- it would be nice  
2 to know if this Council is still hoping to head towards  
3 making regulation changes.

4

5 Thank you.

6

7 VICE CHAIR BANGS: Thank you, Cathy.  
8 Where do you want to go with this? I mean we have some  
9 directives and some outline of what we can do, but we  
10 need to decide if we're going to move forward with this  
11 process of either modifying it or sending letters to the  
12 other Councils.

13

14 Bert.

15

16 CHAIRMAN ADAMS: Well, thank you, Mr.  
17 Chairman. I'm just wondering if the working group has a  
18 recommendation that the Council could consider at this  
19 point.

20

21 Thank you.

22

23 VICE CHAIR BANGS: Cathy.

24

25 MS. NEEDHAM: Thank you. The problem is,  
26 is we haven't had a discussion as a Council so the  
27 workgroup didn't have anything in the record to be able  
28 to review to know whether or not the wish of the Council  
29 was to move forward with one regulation change over the  
30 other. I think at the end of the last meeting the  
31 Council took the subcommittee's recommendation, but there  
32 was no further discussion about whether or not it was  
33 preferable to strike the C&T -- that they would move  
34 towards striking the C&T use process altogether or if  
35 they would just modify the one regulation that might help  
36 alleviate some of the confusion in the C&T process.

37

38 Because that discussion hasn't happened  
39 the workgroup could not make a recommendation because we  
40 don't know how the Council wants to move forward on those  
41 two points.

42

43 And, maybe if I might add, maybe that is  
44 something that we could put on the agenda for our spring  
45 meeting to discuss in more detail and if that's the case  
46 we would amend the draft -- and then if we subsequently  
47 decide that we want to send a draft letter to the other  
48 Regional Advisory Councils to engage them in being able  
49 to also look at both of those options for potential  
50 regulation changes and discuss it in their spring

1 meeting, then we can just revise the draft letter a  
2 little bit to reflect the fact that we don't have a  
3 preference one way or another but we still want the other  
4 Regional Advisory Councils in the state to not just give  
5 up on -- or think that they don't have further venue in  
6 giving input into this process if it's not working for  
7 them.

8

9 Thank you.

10

11 VICE CHAIR BANGS: Thank you, Cathy.

12 Bert.

13

14 CHAIRMAN ADAMS: Taking this into  
15 consideration I would move that we put this to our agenda  
16 for the next meeting until we hear from the other RAC  
17 organizations and from there on I think maybe we would be  
18 able to come up with a better recommendation.

19

20 I don't see where we can do anything  
21 right now.

22

23 VICE CHAIR BANGS: Thank you, Bert. I  
24 have a question for Ms. Petrivelli. If we were to strike  
25 C&T altogether, would it have a lot of detrimental  
26 effects to the subsistence users in our region?

27

28 MS. PETRIVELLI: Well, if you just struck  
29 it in your region? I guess we'd have to look at all the  
30 regulations, but -- well, what it would mean is that all  
31 rural residents -- if you just -- would you want to just  
32 strike it and just have the Southeast -- residents of the  
33 Southeast region have a C&T or be able to harvest in your  
34 area? I guess technically the premise the Federal  
35 Program operates under is all rural residents are  
36 eligible for subsistence use on Federal public lands  
37 until a determination is made, and once that  
38 determination is made then only the people who have the  
39 determination can harvest. Does that mean if you struck  
40 it, that people from Barrow would come down and hunt deer  
41 in Unit 2, you know, the likelihood of that happening,  
42 you know, I mean it's always put out there by people like  
43 the -- for the State and other things, but, you know,  
44 then there would be the problem when there is a shortage,  
45 but the Federal Program, when they deal with those  
46 shortages they would look at the .804 and they would  
47 restrict the uses under -- in an .804 situation.

48

49 VICE CHAIR BANGS: Thank you. Yeah, I  
50 know that there's problems with different moose

1 populations in the Interior, that they would not want to  
2 lose their C&T findings. So where we're at is to take  
3 the recommendations from our working group and send them  
4 to the other Councils so that we can get feedback from  
5 them and then we'd bring this up at our spring meeting  
6 and make a decision then.

7

8 Ms. Phillips.

9

10 MS. PHILLIPS: Thank you, Mr. Chair. I  
11 think the letter that we drafted does that, doesn't it,  
12 Cathy?

13

14 MS. NEEDHAM: Yeah, I think it does and  
15 the workgroup's recommendation was to actually have an  
16 action item that we voted on to say to send that letter  
17 to the other RACs from this Regional Advisory Council.

18

19 VICE CHAIR BANGS: Thank you.

20

21 Mr. Hernandez.

22

23 MR. HERNANDEZ: Thank you, Mr. Chairman.  
24 I think it would be a good idea for the Council at this  
25 time to endorse the recommendation of the subcommittee,  
26 and that recommendation would be to modify the regulation  
27 and reach out to the other Advisory Councils and see if  
28 they would want to consider that as well and then come  
29 back at a future meeting and see what the results are and  
30 maybe everything could be finalized with a final action  
31 at that time.

32

33 VICE CHAIR BANGS: So are you presenting  
34 a motion for the Council to consider or are you just --  
35 is it needed?

36

37 MR. HERNANDEZ: Well, I think we would  
38 need to vote on it, therefore, it would require a motion.  
39 If one of the subcommittee members could state it more  
40 concisely than I could I'd leave it open to them if they  
41 want to make a motion but I think that's what we need to  
42 do, yes.

43

44 VICE CHAIR BANGS: Cathy.

45

46 MS. NEEDHAM: Are you referring to the  
47 recommendation to modify 50 CFR 100.....

48

49 MR. HERNANDEZ: (Nods affirmatively)

50

1 MS. NEEDHAM: Okay. That came out of the  
2 subcommittee from previous meeting, not necessarily the  
3 workgroup, just for clarification -- I just want to make  
4 that clarification. And then if I could, I'd defer to  
5 Pat Petrivelli to make the clarification on that because  
6 I believe the original subcommittee had discussions and  
7 my familiarity with that particular regulation is not  
8 very strong.

9

10 VICE CHAIR BANGS: Pat.

11

12 MS. PETRIVELLI: You mean the traditional  
13 use one, is that -- oh, shall identify the specific  
14 communities, areas, is that what we're talking about?

15

16 MS. NEEDHAM: On the subcommittee  
17 recommendation handout, not the workgroup handout, but  
18 the subcommittee recommendation handout from the March  
19 2011 meeting, all the way down at the bottom of the page  
20 the subcommittee, their secondary recommendation was to  
21 modify 50 CFR 100.16-A, and the first part of that bullet  
22 item is how the regulation reads, and then this second  
23 half was a discussion that subcommittee had on how to  
24 change it, but I don't have specific language of how that  
25 would be.

26

27 MS. PETRIVELLI: I guess I know when the  
28 subcommittee talked about this I -- that was one of the  
29 things that I had hoped that we would all talk further  
30 because I didn't really understand that either. But --  
31 so -- but it's proposed language so I guess the  
32 regulation it says:

33

34 Shall identify the specific community or  
35 areas use, and community or area means like a community  
36 such as Craig, or areas like all of Prince of Wales  
37 Island uses specific fish stock and wildlife population.  
38 I think the proposed regulation, the change that you  
39 would say, instead of saying use of specific fish stock,  
40 is, use of area, rather than any -- I think that was the  
41 intent of this language to -- to harvest every and all  
42 species that they have traditionally used. And I guess  
43 then the Council would be saying that, in making that  
44 determination, you'd use the eight factors to review an  
45 area, or to determine the area that had been used by --  
46 by people and identify all the species in it that had  
47 been used for subsistence.

48

49 VICE CHAIR BANGS: Mr. Hernandez.

50

1 MR. HERNANDEZ: Thank you. In the  
2 recommendation from the subcommittee there's kind of  
3 three topics. One being -- deals with the deference to  
4 the RACs determinations on customary and traditional use,  
5 and I think that should be included in our -- in any  
6 recommendations that we make to the Board, that we do be  
7 given deference, I think that's important. That we know  
8 the area best, it really should be up to us to how these  
9 determinations are made.

10  
11 Modifying the CFR, I think we need to  
12 specify that -- well, maybe not specify is the right word  
13 -- we need to make it known that we want to do these in  
14 a less specific manner than maybe what's been done in the  
15 past, which apparently was a carryover from State  
16 management.

17  
18 The third point there is about the eight  
19 factors that determine this. And we do want to have a  
20 more holistic approach, if that's kind of a way to state  
21 what we're talking about here, all these specifics on  
22 specific communities dealing with specific fish or a  
23 specific wildlife is not really the way we want to do it,  
24 we want to be more general.

25  
26 And putting all that into words, I don't  
27 know if we can do that right now but we need to make our  
28 intentions known and then the other part of that  
29 recommendation is to send this out to the other RACs and  
30 see what they think about it and I think that gives us an  
31 opportunity to maybe come up with some specific language  
32 for future action, we may hear something back from other  
33 RACs that would help us with that.

34  
35 But I think that's what we need to do, is  
36 just kind of endorse the recommendations on those three  
37 topics and proceed from there.

38  
39 VICE CHAIR BANGS: Ms. Phillips.

40  
41 MS. PHILLIPS: Thank you. We're going to  
42 need a motion to do that. But I'd like to submit some  
43 comments myself.

44  
45 And it's that I heard that there are, you  
46 know, like moose in the Interior, there are C&T  
47 designations already in place already and the RACs may --  
48 those other RACs may view it as a threat to eliminate  
49 those C&T use determinations, so I would request an -- an  
50 additional request for information, a legal briefing from

1 legal counsel, you know, sort of what would happen if we  
2 were to strike C&T use determinations, how could those  
3 concerns about C&T use designations in place be  
4 addressed, you know, a process for transition.

5  
6 Yes.

7  
8 VICE CHAIR BANGS: Mr. Hernandez.

9  
10 MR. HERNANDEZ: Well, I would think by  
11 the Board giving deference to the RACs in making those  
12 determinations could, you know -- would allow the RACs,  
13 if they wanted more specific designations they could  
14 still have them. But it might not work -- what might not  
15 work here in Southeast might work in different areas in  
16 the Interior, but giving the RACs deference in that  
17 determination I think would be important.

18  
19 MS. PHILLIPS: Mr. Chair. I agree with  
20 that, but I think it would be imperative we have a legal  
21 briefing from legal counsel about the -- if we were to  
22 eliminate C&T use determinations in regulation, then what  
23 is that effect on already existing C&T use  
24 determinations.

25  
26 And -- go ahead.

27  
28 MR. HERNANDEZ: I don't think our  
29 recommendation is to do away with them, it's rather to  
30 modify them.

31  
32 VICE CHAIR BANGS: Ms. Needham.

33  
34 MS. NEEDHAM: The original subcommittee's  
35 primary recommendation was to do away with them and the  
36 three bullets that you are addressing was their secondary  
37 recommendation. And I understand we're talking about  
38 what you've brought forth, but I think Patty's sort of  
39 bringing that other recommendation as well, as a  
40 discussion item for the future, of eliminating the C&T  
41 use determination process as is, which is not required  
42 under ANILCA.

43  
44 MS. PHILLIPS: Mr. Chair. I think what  
45 we would send both, you know, we have the one that  
46 eliminates C&T use determinations and then the  
47 alternative is discuss specific regulations and then we  
48 gave specific regulations. I would like feedback from  
49 the other RACs on that whole package.

50

1 VICE CHAIR BANGS: Don.  
2  
3 MR. HERNANDEZ: I guess if we need a  
4 motion, I don't think I'm prepared to make one but if  
5 somebody else could it might be helpful to express what  
6 Patty is saying.  
7  
8 VICE CHAIR BANGS: Cathy.  
9  
10 MS. NEEDHAM: Since I'm the Chair of the  
11 workgroup I don't know if it's appropriate for me to make  
12 a motion but I might throw out there that really all we  
13 need is a motion to engage the other RACs through the  
14 draft letter that the workgroup has prepared.  
15  
16 VICE CHAIR BANGS: Do I have a second.  
17  
18 (Laughter)  
19  
20 MS. PHILLIPS: I second.  
21  
22 VICE CHAIR BANGS: Moved and seconded to  
23 engage the other RACs with a letter that the workgroup  
24 will construct to send to the other RACs and it's drafted  
25 and if everybody is in agreement with that letter we'll  
26 take a vote, unless there's some more discussion.  
27  
28 MR. LARSON: Mr. Chair, thank you. With  
29 the understanding that based on the discussions that have  
30 been taking place at this table right now that there  
31 might be some minor changes to that letter, so it's not  
32 the letter exactly. There will be some, you know,  
33 wordsmithing to make it appropriate and relevant and  
34 really reflective of these discussions.  
35  
36 VICE CHAIR BANGS: Thank you. Does  
37 everybody understand what we're going with here, it's  
38 this letter -- drafted letter and it's going to be  
39 altered a little bit and sent out to the other Councils,  
40 is everybody good with that?  
41  
42 (Council nods affirmatively)  
43  
44 VICE CHAIR BANGS: Okay, then we need to  
45 vote on it.  
46  
47 MR. DOUVILLE: Question.  
48  
49 VICE CHAIR BANGS: Question's been called  
50 for. All those in favor of sending the letter to the

1 other RACs concerning C&T respond by saying aye.

2

3 IN UNISON: Aye.

4

5 VICE CHAIR BANGS: Opposed, nay.

6

7 (No opposing votes)

8

9 VICE CHAIR BANGS: Thank you, Pat. I  
10 think we'll break for lunch and back at 1:30.

11

12 CHAIRMAN ADAMS: Before you break for  
13 lunch and before we forget, I'd just like to recognize,  
14 you know, Tony Christianson, who's a new member of the  
15 Federal Subsistence Board, he's up there. And I also  
16 wanted to make a comment about Jack Lorrigan who has, you  
17 know, been appointed to be the Native liaison.

18

19 MR. KOOKESH: Liaison.

20

21 CHAIRMAN ADAMS: Liaison. And we have  
22 been waiting for someone to fill that position for a long  
23 time, you know, after, was it Carl Jack who had left,  
24 and, you know, I think that they got the right person.  
25 I just wanted to put that on record. And I think he'll  
26 do a fantastic job there for us, so welcome to our  
27 meeting, Tony, and good luck, Jack.

28

29 VICE CHAIR BANGS: Okay, recess until  
30 1:30.

31

32 (Off record)

33

34 (On record)

35

36 VICE CHAIR BANGS: Okay, we need to get  
37 going here so we can get through this agenda.

38

39 We're going to move down to where we're  
40 going to give Mr. Tony Christianson a chance to give us  
41 a presentation.

42

43 CHAIRMAN ADAMS: And, Mr. Chairman, I  
44 understand that you're going to do it in two parts, but  
45 you're going to do the introduction now and then.....

46

47 MR. CHRISTIANSON: Yes, that's correct,  
48 Chairman.

49

50 CHAIRMAN ADAMS: And then you'll want to

1 be put on the agenda for the next meeting so I'm just  
2 kind of, you know, forewarning Council members that  
3 that's the process in how we're going to do this.

4

5 Okay, thank you.

6

7 MR. CHRISTIANSON: I appreciate the  
8 opportunity, thank you. My name's Anthony Christianson,  
9 I'm here representing the Hydaburg Cooperative  
10 Association. And I am a principal investigator on the  
11 Hetta Lake sockeye stock assessment project and received  
12 funding through the FIS process and it's a priority  
13 project for the Council here.

14

15 And the Hydaburg Cooperative Association,  
16 we'd just like to thank this RAC for the continued  
17 support we've received over the last, almost a decade now  
18 in fishery management, especially a priority stock like  
19 sockeye. Like Mr. Chairman stated it's in two parts due  
20 to the time constraints that the Board has and the work  
21 load you guys have. So out of respect for your guy's  
22 process we'll keep it short. We'll develop a graph and  
23 all the bells and pretty pictures that go along with the  
24 project.

25

26 But in short, we just want to speak to  
27 the process and what the law and the opportunity was for  
28 us to engage in fisheries and how important it has been  
29 in our community to have this project, both for the  
30 social and economic standpoint. I mean it's created  
31 vital jobs in the community and engaged the community in  
32 very critical management of fish stocks that were not too  
33 much known about them, , you know, we know some years  
34 were cyclic, big runs, small runs, but through this FIS  
35 project we've been able to educate the community and  
36 ourselves what that stock looks like. We went through  
37 the tough years of having to partner with other agencies,  
38 which was a good learning experience, and basically build  
39 our capacity to take over and assume the total  
40 management. I think it's called Level 8 on the tier  
41 program, so we are the principal investigator. We hire  
42 a consultant to do the report writing. And fully staff  
43 it with tribal members from our community. And currently  
44 we have five of us on staff, I oversee the program but we  
45 have four other plus a consultant that work on the  
46 project, and it really does provide a good boost in the  
47 community when, you know, a handful of jobs is a pretty  
48 good segment of the community and then you couple that  
49 with the fact that fish is the number 1 priority in the  
50 community, so providing jobs in resource management has

1 just been one of the best things for our community since  
2 sliced bread. I mean, and that's not putting it lightly,  
3 it has caused a social change in our community that I  
4 couldn't ask for a better, you know, community buy-in.  
5 I mean we basically have every super-subsister, that's  
6 what we call them, that has bought'n into the program and  
7 they give us their data whether, you know, on a  
8 confidential basis, which gives us that real time  
9 management capability to assess the stock, what's going  
10 by the weir, what's getting harvested and if we were to  
11 make in-season management decisions we'd have that  
12 opportunity, but we're not at that point now being we  
13 don't want to be restrictive on our user group. I mean  
14 we have a three month window that we can harvest sockeye  
15 in with genetically separate stocks and we have the data  
16 set now that if we wanted to get into that type of  
17 management scenario, we probably would be able to. But  
18 the community doesn't take lightly to restrictive  
19 fisheries so, you know, keeping their support, you know,  
20 we just want to continue to get the best baseline data  
21 and continue to work with the FIS program to do this  
22 management of sockeye. It's been vital to the resource  
23 and to the community and the user group and establishing  
24 that information gap that I've continually heard missing  
25 here at the RAC meetings, is the data, the numbers.  
26 What's the community using, what are the user groups  
27 saying about that need. Is it being met, and at what  
28 level, and if not, what can we do to meet that. And you  
29 hear a lot of scenarios playing out here today about  
30 community quotas and a whole bunch of other ways that you  
31 can go ahead and meet that name, but ultimately it comes  
32 down to us on the community level caring about the  
33 resource, having people engaged in it and that takes  
34 funding. And if that funding goes away, we stand to lose  
35 a decade here of some hard core work and commitment, not  
36 only by Staff and agencies that have supported us, but  
37 the community and the resource.

38  
39                   So, you know, I just wanted to bend the  
40 Council's ear here today, you know, it's a success story.  
41 And if we need to find those within the system Hydaburg's  
42 ready to stand up and, you know, we've been engaged in  
43 the Review process, the Subsistence Review and every  
44 opportunity to speak to people about how important the  
45 FIS is. And, you know, every problem in the state, you  
46 know, now that I sit with another hat here, on another  
47 level and see those problems, they're playing out in very  
48 RAC across the state. And the missing information is the  
49 data sets, the numbers. And having community members buy  
50 into the process. And creating that trust, you know,

1 there's a trust responsibility by the government to help  
2 us do this.

3

4                   So we want to maintain that trust.

5

6                   We want to also extend that to our  
7 membership, that they trust that we're going to do our  
8 job to help the stock out. So our plea is to just  
9 continue what you guys do and you do it effectively and  
10 you do it in a good manner and keep fighting for that  
11 funding and trying to help communities that want to help  
12 themselves. You know, there's a lot of issues out there.  
13 Sometimes I wish I could go help these other communities  
14 to step up and find out that it's going to take local  
15 ownership to fix the problem.

16

17                   So that's my short little speel here. I  
18 hope that the Council gets the rest of their work done  
19 here. I know you guys had a nice lunch like I did and  
20 Cathy and I will be putting together a presentation to  
21 have all the graphs and different sets of information  
22 that we have, and we plan on using them on different  
23 levels to consult with both the ADF&G, the community and  
24 the regional and other boards that we need to.

25

26                   So I appreciate the time today to speak  
27 to you.

28

29                   VICE CHAIR BANGS: Thank you, Mr.  
30 Christianson. Is there any questions from the Council.

31

32                   Mr. Hernandez.

33

34                   MR. HERNANDEZ: I did have one question,  
35 you just kind of mentioned it at the very end of your  
36 presentation there.

37

38                   Does the fishery that takes place at  
39 Hetta Lake, does some of that take place in State waters  
40 and are you also cooperating with the State on fisheries  
41 that take place around there?

42

43                   MR. CHRISTIANSON: Well, it came down a  
44 couple years ago to who's water's who's, State, Federal,  
45 and we basically got in on a Federal nexus. Federally-  
46 qualified subsistence users, some of happening in the  
47 freshwater, a majority in the State water, so it's a  
48 nexus fishery is what we got in on.

49

50                   So I would say a good portion of that is

1 happening in the State water.

2

3 MR. HERNANDEZ: So are you getting good  
4 cooperation from the State as well as what you're trying  
5 to do there with your own local management?

6

7 MR. CHRISTIANSON: Well, our partnership  
8 with the State was a positive one. You know, we worked  
9 with the State for, I think, about six years. Part of  
10 the program is building capacity. Obviously the State  
11 Fish and Game Department has a wealth of capacity in  
12 fisheries management, they were a very good partner in  
13 building our capacity, coming along, being the principal  
14 investigator, co-investigator until we elevated ourselves  
15 out of needing that partner through the channels and  
16 following the process laid out here by the Regional  
17 Advisory Council and the FIS process, gradually worked  
18 our way out of that. Our relationship with them now is  
19 getting permits, getting stream permits to do fish  
20 handling, weir installation, as well as sending out our  
21 weekly weir counts. And we also cooperate with them to  
22 do -- give them our age, sex and length data as well as  
23 the scale analysis for the separate genetic stocks that  
24 are there.

25

26 So the partnership is still there, but  
27 we've assumed a majority of the funding and the capacity  
28 to do that program.

29

30 So we still engage with them, you know,  
31 there are still issues. Some of those issues play out in  
32 the ETJ proposal, you know, about interception and all of  
33 that stuff, we have to work through those same issues in  
34 our area, we have commercial fisheries. The perception  
35 is there's an interception fishery, we try to work with  
36 them and share our numbers and data and try to get, you  
37 know, try to get -- stay on an equal footing with them  
38 basically. And, so, I mean I'm at the point right now  
39 where I think we have the data to probably ask for a  
40 consultation meeting with the State and start to show the  
41 social changes that we have going on in the community  
42 aren't always reflected into the weir count data that  
43 they're getting. We've made some changes internally.  
44 Like I said we got a three month opening but this year we  
45 didn't fish until five or 6,000 sockeye had passed the  
46 weir. So basically the community has bought into a  
47 management plan, internal management plan. Even though  
48 we could fish the entire month of June, solid stocks  
49 there, 5,000 fish by the weir, nobody fished. So that's  
50 a social change we're talking to. The community is

1 committed to increasing that stock for the long-term and  
2 we need to get all the stakeholders to buy into that and  
3 see the work that we're doing on the local level and  
4 maybe they could get a better interpretation of the data  
5 that they're receiving.

6

7 VICE CHAIR BANGS: Thank you. Bert, did  
8 you have something you wanted to say.

9

10 CHAIRMAN ADAMS: Thank you, Mr. Chairman.  
11 I just have a comment to make if I can.

12

13 VICE CHAIR BANGS: Go ahead.

14

15 CHAIRMAN ADAMS: Excuse me, I should have  
16 cleared my throat before I turned on the mic.

17

18 The reason why I asked that he placed  
19 first on our afternoon's agenda is he has to leave here  
20 pretty soon, a matter of minutes, by the way, uh?

21

22 MR. CHRISTIANSON: Yes.

23

24 CHAIRMAN ADAMS: Okay. But my  
25 compliments to Hydaburg, you know, for taking on this  
26 project and setting up an example about how you can do  
27 things better locally, you know, and being a principal  
28 investigator of any type of funding is huge. I know my  
29 tribe did it a few years ago but I don't see that  
30 happening right now. But I'm looking forward to, you  
31 know, your more complete report at our next meeting and  
32 we'll make sure that Mr. Larson has you on the agenda for  
33 that meeting.

34

35 But I just wanted to applaud you all, you  
36 know, for the work that you're doing down there. It's a  
37 real good example of how you can get more done, you know,  
38 with local knowledge and so forth, and, congratulations.

39

40 MR. CHRISTIANSON: Thank you.

41

42 VICE CHAIR BANGS: Yes, Merle.

43

44 MS. HAWKINS: Yeah, howa, thank you,  
45 Tony, for managing our fishery down there. I have  
46 historical ties to Hydaburg and the village of Hocan and  
47 so I do get in on some of those sockeye even though I  
48 don't have rural status -- I mean I have non-rural  
49 status, but through trading, so really appreciate the  
50 work that you folks do out there, so howa, thank you.

1 MR. CHRISTIANSON: Thank you.  
2  
3 MS. PHILLIPS: Mr. Chair.  
4  
5 VICE CHAIR BANGS: Yes, Ms. Phillips.  
6  
7 MS. PHILLIPS: Is your funding in place  
8 for the next season?  
9  
10 MR. CHRISTIANSON: I have one more year  
11 on the contract.  
12  
13 MS. PHILLIPS: Thank you.  
14  
15 MR. CHRISTIANSON: And then I think we're  
16 all in the same boat.  
17  
18 (Laughter)  
19  
20 MS. PHILLIPS: Well, we recognize how  
21 important that the data that Hetta brings to the table is  
22 to -- you know, as an index stream or at least I hope  
23 it's an index stream, you know, brings to the fisheries  
24 management in that area.  
25  
26 Thank you, very much.  
27  
28 I mean Hydaburg, bringing them on board  
29 the way you have, is kudos to you, and I really  
30 appreciate the work that you and your tribe are doing to  
31 bring that good information to the subsistence program.  
32  
33 MR. CHRISTIANSON: Appreciate it.  
34  
35 VICE CHAIR BANGS: Mr. Adams.  
36  
37 CHAIRMAN ADAMS: Again, you know, working  
38 off of grants and proposals, you know, it's not a  
39 reoccurring funding that you can depend on, you know,  
40 every year for your program. I would encourage you to  
41 look into the non-BIA programs, I don't know whether  
42 you're familiar with that or not, but I think there's a  
43 mechanism in there where you might be able to, you know,  
44 get funding to continue on with programs such as that.  
45  
46 But let me have your email address and  
47 I'll send you some more information as I understand it,  
48 about these programs.  
49  
50 MR. CHRISTIANSON: Sounds good.

1 VICE CHAIR BANGS: Thank you for that  
2 Bert. Anyone else have a question for Tony.  
3  
4 (No comments)  
5  
6 VICE CHAIR BANGS: Thank you, Tony, I'm  
7 sure we'll all look forward to your continued  
8 presentation there at the next meeting.  
9  
10 MR. CHRISTIANSON: I appreciate the  
11 opportunity. Have a good day.  
12  
13 VICE CHAIR BANGS: Okay, we're going to  
14 move to new business, review the Board's annual report  
15 reply. It's on Page.....  
16  
17 CHAIRMAN ADAMS: Mr. Chairman.  
18  
19 VICE CHAIR BANGS: Yes.  
20  
21 CHAIRMAN ADAMS: Before we go any further  
22 and before I forget, I'm going to turn this over to  
23 Robert. Mr. John Martin dropped it by here, and there's  
24 only one copy. And the instructions is for Mr. Larson to  
25 email it to all of the Council members.  
26  
27 Thank you.  
28  
29 VICE CHAIR BANGS: Okay. The reply from  
30 the Federal Board to our annual report, Page 172.  
31  
32 (Pause)  
33  
34 CHAIRMAN ADAMS: Mr. Chairman,  
35  
36 VICE CHAIR BANGS: Yes, Bert.  
37  
38 CHAIRMAN ADAMS: As you may remember in  
39 the Chairman's report at the beginning of the meeting I  
40 addressed our annual report so what this is, folks, is a  
41 reply to our letter regarding annual report to the Board.  
42  
43 Thank you.  
44  
45 VICE CHAIR BANGS: Is there any  
46 discussion on any of the responses that we received.  
47  
48 (No comments)  
49  
50 VICE CHAIR BANGS: There was five issues,

1 or six issues that we brought to our annual report.

2

3 I'll give you just a few moments to look  
4 it over if you haven't read it yet and we can discuss any  
5 concerns that you might have.

6

7 (Pause)

8

9 VICE CHAIR BANGS: Yes, Mr. Adams.

10

11 CHAIRMAN ADAMS: I just want to make a  
12 couple of observations here.

13

14 On Page 174, issue three, you know,  
15 encourage tribes to comment on social issues and  
16 testimony. And I've made this, you know, concern openly  
17 available several times already. It's very difficult for  
18 tribes to engage themselves in subsistence issues because  
19 they really don't have the funding, you know, to attend  
20 meetings and make testimonies and so forth, you know, so  
21 that's always going to be an important concern and so  
22 their response, you know, is in regards to that.

23

24 And, again, you know, we've made it  
25 pretty well in our annual report, you know, about their  
26 budgets. That the funding is being, you know, cut  
27 drastically and particularly in our fisheries monitoring  
28 program, you know, that it greatly affects that and we  
29 see a real important project, you know, or program being  
30 almost eliminated there. So that, again, is their  
31 response to our concern in regards to the budgeting.

32

33 I guess the rest of it is pretty much,  
34 you know, self-explanatory, but I thought maybe I'd bring  
35 those two out as a matter of concern.

36

37 Thank you.

38

39 VICE CHAIR BANGS: Thank you, Bert. Does  
40 anyone else have any comments regarding the response.

41

42 (No comments)

43

44 VICE CHAIR BANGS: Hearing none, I think  
45 we'll move to Terry Suminski's report on resource  
46 monitoring.

47

48 MR. SUMINSKI: Good afternoon, Mr.  
49 Chairman. Council members. My name is Terry Suminski  
50 with the Forest Service.

1 I'm going to be talking about the  
2 Fisheries Resource Monitoring Program and the 2012  
3 priority information needs -- or actually this is for  
4 2014 priority information needs.

5  
6 So just a little bit about the process.

7  
8 In November we'll be advertising the  
9 request for proposals for the 2014 Fisheries Resource  
10 Monitoring Program. The monitoring program is designed  
11 to provide information needed for management of Federal  
12 subsistence fisheries. A key part of the announcement  
13 will be the list of priority information needs, a draft  
14 of which has been provided for your review and comment.  
15 The Southeast and Yakutat sections can be located on  
16 Pages 184 of your Council book. This is an action item,  
17 we are looking for a recommendation here.

18  
19 The draft document was developed by OSM  
20 and Forest Service Staff drawing on the strategic plan  
21 that was created in 2006. And this was reviewed recently  
22 by Forest Service and OSM Staff in the context of work  
23 that's already been completed. So after the announcement  
24 in November the proposals and later investigation plans  
25 will be reviewed and the draft monitoring plan will be  
26 compiled for review by all the Councils in the fall of  
27 2103. The Federal Subsistence Board will then review the  
28 draft plan in January of 2014 and those projects that are  
29 approved and funded could begin in April of 2014.

30  
31 So like I said the strategic plan was  
32 developed in 2006 and updated annually, and so the 2014  
33 request for proposals is focused on, at least our  
34 recommended request is focused priority information needs  
35 for eulachon and sockeye salmon, and specifically for  
36 eulachon we're asking for a project that would provide an  
37 index of escapement for Unuk River and the Yakutat  
38 Forelands; for sockeye salmon, we're looking for reliable  
39 estimates of sockeye salmon escapement and those stocks  
40 of interest are listed there. I won't read them all.  
41 And the other part for sockeye salmon is documenting  
42 harvest monitoring. And we've listed systems that we  
43 thought were important to get harvest monitoring  
44 information.

45  
46 So, again, we are seeking your input on  
47 these draft projects and so what we're asking for are  
48 these items, that we've identified, are they priorities  
49 to the Council, are there ones that we haven't -- that  
50 should be on the list that we didn't have on the list.

1 So at this point we're just looking for what projects we  
2 want to see included in the 2014 monitoring plan. And  
3 next year you'll get a chance to prioritize these, so I  
4 wouldn't worry too much about prioritizing them right  
5 now, we just want to make sure that when we ask for  
6 project proposals, that we're asking for everything that  
7 you'd like to see.

8

9 Thank you.

10

11 VICE CHAIR BANGS: Thank you, Mr.  
12 Suminski. Any questions for Terry.

13

14 Bert.

15

16 CHAIRMAN ADAMS: Thank you, Mr. Chairman.  
17 Terry, as you may know, you know, Yakutat has been funded  
18 to do a four year survey on the rivers all the way from  
19 Yakutat down to Dry Bay. I think there's about 17 or 18  
20 of those rivers. And I've had the privilege of going,  
21 you know, on some of those flightseeing tours and I find  
22 them quite interesting. But I'm wondering -- my question  
23 here is, is that information that is being gathered from  
24 those surveys is going to be helpful when you start  
25 looking at these areas as well?

26

27 MR. SUMINSKI: Mr. Chairman. I believe  
28 that they will be helpful.

29

30 CHAIRMAN ADAMS: Uh-huh.

31

32 MR. SUMINSKI: You know it's not a real  
33 quantitative project but it does keep -- you know, keeps  
34 our eyes on what's going on with eulachon in the Yakutat  
35 area. And the idea with the index is to detect any  
36 change, you know, whether more or less or, I think you've  
37 noticed how they show up in different rivers and so once  
38 we have that baseline we can keep track. And, you know,  
39 there's a lot of issues with the eulachon up and down the  
40 coast and having that data in place may prove to be very  
41 valuable in the future.

42

43 CHAIRMAN ADAMS: Follow up.

44

45 VICE CHAIR BANGS: Yes.

46

47 CHAIRMAN ADAMS: You know I think that  
48 applies also to the Unuk River, you know, if we decide  
49 that we want to -- and I think we should, you know, make  
50 that a part of our future programs, projects.

1                   But, you know, Tom Lang here made an  
2 interesting statement when he was testifying here the  
3 other day, was it yesterday or the day before  
4 yesterday.....

5  
6                   (Laughter)

7  
8                   CHAIRMAN ADAMS: And the interesting --  
9 the thing that I picked up from him is I was wondering  
10 why, you know, the Situk River has declined in such  
11 drastic order and it's a clear, you know, river that's  
12 fed, not by glacier but by a clear water lake, and he  
13 made an interesting statement about eulachons like to,  
14 you know, like to swim around or lay their eggs in silt  
15 and I was just wondering if there was any, you know,  
16 scientific data that supports that. I'm, you know, as I  
17 said earlier, a strong proponent of ecological knowledge  
18 but I'd like to see, you know, if there's anything that  
19 you might offer in that regard.

20  
21                   MR. SUMINSKI: Mr. Chairman. To be  
22 honest I don't really know.

23  
24                   CHAIRMAN ADAMS: I guess in the future  
25 programs we do, that might come out.

26  
27                   Thank you.

28  
29                   VICE CHAIR BANGS: Thank you, Bert.

30  
31                   Ms. Phillips.

32  
33                   MS. PHILLIPS: Thank you, Mr. Bangs.

34  
35                   Mr. Suminski, there's like 15 projects  
36 listed under sockeye salmon for reliable estimates of  
37 sockeye salmon escapement and nine projects under in-  
38 season managed subsistence harvest of sockeye salmon. Is  
39 there -- are you anticipating the level of funding to  
40 cover all 24 projects? And then of these streams, I mean  
41 like we had in the past Mr. Robert Sanderson, Sr., you  
42 know, tell us how many years of history come from that  
43 Hetta system and for those ones that have that really  
44 long-term data base, to me, is the most important.

45  
46                   But in terms of the 24 projects, what do  
47 you anticipate for funding?

48  
49                   MR. SUMINSKI: Through the Chair. Ms.  
50 Phillips. That's a very optimistic list as far as when

1 we get down to funding. We would have to get substantial  
2 increases in our funding levels than what we've  
3 experienced to fund this full list.

4  
5 The reason why there's probably more  
6 projects in here than we can afford is we may not get  
7 proposals for all them. So, you know, we -- through our  
8 exercise, these were the projects that -- we kind of  
9 graphed them out by order of importance and after these  
10 projects the priority went way -- was very low, so  
11 there's some that aren't on this list. But all these had  
12 some, you know, some merit we thought, but the chances of  
13 funding all these is not really that great.

14  
15 VICE CHAIR BANGS: Any other questions.

16  
17 (No comments)

18  
19 VICE CHAIR BANGS: So what we need to do  
20 is -- well, we'll prioritize these at a later date so we  
21 can use the funding -- that's the process, how it will  
22 work?

23  
24 MR. SUMINSKI: (Nods affirmatively)

25  
26 VICE CHAIR BANGS: So if we want to add  
27 more projects now would be the time, so is there any  
28 other ideas of projects we would want to add to this  
29 list?

30  
31 (No comments)

32  
33 VICE CHAIR BANGS: So then we have to  
34 vote a recommendation to go forward with these so at our  
35 next meeting prioritize them?

36  
37 MR. SUMINSKI: Mr. Bangs -- I think  
38 you're the Chair right now -- yeah, we don't have to  
39 prioritize them at this point, this is basically just our  
40 advertisement to get, you know, potential interest in  
41 doing these projects. And these will go through a whole  
42 review process all of 2013 so I'll be talking about this  
43 in the spring meeting, and, again, in the fall meeting  
44 and before -- and probably at some point before it goes  
45 to the Board we'll ask for prioritization and then after  
46 the Board meets then that's when we'll get into funding  
47 them, using your priorities.

48  
49 So just to keep it simple, for now we  
50 just want to know if we've got all the projects on here,

1 maybe some shouldn't be on here, or we should add some.

2

3                   And just -- if I can -- after I'm done  
4 with this, I'd like to talk a little bit about the  
5 wildlife projects if I could, too, once we get through  
6 this decision.

7

8                   Thanks.

9

10                   VICE CHAIR BANGS: Okay. I would  
11 entertain a motion.

12

13                   Ms. Phillips.

14

15                   MS. PHILLIPS: Thank you, Mr. Bangs.  
16 Move to support the 2014 request for proposals for the  
17 Southeast Region recommended by US Forest Service Staff.

18

19                   CHAIRMAN ADAMS: I second.

20

21                   VICE CHAIR BANGS: Okay, it's been moved  
22 and seconded to take the recommendations to move forward  
23 with the projects on Fisheries Resource Monitoring.

24

25                   All those in favor respond by saying aye.

26

27                   IN UNISON: Aye.

28

29                   VICE CHAIR BANGS: Those opposed, nay.

30

31                   (No opposing votes)

32

33                   VICE CHAIR BANGS: Okay, very good, it  
34 passed. Terry, you had something else.

35

36                   MR. SUMINSKI: Yes, Mr. Chairman, I just  
37 wanted to give -- this kind of ties into a little bit  
38 about the annual report and about the budget and what  
39 Patty was talking about.

40

41                   I think some of you are probably familiar  
42 with this Wildlife Resource Monitoring Plan that was done  
43 in 2006 called the WIS Program, and Dennis Chester worked  
44 with quite a group of cooperators to put this together.  
45 And I just want to start a conversation about this  
46 because we haven't been able to -- we funded some of  
47 these projects in the beginning and we haven't funded  
48 wildlife projects in quite a while, and in your annual  
49 report you're wondering, you know, if we could start  
50 funding some wildlife projects. The bad news is we're

1 probably not going to get additional funding for the  
2 wildlife program, so the question is, should some of  
3 these wildlife program projects be done in lieu of  
4 fisheries program, or projects.

5  
6 So what we did was actually Dennis went  
7 through the strategic plan and kind of figured out where  
8 we were, you know, with each of the priorities and that's  
9 the one handout I gave you. It's entitled Review of the  
10 Strategic -- Wildlife Strategic Plan. And he just went  
11 through each of the priorities that were identified in  
12 that plan and kind of gave a status.

13  
14 To kind of summarize it pretty quickly a  
15 lot the research has been done, that's the good news.  
16 Either through Forest Service and especially Department  
17 of Fish and Game has completed a lot of these research  
18 questions or there's work going on now. So to me what it  
19 boils down to is the priorities that haven't really been  
20 addressed, you know, the reasons for the Nunatak Bench  
21 goat decline was the number 1 priority in this strategic  
22 plan. Priority 14 was information on Zarembo deer  
23 populations, I don't think there's been any work done on  
24 that. Priority 18 was Yakutat deer population estimates.  
25 Priority 21 [sic] was Yakutat subsistence uses of deer.  
26 Priority 21 [sic] was the Unuk River subsistence use and  
27 needs for moose.

28  
29 So, you know, this doesn't require any  
30 action but I just wanted to get this in front of you at  
31 this meeting because this will be -- the point these will  
32 come into play is when we prioritize projects for funding  
33 in 2014. So by 2014 we should have a fisheries  
34 monitoring program in place with priorities and at some  
35 point before that we'll ask you, well, in your list of  
36 fisheries priorities should we stick some wildlife  
37 priorities in there knowing that a fisheries project may  
38 drop off the bottom.

39  
40 So I see.....

41  
42 (Laughter)

43  
44 MR. SUMINSKI: So I just wanted to maybe  
45 introduce this subject and, you know, it would be great  
46 if we could get more money and get those wildlife -- or  
47 we didn't have to make those hard choices between the  
48 fish and wildlife projects, but I think that it's time  
49 that we need to start thinking about combining those and  
50 seeing where the priorities fall.

1 So, thank you.

2

3 VICE CHAIR BANGS: Mr. Adams.

4

5 CHAIRMAN ADAMS: Yeah, there's several of  
6 us' ears perked up when you said that the fisheries  
7 project might drop down to the bottom, is that because of  
8 funding or is it for any other reasons?

9

10 MR. SUMINSKI: Mr. Adams. It is strictly  
11 because of funding. I mean you just got to draw the line  
12 somewhere when the money runs out. And, you know, we've  
13 had a very successful fisheries monitoring program and  
14 it's -- I'm really interested in how the Council feels  
15 these other wildlife priorities, you know, compete  
16 against the fisheries programs. And it, you know, it's  
17 perfectly fine if they just don't, you know, and, you  
18 know, fisheries are more important at this point.

19

20 Thank you.

21

22 VICE CHAIR BANGS: Cathy.

23

24 MS. NEEDHAM: Thank you, Mr. Chair. I  
25 think I'd like to state for the record that I think it  
26 would be bad practice to combine that because I think it  
27 sends the wrong message to the ultimate people who  
28 obligate the funds that we can find a solution within the  
29 budget that they keep cutting back on us and I think we  
30 need to reinstate our things that we've previously put in  
31 the record that having wildlife data is an important  
32 thing to make wildlife management decisions and that  
33 needs to be a funded thing, as well as the budget that  
34 comes down to OSM needs to increase.

35

36 And so I think by integrating the  
37 priorities and starting to shift the funding between  
38 fisheries monitoring and wildlife monitoring sends the  
39 message that we can just make due with what we got.

40

41 VICE CHAIR BANGS: Thank you, Cathy. I  
42 would remind the Council we did, in our annual report,  
43 request funding for the wolf listing petition, and  
44 monitoring the wolf population and, you know, that was  
45 something that was an important topic last year but I  
46 don't know if that would fit under this or not.

47

48 Mr. Suminski.

49

50 MR. SUMINSKI: Yes, Mr. Bangs, actually

1 that's some of the ongoing work. If you remember from  
2 the Juneau meeting, I think Mr. Doug Larson went over the  
3 details of that project. And that was actually funded  
4 through other Forest Service funds and Department of Fish  
5 and Game funds. So that's some of the work that's  
6 ongoing and that's why I didn't mention it as, you know,  
7 one of those five items that haven't really been  
8 addressed. The work is planned to go on for a couple of  
9 years yet.

10

11 VICE CHAIR BANGS: Ms. Phillips.

12

13 MS. PHILLIPS: As far as the projects  
14 that you've already initiated and gathered data on it  
15 makes sense that you would wrap those up and, you know,  
16 finish those up. And fisheries, to me, is the emphasis,  
17 I mean, wildlife, you know, as Cathy said, is just as  
18 important for the priorities we selected but we have  
19 longer term data of the fisheries. And as far as we --  
20 we did address wolf in our annual report but the Forest  
21 Service and the State are going to respond to that anyway  
22 because that was a petition to list so why should they  
23 use scarce subsistence funds, they have to address  
24 subsistence in that listing, in that petition to list  
25 anyways, so don't take away our scarce funds to help, you  
26 know, cover -- and it sounds like they're not doing that  
27 anyways.

28

29 But that's my comment.

30

31 MR. SUMINSKI: Those are very good  
32 points. That's the kind of discussion that I was hoping  
33 to hear.

34

35 Thank you.

36

37 VICE CHAIR BANGS: Thank you, Terry. Any  
38 other comments or questions.

39

40 (No comments)

41

42 VICE CHAIR BANGS: Thank you, Terry.

43

44 MR. SUMINSKI: Thank you.

45

46 VICE CHAIR BANGS: Mr. Larson.

47

48 MR. LARSON: Mr. Chair. I've recently  
49 had a conversation with missing Council member Archie  
50 Nielsen. He was quite sick yesterday and unable to

1 attend, today he reports that he feels better but he is  
2 still sick in bed and unable to attend.

3

4 Thank you.

5

6 VICE CHAIR BANGS: Thank you, Mr. Larson.  
7 Okay, there's a public testimony that we have here on sea  
8 otters. Is Lillian in here.

9

10 (No comments)

11

12 VICE CHAIR BANGS: We had this yesterday  
13 and we didn't get around to it. I don't see her, so  
14 we'll move on with the agenda. We're down to identifying  
15 annual report topics for 2012 topics -- topics for the  
16 annual report.

17

18 Cathy.

19

20 MS. NEEDHAM: I think we might have just  
21 discussed one, one or two that maybe should go back into  
22 the annual report and continue to keep it a topic that we  
23 keep apprised and that is, you know, funding -- the  
24 funding issue and wildlife resource projects, especially  
25 since it's obvious that the budget is struggling to be  
26 able to address the strategic plan and the needs of  
27 those.

28

29 VICE CHAIR BANGS: Thank you for that,  
30 Cathy. Any other topics that we have.

31

32 Donald.

33

34 MR. HERNANDEZ: Thank you, Mr. Chair.  
35 Yeah, I have a new topic we might want to start putting  
36 in the annual report.

37

38 We've heard considerable testimony about  
39 how mining in Canada might affect some of our  
40 TransBoundary Rivers. I think this is something that the  
41 Council needs to have some input on, express concerns  
42 about, and I don't know the best way to do that. I'm  
43 thinking the annual report may. This kind of request  
44 would have to go at fairly high levels, I would think.  
45 I don't know if it's something the Board can address, but  
46 the Board does interact with the Secretaries and  
47 TransBoundary issues may actually be more in the  
48 jurisdiction of the Department of State, rather than  
49 Interior or Agriculture, either one. But maybe we could  
50 -- I don't know, if we could have an opinion from one of

1 the Staff, if that's something -- an issue that we could  
2 put in the annual report, if it would be worthwhile, or  
3 would get the proper attention.

4

5 VICE CHAIR BANGS: Thank you, Mr.  
6 Hernandez. I agree. I think that it might be  
7 appropriate for us to request, again, a seat at the table  
8 on the Boundary Panel to give -- or at least have someone  
9 represent the subsistence side of things. And I know we  
10 tried that once before but maybe that would be something  
11 to put in the annual report as well, to have a bigger  
12 voice.

13

14 Anyone else have any topics?

15

16 MS. PHILLIPS: Mr. Chair.

17

18 VICE CHAIR BANGS: Ms. Phillips.

19

20 MS. PHILLIPS: Thank you. I'm not sure  
21 how it would be worded but this amounts necessary for  
22 subsistence for some of our tribal communities that  
23 indicate their needs aren't necessarily being met and  
24 perhaps some sort of a community harvest, I mean if there  
25 could be some sort of a liaison who could follow through  
26 from beginning to end, the possible amounts necessary for  
27 subsistence proposal development and cooperative or  
28 collaboration with the Alaska Department of Fish and  
29 Game, so we could address some of these public  
30 testimonies that we've heard from the tribal villages.

31

32 VICE CHAIR BANGS: Thank you, Patty.

33

34 I see Mr. Larson's busy writing  
35 everything down.

36

37 There's another concern, I think, that  
38 comes up all the time and we've had it in our annual  
39 report for quite a few years and that's sea otters and I  
40 don't know what's really become of it as far as progress  
41 on changing any Congressional actions that need to be  
42 taken and change the regulations. But, I don't know if  
43 that's worthy to put back in the annual report again or  
44 not but I know it comes up at every meeting, so I just  
45 thought I'd add that.

46

47 Merle.

48

49 MS. HAWKINS: Yeah. As we see it at  
50 about every RAC meeting that we have the stakeholders,

1 the people that are out there subsisting, it seems like  
2 there needs to be more education before they arrive at  
3 these meetings on what our role is and I don't know how  
4 to get the message across to talk to the agenda items.  
5 It's very frustrating to sit here for hours and we could  
6 -- I don't know how we could address that, through more  
7 education and specific to the villages or what, to what  
8 our role is and how they can participate.

9

10 VICE CHAIR BANGS: Thank you, Merle.  
11 Anyone else.

12

13 Frank.

14

15 MR. WRIGHT: Thank you, Mr. Chairman.  
16 One of the things, you know, our people are having a hard  
17 time doing is -- getting -- is getting into the halibut.  
18 You know, like I said the other day I don't have any dry  
19 fish at home.

20

21 And another one would be, you know, to  
22 say we have endangered sea lions and I'm sick of those  
23 sea lions.

24

25 (Laughter)

26

27 MR. WRIGHT: Thank you.

28

29 VICE CHAIR BANGS: Thank you, Frank.

30

31 (Laughter)

32

33 VICE CHAIR BANGS: Anyone else.

34

35 Tim.

36

37 MR. ACKERMAN: Thank you, Chairman.  
38 Yeah, I think as the folks come in and fill out the blue  
39 slip for whatever reason, if someone could go through  
40 them and see what exactly they want to comment on and let  
41 them know that this is the agenda, that we are on this  
42 agenda, and if they wish to comment, that -- give them  
43 another piece of paper with the agenda and show them  
44 exactly where we're at and how to better inform them as  
45 to -- just like the gentleman did today, came down and  
46 right after the herring, we're on the herring issue here  
47 and he came in and it was totally different, you know,  
48 from what we were talking about and we lost our  
49 concentration and, but, yeah, I think if we let them  
50 know, that this is the public comment. Have a time for

1 public comment also or something, whatever we can figure  
2 out. Make it easier on us so we can get more things  
3 done, faster.

4

5 Thanks.

6

7 VICE CHAIR BANGS: Thank you, Tim. I  
8 know a lot of the time it's our fault for jumping around  
9 on the agenda as well, you have to accommodate travel and  
10 so that makes it more difficult to pinpoint a specific  
11 time for a certain topic but it does slow things down, I  
12 think when we -- anyone else.

13

14 Patty.

15

16 MS. PHILLIPS: I think with -- we heard  
17 from Mr. Christianson from Hydaburg about, you know, the  
18 long-term data that they've been collecting and the buy  
19 in from the community and we are getting, you know,  
20 cooperation from the State at a certain level but there's  
21 a disconnect when it comes to, well, the system's showing  
22 a good return so we'll go ahead and open the seine season  
23 because there's a good return but are they talking to the  
24 community to find out, well we did a voluntary let's not  
25 fish the whole month of June, well, it -- and so it sort  
26 of defeats the purpose of the voluntary closure at the  
27 local level when comm fish comes in and says, hey,  
28 there's good returns let's open the fisheries for these  
29 guys. I think there needs to be better communications,  
30 you know, between the subsistence scientists or -- and  
31 I'm not sure how to say that with the comm fish. I mean  
32 it sounds like there's a seine fish biologist, a troll  
33 fish biologist with the State and then we have -- then  
34 what do we have, we have our US Fish and Wildlife Service  
35 biologist, so if there could be better communications to  
36 -- you know, why should the community have to do that if  
37 there's not buy in at the commercial level.

38

39 I don't know, am I saying that so you get  
40 it?

41

42 VICE CHAIR BANGS: Yeah, Patty, I think  
43 that's a good point, and hopefully Mr. Larson can come up  
44 with the correct wording.

45

46 (Laughter)

47

48 VICE CHAIR BANGS: Okay, anything else  
49 that we want to put in the annual report.

50

1 (No comments)  
2  
3 VICE CHAIR BANGS: Okay, hearing none, I  
4 guess we can move on.  
5  
6 MR. LARSON: Mr. Chair.  
7  
8 VICE CHAIR BANGS: Yes.  
9  
10 MR. LARSON: If -- it's asking a lot from  
11 me to remember what exactly what these topics were, but  
12 if I could just quickly run through them for approval to  
13 make sure I've captured it correctly that would be  
14 beneficial, I think.  
15  
16 VICE CHAIR BANGS: Yes.  
17  
18 MR. LARSON: The first is that the  
19 wildlife information services program is important to the  
20 Council. The strategic plan needs to be reviewed and  
21 funding provided that does not interfere with the  
22 subsistence fisheries program, the FRMP program.  
23  
24 The second is mining is a significant  
25 land use activity. The Council's heard testimony  
26 regarding the negative effects of these mines. What I  
27 didn't understand clearly, is that, are these mines only  
28 in Canada, are these Canadian mines or there are mining  
29 activities in Southeast Alaska. I know that the Council  
30 has had issues with mining and mining explorations around  
31 Yakutat, mining the beaches and so there have been other  
32 -- there's been other interactions in years past  
33 regarding mining and mining activities. I just want to  
34 make sure that it's not just Canadian mines that we're  
35 talking about but it's mining activity in Southeast  
36 Alaska. Is that fair enough?  
37  
38 MS. HAWKINS: No.  
39  
40 MR. LARSON: No. Okay, let's talk about  
41 that then.  
42  
43 MS. HAWKINS: Mining activity that could  
44 potentially injure our rivers, flow into the rivers, or  
45 into the ocean, well, which they do.  
46  
47 VICE CHAIR BANGS: Donald.  
48  
49 MR. HERNANDEZ: Well, I think it's  
50 important to take note of the fact that some of this

1 mining is on TransBoundary Rivers and we need to actually  
2 have an international discussion on that, so that's an  
3 important aspect of this one.

4

5 VICE CHAIR BANGS: Thanks, Don. Do we  
6 want to also include local mine concerns -- concerns  
7 about local mining potential or research -- or potential  
8 development?

9

10 MS. PHILLIPS: Mr. Chair.

11

12 VICE CHAIR BANGS: Patty.

13

14 MS. PHILLIPS: Well, I heard the  
15 TransBoundary system and then on a case by case basis we  
16 could address the others, I mean like we did with  
17 Yakutat. But I don't know if we need to put that in our  
18 annual letter other than what Don was talking about, as  
19 far as the TransBoundary.

20

21 VICE CHAIR BANGS: Is everybody good with  
22 that?

23

24 (Council nods affirmatively)

25

26 VICE CHAIR BANGS: Okay. Go ahead,

27 Robert.

28

29 MR. LARSON: Mr. Chair. And what this  
30 exercise we're going through right now is to allow us to  
31 develop these topics into annual report topics for your  
32 review. We expect these will be edited and amended and  
33 changed, deleted, additions to at the March meeting.

34

35 So with that in mind, if Item 3 would be  
36 the TransBoundary River Panel, and whether or not there's  
37 a seat at that for a subsistence use representative. I  
38 was not clear whether it was the Council was going to  
39 make a recommendation to put one of the Council members  
40 on that Panel, but if that is -- if that's the  
41 requirement -- the reason for this topic, then I would  
42 suggest a motion and formal action by the Council to do  
43 that. Otherwise we're just kind of leaving it open-ended  
44 that it's important -- I will -- we'll just kind of  
45 leaving it open-ended that it's important to have  
46 subsistence representatives on the TransBoundary River  
47 Panel.

48

49 VICE CHAIR BANGS: That was what I was

50 thinking.

1 MR. LARSON: Okay.  
2  
3 CHAIRMAN ADAMS: Mr. Chair.  
4  
5 VICE CHAIR BANGS: Bert.  
6  
7 CHAIRMAN ADAMS: I don't know if it would  
8 do any good for us to put this issue on our annual report  
9 because it's only a matter of information -- well, as a  
10 matter of information to the Board, you know, we can keep  
11 it on there. But what I think can happen is that any one  
12 of us from here can apply for a seat on that commission,  
13 and then maybe get support, you know, as a result of  
14 what we do here.  
15  
16 VICE CHAIR BANGS: Is there a seat that  
17 is for subsistence users?  
18  
19 CHAIRMAN ADAMS: Well, I think we should  
20 have an application in there ongoing all the time. I  
21 know we tried this before, I think we did, and maybe you  
22 can elaborate on that a little bit more on that, Robert.  
23  
24 MR. LARSON: Mr. Chair. I was directed  
25 some years ago to investigate what it would take to do  
26 that. I spoke with Commissioner Bedford, I also spoke  
27 with the Director of Boards, State's Director of Boards,  
28 who is in charge of Governor appointments, and there is  
29 a person that's expected to represent subsistence users  
30 on TransBoundary River Panels, his name is Gray -- I  
31 forget his first name in Yakutat.  
32  
33 CHAIRMAN ADAMS: Oh, yeah, Gary Gray.  
34  
35 MR. LARSON: Gary. Yes, Gary Gray. And  
36 his appointment did not exactly match the interest at the  
37 time and subsequent to that discussion the Council did  
38 not take action to direct me to write a letter and submit  
39 a name for the TransBoundary River Panel.  
40  
41 But with it in mind that this report is  
42 to inform the Board of interests -- items of interest  
43 from the Council, then if that's the reason to inform the  
44 Board that there is this other process and they need to  
45 work with the TransBoundary River Panel and, you know,  
46 then you don't have to have a motion to put a person on  
47 it, but we could just keep it as an information item for  
48 the Board.  
49  
50 VICE CHAIR BANGS: Yeah, that sounds

1 good. What other topics there.

2

3 MR. LARSON: Really quick, amounts  
4 necessary for subsistence. Interest of the Council is to  
5 work collaboratively with the Alaska Department of Fish  
6 and Game to make sure that those -- and those are amounts  
7 under State rules, not under Federal rules, the Federal  
8 rules doesn't have amounts necessary for subsistence, but  
9 to make sure that the amounts necessary for subsistence  
10 as listed in State rules, that we collaborate in whatever  
11 management way we have to, to see that the user needs are  
12 met. The interest would be that that would be the  
13 interest of the Council, but it would also be -- we would  
14 suggest that the Federal Program, you know, the Board is  
15 aware that this is important to the Council and that the  
16 Council would do, what the Council does to facilitate  
17 that.

18

19 Congressional action on sea otters, what  
20 -- we could just ask the question, what is -- what's  
21 happening on sea otters. The Council's still interested.

22

23 Education outreach to public regarding  
24 the role of the Councils and the Federal process. I  
25 think this is also a good item. The Office of  
26 Subsistence Management is very concerned about education  
27 and outreach, providing information to residents on this  
28 program, so that's -- I could work with that.

29

30 Subsistence halibut, we've had that as a  
31 topic on our annual report in several instances in the  
32 last few years. Invariably the answer is that that's not  
33 us, thank you for your interest. So that can stay the  
34 same as marine mammals, we've had sea lions, sea otters,  
35 whales, seals, you know, listed in some form or another  
36 and we get a similar answer back from the Board, thank  
37 you very much for your interest but that's not us.

38

39 MS. PHILLIPS: Keep doing it then.

40

41 MR. LARSON: And I have, let's see, next  
42 to the last topic is unclear about -- and it's the  
43 process during the meetings regarding public comments,  
44 how to best use our time and to direct public comments  
45 that are appropriate to the topic at hand. So it would  
46 be a process question, I think, that would be, you know,  
47 we could develop.

48

49 And last, but not least, investigate or  
50 facilitate communication between commercial fisheries

1 management program on the Federal side and the State side  
2 to account for information we've gained through the FIS  
3 programs.

4

5                   And that's -- I think that's enough for  
6 me to work on and bring something back to you in six  
7 months.

8

9                   VICE CHAIR BANGS: Is everybody good with  
10 that.

11

12                   (Council nods affirmatively)

13

14                   VICE CHAIR BANGS: Okay. Let's move on  
15 to the next topic if there's no more discussion.

16

17                   (No comments)

18

19                   VICE CHAIR BANGS: The next thing is to  
20 review the RAC's charter, and it's on Page 188.

21

22                   (Pause)

23

24                   VICE CHAIR BANGS: Mr. Larson.

25

26                   MR. LARSON: Mr. Chair. To facilitate or  
27 start this discussion, I think it'd be appropriate to  
28 point out that this is the new template that's being used  
29 for all the Councils. Maybe it's a little bit different  
30 than the previous charters that you've seen but it's the  
31 new template and it's shared by all the Councils.

32

33                   VICE CHAIR BANGS: So we don't need to  
34 take any action unless we feel there's changes we want to  
35 make or do they -- are they looking for comments?

36

37                   MR. LARSON: Mr. Chair. Substantive  
38 comments to the charter, it's not what they're looking  
39 for, it's to inform the Council that this is their new  
40 charter. It's renewed and as of last year -- you can see  
41 the signature is December 2011. And it is a bit  
42 different but it's the current charter that we're  
43 operating under.

44

45                   VICE CHAIR BANGS: Well, I guess we can  
46 review it over the next -- at the next meeting we can  
47 come up with comments we might have or want to address  
48 any issues so we can move along.

49

50                   (Council nods affirmatively)

1 VICE CHAIR BANGS: Next.  
2  
3 Regulatory cycle review and  
4 recommendations. 192.  
5  
6 (Pause)  
7  
8 VICE CHAIR BANGS: Mr. Larson, there is  
9 no action required on this either, correct?  
10  
11 MR. LARSON: Mr. Chair. We need to back  
12 up to the Council charter review, that is the -- the  
13 Department of Subsistence Management would appreciate a  
14 motion, it is an action item that, in fact, that, you  
15 know, you acknowledge the new charter. So a motion to  
16 accept the new charter would be appropriate.  
17  
18 VICE CHAIR BANGS: Hearing that, yes, Mr.  
19 Adams.  
20  
21 CHAIRMAN ADAMS: Do we want to accept the  
22 charter as it is presented to us or maybe we can do as  
23 Mr. Larson suggested, just acknowledge that we have the  
24 charter before us, we've reviewed it, and maybe that  
25 would be sufficient enough for us. I don't know, what do  
26 you think.  
27  
28 VICE CHAIR BANGS: What's the wishes of  
29 the Council.  
30  
31 (Pause)  
32  
33 MS. PHILLIPS: Mr. Chair.  
34  
35 VICE CHAIR BANGS: Ms. Phillips.  
36  
37 MS. PHILLIPS: Move to accept the  
38 Southeast Alaska Subsistence Regional Advisory Council  
39 charter.  
40  
41 VICE CHAIR BANGS: Do I hear a second.  
42  
43 CHAIRMAN ADAMS: I'll second.  
44  
45 MS. PHILLIPS: Dated December 2nd, 2011.  
46  
47 VICE CHAIR BANGS: It's been moved and  
48 seconded.  
49  
50 Any discussion.

1 MS. PHILLIPS: Mr. Chair.  
2  
3 VICE CHAIR BANGS: Ms. Phillips.  
4  
5 MS. PHILLIPS: Thank you, Mr. Bangs. On  
6 Item F, under 4F, make recommendations on determinations  
7 of customary and traditional use of subsistence  
8 resources, that may need to be amended at a future date.  
9  
10 (Laughter)  
11  
12 VICE CHAIR BANGS: Thank you, Patty.  
13  
14 Okay, anything else, any other comments.  
15  
16 (No comments)  
17  
18 MS. PHILLIPS: Call for the question.  
19  
20 VICE CHAIR BANGS: The question's been  
21 called for. All those in favor of approving the charter,  
22 the new charter for us, respond by saying aye.  
23  
24 IN UNISON: Aye.  
25  
26 VICE CHAIR BANGS: All those opposed,  
27 nay.  
28  
29 (No opposing votes)  
30  
31 VICE CHAIR BANGS: Passes. Okay, thank  
32 you. I guess we can move on now to the regulatory cycle  
33 review briefing, it's on Page 192.  
34  
35 MS. O'REILLY-DOYLE: Good afternoon. My  
36 name is Kathy O'Reilly and I am the new deputy assistant  
37 regional director for the OSM office and I'm glad to be  
38 back here on the Staff now. The last time I saw the  
39 Council I was here prior to my appointment, so it's good  
40 to be back.  
41  
42 What I'm going to be covering for you now  
43 is listed on Page 192 and it's the regulatory cycle  
44 review briefing. I don't know how much you've had a  
45 chance to take a look at this but in the interest of time  
46 I will try to make my briefing brief and if you have  
47 additional questions on that I can respond to those.  
48  
49 So basically there has been requests from  
50 several of the RACs that there be an adjustment to the

1 regulatory review cycle. So kind of background, there  
2 was a group made up of Board Staff to take a look at that  
3 and kind of vet what might work better because there was  
4 some concerns of when everyone had to meet and whether  
5 that was conflicting with some of the cycle's for  
6 subsistence, the Council members as well. So there was  
7 an attempt to propose a new schedule that might work  
8 better.

9

10 And some of the changes that were made in  
11 the review, and you can see those on Page 192. The fall  
12 meeting window was expanded.

13

14 The effective date for subsistence  
15 fishing regulations was moved from the 1st of March to  
16 the 1st of April in 2005.

17

18 The Federal Subsistence Board meeting to  
19 address fisheries proposals was moved from early December  
20 to mid-January.

21

22 And then the recommendations, if you look  
23 on Pages 194 and 195, you can see that in Table 1, those  
24 have been the past Board meeting dates. Table 2 is the  
25 current regulatory cycle. And Table 3 are the proposed  
26 changes to the regulatory cycle.

27

28 Now, the Board has met on this, they met  
29 May 2012 to discuss this issue and we're looking whether  
30 to decide or take an action at that time, and what they  
31 decided to do is refer it back to the Councils for  
32 additional input from you, to take a look at that last  
33 table and see if that was something that was agreeable to  
34 you or if there were other changes needed.

35

36 So, in essence, you know, that's the  
37 basics here, to take a look at that and then if the  
38 Council would want to give any recommendations on that or  
39 if they concurred with that proposed table.

40

41 VICE CHAIR BANGS: Ms. Needham.

42

43 MS. NEEDHAM: Thank you, Mr. Chair. I  
44 just have a quick question. Of the other Regional  
45 Advisory Councils that have already met and discussed  
46 this topic, can you give us an accounting of whether or  
47 not it met their needs and if this proposed changes has  
48 any conflict with other Regional Advisory Councils, the  
49 ones that had made a request for actually having the  
50 schedule changed.

1 MS. O'REILLY-DOYLE: The only one --  
2 there have been two Regional Advisory Council meetings  
3 thus far and there was one concurrence with your meeting  
4 so I don't know what they have done and the only one I  
5 know is Northwest Arctic and they did not have a problem  
6 with that that I recall, but I'm not sure on the North  
7 Slope, but I could find that out.  
8  
9 VICE CHAIR BANGS: Any other questions.  
10  
11 (No comments)  
12  
13 VICE CHAIR BANGS: Okay, thank you.  
14  
15 MS. O'REILLY-DOYLE: You're welcome.  
16  
17 VICE CHAIR BANGS: Is there anything  
18 else?  
19  
20 MS. O'REILLY-DOYLE: No. Any other  
21 questions.  
22  
23 (No comments)  
24  
25 MS. O'REILLY-DOYLE: Thank you.  
26  
27 VICE CHAIR BANGS: Okay, the next topic  
28 is the agency reports, OSM.  
29  
30 Mr. Larson.  
31  
32 MR. LARSON: Mr. Chair. I believe that  
33 if the Council would like to provide some input to the  
34 Board regarding these changes to the regulatory cycle  
35 review briefing, that this is the time to do it. If you  
36 don't want to either -- you know, have some comment, then  
37 I think it's -- either you have a comment or you don't,  
38 but I think it's good to be clear on that.  
39  
40 I was not clear in this discussion  
41 whether you had a comment, you know, either to approve or  
42 find some fault in this briefing.  
43  
44 Thank you.  
45  
46 VICE CHAIR BANGS: Any discussion on this  
47 topic.  
48  
49 Patty.  
50

1 MS. PHILLIPS: Thank you, Mr. Chair. I  
2 like the expanded meeting window dates.  
3  
4 Thank you.  
5  
6 VICE CHAIR BANGS: Yes, I agree. I think  
7 it just adds more time and so in my mind it's a good  
8 thing. So do we need to vote on it or just convey that  
9 feeling to the Board that this works for us?  
10  
11 MR. LARSON: Mr. Chair. I think that the  
12 action is appropriate right now, so we have the idea.  
13  
14 VICE CHAIR BANGS: Okay, I would  
15 entertain a motion, is that what you're looking for?  
16  
17 MR. LARSON: You don't need a motion.  
18  
19 VICE CHAIR BANGS: Okay. Then we're just  
20 going to pass the word on that it meets our approval.  
21  
22 Okay.  
23  
24 MS. PHILLIPS: Mr. Chair.  
25  
26 VICE CHAIR BANGS: Yes, Patty.  
27  
28 MS. PHILLIPS: I would like to thank OSM  
29 for responding to RAC concerns about these, you know, the  
30 windows that we previously had, they were kind of  
31 restrictive. So, thank you for going and looking into  
32 alternatives to expand.  
33  
34 VICE CHAIR BANGS: Thank you for that,  
35 Patty.  
36  
37 Okay, I guess we can move on to agency  
38 reports now.  
39  
40 OSM.  
41  
42 MS. O'REILLY-DOYLE: For the record,  
43 again, my name is Kathy O'Reilly-Doyle.  
44  
45 I will be referring to the OSM reports  
46 starting on Page 196 and in respect for the Council's  
47 time I will try to make my comments brief and will not  
48 read these verbatim to you because you do have them in  
49 front of you but I'll cover the high points for you and  
50 if you have any questions, please let me know.

1                   As a new deputy I am the chief of Staff  
2 for OSM and so I would like you, the Council, if you have  
3 any feedback from me on Staff, please direct those to me.  
4 I'm in charge of that now, so let me know what I can do.

5  
6                   I am also the Chair of the InterAgency  
7 Staff Committee.

8  
9                   CHAIRMAN ADAMS: I just need to put in a  
10 plug, I like the gentleman that's sitting beside you.

11  
12                   (Laughter)

13  
14                   MS. O'REILLY-DOYLE: Thank you very much.  
15 I was going to introduce him in just a moment. And we're  
16 very happy to have him on board.

17  
18                   So as you can see from Page 196 we do  
19 have quite a few new Staff and we're working to bring  
20 everybody up to speed and to get a good team going. And  
21 with that I would like the Chair's indulgence to  
22 introduce Jack Lorrigan, who is sitting next to me, and  
23 ask that he able to introduce himself to the Council.

24  
25                   MR. LORRIGAN: Good afternoon. This  
26 Council, of all Councils knows me pretty well. It's my  
27 honor to be in front of you again. Life has changed for  
28 me, obviously.

29  
30                   My name is Jack Lorrigan. I'm the Native  
31 Liaison for OSM. I'm also Tsimshian, Tlingit and Haida  
32 decent. My Dog Salmon name is (In Tlingit), which is  
33 father of (In Tlingit). My coho name is (In Tlingit).  
34 John Littlefield was very grand and generous in adopting  
35 me into his clan. I'm a graduate of SJ and I've worked  
36 around Southeast for a number of organizations. And it's  
37 an honor to be in this position, I'm looking forward to  
38 the whole realm that this job has to offer and in service  
39 to the RACs and the Board.

40  
41                   Thank you for your time.

42  
43                   VICE CHAIR BANGS: Thank you, Jack. I  
44 would like to say congratulations but we're losing --  
45 you're taking our previous Council members and adding to  
46 your Staff.

47  
48                   Bert.

49  
50                   CHAIRMAN ADAMS: I would just like to echo

1 that because when Jack came on board, I was really happy  
2 that we had honest to goodness, you know, a fish  
3 biologist on our Council. And his tenure here was short  
4 lived but, you know, he deserves to be -- yeah, we got  
5 another one, but we had two.

6

7 (Laughter)

8

9 CHAIRMAN ADAMS: But, you know, we  
10 deserves to climb that ladder and we congratulate you.

11

12 And by the way I have a grandson named

13 (In Tlingit)

14

15 VICE CHAIR BANGS: Are there any  
16 questions.

17

18 (No comments)

19

20 VICE CHAIR BANGS: Thank you. You're  
21 going on to budget.

22

23 MS. O'REILLY-DOYLE: Yes. With your  
24 permission I'll move on to the budget update.

25

26 So.....

27

28 CHAIRMAN ADAMS: Mr. Chairman. Just one  
29 more.

30

31 MS. O'REILLY-DOYLE: Yes.

32

33 VICE CHAIR BANGS: Bert.

34

35 CHAIRMAN ADAMS: Yeah, not only did you  
36 take Jack Lorrigan away from us but you took Melinda  
37 Hernandez away from us, too, and she was really  
38 irreplaceable around here, so I don't know what to say.

39

40 (Laughter)

41

42 MS. O'REILLY-DOYLE: I'll convey that you  
43 miss her.

44

45 MS. HERNANDEZ: Gunalcheesh, Bert.

46

47 (Laughter)

48

49 CHAIRMAN ADAMS: Oh, Melinda, good to  
50 hear from you.

1 MS. O'REILLY-DOYLE: Okay, moving on to  
2 budget update.

3  
4 We try to keep the Council's abreast of  
5 what's going on, and we have been continuing in a  
6 declining budget. Since the 2010 budget we may possibly  
7 experience up to a 30 percent cut in travel for 2013 and  
8 we want to let you know about this because this may  
9 affect some decisions that are made on travel for the  
10 RACs as well. So that's -- so you need to know that.

11  
12 The other thing in terms of budget that  
13 isn't in your packet is that we are going to be operating  
14 under a continuing resolution, and I'm sure you've heard  
15 that, and Congress has passed that, I'm not aware if the  
16 President has signed it yet, but they expect the  
17 President to sign it, if he hasn't yet, but what that  
18 will mean is that we will go into our next fiscal year  
19 with a percentage of our budget for six months and then  
20 that will keep us going until the Congress has got a  
21 chance to pass a budget for us.

22  
23 So are there any questions on budget for  
24 me?

25  
26 VICE CHAIR BANGS: Patty.

27  
28 MS. PHILLIPS: Yes. What percentage of  
29 the budget did you get? You said you were getting -- the  
30 continuation resolution is a percentage of the budget for  
31 six months, what percentage is that?

32  
33 MS. O'REILLY-DOYLE: That I'm going to  
34 find out on Monday when I get back. One thing that's  
35 being developed right now is with the continuing  
36 resolution what we need to do as agencies is develop an  
37 operations plan for those next six months. So that's  
38 something that's in the works right now.

39  
40 VICE CHAIR BANGS: Any other questions.

41  
42 (No comments)

43  
44 VICE CHAIR BANGS: Okay, thank you.

45  
46 MS. O'REILLY-DOYLE: You're welcome.

47  
48 VICE CHAIR BANGS: Next.

49  
50 MR. LORRIGAN: Mr. Chairman. I've been

1 asked to speak about the Council membership applications  
2 and nominations. Besides what's in front of you on Page  
3 197 and the three paragraphs, that the Board is -- or the  
4 OSM is actively recruiting for new members to apply  
5 statewide. The Southeast RAC has been very proactive in  
6 getting people on board. So I put nomination packets up  
7 on the table up there and I noticed some of them are  
8 missing. But we want to also thank you for your  
9 continued support and interest in serving on the Council,  
10 and I hope to see you continuously. So if we have new  
11 members, that's great.

12

13 Thank you.

14

15 VICE CHAIR BANGS: Thank you, Jack.

16

17 Any questions for Jack.

18

19 Bert.

20

21 CHAIRMAN ADAMS: Just thank you for that  
22 update because we had a young man, or two young men  
23 actually who are interested in seats on this Council.  
24 One of them submitted an application, you know, and he  
25 keeps calling me up, hey, Bert, did you hear anything  
26 yet.

27

28 (Laughter)

29

30 CHAIRMAN ADAMS: And the other day I got  
31 an email from him when I was down here, he said, I  
32 understand you're having a board meeting, did anything  
33 happen, you know, as far as my application is concerned  
34 so I emailed him back and I said, Ralph, don't worry  
35 about it you'll probably know before we ever do, you  
36 know, if you get your appointment. But, anyhow, that  
37 helps me go answer his question, too.

38

39 Gunalcheesh.

40

41 VICE CHAIR BANGS: Thank you, Bert. Any  
42 other questions for Jack.

43

44 (No comments)

45

46 VICE CHAIR BANGS: Okay, thanks, Jack.  
47 Rural determination process and method review.

48

49 MS. O'REILLY-DOYLE: Okay. This is an  
50 update, just a head's up on what's coming up here

1 shortly. At its January 2012 meeting, the Board passed  
2 a motion to direct Staff to initiate the review of the  
3 rural determination process and the rural determination  
4 findings through publication of a proposed rule.

5  
6 And this is going to be a bottom up  
7 process that's going to involve public comment, tribal  
8 comment and Regional Advisory Council's recommendations.  
9 So the OSM Staff in conjunction with the InterAgency  
10 Staff Committee has met to develop a tentative outline of  
11 this global review and to project a timeline for the  
12 review. So Staff concluded that a public notice  
13 published in the Federal Register is the first step in  
14 this process. That public notice is being drafted and  
15 will be published in January 2013. In the winter of 2013  
16 Subsistence Regional Advisory Council meetings will  
17 provide an initial public forum for comments on the rural  
18 determination process.

19  
20 So this global review with the public,  
21 tribal and the Council input may include the following  
22 topics:

- 23  
24 Rural definitions  
25  
26 Population thresholds  
27  
28 Rural characteristics  
29  
30 Aggregation of communities  
31  
32 Information resources  
33

34 And other topics of concern may arise  
35 through this review process. And the final goal of this  
36 process is to develop a rural determination process and  
37 through that process make a final determination on rural  
38 status. So that will be coming up on your next meeting.

39  
40 Any questions.

41  
42 (No comments)

43  
44 VICE CHAIR BANGS: Thank you. I don't  
45 see any questions.

46  
47 (No comments)

48  
49 VICE CHAIR BANGS: No. Jack.

50

1 MR. LORRIGAN: Mr. Chairman. Council  
2 members. Also tribal and ANCSA consultation, the Board  
3 has adopted its consultation policy and Staff is working  
4 on developing the guidelines for the agency. It is also  
5 standing by and waiting for the Department of Interior to  
6 finalize its policy on ANCSA Corporations and how to  
7 consult with them.

8  
9 And in regards to that there was a  
10 consultation teleconference on September 18th and the  
11 19th. The first day was the tribes. Roughly nine or 10  
12 tribes called in on the first day in regards to fisheries  
13 proposals around the state. We had some callers in from  
14 the Lower Kuskokwim, Yukon, Ninilchik and Southeast, and  
15 we're still finalizing a report on that. And then the  
16 following day the ANCSA Corporations called in on the  
17 same proposals and tribes were also invited to  
18 participate in that and I think three tribes stood by and  
19 listened in, and we had some good discussion with some of  
20 the ANCSA Corporations, particularly, I think, from  
21 Doyon. Anyway a lot of the issues are coming out of the  
22 Kuskokwim and I think there'll be proposals in front of  
23 the Board in the near future based on some of the chinook  
24 collapse in some of those areas. But, again, those  
25 reports are still being developed because it happened  
26 like a couple weeks ago.

27  
28 So just letting you know the consultation  
29 process is -- we're trying to get it going and letting  
30 the tribes know that we're standing by and let them  
31 understand that consultation can be requested by them at  
32 any time.

33  
34 VICE CHAIR BANGS: Thank you, Jack. Any  
35 questions.

36  
37 (No comments)

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

41  
42 MS. O'REILLY-DOYLE: Thank you.

43  
44 VICE CHAIR BANGS: Okay, we're moving  
45 along to agency reports from the Forest Service.

46  
47 (No comments)

48  
49 VICE CHAIR BANGS: Any reports from the  
50 Forest Service.

1 (No comments)

2

3 VICE CHAIR BANGS: No. Okay, National  
4 Park Service.

5

6 MS. SWANTON: Good afternoon. I'm Nancy  
7 Swanton. I'm the InterAgency Staff Committee member from  
8 the National Park Service. I'm pleased to be at the  
9 table, I'll give a short report.

10

11 We have two Park units that abut  
12 Southeast Alaska, Glacier Bay National Park and Preserve  
13 and Wrangell-St. Elias National Park and Preserve.

14

15 I don't really have a report from Glacier  
16 Bay. Jim Capra, the ranger in the Yakutat district  
17 typically comes to these meetings and he wasn't able to  
18 attend. The only thing I might say is something that I  
19 know Bert could speak to much more eloquently and that is  
20 that another event in Dry Bay may be in the works for the  
21 summer of 2013 and that would be a follow on from a very  
22 large successful event that occurred in 2011.

23

24 Do you care to add anything more, Bert.

25

26 CHAIRMAN ADAMS: Yeah, last year we had  
27 -- no, 2011 we had, what is called a Celebration in Dry  
28 Bay which we were celebrating and commensurating a lot of  
29 archeological work that took place down there and we  
30 discovered some real important tribal houses. And so,  
31 you know, just to commensurate, you know, those findings,  
32 it took a period of 15 years or so. Maybe -- yeah, about  
33 that.

34

35 The very last potlatch that was held in  
36 Dry Bay was in 1909 and so the celebration in 2011 was  
37 just to recognize all of the work that we had done down  
38 there. We had about 125 people come to that event. And  
39 it was very successful.

40

41 Now, the next step was, of course, to  
42 have an honest to goodness (In Tlingit) down there, at  
43 which time we will invite the, you know, opposite tribes  
44 to participate. That 1909 potlatch was put on by the (In  
45 Tlingit) and they invited the (In Tlingit) in Yakutat to  
46 come and participate in that event and so, you know, the  
47 (In Tlingit) had their supporting clans and then the  
48 Eagles had their supporting clans so we are going to  
49 commensurate that by having an honest to goodness  
50 potlatch down there.

1                   When the (In Tlingit) came down there,  
2 they walked all the way from Yakutat down to Dry Bay so  
3 we're going to insist that they walk down to that -- ah,  
4 I'm just kidding.

5  
6                   (Laughter)

7  
8                   CHAIRMAN ADAMS: Although we did  
9 indicate, you know, that's a possibility. So that's  
10 what's going to happen. We are in the process right now,  
11 as we speak, you know, have a committee that's working on  
12 putting together a grant that will start that process.

13  
14                   And, of course, the Park Service, Glacier  
15 Bay National Park Service has already committed a little  
16 over \$7,000 to the event, so that's really good support,  
17 you know, for our grants that we are going to be  
18 submitting. We're going to do it with the Alaska  
19 Humanities Forum, Rasmuson Foundation and we're looking  
20 forward to that. So the announcement will come out, if  
21 we decide to really, you know, go through it -- I think  
22 we have -- to announce the date, you know, and invite,  
23 you know, tribal members to that event.

24  
25                   MS. PHILLIPS: The RAC.

26  
27                   CHAIRMAN ADAMS: The RAC, of course,  
28 yeah, of course.

29  
30                   And, you know, you're responsible for  
31 paying your own way to Yakutat but we'll take care of the  
32 transportation from Yakutat to Dry Bay and back again.

33  
34                   We're looking forward to it, it's really  
35 exciting.

36  
37                   MS. SWANTON: Good. All reports were  
38 really positive from what I could tell from where I was  
39 sitting in Anchorage.

40  
41                   The other thing I might mention about  
42 Glacier Bay and this doesn't have anything to do with  
43 this program per se, but it is another partnership we  
44 have with the Hoonah to work on developing, planning,  
45 designing in partnership with Hoonah, a Hoonah House that  
46 will be located in Glacier Bay proper, in the Park, so  
47 that's in the works and that's an exciting development.

48  
49                   With respect to Wrangell-St. Elias  
50 National Park and Preserve, I might mention that we do

1 have a new district ranger in Yakutat, Mike Thompson is  
2 the new district ranger there. He had previously served  
3 as the district ranger in the Slana District of the Park,  
4 had also been a ranger up at Bering LandBridge National  
5 Park and -- or excuse me, National Preserve, and way back  
6 when was a seasonal ranger in Yakutat, so he's got a lot  
7 of Alaska experience, and prior to that worked with State  
8 parks.

9  
10 The Wrangells Subsistence Resource  
11 Commission has not met yet, which is why we did not have  
12 anything to report with respect to comments on any of  
13 these proposals. However, at the request of the SRC  
14 Chair, Mr. Adams, two of the proposals that you've  
15 discussed during your meeting over the last couple of  
16 days will be on the agenda for that meeting and those are  
17 FP13-16 and 17. That meeting will be available via  
18 teleconference to any of you who wish to attend. Barbara  
19 Cellarius, the subsistence coordinator at the Park is the  
20 contact there for information about how to access that  
21 teleconference. I can also make that information  
22 available through Robert if you're interested. That  
23 meeting will be on the 30th of October at Park  
24 Headquarters in Copper Center. And, again, Mr. Adams is  
25 the Chair of that SRC. So he's another great contact.

26  
27 MR. LARSON: And that is a teleconference  
28 I understand.

29  
30 MS. SWANTON: It's a meeting in person  
31 for those who can make it.

32  
33 MR. LARSON: Yes.

34  
35 MS. SWANTON: And teleconferencing will  
36 be available for those who cannot, and for any other  
37 interested people. I think they've got 20 lines so  
38 that's why Barb is asking folks who have real interest if  
39 they would contact her if they want to be included in  
40 that meeting.

41  
42 CHAIRMAN ADAMS: If I just might add to  
43 that Nancy.

44  
45 I won't be going to, you know -- I won't  
46 be bodily present there, I'll participate through the  
47 teleconference but the reason why we had to set it up  
48 this way is because of the conflict of the Commission  
49 members, you know, having to meet together at the same  
50 time. And, you know, I have to give Barbara a lot of

1 credit for the way she handles these things, and this is  
2 the very first time that we are going to do a meeting  
3 this way. So, you know, the thing will be done over  
4 teleconference, some of the people will be going who are,  
5 you know, close to the Park Headquarters, you know, will  
6 be going there to participate in it, and it's going to be  
7 pretty interesting.

8

9 Is it a teleconference or a video  
10 conference?

11

12 MS. SWANTON: Barbara mentioned to me  
13 that it was a teleconference.

14

15 CHAIRMAN ADAMS: Okay.

16

17 MS. SWANTON: But if it's a video  
18 conference you could go to the Park office.....

19

20 CHAIRMAN ADAMS: The Park Service.

21

22 MS. SWANTON: .....in Yakutat and link in  
23 that way.

24

25 CHAIRMAN ADAMS: Yeah. We did a meeting  
26 like that once before and I was, you know, on video  
27 conference and I didn't care too much for it because it  
28 made me look a lot fatter than what I really am.

29

30 (Laughter)

31

32 MS. SWANTON: I hear you.

33

34 (Laughter)

35

36 MS. SWANTON: There are two main natural  
37 resource projects in coastal areas of Wrangell-St. Elias.  
38 One deals with the presence and absence of rainbow smelt  
39 and the other is an aerial survey of stellar sea lions in  
40 the Malaspina Forelands area. And apparently a camera  
41 has been installed in that area also so you can see  
42 what's going on at that haulout on an ongoing basis.

43

44 Another study of possible interest to  
45 this group is a Yakutat/Tlingit ethnographic overview and  
46 assessment. That's underway, that's being done in  
47 conjunction with Portland State University and interviews  
48 should be commencing next year, that's 2013 in the  
49 Yakutat area. And for those who don't know what those  
50 kind of studies are it's a basic document that the Park

1 Service does in our Park units dealing with cultural  
2 resources -- Cultural Resources Program, and the work  
3 will document that information about cultural connections  
4 to the Park. A similar effort was done for the Upper  
5 Tanana, in that area of the Park, and the way the Park  
6 decided to approach this was by language areas. So there  
7 are several studies in Wrangells being that it's a large  
8 Park that covers multiple areas with respect to different  
9 Native languages.

10

CHAIRMAN ADAMS: Can I add to that, too?

11

12

MS. SWANTON: Yes.

13

14

CHAIRMAN ADAMS: Could I add to that,

15 too?

16

17

MS. SWANTON: Please.

18

19

20

CHAIRMAN ADAMS: I'm really happy that

21 this project is taking place because when we started  
22 doing the -- I call it the archeological studies down in  
23 the Dry Bay area, I missed my mark, I should have been an  
24 archaeologist because I started this when I was really,  
25 really young, you know.

26

(Laughter)

27

28

CHAIRMAN ADAMS: But when we were doing

29 ours, you know, we'd go down there every two years and  
30 every time we went down there we discovered something  
31 new. So the people who migrated up from the Copper River  
32 area, you know, live in Yakutat, we have the (In Tlingit)  
33 and they were saying, hey, how come we don't do anything  
34 like that and I says, well, you need to, you know, get  
35 something going and, of course, you know, Barbara, you  
36 know, submitted -- was able to get about \$10,000, you  
37 know, to do the same thing up in that area. She went to  
38 the tribal council and for some reason they turned it  
39 down, I can't understand why, but now this new study here  
40 is doing, you know, what I thought was -- well, what I  
41 think is, you know, what we were trying to do then so  
42 it's interesting to see that happening on that end of the  
43 bay, you know, across from Yakutat.

44

45

MS. SWANTON: Very good, thank you. One

46 last item of possible interest, we were excited about

47 this.

48

49

It was a partnership that we had with the

50

1 AHTNA people to establish a new campground on the Nabesna  
2 Road side of the Park. It's named after a local AHTNA  
3 woman who happens to be Wilson Justin's grandmother, and  
4 also Katie John's older sister. And so it was dedicated  
5 recently and Katie John was a speaker at that dedication,  
6 which was kind of a special event.

7

8 VICE CHAIR BANGS: Thank you. Any  
9 questions.

10

11 Tim.

12

13 MR. ACKERMAN: Yeah, the interesting  
14 thing to listen to you folks talk about the archeological  
15 Dry Bay up there. In the Pennsylvania Museum, a war  
16 helmet was taken from Dry Bay and it still is in the  
17 Pennsylvania Museum, I believe, but I have carved a  
18 replica of that war helmet that was taken from the Dry  
19 Bay area and that part of me is from Dry Bay, the Whale  
20 House, and my other side is the Thunderbird House in  
21 Klukwan. But really interesting because I am working  
22 with an archeologist right now on the Chilkoot and the  
23 Chilkat side and I was the first one to turn in some  
24 charcoal that was 36 inches deep under the strata in the  
25 Chilkoot River and it was a pretty good size of charcoal  
26 but I had found a former fire cooking pit. So I was the  
27 first one in the history of the Valley to turn in  
28 charcoal to get it radio carbon dated and we are finding  
29 more stuff. We're going to have a real good report on  
30 all the stuff that we did up in there. But ethnographic  
31 report is so good to do while the actual indigenous  
32 people are still alive and in the area, they're  
33 decedents, and, you know, it's -- we're not all gone and  
34 you can garner more information from the area. We have  
35 just a volume of stuff and there's so much stuff.

36

37 Our journey was from Klukwan up the  
38 Chilkat Pass, down the O'Connor River to the Tashishini  
39 and the Tashishini goes into the Alsek and you come out  
40 down the Alsek into Dry Bay. That was where my great-  
41 grandparents met and he was on a trading mission. But we  
42 are -- I've been working with the people up there on  
43 retracing all the historic trade routes as well as the  
44 Yukon College up in Whitehorse, I've been working with  
45 them on some of the old trade routes and stuff like that,  
46 too.

47

48 So we are going back in customary and  
49 traditional times, prehistoric times and finding records.  
50 It's amazing. It'll be a good report when we're all

1 done. But, yeah, that's what I'm doing on the side here  
2 working for the archaeologists, and, yeah, real  
3 interesting.

4  
5 Thanks.

6  
7 VICE CHAIR BANGS: Thank you, Tim. Any  
8 questions.

9  
10 Frank.

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

13  
14 Just a few other things that the Park  
15 Service has been working with Hoonah. You know, when we  
16 started off with the Park Service it was kind of shaky  
17 but everything started working out good. So we started  
18 off with putting a name place map together so we had all  
19 the elders that put a name place map, you know, and one  
20 of the things that I had doubts about was, were our  
21 people really there because with the ice pushing us out.  
22 But the name place map was put together before the  
23 scientific data had been released. So what convinced me  
24 as to our Tlingit people being there was the  
25 interpretations of the names of the mountains and all  
26 that was in the bay was the bay of what the scientists  
27 were saying. So it took my doubt away because I think if  
28 the name place map was put together people would be  
29 doubting our existence. So it was put together before  
30 the scientific data had been put out so it confirmed our  
31 people that lived in the bay so that took my doubt away  
32 because, I had doubt because ice would have pushed us out  
33 and everything so that was just one of the things.

34  
35 And, you know, another thing was, you  
36 know, two years ago, about a year and a half ago, the  
37 Park Service had taken -- at first the Park Service used  
38 to just take young children up with elders to do dances  
39 and be taught of what was up there but that's when I  
40 still had doubts. But then they took a few of us adults  
41 up there by ourselves and that's when the explanation of  
42 the scientific data had come out and we went down on the  
43 beach and cultural person, Wayne Howell, we were walking  
44 on the beach and I was looking -- why is this log here  
45 and he says that's when (In Tlingit) was here, because of  
46 the land -- land was moving you out. So, you know, when  
47 you see logs on the ground then, you know, the land is  
48 moving.

49  
50 And another thing that happens, is that

1 the Park Service has taken young people on fishing trips,  
2 and then they use my boat to explain what fishing was and  
3 was seining and then there was another boat for  
4 longlining, another boat for gillnetting, to explain, you  
5 know, that's one thing that the Park Service was doing.  
6 And the house that they're building, they already started  
7 the carvings for the walls, panels, and that's already  
8 been done in Hoonah. So the engineers had come to Hoonah  
9 Indian Association about three weeks ago to get more  
10 information on us on how to deal with this and work with  
11 the Park Service on doing this so one of my comments was,  
12 well, it can't be just a house that's sitting there, it's  
13 got to have some Native design outside so when tourists  
14 walk by they'll say hey what's this place, let's go in.  
15 You know, you can't just have a box there.

16

17 And so the Park Service, I think, you  
18 know, has really worked with us.

19

20 This spring they had come to Hoonah, were  
21 going to take people up to go to nagoon hunting, you  
22 know, berry picking, but it was too early in the season.  
23 So it's -- you know the Park Service has really, really  
24 hung in there and worked culturally with our people.  
25 And, you know, I got to thank the Park Service for being  
26 there, you know, they pushed and pushed to make cultural  
27 things happen in Hoonah and, you know, I'm proud to be  
28 part of it and I think that we're still going to continue  
29 work in government to government relations.

30

31 Gunalcheesh.

32

33 VICE CHAIR BANGS: Thank you, Frank.

34 Bert.

35

36 CHAIRMAN ADAMS: Yeah, I just want to  
37 elaborate just a little bit on what he was just sharing  
38 with us. You know you have some doubts about whether the  
39 history and everything is true or not and so just to make  
40 my story really short. When we discovered all of these  
41 tribal houses and I started learning about their history  
42 and how they were named and why they were named, you  
43 know, everything just fell into place. And we found some  
44 over in Dry Bay as well. And the elders had been telling  
45 us this for years and years and years that we should find  
46 those areas and they told us about, you know, those  
47 houses.

48

49 So, you know, what happened here, folks,  
50 it is really significant to me. This is when oral

1 history and archeology came together and made a very  
2 powerful statement and I think that's just exactly what  
3 he was trying to tell us as well.

4  
5 VICE CHAIR BANGS: Thank you, Bert. Any  
6 questions for Nancy.

7  
8 (No comments)

9  
10 VICE CHAIR BANGS: Thank you, very much  
11 Nancy. And thank you for waiting through the whole  
12 meeting to give your presentation.

13  
14 MS. SWANTON: Thank you.

15  
16 VICE CHAIR BANGS: Okay, I don't think  
17 there's -- is there anyone from the State still here --  
18 oh, good.

19  
20 MS. SILL: Good afternoon. My name is  
21 Lauren Sill, I am a subsistence resource specialists with  
22 the Division of Subsistence.

23  
24 We'd originally planned on giving you a  
25 guys a presentation of some recent research that we've  
26 done here in Sitka but in the interest of time I was just  
27 going to give you a real brief update about what we're up  
28 to in Southeast.

29  
30 As you all know funding's been sort of  
31 tight but we're trying to rebuild our program and get  
32 more involved in the issues down in Southeast and get  
33 some more projects off the ground. So besides myself in  
34 the office we had a graduate intern this year and we'll  
35 be getting another senior researcher coming into the  
36 office starting in January and we're in the process of  
37 hiring for a subsistence resource specialist I right now.

38  
39 So some of the projects that we're  
40 currently working on and we do an annual herring egg  
41 harvester survey in conjunction with the Sitka Tribe of  
42 Alaska. We've been doing that for about 12 years and  
43 have plans on continuing at least for awhile into the  
44 future.

45  
46 We also, this summer, we're doing field  
47 work in Klukwan on two different projects. One looking  
48 at traditional knowledge of sockeye fishing and one  
49 starting now looking at king salmon fishing and a little  
50 bit of genetic stock identification of kings as well.

1                   There's a proposal into AKSSF to update  
2 salmon harvests in Angoon and Hoonah, that would start  
3 next winter if that gets funded.

4  
5                   I believe we have funding to  
6 comprehensive surveys of about five communities in  
7 Southeast this year and they'll be of all the subsistence  
8 resources and we haven't done one of these surveys since  
9 the late -- or the mid-90s, I guess for most communities  
10 and some haven't been done since the late '80s, so we're  
11 hoping to get more than just five in the coming years.

12  
13                   I believe we're going to be working with  
14 the Division of Wildlife Conservation on the wolf  
15 harvester survey on Prince of Wales, you guys have heard  
16 about it before. And we're also -- our graduate intern,  
17 he was doing a project here in Sitka, kind of mapping  
18 traditional ecological knowledge of herring eggs and  
19 herring spawn and harvest practices, and so I can make  
20 that presentation available to you guys if you're  
21 interested, through Mr. Larson.

22  
23                   And I guess finally, we're doing a marine  
24 mammal survey this year. We used to do them every year,  
25 we haven't done one in Southeast since 2008 so we're  
26 going to be updating that this year, the harvest of seals  
27 and sea lions.

28  
29                   And I think that's it so thank you for  
30 your time.

31  
32                   VICE CHAIR BANGS: Thank you, very much.  
33 Are there any Council questions.

34  
35                   (No comments)

36  
37                   VICE CHAIR BANGS: Thank you.

38  
39                   Doug. Mr. Larson.

40  
41                   MR. D. LARSON: Thank you, Mr. Chairman.  
42 Doug Larson, Alaska Department of Fish and Game, Division  
43 of Wildlife Conservation.

44  
45                   I have several things I could share with  
46 the Council, and I think, though, it's been suggested to  
47 me that perhaps I just give you some highlights in terms  
48 of what work we've been doing and then provide you with  
49 a short white paper with some of the bulleted findings  
50 and things that might be of interest to you. So in that

1 interest I just wanted to cover some of the projects  
2 we've done and I think this really fits well with what  
3 Terry Suminski shared with you earlier about the work  
4 that has been listed as -- or identified as stuff that  
5 we'd like to get done collectively.

6  
7                   And we've actually been able to address  
8 quite a few of the things on that list and we're in the  
9 process now of continuing some of that.

10  
11                   So very quickly, we've worked with  
12 wolverines in Thomas Bay and Berner's Bay. We have  
13 reports out on both of those activities. Learned quite  
14 a bit about the species. It's a fairly secretive species  
15 as you know, and we have some, I think, very good  
16 information that will help us manage that species.

17  
18                   On brown bears we've got two projects  
19 under way right now, one's in Berner's Bay, just actually  
20 wrapping up and the other is in Yakutat where we've got  
21 some animals tagged, looking at distribution, habitat  
22 use, movement patterns and even population estimations.  
23 So that's been really insightful. One of the key  
24 findings on that, just very quickly is that we know that  
25 brown bears use the landfill there in Yakutat. What's  
26 interesting is they're not solely using the landfill,  
27 these are bears that come into the landfill but then they  
28 go out and do the natural bear thing many, many miles  
29 distant from the landfill. So whereas some landfills  
30 tend to attract and keep bears, these are sort of a  
31 transients, that use the landfill part of the time but  
32 not all of the time.

33  
34                   We've got a black bear study going on on  
35 Prince of Wales that's, in my opinion been long over due.  
36 It's an area where there's been extensive access provided  
37 and we hav a fair amount of interest by hunters and we've  
38 seen harvest go up over the years and we've not been able  
39 to get a good handle on what's going on with the  
40 population in light of that increased harvest. So we're  
41 in the process now of doing that and I think that's going  
42 to really provide some really useful information and,  
43 again, I can give you some bullets on that.

44  
45                   You've heard about the wolf work that's  
46 being done on Prince of Wales. And that's, you know, in  
47 part there's two main reasons for that research. One, of  
48 course, is to give us an estimate of the numbers on the  
49 island because that's very critical to our harvest  
50 management system where we allow a harvest of up to 30

1 percent of the estimated population so obviously we need  
2 to know what that population is in order to do that and  
3 so that's one reason. And the other, of course, is just so  
4 we have a better understanding of the conservation of the  
5 species and particularly when we have things like listing  
6 petitions come before us, we have some information with  
7 which to better inform that decisionmaking process. So, I  
8 think that, again, is information that'll be very useful.

9  
10 We've gotten deer research underway and  
11 looking specifically at DNA from pellets to identify  
12 individuals, come up with a way of better estimating  
13 populations in the woods. We've done some work on Mitkof  
14 and on Northeast Chichagof. So, again, I think that'll  
15 be very useful.

16  
17 We currently have a martin study going on  
18 on Kuiu Island. We have a graduate student down there.  
19 He's got about -- there are about 30 animals on the air  
20 right now and they're going to try and radio-tag a few  
21 more here in the next few weeks. So, again, I think  
22 we're getting some really good information about that  
23 species in an area where we're finding has some  
24 vulnerabilities for that species with the extensive road  
25 system there and the low abundance of small mammals that  
26 are there on that island and in comparison to other  
27 places it looks like it's a fairly fragile ecological  
28 relationship.

29  
30 We've done extensive mountain goat work  
31 along Lynn Canal from Berner's Bay to the Katzahin River.  
32 Also done work up here on Baranof, right behind Sitka  
33 with the Blue Lake Hydro Project to get some information  
34 about goats and what the implications may be with the  
35 hydro project, and then we've also done goat work down  
36 the Cleveland Peninsula, outside of Ketchikan, which is  
37 a fairly small isolated population of goats that have  
38 been there historically, but they exist in fairly low  
39 numbers and we've felt like it was important to get some  
40 better information about that particular population and  
41 I think the information we're getting I think is going to  
42 be very useful.

43  
44 And finally, in terms of moose we've got  
45 a project winding up in Berner's Bay that's, I think,  
46 very good to give us some survivorship information, calf  
47 mortality information. That's been very useful. And  
48 also in Gustavus with that colonizing population we've  
49 been able to do quite a bit of work there.

50

1                   And, of course, Mr. Chairman, this  
2 doesn't include all the survey and inventory work, but  
3 these are the more directed research projects. And,  
4 again, in the interest of time, I will put these into a  
5 document that I can provide to you through Mr. Larson so  
6 you have that more detailed information.

7  
8                   Thank you.

9  
10                   VICE CHAIR BANGS: Thank you, Mr. Larson.  
11 Are there any Council questions for Doug.

12  
13                   (No comments)

14  
15                   VICE CHAIR BANGS: Thank you. Okay, I've  
16 just been informed we have two quick action items that we  
17 have to take care of before we go to the final part here  
18 where we confirm the dates of our next meeting.

19  
20                   One of them is the MOU, what we need to  
21 do is make a statement, maybe thank the Board for taking  
22 into consideration the MOU, and any changes that we might  
23 have wanted to make. So I guess we need to make a motion  
24 to a statement saying that we accept the MOU, and then  
25 thanking the Board for their letting the Council weigh in  
26 on it.

27  
28                   Bert.

29  
30                   CHAIRMAN ADAMS: I'll make the motion,  
31 Mr. Chairman.

32  
33                   I just that we do want to move that we do  
34 acknowledge to the Board that we have received the MOU,  
35 that we have reviewed it and we thank them for the  
36 opportunity to do this.

37  
38                   So that's my motion. Unless somebody  
39 else wants to do a better one.

40  
41                   VICE CHAIR BANGS: Okay, we need a  
42 second.

43  
44                   MR. HERNANDEZ: Second.

45  
46                   VICE CHAIR BANGS: Okay, thank you,  
47 Donald. It's been moved and seconded that we make a  
48 response to the MOU to the Board.

49  
50                   All those in favor respond by saying --

1 yes. Patty.

2

3 MS. PHILLIPS: Did you ask for  
4 discussion?

5

6 VICE CHAIR BANGS: Sorry.

7

8 (Laughter)

9

10 VICE CHAIR BANGS: Is there any  
11 discussion.

12

13 MS. PHILLIPS: On the MOU draft that was  
14 in the booklet on Page 162 on Item 2, at the top of the  
15 page where it says recognize that wildlife management  
16 activities on Federal public lands, other than the  
17 subsistence take and use of fish and wildlife, such as  
18 predator control and habitat management are the  
19 responsibility of and remain within the authority of the  
20 individual land management agencies.

21

22 I put an asterisk that says policy  
23 Sections .802-2 non-wasteful subsistence uses of fish and  
24 wildlife and other renewable resources shall be the  
25 priority consumptive use all such resources on the public  
26 lands of Alaska for the continuation of subsistence uses  
27 shall be given preference on public lands over other  
28 consumptive uses.

29

30 On Page 163 at the top, MOU draft for  
31 comment approved for distribution, under that, it says,  
32 local subsistence users and others are and will continue  
33 to be an important component of information gathering and  
34 management programs.

35

36 Those are the only two comments that I  
37 would like to add to the record, but I support the  
38 motion.

39

40 Thank you.

41

42 VICE CHAIR BANGS: Thank you, Patty. So  
43 are we using -- taking this as an amendment to the MOU or  
44 just a comment that you want to have included in the  
45 report.

46

47 MS. PHILLIPS: I'm okay with just a  
48 comment, Mr. Chair.

49

50 VICE CHAIR BANGS: Did you get that Mr.

1 Larson, or I guess you could....

2

3 MR. LARSON: Yes, I've got it. So the  
4 motion is to approve as amended in the Council book with  
5 the comments from Patty Phillips.

6

7 VICE CHAIR BANGS: Correct -- or no, just  
8 the comments that you just gave, he's going to include  
9 those in the.....

10

11 MS. PHILLIPS: Mr. Chair.

12

13 MR. DOUVILLE: That's okay. I'm okay  
14 with that.

15

16 MS. PHILLIPS: If the rest of the RACs  
17 okay with that, sure, but I was just wanting to insert my  
18 comments into the record.

19

20 VICE CHAIR BANGS: Thank you.

21

22 MR. LARSON: We can do that for their  
23 consideration but we approve it as written and suggest  
24 they consider further changes.

25

26 VICE CHAIR BANGS: Yes.

27

28 (Council nods affirmatively)

29

30 VICE CHAIR BANGS: Don.

31

32 MR. HERNANDEZ: Yes, could I just ask  
33 Patty to repeat again her -- for paragraph two there on  
34 Page 162, what she said.

35

36 MS. PHILLIPS: It's almost verbatim  
37 Section .802-2 from ANILCA, after the recognize that, so  
38 at the end of the predator management policy insert the  
39 ANILCA policy, the .802-2.

40

41 MR. HERNANDEZ: And that was about non-  
42 wasteful uses having priority.

43

44 MS. PHILLIPS: The priority consumptive  
45 use.

46

47 So it's non-wasteful subsistence uses of  
48 fish and wildlife and other renewable resources shall be  
49 the priority consumptive use all such resources on the  
50 public lands of Alaska for the continuation of

1 subsistence uses shall be given preference on public  
2 lands over other consumptive uses.

3

4 I was just thinking that it should be  
5 inserted right in there.

6

7 And then at the top of Page 163 after it  
8 says users and others and then in parenthesis, are and  
9 will continue to be an important component of information  
10 gathering and management programs.

11

12 VICE CHAIR BANGS: Does that answer your  
13 question, Don.

14

15 MR. HERNANDEZ: (Nods affirmatively)

16

17 VICE CHAIR BANGS: Okay, thank you. Any  
18 other comments on this issue.

19

20 Mr. Kessler.

21

22 MR. KESSLER: Thank you, Mr. Chairman.  
23 Patty, I'm on this working group that's been working to  
24 revise this memorandum of understanding and I'm still --  
25 and I'm going to have to figure out what to do with what  
26 you just said, so working with the rest of the working  
27 group, and I think, but I'm not sure that what you just  
28 said might actually fit better on Page 1 of it so it's on  
29 Page 160 of your book, somehow under that whereas, so  
30 under the whereas we have Paragraph .803 and .804  
31 recognized, shall be priority over other uses, et cetera,  
32 and I'm just wondering if perhaps what you're talking  
33 about could fit better in that paragraph.

34

35 Does that make sense.

36

37 MS. PHILLIPS: Yes, it makes sense.

38

39 MR. KESSLER: Thank you.

40

41 VICE CHAIR BANGS: Thank you, Steve.  
42 Okay, so now we're back to the original motion with the  
43 comments that Ms. Phillips added to it.

44

45 Is there any other comments.

46

47 Patty.

48

49 MS. PHILLIPS: Thank you, Mr. Chair. On  
50 Page 164, under general provisions, No. 2., the last

1 sentence supplemental protocols to this document may be  
2 developed to promote further interaction and improve  
3 information sharing protocols and coordination among the  
4 parties. So I'm inserting and improve information  
5 sharing protocols after interaction.

6

7 VICE CHAIR BANGS: Everybody follow and  
8 agree with that.

9

10 MR. LARSON: Where are you at?

11

12 MS. PHILLIPS: Page 164 under general  
13 provisions, number 2, the last sentence, after further  
14 interaction, add, and improve information sharing  
15 protocols and coordination among the parties.

16

17 That was to address the concerns that we  
18 heard from the public that information wasn't being  
19 shared forthwith.

20

21 VICE CHAIR BANGS: Mr. Kessler.

22

23 MR. KESSLER: Thank you, Mr. Bangs. I  
24 guess just one comment on that, is that, there are a  
25 number of different supplemental protocols and I probably  
26 can't name them all but there's information sharing,  
27 there's Yukon River, there's another one, which I  
28 can't.....

29

30 MR. LARSON: Regulatory cycle.

31

32 MR. KESSLER: Regulatory cycle is one of  
33 the protocols. So I think with that wording of just  
34 identifying specifically the information sharing  
35 protocol, it would be a little difficult right in there.

36

37 One of the things that we have committed  
38 or we propose to commit that the Board would review with  
39 the partners in the MOU, would be to review all of the  
40 protocols and how we go about doing them, including the  
41 information sharing protocol, which is one of the more  
42 important ones, is, of course, a statewide protocol.

43

44 So you're welcome to make any suggestions  
45 you want, I'm just trying to figure out how to work it in  
46 the best, again, as part of that working group.

47

48 Thank you.

49

50 VICE CHAIR BANGS: Thank you, Steve.

1 Patty, how do you -- are you okay with that?

2

3 MS. PHILLIPS: Well, you know, based on  
4 the comments we received in previous meetings about  
5 information not being shared. I mean some gets shared  
6 and some doesn't so I thought we should probably  
7 highlight it but I'm okay with what he just said, too,  
8 just wanted to put my input in.

9

10 Thank you.

11

12 VICE CHAIR BANGS: Thank you, Patty.  
13 Maybe it would be a -- Steve.

14

15 MR. KESSLER: And, thank you, Mr.  
16 Chairman. Patty. And you'll notice that in that comment  
17 it says the intent is to follow up with the review of  
18 these protocols after adoption of the MOU and that this  
19 is a commitment for future action and when I provided the  
20 original briefing, which was on Pages 154 through 156,  
21 there was a recognition that that was something that  
22 would need to be done. And I don't know at this point  
23 how the Regional Advisory Councils will be involved in  
24 those updates and reviews of the protocols but I'm sure  
25 that in some way that they will come back to you to take  
26 a look at.

27

28 MS. PHILLIPS: Mr. Chair.

29

30 VICE CHAIR BANGS: Ms. Phillips.

31

32 MS. PHILLIPS: Thank you for that in-  
33 depth explanation and I will accept it.

34

35 (Laughter)

36

37 VICE CHAIR BANGS: Thank you, Patty.  
38 Okay, are there any other comments or questions on the  
39 MOU.

40

41 (No comments)

42

43 VICE CHAIR BANGS: Okay, I guess I would  
44 entertain the question.

45

46 CHAIRMAN ADAMS: Question.

47

48 VICE CHAIR BANGS: Question's been  
49 called. All those in favor of accepting and thanking the  
50 Board for their work on the MOU respond by saying aye.

1 IN UNISON: Aye.  
2  
3 VICE CHAIR BANGS: Those opposed, nay.  
4  
5 (No opposing votes)  
6  
7 VICE CHAIR BANGS: Okay, motion passes,  
8 thank you.  
9  
10 Okay, we have one other -- two other  
11 issues.  
12  
13 The Chair and vice Chair requests the  
14 Council for the ETJ, and requests that we are included in  
15 any ongoing -- I think that's what it is. The Council  
16 wants to acknowledge being included -- Cathy.  
17  
18 MS. NEEDHAM: Thank you, Mr. Chair.  
19 Earlier when we were going through the ETJ process Mr.  
20 Kessler had made the recommendation that this body  
21 identify point people on the Regional Advisory Council  
22 that could be contacted by the mediators to keep the RAC  
23 engaged in that and, so, maybe to expedite the process I  
24 would like to make the motion that this Council consider  
25 assigning the Chair and the vice Chair as those contact  
26 people for when mediators need somebody to contact for  
27 this body in their process.  
28  
29 MS. PHILLIPS: Second.  
30  
31 VICE CHAIR BANGS: Okay, it's been moved  
32 and seconded to request that the Chair and vice Chair be  
33 consulted with when they are needed. Any discussion.  
34  
35 MR. WRIGHT: Question.  
36  
37 VICE CHAIR BANGS: Don.  
38  
39 MR. HERNANDEZ: Thank you, Mr. Chairman.  
40 One of the things that I was recalling in some of our  
41 earlier meetings with John Littlefield as Chair and Dolly  
42 Garza, as a member, was it's great that we're kept  
43 informed of situations but they also always pointed out  
44 that we had some weigh to communicate anything that we  
45 want to respond to after these consultations. Do we have  
46 a means to do that in this instance. If we get these  
47 reports and there's something that we don't like to see  
48 happening, what avenues do we have to address those, do  
49 we have any at this point in our -- it's kind of the  
50 point that Mr. Naoroz kept stressing in his presentation,

1 is that, you know, we are part of this Federal management  
2 program as well that's supposed to be overseeing this  
3 whole process so how do we have input into it.

4

5 VICE CHAIR BANGS: Is there anyone that  
6 can answer that.

7

8 Mr. Larson.

9

10 MR. LARSON: Mr. Chair. Earlier in our  
11 meeting there was a decision made to have the ETJ as an  
12 agenda item for at least the next three years at every  
13 meeting so there will be updates, you know, a formal  
14 update and an opportunity for review of the process at  
15 each of our meetings. I think it's really a little  
16 premature in the process to determine exactly what -- you  
17 know, what the results are going to be and when we're  
18 going to have them. So I would trust in the process  
19 working forward and trust in this ability for ourselves  
20 to review and interject the Council, you know, where and  
21 when they seem appropriate.

22

23 Thank you.

24

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

26

27 Bert.

28

29 CHAIRMAN ADAMS: Yeah, I think the  
30 information sharing, we're just getting a little closer  
31 to this thing by having a couple members of the Council,  
32 you know, be informed about what's going on and also  
33 participate in the process, but we can't, you know, we  
34 can provide you with the information but we can't, you  
35 know, meet and discuss it and make any decisions on it  
36 until our next meeting. So that would, in my opinion, be  
37 the process.

38

39 VICE CHAIR BANGS: Thank you, Bert.

40

41 Don.

42

43 MR. HERNANDEZ: Thank you, Mr. Chair.  
44 Mr. Adams, if I could, I guess I would be satisfied just  
45 to know that it would be an agenda topic on meetings and  
46 that would at least would offer us the opportunity to  
47 give some input into it. That would be fine, thank you.

48

49 VICE CHAIR BANGS: Thanks, Don. Okay, we  
50 have a motion on the floor to include two RAC members to

1 be engaged in the ETJ process so, question?

2

3 CHAIRMAN ADAMS: I'll call for the  
4 question.

5

6 VICE CHAIR BANGS: Thank you, Bert.  
7 Question's been called for, all those in favor of sending  
8 a memo that we want to be included in the process signify  
9 by saying aye.

10

11 IN UNISON: Aye.

12

13 VICE CHAIR BANGS: Opposed, say nay.

14

15 (No opposing votes)

16

17 VICE CHAIR BANGS: Okay, motion passes.

18

19 Okay, one last thing, we should, I think,  
20 after talking about the TransBoundary River Panel that we  
21 might pick someone that could serve on that if the  
22 opportunity arises and I was -- we've talked about it in  
23 the past and it might be advantageous to have somebody  
24 that's closeby there, by one of the TransBoundary Rivers.

25

26 Robert.

27

28 MR. LARSON: Mr. Chair. I think it would  
29 be clearer to say that we don't need to select a member  
30 to serve on the TransBoundary River Panel at this point,  
31 what the interest of the Council was in previous  
32 discussions was to select a member to represent the  
33 Council at the TransBoundary River Panel, not as a member  
34 but as a spokesman, user for the Council to present the  
35 case from the Council, not from the Staff, but a Council  
36 member himself.

37

38 VICE CHAIR BANGS: Okay, thank you for  
39 that clarification.

40

41 Cathy.

42

43 MS. NEEDHAM: Thank you, Mr. Chair. I'd  
44 like to nominate John Yeager to represent the Regional  
45 Advisory Council, especially Fisheries Proposal 13-19 at  
46 the TransBoundary River Panel as per requested by the  
47 Deputy Commissioner of Fish and Game actually, not, John  
48 necessarily, but having a representative. I think John  
49 makes the best candidate. He's a subsistence user. He's  
50 intimately familiar with the Stikine and has a firm grasp

1 of the proposal and the proceedings that happened here.  
2 And I think he would represent us well there.  
3  
4 VICE CHAIR BANGS: Thank you, Cathy. We  
5 need a second.  
6  
7 MS. PHILLIPS: Second.  
8  
9 VICE CHAIR BANGS: It's been.....  
10  
11 CHAIRMAN ADAMS: Would you be willing to  
12 John?  
13  
14 (Laughter)  
15  
16 MR. YEAGER: Mr. Chair, yes, I would, as  
17 long as the Council felt that I was the appropriate  
18 person to represent the Council.  
19  
20 VICE CHAIR BANGS: Thank you for that  
21 John, it's a big help. Okay so it's been nominated and  
22 seconded and so all those in favor of John Yeager  
23 representing us at the TransRiver Boundary Panel respond  
24 by saying aye.  
25  
26 IN UNISON: Aye.  
27  
28 VICE CHAIR BANGS: Opposed, nay.  
29  
30 (No opposing votes)  
31  
32 VICE CHAIR BANGS: Okay, good. Okay,  
33 with that out of the way I think we can go to confirming  
34 the dates of our next meeting in March, and we have it  
35 set for March 12th through the 14th in Ketchikan.  
36  
37 Any discussion.  
38  
39 MR. LARSON: Mr. Chair.  
40  
41 VICE CHAIR BANGS: Yes.  
42  
43 MR. LARSON: The calendar is on Page 215.  
44 I've spoken with the Office of Subsistence Management and  
45 to the best of our knowledge that none of those dates  
46 have changed for the other Councils so what you're seeing  
47 is, in fact, the actual schedule.  
48  
49 Thank you.  
50

1 VICE CHAIR BANGS: Okay, is there any  
2 discussion on those dates, is that going to work.  
3  
4 (No comments)  
5  
6 VICE CHAIR BANGS: I would entertain a  
7 motion to use those dates.  
8  
9 MR. DOUVILLE: So moved.  
10  
11 VICE CHAIR BANGS: It's been moved.  
12  
13 MS. HAWKINS: Second.  
14  
15 VICE CHAIR BANGS: And seconded. That we  
16 finalize our dates for the March meeting, March 12th,  
17 13th and 14th in Ketchikan. All those in favor respond  
18 by saying aye.  
19  
20 IN UNISON: Aye.  
21  
22 VICE CHAIR BANGS: Opposed, nay.  
23  
24 (No opposing votes)  
25  
26 VICE CHAIR BANGS: Okay, motion passes.  
27 Okay, then the only other thing is where do we want to  
28 meet in our next fall meeting, any discussion or ideas.  
29  
30 MR. DOUVILLE: I guess where a jet lands.  
31  
32 VICE CHAIR BANGS: Well, it sounds like  
33 there may be some funding issues, that might be something  
34 to consider, but right now we don't know if it's going to  
35 affect us too much.  
36  
37 MR. LARSON; Mr. Chair.  
38  
39 VICE CHAIR BANGS: Yes.  
40  
41 MR. LARSON: The only Council that has  
42 met and that's not included, you can see there's North  
43 Slope and the Northwest Arctic has their blocks already  
44 assigned, they don't like to have more than two Councils  
45 meeting at the same time, the only two dates that are  
46 spoken for as of yet are September 24th and 25th, that's  
47 by the Kodiak Council.  
48  
49 Thank you.  
50

1 VICE CHAIR BANGS: Thank you, Robert.  
2  
3 MS. HAWKINS: Mr. Chair.  
4  
5 VICE CHAIR BANGS: Merle.  
6  
7 MS. HAWKINS: I would propose meeting in  
8 Petersburg.  
9  
10 VICE CHAIR BANGS: Did you have any dates  
11 in mind?  
12  
13 MS. HAWKINS; After tourism works for me  
14 but there's a lot of other people to consider, so, the  
15 first week of October.  
16  
17 VICE CHAIR BANGS: How does that work, it  
18 doesn't work for me.  
19  
20 MR. DOUVILLE: No.  
21  
22 VICE CHAIR BANGS: It doesn't work for  
23 you either, you, no, no, how about the latter part of  
24 September like we did this meeting.  
25  
26 MS. HAWKINS: Yes.  
27  
28 VICE CHAIR BANGS: Does that work for  
29 you. So we'd be looking at September 24th, 25th and 26th  
30 or if there's a two day meeting, how does that work, Mr.  
31 Larson.  
32  
33 MR. LARSON: Those days are available.  
34  
35 VICE CHAIR BANGS: So do we need a motion  
36 to tentatively put that on the docket as far as our next  
37 meeting, September 24th and 25th.  
38  
39 MR. DOUVILLE: Yep.  
40  
41 VICE CHAIR BANGS: In Petersburg.  
42  
43 CHAIRMAN ADAMS: Mr. Chairman.  
44  
45 VICE CHAIR BANGS: Bert.  
46  
47 CHAIRMAN ADAMS: I move that we have our  
48 fall meeting of 2103 during the week of September 23rd  
49 and Mr. Larson can juggle and kind of identify the proper  
50 dates, you know, that would be accommodating for all of

1 us. It looks to me like what has been said already  
2 everyone would be available but I'd like to keep it like  
3 that, the week of September 23rd.

4  
5 Thank you.

6  
7 VICE CHAIR BANGS: Thank you, Bert. We  
8 have a motion, do we have a second.

9  
10 MR. DOUVILLE: Do you need a second?

11  
12 VICE CHAIR BANGS: Yes.

13  
14 MR. DOUVILLE: Second.

15  
16 VICE CHAIR BANGS: All those in favor of  
17 meeting in Petersburg next September, the week of the  
18 23rd in Petersburg, respond by saying aye.

19  
20 IN UNISON: Aye.

21  
22 VICE CHAIR BANGS: Opposed, nay.

23  
24 (No opposing votes)

25  
26 VICE CHAIR BANGS: Motion carries.

27  
28 Okay, any closing comments.

29  
30 MR. LARSON: Mr. Chairman.

31  
32 VICE CHAIR BANGS: Yes.

33  
34 MR. LARSON: So what works out for the  
35 best in that case is you could expect to travel on  
36 September 23rd and 27th and meet the 24th, 25th and 26th  
37 in Petersburg, so that's what I will try to work for;  
38 travel on Monday and Friday and meet on Tuesday through  
39 Thursday.

40  
41 (Council nods affirmatively)

42  
43 VICE CHAIR BANGS: Okay, thank you, Mr.  
44 Larson.

45  
46 I'm going to turn the gavel back over to  
47 Mr. Adams to give some closing comments.

48  
49 CHAIRMAN ADAMS: Sure, thank you, Mr.  
50 Bangs for a job well done. I feel a lot better this

1 afternoon. It was a pretty rough night getting only a  
2 couple hours sleep so I really appreciate your  
3 indulgence. Thank you, again, Mr. Bangs, for being able  
4 to relieve me here for this afternoon.

5  
6 We will take some closing comments now  
7 but I want to do mine first and then, you know, whomever  
8 wants to do so you'll have that opportunity.

9  
10 I'm going to just read to you something.  
11 I shared this with the Federal Subsistence Board at our,  
12 I think it was January meeting. At that time I was  
13 really working hard on getting a book published and I  
14 told the Board that I was looking for a publisher at this  
15 time, I was also getting it, as we spoke at that time,  
16 edited and proofed and everything and so now I'm at a  
17 point where I am looking for a publisher. I submitted  
18 it, this manuscript to three or four publishers so far  
19 and then the very next day that I emailed one, I got a  
20 response from a publishing company and they wanted to  
21 take the book, however, I have a person that has -- that  
22 I confide in a lot, she's a professional writer and she  
23 says, you know, you just wait until you hear from the  
24 others and see what they have, you know, what kind of a  
25 deal they have, but I just want to share with you, you  
26 know, what I was referring to earlier about the laws of  
27 nature and the -- one of the very first articles in this  
28 and it's only a couple three paragraphs that I'll share  
29 with you because I think it's really important with the  
30 work that we are doing right now.

31  
32 When I was very young I subscribed to a  
33 book club that enabled to me obtain writings and thoughts  
34 of great men from the past and one of these men was  
35 Marcus Cicero, he was a Roman philosopher and a political  
36 writer and he believed that there were ideologies that  
37 all mankind must abide by, they are called the natural  
38 laws. And I mentioned earlier, you know, in my comments  
39 that our Native people believed in living and abiding by  
40 the natural laws.

41  
42 Cicero explained that natural law was the  
43 Creator's order of things, that it is true law and that  
44 true law was right reason and in agreement with nature.  
45 He also said that it is immoral to try to alter it,  
46 repeal it or abolish it and he stated that we cannot be  
47 freed of its obligation by senate or people. He also  
48 revealed that it is one eternal and unchangeable law that  
49 will be valid for all nations, and all times.

50

1                   One of my modern day political thinkers  
2 is a guy by the name of W.Clonscozin and he advances the  
3 idea just a little bit further. He agreed with Cicero  
4 that God's law is indeed right, reason, however, when he  
5 said, when perfectly understood is wisdom, and when  
6 applied to government it translates to justice.

7  
8                   And I subscribe to these thoughts and  
9 know that the founders of this nation and of course our  
10 Native American people also believed in the natural laws,  
11 as well, and it is stated also in the Declaration of  
12 Independence, the very first paragraph.

13  
14                   I just wanted to share that with you and  
15 let you know that, you know, there are laws all around  
16 us, but the ones that really, really, really count in our  
17 daily living, of course, you know, learning what true law  
18 really is and striving to abide by it and then when we  
19 sit around the table like this and make decisions about,  
20 you know, proposals that are before us, I think it really  
21 should point down to us, is it really good for our people  
22 and is it in accordance with the laws of nature.

23  
24                   I really do appreciate this Council and  
25 for your support and I'll let you know when this comes  
26 out. I do have a publisher already lined up but I'm just  
27 waiting, you know, I'm going to let them fight over me a  
28 little bit.

29  
30                   But I hope that, you know, we can take  
31 these things at heart and really look and understand, you  
32 know, what it is that our elders, I call them the wisdom  
33 keepers, you know, try to teach us on a daily basis, it's  
34 really important because it goes back to living and  
35 abiding by the laws of nature.

36  
37                   Thank you, Mr. Chairman.

38  
39                   VICE CHAIR BANGS: I gave.....

40  
41                   CHAIRMAN ADAMS: Oh, thank me, Mr.  
42 Chairman.

43  
44                   (Laughter)

45  
46                   CHAIRMAN ADAMS: Okay. The floor is now  
47 open for your comments.

48  
49                   This Mike first.

50

1 MR. DOUVILLE: Which Mike.  
2  
3 CHAIRMAN ADAMS: Douville. Go ahead,  
4 Mike.  
5  
6 MR. DOUVILLE: This is a comment. We  
7 travel for a long ways, we got a full agenda to work with  
8 and we always struggle to get through it. Part of the  
9 reason is we set no time limits on non-agenda speakers  
10 and sometimes they go off into things that I don't even  
11 understand. We really need to take control of that and  
12 limit these speakers to a respectable amount of time but  
13 not let them violate it so we can move on with the things  
14 that we need to do. This happens in many of our meetings  
15 and it's in our tradition to respect and listen to our  
16 elders, I know that, but in this case we need to get  
17 better control and that's one of my comments -- that's my  
18 comment.  
19  
20 And the other one is when are we going to  
21 get back to the debate about red and blue houses.  
22  
23 (Laughter)  
24  
25 CHAIRMAN ADAMS: I really liked that  
26 debate maybe we can have another training session at our  
27 next meeting.  
28  
29 (Laughter)  
30  
31 VICE CHAIR BANGS: Thank you, Mr.  
32 Chairman. I agree with Mike, and Merle mentioned the  
33 same thing that there must be -- maybe we can brainstorm  
34 an idea of how to come up with a kind way to limit and  
35 make people focus more on getting their point across in  
36 a shorter amount of time. But I'd also like to thank you  
37 guys for your patience and kindness and putting up with  
38 me trying to Chair the meeting but, thank you.  
39  
40 CHAIRMAN ADAMS: Anyone else like to make  
41 a comment.  
42  
43 Tim, go ahead.  
44  
45 MR. ACKERMAN: Yeah, Mr. Chair. Mr.  
46 Larson. We're waiting for some RAC cards still.  
47  
48 Thank you.  
49  
50 CHAIRMAN ADAMS: What do you mean by RAC

1 cards, you know, business cards that we can pass around  
2 when we go.....

3

4 MR. ACKERMAN: Yes.

5

6 (Laughter)

7

8 CHAIRMAN ADAMS: Okay.

9

10 MR. ACKERMAN: Yes, this is the third  
11 time I've asked.

12

13 CHAIRMAN ADAMS: Okay.

14

15 MR. LARSON: Beth Pendleton wanted to  
16 make some closing remarks.

17

18 CHAIRMAN ADAMS: Okay. Cathy.

19

20 MS. NEEDHAM: Thank you, Mr. Chair. It's  
21 always a pleasure working with this Council and I just  
22 wanted to acknowledge that two members on the Regional  
23 Advisory Council that I've worked with over the past six  
24 months on the customary and traditional use determination  
25 process, Patty Phillips and Tim Ackerman, one was a  
26 volunteer and the other one I hand volunteered, hand-  
27 picked volunteered.

28

29 (Laughter)

30

31 MS. NEEDHAM: So thank you guys for  
32 educating me and helping me keep that going. And I'd  
33 also like to just put a shout out to the Staff that  
34 helped us as well, without them we wouldn't have gotten  
35 half of the materials that we were able to review in  
36 order to make recommendations, and that would be Pat  
37 Petrivelli, Pippa Kenner, and Robert Larson.

38

39 And also on a whole, the whole RAC does  
40 a really great job and I'm honored to be on it.

41

42 CHAIRMAN ADAMS: Thank you, Cathy.

43 Anyone else.

44

45 (No comments)

46

47 CHAIRMAN ADAMS: Well, thank you. Again,  
48 you know, I echo, you know, what Cathy has just said and  
49 others have said, it's a pleasure to work with you and  
50 look forward to our next meeting so have a safe trip

1 home, this meeting is now -- oh, yes, excuse me, Ms.  
2 Pendleton, would you please come down, she wanted to make  
3 some closing remarks for us.

4  
5 Okay.

6  
7 MS. PHILLIPS: Glad you remembered.

8  
9 MS. PENDLETON: Mr. Chairman and the  
10 Southeast RAC Council members.

11  
12 I just wanted to thank you for your  
13 tremendous service. As I've been participating and  
14 listening to your deliberations the last couple of days,  
15 I've been reflecting also on the -- really the last two  
16 years since we heard from both of the Secretaries with  
17 some very specific direction relative to how we can  
18 strengthen the work of the Federal Subsistence Board, the  
19 Regional Advisory Councils and a number of very specific  
20 items around customary and traditional use, rural  
21 determination, the makeup of the Board itself and I am  
22 just really pleased to see the progress that we have  
23 collectively made together in that. It was really  
24 exciting to have the two new members to the Federal  
25 Subsistence Board join us over this last year; Mr.  
26 Charles Brower from Barrow, as well as Tony Christianson,  
27 of course, who is here with us today. And I believe that  
28 having those two rural users as a part of the Federal  
29 Subsistence Board as bringing tremendous wisdom and  
30 strength to the work of the Board and it was just an  
31 honor to hear Tony, and very refreshing to hear his  
32 remarks this morning of the importance of the monitoring  
33 program and what that's doing as far as really enriching  
34 the community, bringing jobs and bringing that local  
35 knowledge to the whole process. So it's just very  
36 gratifying to see things move forward.

37  
38 I know that the work that each of you do,  
39 that this is a tremendous sacrifice, and I appreciate  
40 that, and your wisdom, your input is just so critical so  
41 I just want you to know that I appreciate that and I know  
42 that the Board appreciates that tremendously.

43  
44 I also have been really thinking the last  
45 couple days the work that the Office of Subsistence  
46 Management does and I let a couple of our Forest Service  
47 Staff know in the last couple of days just how much I  
48 appreciate the tremendous work that they do and I honor  
49 that work as well. And then, finally, I reflected  
50 yesterday on Jennifer Yuhas' comments and the tremendous

1 poise and grace that she brings to this process as well  
2 as Doug Larson and I'm grateful that Jennifer had that  
3 confidence to speak up on how we can all maybe improve a  
4 little bit better. And as I listened to some of the  
5 comments here relative to some of the testimonies that  
6 may be given that maybe don't quite fit maybe in the  
7 right place, and how we can strengthen the process and  
8 that it also helps me to reflect on continuous  
9 improvement and that's something that we just all need to  
10 do to improve our effectiveness and improve the  
11 processes. So I'm grateful for those comments. And I  
12 know that we can continue to strengthen this process as  
13 we serve the rural subsistence users here in Southeast  
14 Alaska and across the State of Alaska so thank you for  
15 that. And it's just been a real pleasure being here and  
16 being a part of the proceedings the last couple days.

17

18                               So, thank you, Mr. Chairman, and to the  
19 entire RAC, thank you for your work.

20

21                               CHAIRMAN ADAMS: Well, thank you Beth.  
22 It's always good to see you and we look forward to your  
23 presence in the future.

24

25                               MS. PENDLETON: Great, thank you.

26

27                               CHAIRMAN ADAMS: Gunalcheesh. Okay, with  
28 that we are now adjourned until next time.

29

30                               (Off record)

31

32                               (END OF PROCEEDINGS)

