

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME II

7
8 Salvation Army Hall
9 Hoonah, Alaska
10 September 29, 2010
11 9:00 clock a.m.
12
13

14 COUNCIL MEMBERS PRESENT:

15
16 Bertrand Adams, Chairman
17 Michael Bangs
18 Michael Douville
19 Donald Hernandez
20 Harvey Kitka
21 Floyd Kookesh
22 Cathy Needham
23 Patricia Phillips
24 Frank Wright

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29 Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Hoonah, Alaska - 9/29/2010)

(On record)

CHAIRMAN ADAMS: Good morning, ladies and gentlemen. We'd appreciate it if you all took your seats, we're going to get going here.

Thank you.

(Pause)

CHAIRMAN ADAMS: Okay. Everyone, I'd appreciate if you took your seats. We are going to start.

Gunalcheesh.

We'll call this meeting back to order. Yesterday we had a field trip we thought was pretty interesting and saw some wild game on the way, mostly deer, in fact, we almost hit one. Yummy, yummy.

But we're going to call this meeting to order and we're going to start off with public testimony and then we're going to go in with the rest -- you know, follow the rest of the agenda. We have before us right now Mr. Al McKinley.

(In Tlingit)

MR. MCKINLEY: Mr. Chairman.

CHAIRMAN ADAMS: Mr. McKinley. Mr. McKinley, go ahead.

MR. MCKINLEY: As members of the Southeast Alaska Subsistence Regional Advisory Council it is a pleasure to introduce the Grand Camp Alaska Native Brotherhood in which I am a member of the Executive Committee. My name is Alfred McKinley, Sr., I was born and raised in Hoonah, Alaska. We moved to Sitka, Alaska where I attended boarding school because.....

(Cell phone ringing)

CHAIRMAN ADAMS: By the way if any of you have your cell phones on please turn them off.

1 (Laughter)

2

3 MR. MCKINLEY: I just turned my sister
4 off.

5

6 (Laughter)

7

8 CHAIRMAN ADAMS: Oh, you're in trouble
9 now.

10

11 (Laughter)

12

13 MR. MCKINLEY: See I attended boarding
14 school because there was no school in Hoonah. I worked
15 for the Federal government for 35 years in financial
16 management. I am now retired. My family smoked, jarred,
17 canned and salted about 500 salmon fish for the winter
18 every summer. We utilized 307 and donated 200 for forty
19 day parties and payout parties. Today the bag limit is
20 15 which is determined by the Alaska Department of Fish
21 and Game in the backroom which requires public hearing.
22 Our Tlingit people call that room a secret place where
23 you have a meeting. The State of Alaska has failed to
24 follow their own Administrative Procedure Act which
25 requires public hearing. We have a historical government
26 to government relationship and currently there are
27 regulations being made that affect our people and we have
28 not been given the respect or recognition of our way of
29 life. As a result there is that leg of the Alaska
30 National Interest Land Conservation Act, ANILCA.
31 Congress recognized the need to preserve the subsistence
32 lifestyle as practiced by Alaska Natives from time
33 immemorial. And the fact that the final version
34 contained provisions of rural Alaskans did not dilute the
35 primary purpose of protection and preservation of Native
36 subsistence lifestyle.

37

38 Our Native people do not like the word
39 subsistence which is our main food. We prefer daily food
40 or Tlingit food. The Federal government should correct
41 this discrepancies by informing the State of Alaska to
42 have the required public hearing to determine bag limits.

43

44 We are a recognized tribe of the United
45 States government and we have government to government
46 relationship and which the State of Alaska does not
47 recognize. I urge the Federal government to look into
48 this matter. Does the Federal government assist our
49 Native people on subsistence, I say not. That's
50 President Kennedy's remarks when he made his speech, I

1 say not. The Federal government delegated the program to
2 the State of Alaska. Does the State of Alaska
3 understands the importance of subsistence food to the
4 health and well being of the Native people, I say not.
5 It is clear that Congress intended to protect the culture
6 of the Alaska Native tribes.

7

8 This concludes my testimony, Mr.
9 Chairman. And thank you very much for your time. I'll
10 answer any questions if you want to ask me some
11 questions.

12

13 CHAIRMAN ADAMS: Gunalcheesh.
14 Gunalcheesh, Mr. McKinley. We appreciate your testimony.

15

16 MR. MCKINLEY: Mr. Chairman. Mr. Lewis
17 here is the Chairman of the Subsistence, but because he
18 just had surgery the grand princes actually called me
19 from Ketchikan to come over and testify before you.

20

21 CHAIRMAN ADAMS: Okay. And we're glad
22 that ANB is being represented and well represented too,
23 Mr. McKinley. So thank you for your testimony.

24

25 Does anybody have any questions of Mr.
26 McKinley?

27

28 MS. PHILLIPS: Mr. Chair.

29

30 CHAIRMAN ADAMS: Patty, go ahead.

31

32 MS. PHILLIPS: Thank you. Mr. McKinley,
33 are the subsistence needs of Hoonah tribal members being
34 met for the harvest of deer? Are the subsistence needs
35 of your -- of the Hoonah tribal members being met in
36 terms of the deer harvest?

37

38 MR. MCKINLEY: No, in my opinion it's
39 determined -- I don't think that the Federal or State are
40 meeting the rules -- the regulations that are set by
41 Congress and that's why I said okay, I'll come over here.
42 And I grew up in this community, and we do have a lot
43 under the Native Allotment Act under 1906. We still have
44 that land and for all the information we used to eat the
45 mountain goats, porcupine, grouse, gnook, I guess we used
46 to call them gnook, I don't know if that's a Tlingit word
47 or not, but that's what we used to have. And we used to
48 get -- Balcoose used to get the deer from Pleasant Island,
49 I guess you all know where Pleasant Island is. And today
50 we are being restricted to actually get our wild

1 resources from there, from what I was understand, that's
2 what I was told. And that's -- a lot of the things I
3 hear out there is -- but after going to college in
4 Colorado well, I -- I'm just catching up on all these
5 things are being said about our people. I love my people
6 and that's one of the reasons why I'm here.

7
8 For your information, ma'am, the -- when
9 I said that Tlingit food, when this was determined I was
10 with Dr. Alfred Widmark when they were trying to
11 determine the word subsistence or Native food, Tlingit
12 food, the chairman said no, we'll be discriminating. And
13 what is being done to our people now. We are actually in
14 my opinion we are being discriminated against. No ifs,
15 no buts, in certain terms.

16
17 So that's -- and today the convention's
18 theme is all coming down to this area of subsistence.
19 (In Tlingit). That's what the theme will be, our food.
20 To me I always think about Rocky Marciano, when he
21 actually comes -- he's used to eating six meatballs with
22 his spaghetti and you tell Rocky Marciano if he was alive
23 today and you tell him he can only have four, you know
24 what Rocky Marciano could have done to you people. He
25 would have told you to go jump.

26
27 (Laughter)

28
29 MR. MCKINLEY: That's how I think about
30 all these things. I mean it's hard to develop for you,
31 there's a lot of things I could have said. And but I
32 can't say because with respect our people told us number
33 1 in our culture is respect. We respect our resources,
34 we do not make fun of our native foods because of
35 respects. That's what our ancestors taught us and that's
36 what we have today. We still try to carry on that
37 tradition. If there were only one fish swimming up the
38 river my grandfather, Dave McKinley would have said (in
39 Tlingit), leave it alone, let it spawn so it can come
40 back. We are self conservationists. Now we have people
41 from New Jersey and Florida, Fish and Game people come in
42 and tell them what to do. It's very ridiculous to me,
43 Mr. Chairman. It's one of those things that how (in
44 Tlingit) they taught us. They taught our people. And
45 that's what I say today for my people. I've been away in
46 the military for seven years and been to college for four
47 years and been in Albuquerque, New Mexico for four years,
48 I'm just trying to catch up with my culture. I went to
49 the University of Alaska, pick up where I left off. Now
50 I'm learning that again, I'm on the judiciary committee,

1 we're trying to activate our own tribal judges because
2 the State of Alaska is not doing a good job.

3

4 (In Tlingit), Mr. Chairman.

5

6 CHAIRMAN ADAMS: Gunalcheesh.

7 Gunalcheesh.

8

9 MR. McKINLEY: Yeah.

10

11 CHAIRMAN ADAMS: Let me just respond to
12 a couple of things that you brought out to us. This
13 Council has discussed how tribal governments can be more
14 active in subsistence issues and the real big problem is
15 with funding, you know, like I was expressing our tribe
16 only gets \$1,200 a year for subsistence. And they should
17 be more and more involved and so we hope maybe we can
18 help solve that and get more of that government to
19 government relationship, you know, going as far as
20 subsistence is concerned. So we -- I really appreciate
21 that -- you know, that comment.

22

23 And I also appreciate what I said
24 yesterday that you re-enforced, is that you should have
25 respect for everything, you know, and we need to bring
26 that back into the lives of our people.

27

28 So gunalcheesh, gunalcheesh, Mr.
29 McKinley.

30

31 MR. McKINLEY: Yes, it was the
32 resolution, Mr. Chairman, that I was sent here to do this
33 last night in our ANB meeting. All 100 percent
34 subsistence. And the State of Alaska did not recognize
35 urban and rural because the State of Alaska Supreme Court
36 turned it down, you all know that. And there's a way
37 we're trying to solve it. And one suggestion that was
38 made that was get rid of urban, maybe that will satisfy
39 the judge. And lots of our people from here, like I left
40 here in 1950 and I grew up on subsistence, Native foods.
41 And when we moved to urban, I'm sorry you can't eat that
42 no more. We left here because of economic reasons. And
43 but I wish I were here, this is where I grew up. But
44 that's some of the reasons why maybe if we got just rid
45 of that economic urban maybe that'll satisfy the judge
46 and that way I think you can actually have the State of
47 Alaska approve the whole works. That's just my thinking,
48 Mr. Chairman.

49

50 CHAIRMAN ADAMS: I wish I would have

1 known there was -- your ANB meeting yesterday, I would
2 have liked to have been there.
3
4 MR. McKINLEY: Yes.
5
6 CHAIRMAN ADAMS: Gunalcheesh.
7
8 MR. McKINLEY: Thank you.
9
10 CHAIRMAN ADAMS: You have a question?
11 Mr. Wright.
12
13 MR. WRIGHT: Oh, just one -- just a few
14 -- couple comments, Mr. Chairman.
15
16 Gunalcheesh for being here and talking to
17 us about our foods. It's more than -- it's more than our
18 food when we -- you know you look at me is what I -- I'm
19 out of the -- out of this earth. My existence is because
20 of the (in Tlingit), because of the Tlingit food that I
21 eat. So it's not only the food, it's the true existence
22 of our people. If we -- like I've said before, if one
23 thing is taken away from our people it diminishes our
24 existence as a people. So gunalcheesh for being here and
25 speaking on behalf of our being as a people.
26
27 Gunalcheesh.
28
29 MR. McKINLEY: Thank you. Thank you and
30 implement those remarks I have stated, please, to the
31 Federal government.
32
33 CHAIRMAN ADAMS: Gunalcheesh.
34 Gunalcheesh.
35
36 MR. McKINLEY: Thank you.
37
38 CHAIRMAN ADAMS: Mr. Kookesh.
39
40 MR. KOOKESH: Mr. Adams.
41
42 CHAIRMAN ADAMS: Yeah, we're very
43 interested in hearing what, you know, Tlingit and Haida
44 is doing and.....
45
46 MR. KOOKESH: Central Council.
47
48 CHAIRMAN ADAMS:congratulations on
49 that appointment.
50

1 MR. KOOKESH: Good morning, Mr. Chairman.
2 My name is -- for the record my name is Floyd Kookesh,
3 I'm subsistence coordinator for Central Council Tlingit-
4 Haida Tribes of Alaska. I've been the coordinator for
5 Central Council since January of this year. Actually
6 I've only worked like six months and took a couple months
7 off and just got -- recently got back to work. But
8 yesterday you asked me if I could give a report and I'm
9 more than happy to give a report.

10

11 CHAIRMAN ADAMS: Gunalcheesh.

12

13 MR. KOOKESH: And it's unfortunate --
14 while I was sitting there waiting to come up I realized
15 that we wear so many hats and I would hope that in the
16 future that we'd have more people doing more of these
17 jobs than just one of us wearing all of these hats.

18

19 MS. PHILLIPS: Here. Here.

20

21 (Laughter)

22

23 MR. KOOKESH: Yeah. But, Mr. Chairman,
24 I'm ready to go to my report.

25

26 I'm sure you're aware that Central
27 Council represents 27,000 Tlingit and Haida Indians
28 worldwide and that as a Southeast Regional Advisory
29 Council member like I said I've been here for 11 years,
30 probably 11 years to the day that my appointment
31 occurred. And I've been very happy working here and
32 looking forward to us accomplishing many things.

33

34 Now that we have the Federal review --
35 the Federal review's occurred and we just recently saw
36 one occurrence which was the replacement of the Chair,
37 we've yet to see all of our points that we brought out
38 under the Federal Review. Recently when the review was
39 going on Central Council along with Grand Camp
40 Subsistence Chair Mr. Bob Loescher and our subsistence
41 working group, we put together all of these talking
42 points for the Federal review to -- with Pat Pourchot
43 (ph). And we've yet to see any of them addressed. I'm
44 sure that in time we'll see that the review will occur
45 and that we'll have that.

46

47 The one important thing that -- I had a
48 meeting with our president, Mr. Ed Thompson, and he
49 stressed the need for us to start looking at becoming co-
50 managers with the Federal government when it comes to the

1 management of our fish and game. He feels that that's
2 the only way we're ever going to do it is by doing it
3 ourselves, managing the fisheries and the game. The
4 other day, I don't know if you heard, we talked about
5 community based management. We need to have that. So
6 that's one of our goals with Central Council.

7
8 The other one is that we're having -- in
9 November we're having a sea otter -- Southeast sea otter
10 -- Southeast Regional Sea Otter Management Plan Workshop,
11 there's a lot of terminology there, but what we're doing
12 is we're inviting one member from every tribe to Juneau
13 for a two day workshop, I wouldn't call it intensive,
14 we've yet to craft the agenda, but it's to address the
15 sea otter issue in Southeast because as you all know that
16 we're all -- as Alaska Natives we're eligible to
17 participate in the harvest of sea otter. And we do
18 understand that there's a real need for us to start
19 addressing that -- the management of that. And as Alaska
20 Natives we need to be -- we need to step up to the plate
21 and address the issue because we don't want to turn --
22 for example, we don't want to turn any of our bays into
23 deserts. If we don't get a handle on the sea otter issue
24 as a Native community our subsistence resources, even
25 sport, will be in trouble.

26
27 So we really need to have this workshop
28 and like I said we're scheduling it for November, we
29 don't have the right -- the date down yet, we just signed
30 on the agreement. So but we're trying to make sure that
31 we don't interfere with any kind of traditional Native
32 parties, any kind of important function. We want to make
33 sure that when we bring people in there's nothing holding
34 them back in their community. We are asking for one
35 representative from each community.

36
37 I've also been asked by the Chairman of
38 ANB Grand Camp to attend the Saxman meeting next week.
39 And the request being made is that I testify as to the
40 pro -- basically the pros and cons of the Southeast
41 Regional Advisory Council and the Federal Subsistence
42 Board to give a perspective. Mr. Loescher's requested
43 that I do that. And I look forward to that. I -- I'm
44 sure of all my years of being here that I can certainly
45 come up with some very good points. Nothing to bring us
46 down, but always to move forward. It's easy to be
47 critical, we want to present points out there so that
48 people can have a better perspective on the workings of
49 this group. A good example is how we talked about how we
50 don't seem to have a lot of strong public participation,

1 but like we talked about yesterday that although you may
2 not see it, we do have representatives of the local
3 organizations present. The whole community doesn't
4 always necessarily have to come out for it.

5
6 And another thing, one of the better
7 sides of having our meetings outside of the hub areas is
8 we have an opportunity for Federal Staff to be able to
9 see our community, to see our subsistence way of life and
10 to see how we live. So this is really good for Federal
11 Staff, aside from us putting a little money into the
12 economy, I'm really glad that the Federal Staff is here
13 to observe the traditional lifestyle of our people. That
14 I'm very proud of.

15
16 As a subsistence coordinator too I also
17 have what is called a -- it was created prior to me
18 getting there which was the subsistence working group and
19 you're more than welcome to join if you want, you can --
20 contact me and we'll have it set up so that you can
21 participate in our subsistence working group. We've
22 actually had -- at our last meeting we changed from
23 subsistence working group to customary and traditional
24 because a lot of people have a real issue with the word
25 subsistence, they believe that it's -- our lifestyle is
26 more customary and traditional than it is subsistence so
27 we've renamed that. But we look forward to having you,
28 you're more than welcome to participate in our meetings.
29 They do cost us money to have these teleconferences, but,
30 you know, we're trying to make it happen for ourselves.
31 We do need some brainstorming sessions when it comes to
32 subsistence.

33
34 Last -- the last time the Federal
35 Subsistence Board met I had an opportunity to testify
36 there representing Central Council. And one of my
37 talking points there had to do with the reprimand for
38 missing meetings, why the onus was put on me that I -- it
39 was my responsibility to be here. But I really feel that
40 it -- that everything I did was not was not being
41 disrespectful to this process. I've given up a lot of
42 myself to be at these meetings. I've actually had to
43 take personal leave to come to these meetings. But the
44 idea is that we need to understand that in this whole
45 process that being a volunteer in America is important,
46 especially in this whole process. Now we're not asking
47 to be treated like kings, we just -- just respect the
48 volunteers. And it was very disappointing to be
49 reprimanded for something when you -- when, in fact, I
50 was actually at a meeting or out in the hallway

1 socializing. We're not -- I didn't come here to goof
2 off, we have work to do, people depend on us. And I told
3 you a while -- I told this RAC a while back that it was
4 -- that it's unfortunate that we sit here and we're
5 creating regulations that are restricting the lifestyle
6 of our people and at the very end of the meeting we stand
7 around shaking each other's hand, happy of all the work
8 we did here and here we are regulating our lifestyle
9 away. I felt that was -- that wasn't right, but we need
10 to do it right for our people, we need to get away from
11 the ax of where we're regulating them away and
12 criminalizing their actions for practicing something
13 their fathers and grandfathers practiced. It shouldn't
14 be a crime to practice your way of life.

15
16 One of the things that I've always
17 noticed as a RAC member and as a coordinator is that we
18 need to do a better job of working with the State and the
19 Federal government, they need to start working together,
20 they can't just be on their side and you have two sides
21 to this. We're all in this together. A good example was
22 what Bob Loescher pointed out was that, and this is where
23 they need to work together, is that the -- Bob Loescher's
24 told me that the birth certificates for salmon is on
25 Federal land, they're born in Federal waters. They
26 migrate into State waters and back into Federal waters
27 where they mature and after they mature they come back
28 into State waters where they're intercepted. But those
29 are Federal fish. Just like the bears, those are Federal
30 bears. In Angoon -- I was in Angoon a while back and
31 somebody had shot two bears at the dump and that was
32 breaking the law basically. But those are Federal bears,
33 the Federal government needs to start stepping up and
34 being more responsible instead of just having one agency
35 in the -- having the State of Alaska do it. They need to
36 start doing this together. Now there's a hunt out there
37 in Angoon for the guys -- the guy or whoever shot the
38 bear. But the -- from the community side, the mayor told
39 me he called law enforcement, nothing happened, nobody
40 came up. The only time they come out was when those
41 bears were shot. It was all right for them to tear up
42 people's vehicles and tear into the smokehouses and
43 terrorize the town at night, but when you have to take
44 the law into your own hands that's not -- that's not
45 something -- there's a failure on someone's part.

46
47 As you know I am -- I do have dual
48 residency, I live in Angoon and then I live in Juneau
49 because of my subsistence lifestyle and my business. But
50 one of the things that we talk about in Juneau is are

1 their subsistence needs being met, that was a question
2 asked a little while ago of Mr. McKinley. And I have to
3 say that it's been my observation and me being one of the
4 people that have moved from the rural areas to the urban
5 center and I know that because of the fact that they're
6 urban is affecting their ability to subsist. It's being
7 restricted, it's being taken away. One of the biggest
8 issues is subsistence halibut where they have to go a
9 long ways just to get halibut. And they say why is that.
10 They want to know why they have to go so far away, when
11 we come to Juneau our lifestyle is automatically a
12 restriction. It's prohibited for us to practice our
13 lifestyle. And that's unfortunate with the larger influx
14 from the rural areas. We've seen the diminishment of our
15 communities, Angoon being one of them and Kake the other,
16 where the need still exists. It doesn't matter, it's
17 like it was stated by a good friend of mine, you know,
18 we're not all spaghetti eaters, you know, we don't
19 automatically become spaghetti eaters. But there is that
20 issue.

21

22 So anyway one of the things that I --
23 I'll close by saying this is -- that when I did do my
24 report at the Federal Subsistence Board level, you know,
25 we certainly hope that this Federal review comes to a
26 head and hopefully you as a RAC start addressing some of
27 those points that are out there. But we look forward to
28 Central Council working with you. And we do have -- we
29 do have needs, one of them being -- I talked with Mr.
30 Kessler yesterday, it was brought up that we needed to
31 talk about what our needs are in our communities. And I
32 don't know if you've ever heard of like, for example, a
33 CEDS document which is a comprehensive economic
34 development strategy, where the community lists all their
35 priorities, you know, it's like a wish list. And I was
36 at the Tribal Leader Summit and asked who brought this
37 out, why don't we have a CEDS document on subsistence so
38 we can know what our needs are instead of all of us just
39 wondering what everybody's problems are, all crying in
40 different voices, we should all be -- we should all know
41 what all of our problems are, what our areas of concern
42 are. I don't know how the document will look, but I
43 certainly look forward to something like that for us
44 because we have to start organizing it the right way.

45

Thank you, Mr. Chairman.

47

48 CHAIRMAN ADAMS: Gunalcheesh, Floyd.
49 Appreciate your comments. Any questions from anyone?

50

1 (No comments)

2

3 CHAIRMAN ADAMS: My throat is acting up
4 again but I'm going to try to make some comments about
5 what you have said so far. I think it's a great idea
6 that you're sponsoring a sea otter workshop and inviting
7 at least one member of every tribe to be there. I'm glad
8 you're going to attend the Saxman meeting. Mr. Larson,
9 I'm going to make sure that in future meetings, you know,
10 Tlingit and Haida is officially put on the agenda so you
11 can come and -- without having to write out that slip,
12 you know, come and give a report.

13

14 I believe strongly in meetings in the
15 communities too although I had the crap scared out of me
16 when we were coming in for a landing here the other day
17 so weather is a big factor. But, you know, I've been
18 through all kinds of situations like that before and I've
19 overcome it, but thank you, I still think it's a good
20 idea because it's like you said, you know, it's a way for
21 us to meet with the people who are being most affected by
22 the decisions that we make here. And then I thought you
23 made a good point by stressing the fact that Federal
24 Staff and State Staff can actually, you know, see what's
25 going on in those communities. That was a point well
26 taken.

27

28 I agree with you that the State and the
29 Feds need to really work together. You know one of my
30 challenges to the State and I push -- put this out all
31 the time, is the fact that if the State wants to manage
32 subsistence resources in the state of Alaska, just come
33 in compliance with ANILCA. We all know that if it ever
34 happens this -- it's going to be, you know, a long time
35 away from now. But that's one way to solve those --
36 solve that problem.

37

38 And I really sympathize with the urban
39 people, like people from Hoonah moving over to Juneau,
40 you know, and having problem with -- did I hit you?

41

42 UNIDENTIFIED VOICE: No.

43

44 UNIDENTIFIED VOICE: Going to hit you
45 back.

46

47 (Laughter)

48

49 CHAIRMAN ADAMS: Having problems meeting
50 -- their subsistence need met, you know. Those are

1 serious problems that I think that we as a Council can
2 address. And to restrict people from doing things I
3 don't think is right. I think what we need to do is take
4 what we have on the books right now and figure out how we
5 can turn those into policy making decisions, you know,
6 and take away a lot of that -- those problems of dual
7 management and restricting more and more people from
8 doing things. I see this happening all over this -- all
9 over the state and it's a serious problem.

10

11 So, Mr. Kookesh, thank you very much for
12 your comments. And we appreciate you're being here and
13 look forward to your -- next time sitting over there as
14 well as over here.

15

16 MR. KOOKESH: Yeah. Thank you, Mr.
17 Chairman. Well, after you asked me to do this I just put
18 this together real fast. So.....

19

20 CHAIRMAN ADAMS: Well, you did a good
21 job.

22

23 MR. KOOKESH:it was a little
24 choppy. All right. You'll get over it.

25

26 But, Mr. Chairman, I do have one other
27 point that I had overlooked was that when we do make --
28 when we do make these regulations, for example, I know a
29 young man in -- from Hoonah that lives in Juneau and if
30 we restrict the urban community his whole life was spent
31 hunting here and we shouldn't be excluding them in that
32 one way. If my niece is in -- lives in Seattle, comes
33 home and wants to subsist, she's a nonresident, she's
34 subject to criminal action. It shouldn't be like that
35 for our people. And that's what we're doing wrong, we're
36 -- you know, if we're going to restrict urban hunters
37 from Hoonah, this kid from Hoonah that grew up here all
38 his life that wants to come back and hunt in his
39 grandfather's country, can't do that. These regulations
40 need to be -- go beyond this, we need to go back and we
41 need to protect our people and their way of life.

42

43 Thank you, Mr. Chairman.

44

45 CHAIRMAN ADAMS: Thank you, Mr. Kookesh.

46

47 MR. DOUVILLE: Mr. Chairman.

48

49 CHAIRMAN ADAMS: Go ahead, Michael.

50

1 MR. DOUVILLE: Thank you, Mr. Chair. I
2 have issue with a couple of his comments. We work under
3 the guidelines of Title VIII, we cannot change, add to or
4 take away from it and that's exactly what this RAC has
5 done. If we've done restrictions it's for the
6 preservation of a resource and that is also our charge.
7 So while we don't appreciate having to restrict a urban
8 user that has roots in Hoonah or wherever, the guidelines
9 we have to follow and that's what we work with. But I
10 don't believe this RAC has ever taken anything away from
11 anybody that wasn't necessary for the preservation of a
12 resource and that's what we base our decisions on.

13

14 CHAIRMAN ADAMS: Yeah, thank you for
15 that, Mr. Douville. ANILCA is, you know, the law of the
16 land as far as subsistence in Alaska is concerned. And
17 that, of course, is a document that we really should be
18 referring to all the time when we are considering, you
19 know, changes in regulation and so forth. But I fully
20 agree with you.

21

22 Any.....

23

24 MR. DOUVILLE: Mr. Chair.

25

26 CHAIRMAN ADAMS: Go ahead.

27

28 MR. DOUVILLE: I'd like to add one more
29 thing is that our charge under Title VIII is to provide
30 a rural priority. And it's much different than the
31 State's charge, if you will. To me we're willing to work
32 with the State, but we have two things we're working
33 under and it's up to them to be flexible enough to work
34 with us because we have guidelines that are really solid
35 and they're not flexible.

36

37 CHAIRMAN ADAMS: And I fully agree with
38 that. It's -- you know, using ANILCA, you know, as a
39 guide, when the State came out of compliance they, you
40 know, pulled themselves away from ANILCA. When they were
41 in compliance they had to follow the guidelines of
42 ANILCA, you know. And now they're out of compliance and
43 so we have, you know, these conflicting dual management
44 problems that we were talking about even as -- at this
45 very minute that's causing all kinds of problems, you
46 know, with truly subsistence users out there who are
47 trying to provide food for their family. So it's a
48 problem that I think we're going to deal with for a long
49 time to come, but hopefully we can figure -- George will
50 help us figure out things and.....

1 (Laughter)
2
3 CHAIRMAN ADAMS: No more comments. I'd
4 just kind of like to recognize new people that came in
5 today. Larry, would you please introduce yourself.
6
7 MR. VAN DAELE: I'm Larry Van Daele of
8 Alaska Department of Fish and Game in Kodiak.
9
10 CHAIRMAN ADAMS: Good. Any.....
11
12 MR. VAN DAELE: Thank you very much.
13
14 CHAIRMAN ADAMS: You're welcome. Anyone
15 else.
16
17 MR. McKINLEY: Yeah, Mr. Chairman. As
18 Floyd today told us I'm an eagle so.....
19
20 CHAIRMAN ADAMS: Atta boy.
21
22 MR. McKINLEY:at the -- when I was
23 coming in the weather was getting clear as I was coming
24 in, you know, that's how powerful I am.
25
26 (Laughter)
27
28 MR. McKINLEY: Oh, my name's Al McKinley,
29 Sr. I'm with the Grand Camp ANB, representing the Grand
30 Camp ANB today, for the absent Robert Loescher. And I
31 was hoping Robert would come, but he had surgery so he
32 couldn't come in just now. And I'm also a delegate to
33 Central Council, Mr. Chairman.
34
35 CHAIRMAN ADAMS: Okay. Our best wishes
36 to Mr. Loescher, hope he recovers. Okay.
37
38 MS. KENNER: Mr. Chair. And I'm Pippa
39 Kenner, anthropologist, Office of Subsistence Management,
40 and I arrived from Anchorage yesterday.
41
42 CHAIRMAN ADAMS: Anyone else. Oh, Polly.
43
44 DR. WHEELER: I'm Polly Wheeler with the
45 Office of Subsistence Management, Mr. Chair. Thank you.
46
47 CHAIRMAN ADAMS: Okay. Thank you, Polly.
48 Who else? Let's move on, folks.
49
50 Let's start with Item number 10, we'll do

1 -- we'll go with that for about 10 minutes and then we'll
2 take a break. Okay.

3
4 Review of Federal fishery issues and in-
5 season special actions. Mr. Reeves.

6
7 MR. LARSON: Can I have a minute to talk
8 about this?

9
10 CHAIRMAN ADAMS: Oh, okay. While he's
11 coming up Mr. Larson will share something with us.

12
13 MR. LARSON: Mr. Chairman and the
14 Council, members of the public. We have distributed this
15 morning a request for deferment of Federal Subsistence
16 Proposal FP09-05 and that's from the Sitka Tribe of
17 Alaska. Members of the public, there are additional
18 copies of this letter that is on the front desk. And
19 what it says is that really that it's not timely to act
20 on this -- on this proposal because of the rural review
21 being not fully implemented. So that's here for your
22 consideration.

23
24 Thank you.

25
26 CHAIRMAN ADAMS: Thank you, Robert.
27 Okay. Mr. Reeves, we'll go ahead.

28
29 MR. REEVES: Thank you, Mr. Chairman. My
30 name's Jeff Reeves and I'm with the Forest Service. A
31 couple years ago in Juneau at the fall meeting I had the
32 pleasure of giving this same presentation. It's been
33 updated since with some newer numbers and I hope you
34 enjoy it. So we'll get started here.

35
36 The first slide here that you see is the
37 average harvest based off of the State subsistence
38 permits for -- you can see it's for nearly a 20 year
39 period. And you see basically most people are targeting
40 sockeye there. They average about 37,000 of them being
41 taken every season. The other species are utilized a
42 small bit, but nowhere near the level of sockeye
43 harvests.

44
45 Here's a -- I think this one was in the
46 previous one. This is -- Ben gave me this picture a few
47 years ago, I think it's got bay area, but you can see a
48 seine here being deployed. What's unique in this picture
49 is you can see that Super Cub in the background and my
50 understanding is that plane flew in also to fish.

1 This is in Klawock Inlet, the net's been
2 pulled in, you can see they're plunging, see a lot of
3 splashing so these guys did have a fairly successful set,
4 the typical fishing method here under a State permit.

5
6 Federal management for most of Southeast,
7 we're pretty much governed by the regulations in 36 CFR,
8 but across the state 50 CFR applies as -- that's more of
9 the CFR that the other agencies are -- would fall under.
10 This is the cover of the current set of regulations and
11 with the change in the biannual cycle you see that the
12 effective date down there on the bottom is drawn out for
13 nearly a two year period now.

14
15 These are three of the at least the six
16 permits that are issued Federally in Southeast.
17 Basically we issue for the general salmon char permit
18 across the Southeast region, there's the Stikine River
19 salmon permit, Yakutat steelhead has its own permit and
20 then we have three other permits for steelhead, there's
21 the general -- well, there's two on Prince of Wales, one
22 for the winter season, one for the spring and then the
23 final steelhead permit is the remainder of Southeast
24 Alaska.

25
26 The Forest Service manages -- we have six
27 distinct zones and each of those zones has its own in --
28 delegated in-season manager. Ketchikan now the in-season
29 manager is Jeff DeFreest. Prince of Wales with Greg
30 Killinger's departure, we've had an acting ranger come
31 in, his name's James McKee. Carol Goulart's still in-
32 season manager for Sitka and Hoonah. Chris Savage for
33 Petersburg and Wrangell. My understanding is Juneau's
34 has changed, Marty Marshall. So I didn't have that name
35 before and Lee Benson is still for Yakutat.

36
37 Here's the Federal for the -- the Federal
38 regulation, the customary and traditional use
39 determination so any hatched area there is identified as
40 a C&T area for a group of people or a group of
41 communities. Not all areas have the hash marks and in
42 those areas it's basically any rural user.

43
44 Here's the Prince of Wales area zoomed in
45 on and what you'll see here is in the central area there
46 there's several different patterns overlapping. So you
47 may have some areas that actually have multiple user
48 groups that have the same C&T for that area.

49
50 Under Federal regulations the identified

1 legal subsistence fishing gear can vary by species and
2 what you'll see here is for sockeye, pink and chum the
3 legal gear is gas spears, gillnets, seines, dipnets, cast
4 nets, handline, rod and reel. Coho is a little bit more
5 limited, but there's still effective gear, dipnet,
6 spears, gas, handlines and rod and reels. On the Stikine
7 the legal gear is dipnets, spears, gas, rod and reels,
8 beach seines and gillnets, but you'll see there is some
9 length restrictions and mesh restrictions during the
10 course of that fishery. Steelhead, dipnet, gaff,
11 handline, spear and rod and reel and trout is -- unless
12 it's incidently taken is pretty much limited to rod and
13 reel.

14

15 The Federal program does allow incidental
16 harvest, it is okay. So people don't typically have to
17 throw back what they catch.

18

19 Now this is based off of all the data
20 from our Federal salmon char fishery and it's a breakdown
21 of the reported species that have been harvested. And I
22 was kind of surprised, I thought sockeye might be ahead,
23 but as you can see coho's the main component followed by
24 sockeye and then pink salmon and the remainder, there's
25 a small handful of chum and a few chinook and, you know,
26 trout and Dolly's taken, but Federally it seems to be
27 Coho's the -- been the primary species that's being
28 harvested.

29

30 This is a breakdown of that same graph
31 and what you see is each bar is a breakdown of the
32 species over the years and the red line represents the
33 number of permits issued across Southeast. And in 2002
34 what you'll notice is it was high and then it dropped
35 off. And I know Prince of Wales wise we had a lot of
36 individuals that were coming in because they thought they
37 needed both a State and Federal permit to be out there
38 and subsistence fish. And once they realized no, they
39 didn't if they're targeting sockeye, they could do it on
40 a State permit, there was a drop off. And then from
41 about '05 on there's been a gradual increase in the
42 number of permits that have been issued. And when you
43 look at it you'll see that the blue bars is the coho
44 harvest and at the beginning the majority of that harvest
45 in 2002 was on the Klawock River. And sockeye's in
46 yellow, you'll see there's a little bit of sockeye
47 harvest and the majority of that harvest was at Hatchery
48 Creek on Prince of Wales. There was a little bit of
49 confusion and when they realized, you know, that a State
50 permit suffices, you see that the sockeye kind of dropped

1 off. And over the years cohos kind of -- they dropped
2 off, but then it increased and then the green is actually
3 pink salmon and you'll notice too that other than in 2008
4 when it kind of dips down you see there's kind of an
5 increase in the harvest of pink salmon from the Federal
6 permits.

7
8 So this is a breakdown of the harvest,
9 but it's as reported by the communities and -- on the
10 Federal permits and you see it's predominantly the Prince
11 of Wales Island communities that are harvesting off the
12 Federal permit. And, you know, the next closest one
13 there looks like is Sitka, but overall it's pretty much
14 a Prince of Wales fishery.

15
16 So I have this same slide and I hope it's
17 not too confusing with all the bars back -- when I gave
18 it the first time. These are locations on Prince of
19 Wales where there's either a subsistence or personal use
20 fishery. They're mainly off of the road system other
21 than Salmon Bay. And what I was looking at was to see,
22 this is sockeye harvest, and you -- a lot of them had
23 high harvest at the beginning and then by about '04, '05
24 the harvest really dropped off. And these are
25 predominantly July fisheries. And I was kind of
26 scratching my head going is this -- is this why there's
27 been this big transition to cohos and more effort on the
28 Federal fishery. You can still most of the locations
29 still have a lower sockeye harvest in comparison to
30 previous years, but Klawock and Sarkar the last couple of
31 years have had really decent runs. And it's again July
32 fisheries and I'm -- what I'm starting to think now is
33 that even though Klawock and Sarkar are very productive
34 not everybody on Prince of Wales has a seine net or has
35 the boat to go out and harvest the sockeye in marine
36 waters so they're still trying to meet needs elsewhere.
37 Hatchery Creek's been -- you can see that's low harvest,
38 but as you'll see later that's the result of closures
39 over the past four years.

40
41 This is Stikine harvest and effort over
42 the -- or number of permits over the -- I don't have any
43 2010 numbers yet as those permits are still coming in,
44 but you'll see it's -- that -- this fishery has kind of
45 grown in popularity, its number of permits has jumped
46 recently. And the reddish bar, the real high bar, that's
47 sockeye harvest so again this fishery's pretty much
48 targeting sockeyes. And my understanding is this year
49 was a very productive year there, I wish I had the data
50 to have in there. It's also open for the other species

1 and they're identified in the other colors.

2

3 The Stikine is pretty much limited to a
4 couple of communities and when you break it down -- you
5 can obviously see Wrangell's the primary community that's
6 harvesting from there, nearly 70 percent of the harvest
7 is coming out of Wrangell, but Petersburg is harvesting
8 some sockeye and other fish there.

9

10 Here's -- this is a picture on the
11 Stikine, you can see that gillnet's severely bowed, its
12 current can play a big or have a big factor in the
13 success of fishing there, water levels. I've only been
14 on the river once, it reminded me of my days on the
15 Yukon. It's definitely not an easy place to fish.

16

17 This is harvest by gear type of all the
18 Federal fisheries so this includes Stikine River and
19 Yakutat also added in. And we basically see that the
20 major gear type being used is a gillnet followed by a
21 dipnet and then followed by rod and reel.

22

23 When you take out the Stikine River
24 fishery and Yakutat you'll notice that the gear types
25 change. And you'll see that nearly half the fish taken
26 are taken by dipnet and then another at least quarter of
27 them are taken by rod and reel and then a handful by
28 seine and other gear types.

29

30 This is an older picture from Hatchery
31 Creek and I believe there's at least four guys in that
32 picture that are trying to dipnet, it's a pretty large,
33 deep pool right there.

34

35 This is down below there, this is an
36 individual he's targeting sockeye with a rod and reel.

37

38 This year we had three in-season actions
39 that occurred during the season. The first one was an
40 early closure at Hatchery Creek, it restricted the whole
41 drainage to the harvest of sockeye and then closed the
42 area of the falls that you saw in that picture with the
43 dipnetters, that was closed for two months during the
44 summer.

45

46 The in-season manager, he also had to
47 submit a formal special action request to the Federal
48 Board in order to extend the Klawock sockeye fishery
49 that's in regulation since the date had been changed a
50 couple years ago by the Board of Fisheries. And then

1 towards the end of the summer with a very good,
2 successful weir project on Hatchery Creek they counted a
3 lot of sockeye and we hit the tail end of sockeye. The
4 in-season manger lifted the closure at the falls to allow
5 qualified users to try to get in there and harvest cohos.
6

7 Here's a -- the four steelhead fish --
8 Federal steelhead fisheries by -- since 2003. The dark
9 or the blue is Prince of Wales spring and red is Prince
10 of Wales winter fishery. The light -- really light blue
11 is the Southeast Alaska fishery and yellow's Yakutat.
12 You see there's been some fairly consistent harvests, but
13 it's not very high in the Prince of Wales spring fishery.
14 We had one year where it got close to 40, but it's
15 averaging it looks like about maybe 25 steelhead taken
16 every spring. And the one that surprised me on here is
17 -- was Yakutat with the incredible numbers of steelhead
18 that enter the Stikine River that there's only three
19 years of actual Federal harvest on there. You see that
20 at times it's up and down on the harvest, the winter
21 fishery on Prince of Wales, that's where you see in '06
22 there was virtually no harvest due to the incredible
23 amount of snow that we had down there which put a lot of
24 locations -- you could not access them and that's why you
25 see that the south -- the spring harvest on Prince of
26 Wales in 2007 was the lowest number reported to date also
27 because it was still affected by the snow cover. And,
28 you know, 2006, 2008, those springs were better years for
29 access and you'll notice that the harvest was a little
30 bit higher.

31
32 The steelhead harvest typically is a rod
33 and reel fishery, 90 percent of them are taken by rod and
34 reel. There's a small handful that are speared and
35 there's been a couple that have been taken by other
36 methods over the years.

37
38 This is a young gentleman fishing down on
39 12 Mile Creek on Prince of Wales. There's a steelhead
40 right in the center there.

41
42 This is Claude Marston, I believe this is
43 the gentleman who just turned 100 years old this year.
44 This is his steelhead spear. And here's a close up of
45 the business end. It's a -- I'd love to see one of these
46 being fished. My understanding is it's a very effective
47 piece of equipment that -- when that point gets into the
48 fish it separates and the fish is lifted without being
49 able to flip and come off of the point.

50

1 Here's a -- if you look in this
2 gentleman's hand there's a handline in his hand.

3
4 We've only ever had to take action once
5 in any of the Federal steelhead fisheries and that was
6 back in 2006 and it was -- the Cable Creek drainage was
7 closed. On Prince of Wales we try to manage for about
8 what we think is roughly 5 to 10 percent of the total
9 return and if we -- if through calls and on-site
10 observations we feel that the harvest has gotten to that
11 point then we'll take action and close the drainage down
12 and this was one where at one point we knew that 11 fish
13 had been taken and so we followed suit by taking action
14 and closing it down that year.

15
16 This is a graph of historic eulachon
17 harvest. The red bars up until about the year 2000 are
18 -- were State commercial harvests. The few blue little
19 bars you see between 2000 and 2004, that was State
20 personal use harvest and then the yellow bars were
21 subsistence harvests. And you'll notice that since 2004
22 there's just nothing showing on the graph. These are
23 Unuk river eulachon. And this is, I believe, a group
24 from Metlakatla that was in seining in one of the final
25 years of the subsistence fishery there.

26
27 We've pretty much taken Federal action
28 since 2006 -- 2006 was a real low return, no documented
29 harvest and since then, 2007 to this year, there's been
30 preseason closures initiated prior to the fishery.

31
32 Well, this concludes, if anyone has any
33 questions I'll do my best to entertain them.

34
35 Thank you.

36
37 CHAIRMAN ADAMS: Thank you, Jeff. Any
38 questions by anyone? Harvey.

39
40 MR. KITKA: Thank you, Mr. Chair. Jeff,
41 on the eulachon do you guys have any idea at what point
42 that the eulachon can get down to and not recover at all?

43
44 MR. REEVES: Mr. Chair. Mr. Kitka. I
45 don't believe that anyone really knows that and I think
46 that the best way we can answer it is just all of a
47 sudden how -- once 2006 came and there was just low
48 returns and the stocks been monitored every year and with
49 the Forest Service personnel not finding much, I mean it
50 just -- it was a sudden shock. So I don't think there's

1 really -- was anyway to determine that.

2

3 MR. KITKA: Follow-up.

4

5 CHAIRMAN ADAMS: Go ahead, follow-up.

6

7 MR. KITKA: Okay. Thank you. I -- also
8 there -- is there any plans of being able to repopulate
9 them by other means like moving fish from one stream to
10 another?

11

12 MR. REEVES: Mr. Chair. Mr. Kitka. I --
13 to tell you the truth I am not very familiar with
14 eulachons and I really don't know if that is something
15 they could do, I've never heard of any like eulachon
16 culture or transplanting, but perhaps the State might be
17 able to answer that or maybe Mr. Larson might know more.
18 I really don't -- I really don't know.

19

20 CHAIRMAN ADAMS: Well, from what I
21 understand, you know, eulachons are unlike salmon where
22 they go back to the place in which they were spawned. So
23 I'm -- my question, you know, would be is the -- does the
24 habitat have anything to do with whether they -- where
25 they return or not. It seems like when they're looking
26 for someplace to go spawn that's what they're -- that's
27 what they're evaluating as they're, you know, coming into
28 the rivers.

29

30 MR. REEVES: Yes, Mr. Chair. You know,
31 I don't know, I don't think that the Unuk habitat has
32 changed that much, you know, perhaps Mr. Larson could
33 expand. I don't know. And it's not like some of the
34 salmon streams I've seen of Prince of Wales where
35 logging, you know, created habitat changes and all that.
36 But I wish I could answer your question, but pretty much
37 my experience with eulachon was eating some smoked ones
38 as a child, you know. So we just don't have them on
39 Prince of Wales and.....

40

41 CHAIRMAN ADAMS: Yeah. So have they been
42 monitoring it much like they're doing in Yakutat right
43 now, you know, they're doing some surveys up there for a
44 four year period to try to, you know, pinpoint things
45 down, but what's being done there to find out what's
46 really going on?

47

48 MR. REEVES: Mr. Chair. Since -- I
49 believe it's been about '07, '08, I believe, there's been
50 an FIS project that's been funding Forest Service

1 personnel every year from Ketchikan would go up I think
2 early March, they would spend time up on the Unuk and I
3 believe they're -- and flying in and out they would look
4 to see if they could find schools of them. They'd
5 document, you know, bird and pinniped activity up there
6 and try to take samples and physically try to see what
7 was in there. And I just -- my understanding is that
8 over the years of -- the amount they kept physically
9 seeing was just getting less and less, I mean, like maybe
10 hundreds at the most, trying to monitor them as they came
11 in. And it's just -- I don't think anyone really
12 understands what went on here.

13

14 CHAIRMAN ADAMS: Harvey, have any follow-
15 up?

16

17 MR. KITKA: No.

18

19 CHAIRMAN ADAMS: Anyone else. Mr.

20 Wright.

21

22 MR. WRIGHT: Thank you, Mr. Chair. Do
23 you go to different areas like in Haines or anyplace else
24 to do the monitoring of the eulachon because last time I
25 was up there there was a few, but then the next time I
26 went up there it was hardly anything. So.....

27

28 MR. REEVES: Mr. Chair. Mr. Wright. I
29 don't think we do anything at Haines, I believe there has
30 been some -- I think Berners Bay area, Ben Van Alen could
31 probably let you -- you know, inform you more on that.
32 The main one that's been covered up by us has been the
33 Unuk because we, you know, have noticed that there was
34 the problem starting and trying to look at it, I guess,
35 see lifecycles, see what's happening, you know, where are
36 they going to show up. But other than -- I think the
37 Berners stuff is not FIS funded, it's more just a
38 district funded project is my understanding. But I'm
39 sure Ben could probably tell you more.

40

41 CHAIRMAN ADAMS: George will enlighten
42 us.

43

44 MR. PAPPAS: Thank you, Mr. Chair. I'm
45 not sure how much has led up to the conversation, but
46 from personal experience out in the Alaska peninsula
47 there's a couple of systems out there that have one river
48 with a big delta and three, four, five channels. I spoke
49 with an elder out there who specifically monitors that,
50 the eulachon population there, in some years they're in

1 one channel, some years another channel, some years
2 they're in all four channels, some years there's none.
3 And the -- his family's been there for generations and no
4 one knows why. Sometimes they're there, sometimes
5 they're not, if it's east or it's west, and one of the
6 rivers go right by the -- on the trip days goes right by
7 the runway, with all the birds it causes problems. So I
8 don't have any other information, but during the break I
9 will call to find out about any type of enhancement
10 projects on eulachon. I've never heard of such, but I'm
11 not a specialist in that area.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN ADAMS: Well, now's a good time
16 to become a specialist.

17

18 (Laughter)

19

20 CHAIRMAN ADAMS: Thank you. Any more
21 questions. Mr. Kookesh.

22

23 MR. KOOKESH: Last year, Mr. Chairman, we
24 circulated a -- this is probably not for you, but last
25 year we circulated a photo that was sent to us from a
26 gentleman in Haines and I was wondering if you knew,
27 George, if you knew what the reasoning was for all of
28 that -- all of that eulachon kill that occurred by the
29 airport, something to do with a dike. Is everyone
30 familiar with what I'm talking about, Patty, you've seen
31 the photo? I was just curious if -- if there was any
32 follow-up on that because it was circulated and I -- we
33 do have -- we do have the picture yet, so a gentleman
34 from Haines had sent it to us.

35

36 MR. PAPPAS: Through the Chair.

37

38 CHAIRMAN ADAMS: Go ahead.

39

40 MR. PAPPAS: Mr. Kookesh. I will --
41 during the break I will follow-up and see if I can find
42 any information. I'm not aware of that, sir.

43

44 CHAIRMAN ADAMS: Thank you.

45

46 MR. KOOKESH: Follow-up.

47

48 CHAIRMAN ADAMS: Follow-up, go ahead.

49

50 MR. KOOKESH: Yeah, it's my understanding

1 that the airport -- when they were working on the airport
2 they added a dike or did some kind of dike work on the --
3 near the airport that affected the eulachon, the way the
4 eulachon routed and when the tide went out all these
5 eulachon were left there, just a big pile, there's
6 thousands of eulachon. And I have the email, I just have
7 to go dig it out, I could send it to you if you need to.
8 But I was curious what happened there. So and if
9 anything had been done to remedy that because there is a
10 concern about the eulachon population.

11

12 Thank you.

13

14 CHAIRMAN ADAMS: Thank you, Floyd. Mr.
15 Douville.

16

17 MR. DOUVILLE: Thank you, Mr. Chair. I
18 think these eulachons were in good shape until we had a
19 commercial fishery on them for several years and they --
20 once you take your stock to low levels it's almost
21 impossible and they can go away like in the case I think
22 they may have. But I was -- my -- I guess my question
23 would be has anybody taken one of those fish and did a
24 genetic test with those in the Stikine and I don't know
25 if it's possible, I doubt it, but to see if they match up
26 or they're different fish. We know -- I do know that
27 they're different fish in different parts of Alaska,
28 because they bigger, they're different fish, you can
29 physically look at them and tell that, but these are
30 comparable to or used to be I would think comparable to
31 the Stikine River fish. And if you just take a couple of
32 them and test them just for curiosity sake and see where
33 they came from. But I think that these fish are gone, I
34 mean, the commercial fishery finished it and the rest
35 that were left were subsistence fished to a point where
36 they may not even exist anymore.

37

38 CHAIRMAN ADAMS: Cal, do you have
39 anything to add?

40

41 (Laughter)

42

43 CHAIRMAN ADAMS: You must know.....

44

45 MR. CASIPIT: Well, I just heard genetic
46 analysis of eulachon and I wanted to come up. Some --
47 must have been three years ago we initiated a study to
48 look at genetics at eulachons and it was one of these
49 inter-regional projects that looked at a broad swath. So
50 it wasn't like it was just looking at the Unuk eulachons

1 and looking at their genetics, it was looking at the
2 suite of stocks from, I believe, Pacific Northwest all
3 the way around to 20 Mile near Anchorage. And they --
4 you know, some of that we're still waiting on the final
5 report, but some of the preliminary information I saw was
6 that there was stock groupings like for the southern
7 stocks, like from the Nass River south, there was a
8 distinct grouping there. And there was a distinct
9 grouping say around Southeast Alaska, the middle range
10 and then there was another grouping on the northern part
11 of their range. So it's pretty gross right now, but
12 hopefully when we get that final report there might be
13 some more detail in there that's useful, but at this
14 point it was -- there wasn't anything where you could
15 pick out, you know, like a Unuk River eulachon out of
16 this big, huge grouping. So we'll see where it goes.

17

18 CHAIRMAN ADAMS: Thank you. I have a
19 question, which comes in first, the males or females or
20 same time?

21

22 MR. KOOKESH: Same boat.

23

24 (Laughter)

25

26 CHAIRMAN ADAMS: Same boat.

27

28 (Laughter)

29

30 UNIDENTIFIED VOICE: Males are following
31 the females then.

32

33 CHAIRMAN ADAMS: Yeah.

34

35 MR. CASIPIT: The little that I've worked
36 with them, I mean, I've been with Dan on some of his --
37 on his eulachon project there and that he's been helping
38 with there at Berners Bay and I think they just come in
39 together and do their thing. And I do know that some of
40 them die after spawning so I don't know if that might be
41 the case in Haines where they had spawned and then died.
42 I don't know, I don't know about the details there, but
43 some of them do spawn after dying or dye after spawning.

44

45 (Laughter)

46

47 MR. CASIPIT: Early in the morning,
48 sorry.

49

50 (Laughter)

1 CHAIRMAN ADAMS: Well, Mr. Wright says
2 that the females come in first and this is his
3 interpretation and that the males follow them. So.....

4
5 (Laughter)

6
7 CHAIRMAN ADAMS:yeah, it's natural,
8 typical male.

9
10 Do you have a question?

11
12 MR. WRIGHT: Thank you, Mr. Chair. I'm
13 just curious about approximately how many systems do you
14 have -- do we have in Southeast, do you have any idea,
15 you know, because we're just talking Prince of Wales and
16 Haines and is there systems between here and there
17 or.....

18
19 MR. CASIPIT: I can try and answer that.
20 I know there's some in the Haines, you know, the
21 Chilkoot, Chilkat, I know there's some in Berners Bay, we
22 know there's some in the Stikine, of course, there was
23 some in the Unuk. But they're a fairly understudied fish
24 if I could say that. They're -- quite frankly there
25 isn't a whole lot of effort spent on those or money spent
26 on those. Actually I think the first money that has been
27 spent on stock assessment has been the Federal program
28 spends money on them. There's been -- there's been some
29 work done on the Copper River too, there's quite a few
30 eulachons in the Copper River and like I said 20 Mile
31 Placer River near Anchorage.

32
33 CHAIRMAN ADAMS: Okay. Anyone else.

34
35 (No comments)

36
37 CHAIRMAN ADAMS: Thank you gentlemen.

38 Let's take a break.

39
40 (Off record)

41
42 (On record)

43
44 CHAIRMAN ADAMS: Okay. If everyone would
45 please take their seats, we would like to get started.

46
47 (Pause)

48
49 CHAIRMAN ADAMS: Okay. Welcome back
50 everyone. We're still on presentations. The way we're

1 going to do this one here for the sake of time because we
2 realize that there's some of you guys like Neil are going
3 to have to catch a 1:00 o'clock plane. So here's the
4 process and how we will do the presentations today. I
5 want to call on Larry Van Daele first, his seems to be
6 the shortest. It might not turn out to be that way, but
7 there's a lot of questions that might -- may be asked in
8 regard to yours and then we'll hear from Ben, Ben Van
9 Alen, Bill Davidson and then Neil Barten. Okay. That
10 work for you neil?

11

12 MR. BARTEN: Sure.

13

14 CHAIRMAN ADAMS: Okay. Oh, you got a
15 partner. Go ahead.

16

17 MS. KENNER: Good morning, Mr. Chair,
18 Members of the Council. My name is Pippa Kenner and I
19 work for the Office of Subsistence Management in
20 Anchorage and I'd like to introduce to you Larry Van
21 Daele, wildlife biologist, Kodiak area, wildlife manager
22 for the Alaska Department of Fish & Game. I'm
23 representing the -- basically Helen Armstrong who along
24 with Larry co-chaired a recent meeting of the Brown Bear
25 Claw Handicraft working group that met on July 29th,
26 2010. And on that day a group of people got together,
27 one representative of each of the regional advisory
28 councils except for the Southeast Council which opted not
29 to participate, and discussed some of the options for
30 creating a voluntary tracking system of black brown --
31 excuse me, brown bear claws.

32

33 I'd like to hand over the presentation
34 now to Larry Van Daele.

35

36 MR. VAN DAELE: Thank you, Pippa. Mr.
37 Chairman.....

38

39 CHAIRMAN ADAMS: Welcome, Larry.

40

41 MR. VAN DAELE:Committee Members.
42 I have my watch out here so we'll make this as
43 expeditious as possible. First thank you very much for
44 inviting me to attend your meeting and for sharing your
45 area with us -- with me, I really appreciate that
46 sincerely.

47

48 This brown bear claw work group started
49 off because of some very contentious issues between the
50 State and the Federal government as you recall and I

1 think this is very timely in light of the comments you
2 guys made earlier this morning about how we need to work
3 together. Because of your patience as a Federal
4 Subsistence Board and RACs we have found a way, I think,
5 to get through this dilemma that we had before. The
6 first important thing is through these working groups we
7 have emphasized respect as being the primary thing,
8 respect for the resource, respect for each other, respect
9 for the subsistence user and respect for our
10 international treaties that we're all parties to.

11
12 We as a state have made a commitment to
13 throw out the proposal that we initially had and to work
14 with the new proposal that we've come to together. In
15 this new proposal we are striving to do -- well, we're
16 striving to achieve all those respects that we talked
17 about in our meetings. What we'd like to do is number 1
18 acknowledge the fact that Federal subsistence users can,
19 in fact, use brown bear claws for handicrafts and sell
20 those handicrafts. Number 2, to acknowledge the law
21 enforcement concerns that brown bear parts are used by
22 people internationally and there's an international
23 concern about the illegal trade of those. So to protect
24 the resources and the subsistence users we felt a need to
25 track the legitimate users and the legitimate parts that
26 were used for handicrafts, but to do this in a way that
27 was non-obtrusive, try to use an existing system.
28 There's a system in place for all brown bears that are
29 killed in the state, a joint State/Federal system which
30 is our bear sealing. The State usually takes the lead in
31 sealing the bear and getting the information, we use a
32 Federally certified seal from CITES, the Council on the
33 International Trade of Endangered Species to mark that
34 animal. And that's a mark that stays with the hide or
35 with the skull

36
37 In this compromise that we've come up
38 with for the sale of bear claws, any hide that would be
39 used for this handicraft, the claws of which would be
40 used in the handicraft, would have to be sealed under
41 this existing system. Even in places where currently
42 subsistence users are not required to seal, these
43 particular ones would because again it gives us a way to
44 track these legitimate uses. After the bear was sealed
45 we would come up with some sort of a sticker that would
46 go along with the handicraft, similar to the golden hand
47 type sticker to prove it was a legitimately taken animal.
48 What we feel this would do besides allow us to track the
49 animal and keep information on it being legal, it would
50 also increase the value of that particular handicraft

1 because it would show folks that it was taken
2 legitimately, it was taken by a subsistence user and it
3 would allow foreign visitors to take those handicrafts
4 outside of the country legally which they couldn't
5 without that sort of documentation. Last and certainly
6 not least by coming up with this compromise we think that
7 we've found a way to get the State and the Federal
8 systems to work closely together with the subsistence
9 user and to enlist the subsistence user as someone to
10 watch out for those illegal guys that are oftentimes
11 taking bears and leaving the important parts, the meat
12 and the hide, and just taking the claws or the
13 gallbladder or whatever. So we would act as team members
14 in trying to find those bad guys instead of pointing
15 fingers at each other and who did it and how bad that is.

16
17 So in essence that's the compromise we've
18 come up with. The Chairman of the Alaska Board of Game
19 has verbally said that he thinks this is a good idea and
20 we can work it through both systems. To be honest with
21 you, we'll see what happens when it gets to the State
22 Board, just like with the Federal RAC -- Federal Board
23 you never know what happens in that realm, but I feel
24 it's a legitimate and a respectful way to do this.

25
26 And, Mr. Chairman, you've been a party to
27 all of this and I'd welcome your comments on that.

28
29 CHAIRMAN ADAMS: Thank you. I like the
30 way that Larry started off the meeting, it set the tone
31 for the whole -- you know, the whole day and afternoon.
32 And he mentioned it, it's been mentioned here a couple
33 times, and that's that issue of respect, you know. And
34 I think that really helped people, you know, even though
35 they had differences of opinion to follow that guideline
36 all the way through the meeting. So I really appreciated
37 that.

38
39 Could you explain to the group here what
40 CITES is because it was a new term that came up to me at
41 that particular point in time and please.

42
43 MR. VAN DAELE: Yes, sir, Mr. Chairman.
44 CITES, C-I-T-E-S is an international treaty, the Council
45 on the International Trade of Endangered Species. And
46 through this international treaties animals that either
47 are endangered everywhere or endangered in certain parts
48 of the country, we agree with the other countries in the
49 treaties that we will document where these animals go and
50 we will document how many of these animals were taken.

1 And brown bears, even though they're quite common in
2 certain parts of Alaska and backyard right here in my
3 home in Kodiak, they're still considered an endangered
4 species in the lesser 48 and a lot of other places. So
5 we still have to follow those particular rules and
6 regulations because of that treaty.

7

8 CHAIRMAN ADAMS: So how does that keep
9 everybody, you know, honest that.....

10

11 (Laughter)

12

13 MR. VAN DAELE: Mr. Chairman. If we knew
14 how to keep everyone honest we'd have a lot higher pay
15 grade than we do now.

16

17 (Laughter)

18

19 MR. VAN DAELE: What it does is it allows
20 a documentation of the animals that are taken
21 legitimately. And most of the trade right now of bear
22 parts is in illegal trade primarily to foreign market.
23 And that hurts our resources and that as we've mentioned
24 in the meetings is incredibly disrespectful to the
25 resource itself. So by documenting this we are showing
26 that we are taking this animal in a sustainable manner,
27 that we are the legitimate users of this particular
28 resource and that we're going to watch out for the bad
29 guys to stop them from doing it because they won't have
30 that documentation.

31

32 CHAIRMAN ADAMS: All right, thank you.
33 I'll just entertain any questions from any of the Council
34 members.

35

36 MR. KOOKESH: Mr. Chairman.

37

38 CHAIRMAN ADAMS: Mr. Kookesh.

39

40 MR. KOOKESH: I just have one question on
41 Page 165. Page 165 is a -- it says under the last bottom
42 sentence, the least sentence there, it says that over 150
43 -- document 150 cases where they have found dead bears.
44 Where were these bears, 150 bears found?

45

46 MR. VAN DAELE: Mr. Chairman. Mr.
47 Kookesh. That was over a 10 year period and these were
48 found throughout the state, various parts in the state of
49 Alaska. We had some in the Bristol Bay area, we had some
50 in the Alaska peninsula, we had a fairly large case in

1 Prince William Sound. I don't know of any cases specific
2 to Southeast, but again this isn't my area of expertise.
3 But as I'm sure you're aware, Mr. Kookesh, it's extremely
4 difficult to find dead bears if people don't want you to
5 find them, you know, you can shoot them and cut off what
6 you want and dump them in the bay pretty easily. So this
7 is a -- the tip of the iceberg, but it does indicate that
8 there is, in fact, an illegal trade that's going on right
9 now we need to be concerned of.

10

11 MR. KOOKESH: Thank you.

12

13 CHAIRMAN ADAMS: And it is a big concern
14 because of the high demand for, for instance,
15 gallbladders, you know, over in Asia. And so there's a
16 tendency for black marketing and, you know, illegal
17 taking of those bears. So anymore questions. Mr. Bangs,
18 please.

19

20 MR. BANGS: Thank you, Mr. Chairman.
21 Along the same lines I wish that we could apply this same
22 principle of documentation and allow for the sale of
23 gallbladders and the money retrieved to charity or
24 schools just because I think it's disrespectful to waste
25 a perfectly valuable, you know, thing. I think that
26 you're going in the right direction anyway. Thank you.

27

28 CHAIRMAN ADAMS: That's a good point.
29 Anymore questions. Donald, go ahead.

30

31 MR. HERNANDEZ: Thank you, Mr. Chairman.
32 I was just wondering if you could maybe describe a little
33 bit more about this sticker placement and how that's
34 going to work, we're all pretty familiar with sealing an
35 animal, but when are the stickers applied and what's the
36 purpose of them and how's that going to work?

37

38 MR. VAN DAELE: Mr. Chairman. Again the
39 devil's in the details in this sort of thing. And I
40 think we've surmounted the largest hurdle in coming
41 together and agreeing that this is a good concept to take
42 in front of the Federal Subsistence Board as it is. As
43 far as the stickers are concerned the idea that we're
44 bouncing around right now is if you harvested a bear with
45 the understanding that you wanted to use those claws for
46 handicraft, then you would have it sealed and there'd be
47 a little checkmark that says I want to use this to sell
48 the claws as a handicraft. At that point in time you
49 would get a piece of paper and it would have these
50 stickers on it, 20 stickers or whatever you want to do.

1 They'd have a number that would be correlated to that
2 CITES form that you just filled out. You would take the
3 sticker when you made your necklace, if it had 20 claws
4 on it you'd put those with the claws. Again the golden
5 hand being the ideas that we're going with that.

6
7 Now this isn't going to be a foolproof
8 system. There's going to be bad guys that can figure out
9 a way to cheat it. And it's going to be like constantly
10 trying to adapt to the bad guys to make it work, but if
11 we work as a team and the artisans who the legitimate
12 people and who the bad guys are, then you're going to
13 have a lot better enforcement for all of it. And I would
14 envision as the group would that these stickers would be
15 made in such a way that it would be a cooperative venture
16 between US Fish & Wildlife Service, the other Federal
17 agencies, our agency and the RACs so that it would be a
18 practical way.

19

20 MR. HERNANDEZ: Follow-up.

21

22 CHAIRMAN ADAMS: Follow-up there, Donald.

23

24 MR. HERNANDEZ: I was wondering if there
25 was also discussion about, you know, involving the tribes
26 in this system because, you know, when you get out into
27 rural Alaska the tribes is a great resource as, you know,
28 how to keep track of these things. So is that discussed?

29

30 MS. KENNER: Yes, it was discussed
31 extensively. And those kind of details weren't actually
32 part -- put into the proposal, those kind of details
33 would be worked out. It's important to note that from an
34 OSM perspective this is of interest to us in those units
35 or parts of units where sealing isn't a regulatory
36 requirement for brown bear now. And in Southeast Alaska
37 I want to point out the only area that would be affected
38 is Unit 15. This is a voluntary system and it's in,
39 excuse me, Unit 5. This is a voluntary system and you
40 only need to obtain a seal or a tag in those areas if you
41 are going to then go on and sell a handicraft made of
42 bear claws. This is primarily to protect tourists
43 leaving the country after they have purchased one of
44 these, otherwise enforcement will assume that the
45 handicraft is made from the claws of a bear that was
46 illegally harvested. Currently these CITES tags are
47 already incorporated into the tag that is distributed by
48 the Department of Fish and Game.

49

50 So to come back to your question the

1 discussion was people who live in communities who
2 currently are not now required to seal a brown bear that
3 they harvest still will not be required unless they plan
4 to create -- to sell a handicraft made of bear claws.
5 And alternative methods of sealing were discussed, for
6 instance, allowing Federal Staff to seal, allowing
7 members of the community to seal and tag, allowing a
8 phone call to a regional center where there's a wildlife
9 manager to that be your seal until that manager can get
10 out into the field, creating the Village Tribal Council
11 being delegated to seal, those kind of things were
12 discussed. And if they were to be applied I'm sure it
13 would be different in different regions, some places are
14 more isolated than others.

15

16 Thank you, Mr. Chair.

17

18 CHAIRMAN ADAMS: Thank you, Pippa.

19

20 MR. HERNANDEZ: Mr. Chairman.

21

22 CHAIRMAN ADAMS: I'll go with him first.

23

24 MR. DOUVILLE: I'll wait too.

25

26 CHAIRMAN ADAMS: Go ahead, Polly.

27

28 DR. WHEELER: Thank you, Mr. Chair. It's
29 Polly Wheeler with the Office of Subsistence Management.
30 I just wanted to point out that this is a status update,
31 when the proposal is developed the Regional Advisory
32 Council will have an opportunity to do -- have a full
33 analysis before it will have an opportunity to provide
34 comments. Again this will be a statewide proposal so
35 it'll be brought -- one the proposal is developed the
36 analysis will be brought before the Council, all -- well,
37 nine of the 10 Councils anyway because Western Interior
38 doesn't -- they don't talk about brown bears. But the
39 proposal will be brought before the Council so they'll be
40 ample opportunity for the finer details to be addressed.
41 So this -- so I just wanted to remind you that you'll
42 have another chance, this is just kind of an initial
43 glimpse at what was discussed this summer.

44

45 Mr. Chair.

46

47 CHAIRMAN ADAMS: Yeah, thank you for
48 that, Polly. We will be looking at this in the form of
49 a proposal in a future meeting. Anything else, you two?

50

1 Anymore questions. Okay. Michael.

2

3 MR. DOUVILLE: Thank you, Mr. Chairman.

4 I just have a couple comments.

5

6 One -- for one bears are -- they're a
7 high commodity, the guides -- they're a big money thing,
8 thousands of dollars. And I know there's a lot of
9 concern not only for the well being of them, but for
10 guides are -- they don't want subsistence users taking
11 any more than they used to in the past and perhaps
12 something like this, the -- you know, a clear path is
13 available. Well, maybe the rural users would want to
14 take a few more and that would take away from the overall
15 quota. I mean, there's -- it's a sensitive issue because
16 there's a lot of factors involved and most of it involves
17 money. So it's pretty interesting to me to watch it
18 unfold, but I know where it's all coming from because,
19 you know, these things are very valuable to guides.

20

21 And what about these bears that are
22 sealed with a CITES tag or whatever they need to do to
23 get them out of state and once they're there what's to
24 keep them from chopping them up and selling bear claws or
25 whatever. So do they have to have a little sticker too.

26

27 But, you know, there's a lot of things to
28 consider. And that's just a couple of my comments.

29

30 CHAIRMAN ADAMS: Thanks, Michael. Patty.

31

32 MS. PHILLIPS: Thank you, Mr. Chair.
33 Yesterday during our discussion about our minutes I said
34 that it was important that the Council continue to be a
35 part of the working group even though we've made a stand
36 that we don't think the work group is a necessary group
37 to have and there -- that there should be no proposal to
38 limit or restrict the use of brown bear parts, I mean,
39 that's our position. And but we -- but just because
40 that's our position we should not exclude ourselves from
41 that working group because we need to make sure our voice
42 is a part of that discussion.

43

44 I'm particularly concerned about outreach
45 to inform the subsistence hunters and artists. I mean,
46 this is an indication of why I disagree with this, but if
47 you're going to implement this, you know, what about the
48 outreach. I mean, we've -- some people -- no disrespect
49 to anybody, I mean, us here at the table, we -- we've
50 been working with this system long enough to know what

1 you guys are saying, but what about those who aren't as
2 sophisticated, who are, you know, more of a -- you know,
3 more of a working, you know, don't pay attention to the
4 rules, just live. I mean, what are you going to do to
5 outreach to them, to get down to their level so that they
6 know what are you talking about because all of a sudden
7 they're going to start being -- enforcement's going to
8 come around and say no, no, no, you can't do that and
9 they're going to be going I can't do what, what do you
10 mean I can't do that, I've always done that. And, you
11 know, they -- and they say it even more forcefully,
12 believe me.

13

14 So also, you know, one of these guys
15 brought up a good point, 10 grand for a guided hunt is
16 what a customer's paying if not more. And we're talking
17 about a little brown bear claw, you know. So I don't
18 know.

19

20 Also what about the fact that I knew
21 someone who got charged by a bear and in order to save
22 their life they shot that bear. So I knew that bear was
23 there and I could go chop its paws off because I wanted
24 the claws. Or I come across a dead bear on the trail and
25 I don't -- you know, probably somebody shot it because
26 they were being charged, but hey, the claws are there so
27 I'll get it. Or because I go so much in the wilderness
28 I come across a dead bear on the beach that got in a
29 fight with another bear and I'd like to get those claws,
30 you know. So, I mean, you got a whole lot of what if
31 scenarios, are you going to address them all or is it
32 just going to be the ones that are hunted and what about
33 those claws that came off that bear that I found, how are
34 those going to be treated, you know, that sort of stuff.
35 I mean, it just kind of -- I think you make these big
36 generalizations and when it comes down to fine tuning it
37 then the ones that suffer are the ones who are being
38 implicated by enforcement. And enforcement doesn't
39 really mean to do that, but that's the rules that they
40 are told to enforce.

41

42 Thank you.

43

44 CHAIRMAN ADAMS: Thank you, Patty.

45 Anyone else.

46

47 (No comments)

48

49 CHAIRMAN ADAMS: He whispered in your ear
50 something.

1 MR. VAN DAELE: Mr. Chairman. He just
2 told me he's going to George is buying lunch.....

3
4 (Laughter)

5
6 MR. VAN DAELE:for everyone.

7
8 (Laughter)

9
10 MR. VAN DAELE: Everyone -- George is
11 buying lunch for everyone.

12
13 (Laughter)

14
15 MR. VAN DAELE: No, it -- just a very
16 quick comment, Mr. Chair, Ms. Phillips. I recognize all
17 your concerns, I've been playing this game with brown
18 bears for 30 years with Fish and Game. And by the way
19 our hunts on Kodiak go for 25,000, not 10,000. And there
20 is -- there are 1,001 what ifs as you describe many of
21 them, but I really don't see that as the quagmire that
22 you do. I think that it's fairly straightforward, if we
23 work with the local people, if we work with both of our
24 agencies together. And that we're talking about artisans
25 that are selling claws. And most artisans are pretty
26 darn sophisticated in understanding the rules and
27 regulations and laws and before they embark on trying to
28 sell these to either cruise ship visitors or to other
29 tribes or other clans, I think that we will have an
30 outreach program. And all of you at the table are going
31 to be critical parts of that outreach program, it's not
32 just us, Fish and Game, or them, the Feds, it's all of us
33 here at the table that are working together to get that
34 outreach to people and to devise this in such a manner
35 that it is fair to people and fair to the resource.

36
37 MS. PHILLIPS: Mr. Chair.

38
39 CHAIRMAN ADAMS: Patty, go ahead.

40
41 MS. PHILLIPS: I just want to follow-up.
42 I agree that you'll find artists -- artisans who are very
43 sophisticated, but you also find those who'll sell a claw
44 necklace because they want to buy a pack of cigarettes or
45 a six pack of beer, I mean, they're just -- you know,
46 they're not -- well, they're -- you know, they're just
47 from the village. So just want you to be concerned about
48 those people.

49
50 CHAIRMAN ADAMS: Okay. Mr. Wright.

1 MR. WRIGHT: Thank you, Mr. Chair. You
2 mentioned something about, you know, having tribal -- the
3 tribe, you know, designate a person like, you know, to
4 tag bears or, you know, because I know there's a person,
5 Don Bolten, in Hoonah that tags sea otter skins. So one
6 of the things is that, you know, the tribal governments
7 are very limited on the resources that they get from the
8 -- you know, for subsistence like we're \$1,200 or and,
9 you know, that would -- that would create another burden
10 on the tribe to have funds to do something like that. So
11 maybe through the deliberations that you have, you know,
12 maybe something like that can be discussed.

13
14 Another thing is that, you know, a lot of
15 people, you know, we're talking bear claws. You know, a
16 lot of people get a big charge out of having a big bear
17 tooth hanging around their neck, you know, and I -- it's
18 nuts. And, you know, so I think that, you know, that --
19 that's just another issue that probably may come up. So,
20 you know, bear teeth are humongous things and I -- you
21 know, I see them hanging in shops in Anchorage or, you
22 know, so that would be another issue.

23
24 Thank you, Mr. Chair.

25
26 CHAIRMAN ADAMS: Thank you. Well, we
27 appreciate you guys' comments and being here. Larry,
28 have a safe trip back home.

29
30 Thank you. Gunalcheesh.

31
32 MR. VAN DAELE: Thank you very much to
33 all of you.

34
35 CHAIRMAN ADAMS: Okay. Ben Van Alen, are
36 you here still? Come forward.

37
38 MR. LARSON: It's 11:00 o'clock so Bill
39 Davidson is standing by for 10 minutes.

40
41 CHAIRMAN ADAMS: Okay.

42
43 MR. LARSON: Yeah.

44
45 CHAIRMAN ADAMS: So we need to do.....

46
47 MR. LARSON: We'll need to do Bill
48 Davidson first, yeah.

49
50 CHAIRMAN ADAMS: Ben, if you don't mind

1 we're going to do Bill Davidson first. We have a.....

2

3 (Pause)

4

5 CHAIRMAN ADAMS: We're going to go to
6 Item 10C on the agenda. Bill Davidson is on the speaker
7 phone here so we'll take care of him and then we'll go
8 back to Ben.

9

10 (Pause)

11
12 CHAIRMAN ADAMS: Well, have patience with
13 us folks, we're still trying to get connected here.

14

15 (Pause)

16

17 CHAIRMAN ADAMS: Item number 10D, Mr.
18 Barten, go ahead.

19

20 MR. BARTEN: Hello, Mr. Chairman and
21 Members of the Board. My name's Neil Barten, I'm the
22 management coordinator for the Department of Fish and
23 Game in Douglas, Alaska for Region 1.

24

25 I talked to Robert a little bit about
26 this presentation.....

27

28 (Recorded telephone company message)

29

30 (Laughter)

31

32 MR. BARTEN: Anyway for 10D, you know,
33 I'm listed as a review of Southeast Regional wildlife
34 trends and issues and I was just going to kind of give
35 you a brief overview of some of the things that you may
36 have heard about, things we talked about at previous
37 RACs, but in general what's going on with some of the
38 wildlife issues in Southeast and try to get it brief.
39 But a lot of them are reflected in the upcoming Board of
40 Game meeting where we have concerns that you'll maybe
41 talk about some of the proposals as we get into this.

42

43 But starting in southern Southeast as
44 most of you probably know we're quite concerned with the
45 number of black bears we have in places like Prince of
46 Wales, Kuiu Island a little bit, southern 1C. There's a
47 number of proposals to the Board to address those
48 concerns. We even enacted a proposal or passed a -- the
49 Board passed a proposal a couple years ago to create a
50 controlled use area on Prince of Wales to address the

1 high take of black bears in the fall by nonresidents in
2 this case to try to curb that harvest in concern for low
3 population numbers. We presently have a research project
4 going on Prince of Wales that we're hoping o boost up
5 next year where we're radio collaring bears and trying to
6 get a sense of what's going on with their habitat use
7 patterns and some other things to try to give us some
8 insight into what's going on with the bear population,
9 harvest rates and things like that.

10

11 You know recently, yesterday I think, we
12 talked about mountain goats. We've had a really good
13 fall, couple of weeks ago we had a great run of weather
14 so we were able to get mountain goat surveys done across
15 Southeast and in most places we did have pretty good
16 numbers. We talked yesterday a little bit, Bert, about
17 Yakatat, Nunatak Bench in particular, the State hasn't
18 had a season up there since I think 2002 and we just
19 don't -- we aren't seeing a whole lot of rebound of that
20 population. And we're even seeing goats in other parts
21 of 5A seemingly going down in trend numbers, but again
22 you have to be very careful when you're flying surveys to
23 make sure you get good conditions to do the surveys.

24

25 You know we've got an elk project going
26 on on Etolin and it's a rembo (ph) looking at elk
27 populations and we've been again fortunate enough to get
28 some radio collars on those to get a better understanding
29 what's going on with elk.

30

31 The deer project you guys heard all about
32 yesterday. You know I think we're doing a good job with
33 that and I think we're going to really have some pretty
34 cool information for you guys and others as well when we
35 start getting radio collar data back next fall.

36

37 You know moose are doing okay. Berners
38 Bay which has been a big subject we've talked about a
39 number of times for the past four to six years at this
40 RAC, we still don't have a season there, low numbers, you
41 know, we had three hard winters in a row and between that
42 and predation our moose population there just can't
43 support a hunt.

44

45 And there's a proposal coming up in the
46 upcoming Board of Game in November with fish -- that the
47 Department put in for wolves on Prince of Wales Island.
48 Mike and I talked about that for a little bit before,
49 that's an issue of concern for us going back many years
50 where the population seemed to be a lot higher, now we do

1 have some concerns for that level of where the wolves
2 are.

3

4 Anyway in a -- kind of in a nutshell
5 that's a general overview and I can answer any specifics
6 if you guys want or if you want me to go into other
7 species.

8

9 You know, one I just recalled also is
10 pine marten. We're continuing our research on Kuiu
11 Island on pine marten too so -- trying to get a better
12 understanding of where that population is and if they're
13 increasing or decreasing or whatever.

14

15 Thanks.

16

17 CHAIRMAN ADAMS: Questions anyone.

18 Donald.

19

20 MR. HERNANDEZ: Yeah, a couple -- couple
21 areas come to mind that we've had discussions on over the
22 past years where there were problems. Did you get any
23 good goat surveys on Cleveland Peninsula this fall?

24

25 MR. BARTEN: Yeah. Through the Chair,
26 Member Hernandez. Boyd Porter would have done those. I
27 know he did, but I do not know what kind of numbers he's
28 had. I know he's been working on putting -- last year I
29 believe he put seven radio collars out on goats and I
30 believe he was out with Kevin White about two weeks ago
31 and they put another five or six out. So he does have
32 some radio collar data now to where he can focus on the
33 collared animals to try to find -- use those as focal
34 animals and see how many goats are with them because the
35 Cleveland's such a hard place to count goats. So that
36 should give them a lot better information really on
37 what's going on with the goat population there.

38

39 MR. HERNANDEZ: Follow-up.

40

41 CHAIRMAN ADAMS: Go ahead.

42

43 MR. HERNANDEZ: One other area, I've been
44 a little concerned about the deer populations in Unit 3,
45 after the hard winters they seem to take a heavy hit in
46 parts of Unit 3. Did you get any good pellet survey
47 results for last spring that gave you any good trends for
48 there?

49

50 MR. BARTEN: Yeah, sorry to say I do not

1 have that data on me. I talked to Rich Lowell, you know,
2 the area biologist out of Petersburg the other day and
3 there was or there is a proposal to the Board of Game to
4 extend the wolf season through the month of May to try to
5 allow opportunity for spring bear hunters to take wolves
6 and also maybe take a little of predation pressure off
7 deer and that's going to be looked at at the November
8 Board of Game meeting. But I can get that trend data to
9 you if indeed there were pellet transits there, but I
10 don't have it on me right now.

11
12 CHAIRMAN ADAMS: Anyone else. Very good.
13 Thank you, Neil. Do you have something else?

14
15 MR. BARTEN: Mr. Chair. I'm not sure if
16 Robert does. He also talked to me about potentially
17 going through some of the Board of Game proposals coming
18 up and I don't know if he wanted me to do that now or
19 later or what?

20
21 CHAIRMAN ADAMS: Well, I think it would
22 be good for you to do -- us that you do it now because
23 you have to catch a plane here.....

24
25 MR. BARTEN: Yeah.

26
27 CHAIRMAN ADAMS:while you're up
28 here, go ahead.

29
30 MR. BARTEN: Exactly. Okay.

31
32 CHAIRMAN ADAMS: I think we got those in
33 our packets, the Board of Game proposals.

34
35 (Pause)

36
37 CHAIRMAN ADAMS: Okay. I think we're
38 ready. Neil.

39
40 MR. BARTEN: Okay. Mr. Chairman, Members
41 of the Council. I guess we can do this a couple of
42 different ways, if you all have specific questions on
43 this handout that Robert sent me a couple days ago and
44 you as well, I can address whatever questions you have or
45 I can cherrypick proposals that I think are ones that we
46 might have -- the issues we've discussed in the past and
47 kind of get your feedback on, you know, what you think of
48 the proposal coming up and, you know, possibility of
49 obviously hoping you guys send comments in for the
50 upcoming Board of Game meeting in November. And I think

1 comments are due on the 23rd of October, written
2 comments. So if you want me to cherrypick I can go ahead
3 and.....

4
5 CHAIRMAN ADAMS: Well, let's see if you
6 have any questions.....

7
8 MR. BARTEN: Okay.

9
10 CHAIRMAN ADAMS:from the Council
11 first and then you can go ahead and fill it in.

12
13 Questions anyone about any of the
14 proposals.

15
16 MR. BANGS: Mr. Chair.

17
18 CHAIRMAN ADAMS: Go ahead, Mr. Bangs.

19
20 MR. BANGS: Thank you, Mr. Chairman. I
21 -- one proposal in particular was the Unit 2 wolf
22 proposal, there's one by the Defenders of Wildlife and in
23 reading in the reasons for this they list that the
24 biggest thing is the concern for the reduction in harvest
25 shown in the past years as their reasoning being that
26 that shows that the population has declined. And from
27 talking to trappers and people that trap down there,
28 there isn't as many trappers now and I just find it
29 without having population estimates, using that as a
30 strong case for reducing the bag limit wrong. And I'm
31 just wondering if -- what's your take on that.

32
33 CHAIRMAN ADAMS: Okay. I think what Mr.
34 Bangs is referring to is Proposal 18, is that -- reducing
35 the bag limit of wolves?

36
37 MR. BANGS: Right. And Proposal 25
38 also.....

39
40 CHAIRMAN ADAMS: And 25.

41
42 MR. BANGS:addresses the trapping
43 and bag limits.....

44
45 CHAIRMAN ADAMS: All right.

46
47 MR. BANGS:a season.

48
49 CHAIRMAN ADAMS: Just for your reference
50 those are the two he's referring to.

1 MR. BARTEN: Yeah, through the Chair,
2 Member Bangs. You know, we -- Proposal 18 or Proposal 25
3 is from Defenders of Wildlife. Actually Proposal 18 is
4 a Department proposal and we proposed some of the same
5 measures Defenders of Wildlife have proposed in theirs.
6 And what we were talking about and discussing at our pre
7 Board of Game meeting a month and a half ago is the very
8 same topic the Defenders of Wildlife raises, you know,
9 the apparent decline in wolf numbers on Prince of Wales.
10 And obviously we look at the harvest and the -- or the
11 recorded harvest we get from, you know, people who hunt
12 and trap wolves which has declined dramatically in the
13 past four or five years.

14
15 But one of the also -- the other things
16 we look at is we've got staff and personnel in Ketchikan
17 who spend a lot of time on Prince of Wales and we also
18 have a assistant AB who lives in Craig, Steve Bathoon,
19 and between their time spent on the island, Dave Pearson
20 in particular who's our wolf biologist over there, he was
21 going to embark on a new method of estimating wolf
22 numbers on Prince of Wales this year and his method was
23 going to involve collecting scat and doing DNA analysis
24 and I believe a mark recapture using that method. In his
25 time on the island he -- which he spent the better part
26 of two or three months this summer, I believe, he spent
27 a lot of time driving the same roads, hiking into the
28 same den sites, spending time in the areas that he's
29 quite familiar with and has been for the past 12 or 13
30 years. And his observations were that the amount of wolf
31 sign, the activity at den sites, the number of scats on
32 the roads, et cetera, was just minuscule compared to what
33 he'd seen years ago back in, I think, the mid to late
34 '90s. That along with Boyd Porter's reflections of some
35 of the same for the amount of time he spends there, Steve
36 Bathoon and then also some other personnel working for I
37 believe the Forest Service there, raised a -- you know,
38 a bit of concern by us about what was going on with this
39 wolf population. And going into the Board meeting, you
40 know, we have a high concern from back in the mid to late
41 '90s when this wolf population was almost listed and it
42 was not, but we have concerns of that potentially
43 happening again. And we also have the responsibility for
44 managing these populations of -- you know, whether
45 they're deer, bear, goats or whatever and including
46 wolves, at somewhat of a sustainable level. And we're
47 looking at Prince of Wales wolves as being somewhat of a
48 wildlife population we see that we have to react to what
49 we're seeing.
50

1 And that's where Proposal 18 comes along.
2 And again it's not just based on the lack of reported
3 harvest which, you know, some of the things you've
4 pointed out certainly could impact that, but also based
5 on amount of sign found at den locations, on road
6 systems, the amount of scat, all indicating to, you know,
7 several of our employees who have spent a lot of time
8 over there that they're just not seeing the amount of
9 sign they used to and the number of wolves is probably
10 much lower than it used to be and that's something we've
11 responded to.

12
13 CHAIRMAN ADAMS: All right. Follow-up,
14 Mr. Bangs.

15
16 MR. BANGS: No. Thank you, Mr. Chairman.
17 I would -- I'd like to hear from Mr. Douville who is an
18 avid -- was an avid wolf trapper and get his perspective.

19
20 CHAIRMAN ADAMS: Mike. Put you on the
21 spot.

22
23 MR. DOUVILLE: Thank you, Mr. Chairman.
24 There is less wolves, but you have to keep in mind
25 several things. When Mr. Pearson came to the island in
26 the early '90s we had more wolves than we could deal with
27 and we had declining deer populations. And I kind of
28 think that the bar was set perhaps by him at that level,
29 but in my opinion this was way more wolves than the
30 island could handle and sustain a deer population. I
31 think more today we're more at a more even level, we have
32 a slight increase, I believe, I haven't seen any studies
33 or anything, but just by what I can see we have an
34 increasing slightly deer population, everybody's getting
35 deer. And many people hunt that isle, it has tremendous
36 pressure not only from the local people, but from
37 Ketchikan and other places.

38
39 The proposal that the Department has here
40 will affect State and private land, it has no affect on
41 Federal land. There may be a couple ways to deal with
42 this issue and I will agree, there is less wolves,
43 there's probably half of what there was before in the
44 early '90s. And I think that's a more acceptable to me
45 wolf population, it's not endangered or anything, but
46 it's at a level where we need to keep a little bit of
47 harvest on it and we can -- we'll be okay for deer and --
48 in my opinion.

49
50 As far as the proposal itself, I think it

1 has flaws in it because it limits a trapper to 10. It
2 puts no limits on anybody else, you can still take five
3 as a resident or nonresident through hunting, I mean,
4 that could be a high number, but it's a combined quota
5 you have to remember. So I'm probably as good a trapper
6 as there is on the island and you're only going to let me
7 take 10 when I could probably get 20 or 25, I don't like
8 it, you know, and I probably could catch more than some
9 of the other boys on there.

10

11 So I don't know how that'll all work.
12 Eventually I see this filtering down to the -- to the RAC
13 at some point, maybe next fall. I would rather see on
14 the Federal side a -- I'd like to talk to the trappers
15 and say okay, let's just back off and instead -- instead
16 of changing things too radically because we will need to
17 harvest wolf in the future in order to have -- if you're
18 going to harvest deer you're going to have to harvest
19 wolf, it's as simple as that. And I don't think anybody
20 wants to see the wolf go away.

21

22 There's a lot of history of -- when I was
23 a kid there was very few deer, we struggled to get deer
24 meat so we ate mostly fish because we had such a hard
25 time getting deer. And it was Federal Fish and Game,
26 before statehood it was Federal Fish and Game, poisoned
27 wolves on -- in Unit 2 and they tried to eradicate them.
28 And when we became a state of course all that went away.
29 But in the '60s we had a lot of deer, from the early '60s
30 on through the early '70s it was pretty good and then we
31 started seeing wolf tracks here, there and pretty soon
32 everywhere and by the early '90s we had wolf everywhere
33 and it was starting to become difficult again to get
34 deer. So the guys started trapping and I helped teach
35 some of them how to trap and we did catch lots of wolves,
36 records will show that. But, you know, and then we were
37 seeing the gradual decline in deer and everybody's look
38 at the geography which was part of it, but a small
39 geographic area can produce a lot of deer if there's no
40 predators, you see that here.

41

42 So we do need to harvest some of the
43 wolves, we don't want to catch them all. And I would
44 rather see an agreement with the trappers and say okay,
45 we'll reduce the harvest to 50, we'll use 50 as a cap.
46 And just voluntarily quit. And I think the guys would do
47 that. And I don't know, beyond that I really don't know
48 what to say, you know, because your proposal does not
49 affect Federal land and to restrict the Federal rural
50 user you first have to eliminate all other users and

1 that's where we're kind of looking at should the Feds
2 have to take action on this. We have certain rules we
3 have to go by. So are you willing to take that step or
4 would anybody realistically listen to an agreement by the
5 trappers and the Department or whoever to voluntarily
6 just step a little bit back here for a couple three years
7 and see what happens and work with the reduced number.

8
9 MR. BARTEN: Yeah. Through the Chair,
10 Member Douville. You know we haven't -- to be honest we
11 haven't talked about that at all. You know, this
12 proposal is in the book, it is one that's going to be in
13 front of the Board, but as you and I talked on the side
14 a little earlier, I encourage obviously the RAC as well
15 as, you know, your position on the Advisory Committee for
16 Fish and Game to provide those kind of comments to the
17 Board of Game and again by the 23rd I think written
18 comments have to be in. But it's certainly something
19 I'll bring back and talk to the staff. Between today and
20 tomorrow we're going to be working on finalizing our
21 analysis and recommendations on these particular
22 proposals from the Department viewpoint so I'll bring
23 that message back. Again talking to what I consider the
24 experts on this particular subject working for us who
25 live down in Ketchikan, spend a lot of time on Prince of
26 Wales, you know, I'm not sure, you know, where that
27 discussion is going to go, but they certainly are
28 concerned enough to want this proposal to be put in front
29 of the Board and debated.

30
31 CHAIRMAN ADAMS: Go ahead, Michael.

32
33 MR. DOUVILLE: Yeah, in my opinion
34 there's been poor communication between the trappers and
35 the biologists that are doing this because plain and
36 simple don't trust them. And there's a good reason for
37 it because when Pearson first came to the island, here we
38 are -- I believe that he used his information to
39 encourage Defendants of Wildlife or whoever it was to try
40 to get these wolves when they're at an all time peak
41 listed as endangered species. And to us that, for lack
42 of a better term, infuriated us because we have all these
43 wolves and we're struggling to get deer and they're
44 trying to list them as endangered. Okay. So that
45 tainted the relationship we had with the biologists. So
46 in my opinion he doesn't have a good flow of information
47 from the people that are harvesting these things which
48 probably know more than anybody about where they're at
49 and you're working with biologists now that I think are
50 mostly confined to that road system. But wolves don't

1 live on the road fringes like deer do, it's -- there's --
2 things are a lot different. There's wolves on the
3 islands, I mean, it's not like all the wolves in Unit 2
4 are gone, they're spread out and they really don't live
5 on the road, they do travel on them sometimes. And but
6 the bottom line is yes, there is less wolves.

7
8 So that's just kind of a history, we
9 could go on for a long time because I have a good strong
10 background, I've done this all my life and I've lived
11 there all my life and I've watched these cycles,
12 particularly on the islands where the wolves have cleaned
13 all the deer off and you couldn't get one there if you
14 wanted to and it takes years to rebuild them. We're --
15 you're seeing a similar thing here, but it's not from
16 wolf, it's from snow and it's going to take a while to
17 get them to come back.

18
19 MR. BANGS: Mr. Chair.

20
21 CHAIRMAN ADAMS: Oh, follow-up there.

22
23 MR. BANGS: Just one thing, I didn't want
24 to -- mean to muddle the meeting up or anything, but I
25 think that we spent a lot of time and money on Unit 2
26 deer and I think it had -- this proposal has a direct
27 correlation to the work we've already done. And I don't
28 know if the Council wants to make comment on this by the
29 23rd or 22nd of October, but I think this is a very
30 important issue.

31
32 Thank you.

33
34 CHAIRMAN ADAMS: Thank you. And we'll
35 try to deal with that. That's a real good discussion on
36 wolf. Is there any other proposals that you see need to
37 be brought up at this point?

38
39 (No comments)

40
41 CHAIRMAN ADAMS: Go ahead, why don't you
42 go ahead and highlight what you had to share with us, Mr.
43 Barten.

44
45 MR. BARTEN: Yeah. Mr. Chair. Members
46 of the Council. I guess the other proposal that, you
47 know, jumps right out that I'd like to bounce off you all
48 because we've discussed this many, many times or similar
49 types of issues associated with it, is -- it's the one
50 regarding the harvest ticket versus the harvest survey.

1 You know we spent a lot of time in the past number of
2 years -- let me see if I can find it here, I think it's
3 Proposal 41 in the proposal book. And what that is is as
4 you all know and especially talking about Unit 2 deer, we
5 measure our harvest numbers based on a -- and have for
6 many, many years, based on a harvest survey where, you
7 know, for caribou and moose throughout the state, even
8 now black bear, we have a harvest ticket report and
9 everybody who picks up a harvest ticket has a report
10 associated with it, how many days did you hunt, where'd
11 you hunt, et cetera. Well, with deer we've traditionally
12 done it with a harvest survey because there's so many
13 deer hunters, it was more functional to take a sample of
14 the hunters who pick up harvest tickets, send them a
15 survey and ask for the information we needed and then we
16 would manage or look at the deer harvest through that.

17
18 Well, in today's day and age with the
19 internet and winfonet everything's on-line for us, we've
20 gotten to a point where we've got people not only picking
21 up registration permits and things on the internet, but
22 they can also report in a lot of cases. Well, with
23 harvest tickets it's going to be the same to where we
24 feel that across the state we could be better served by
25 going to a harvest ticket report for deer hunters because
26 with internet reporting we expect to get a much higher
27 rate than they used to do in the past with purely mail
28 out and it would be cheaper in the end for us at this
29 point, it would be consistent across the state. Right
30 now we have a survey that's done for Kodiak and Prince
31 William Sound and we have a different one done in
32 Southeast, it takes -- it's very laborious to to get that
33 data into the system, it's completely different than the
34 harvest ticket data we have in winfonet at present so it
35 doesn't jive. By going to a harvest ticket it's going to
36 be a consistent pattern across the state for entering the
37 data and accessing the data and it would just be a -- by
38 our standards based on the new information and the -- on
39 harvest ticket reporting via internet and the opportunity
40 that's going to be -- present people to get on line
41 immediately after a hunt and put the data in, a better
42 way to go. So we want to actually move away from the
43 harvest survey and go to a harvest ticket report. And we
44 have a proposal into the Board of Game come this fall in
45 November to put that in front of the Board and ask them
46 to go that route.

47
48 CHAIRMAN ADAMS: Thank you, Mr. Barten.
49 Any comments, questions. Don and then Mike.
50

1 MR. HERNANDEZ: I was just wondering, you
2 know, if the State implements that kind of reporting form
3 has there been discussion, would the State want the
4 Federal system to follow suit on that, have you gotten
5 that far in your discussions yet or is that something we
6 may be needing to talk about here?

7
8 MR. BARTEN: Yeah. Through the Chair,
9 Member Hernandez. Actually, I mean, that's, you know,
10 kind of why I'm bringing it up here. But all hunters
11 whether they're Federally-qualified or not in order to
12 hunt deer they have to have a harvest ticket so that
13 would be part of the process. Now right now the only
14 place where we do things a little differently is Prince
15 of Wales Island and starting in 2005 you all had a part
16 in going that route where we have a separate harvest
17 report for Prince of Wales, people hunting on Prince of
18 Wales for deer. And that was independent of our survey.
19 And between the two and it just wasn't a very -- it was
20 kind of a clunky system in that we had the harvest report
21 for Prince of Wales, trying to get better data where I
22 believe the Forest Service was trying to get almost 100
23 percent reporting on that where our survey wasn't meant
24 to get 100 percent reporting, but it was a random,
25 stratified sample where we extrapolated and that kind of
26 a thing.

27
28 Well, if we go to this harvest report
29 across the region which is what we plan to do and then
30 hopefully across the state, we're hoping the Prince of
31 Wales harvest report will no longer be necessary and
32 we'll have one seamless transition into having the deer
33 harvest ticket report across the region. All hunters
34 will have to -- when they get their harvest tickets
35 they'll have a report and hopefully we'll get 60 to 70
36 percent of the people responding the first time and then
37 we'll send a reminder. And then eventually what we'd
38 like to do and we probably will do this, is we'd respond
39 even then with a survey of non-reporters to see what the
40 -- what the use patterns and harvest rates for non-
41 reporters are. And we could use that and -- to then kind
42 of come up with a harvest estimate because you need that
43 kind of information to really get down to the brass tacks
44 of how many deer were really taken because if you just
45 take the people who report their harvest you get -- you
46 get a minimum number of deer taken, but if you don't know
47 what the 30 or 20 percent who didn't report did, you
48 really can't come up with a harvest estimate. And that's
49 what we're hoping to do is follow this harvest ticket
50 report up with a smaller, much more focused survey where

1 we can get at the non-reportees and potentially come up
2 with confidence intervals on the harvest as we do now,
3 but through the harvest ticket report instead.

4
5 CHAIRMAN ADAMS: Do you have a follow-up?
6

7 MR. HERNANDEZ: (Shakes head negatively)
8

9 CHAIRMAN ADAMS: Mr. Douville. Go ahead.
10

11 MR. DOUVILLE: This harvest report was
12 resisted by the Department on the Deer Planning
13 Committee. And I'm a little surprised that it's -- now
14 you want to make everybody do it. And I wasn't really
15 happy with it because, you know, we're not all
16 bookkeepers, we're hunters and stuff and some people
17 can't even read that good.....

18
19 (Laughter)

20
21 MR. DOUVILLE:you know, and you're
22 making them do this stuff, you know, and it's -- they
23 don't like to do it, it is a burden. And if they don't
24 do it, particularly the real hunters, you know, they
25 shouldn't be penalized for it, you know, in any way. So
26 it is a good way to gather data, I guess that the State
27 has realized that. And how long do we need to do this,
28 like it's -- I can do it, but, you know, I find myself
29 getting reminded more than once to fill this thing out
30 and send it in.

31
32 (Laughter)

33
34 MR. DOUVILLE: I just don't do it. I
35 finally did by the way, but.....

36
37 (Laughter)

38
39 MR. DOUVILLE:you know, how long
40 does this have to go. We know that the trend in Prince
41 of Wales is getting better and all this, does -- we still
42 have to go on forever, I mean, it's -- you know, I don't
43 know. I mean, you're asking a lot of rural people that
44 are going to resist, I think, you know, to this sort of
45 thing, they never had to do it before. And what is it
46 you're looking for here with this system that you're not
47 getting with your survey?

48
49 MR. BARTEN: Yeah. Through the Chair,
50 Member Douville. A lot of the same kind of data. I

1 mean, the survey provides really what the harvest ticket
2 report is going to provide, it's just we've come to a
3 point now where between the different regions in the
4 state, going -- being we've got this internet reporting
5 coming up, it's going to be a lot more efficient for
6 people, a lot easier if people want to jump on line and
7 report as well as reporting right after a hunt. Being
8 able to -- you know, I hunt a lot myself, I come back
9 from a hunt, I can jump on line and report my hunt and
10 day to day and at the end of the season rather than
11 getting a survey or not, if I do get a survey, how many
12 days did I hunt, you know, granted I can kind of remember
13 what was going on, but this stuff should be more real
14 time of who did what, when and where they hunted. So
15 basically it's going to provide a lot of the same data,
16 but it's much -- we've come to a period of time where
17 with the internet it's going to be a much more efficient
18 way to get -- reach people and get the data we're really
19 looking for which is really harvest trends. And, you
20 know, we use it for, you know, a lot of the species in
21 the state, we need to know really what's going on, what
22 people are taking, where they're taking them so it's just
23 replacing the survey.

24

25 But and I -- the irony is not lost on me
26 and I wasn't part of the Unit 2 planning, you know, when
27 the Unit 2 report came out back in 2005 because you
28 wanted more specific data on Unit 2 and I know we wanted
29 to stick with the survey because we thought that was
30 sufficient. We still think the survey's a good way to
31 go, we just think going to the harvest ticket across the
32 state for the different regions is going to be much more
33 of a seamless way for us to collect data, get it into
34 winfonet, access the data, make it available and it's
35 just a better way to go now because of the internet
36 reporting and the whole winfonet process.

37

38 CHAIRMAN ADAMS: I just want to -- and
39 then I'll -- then you can say something. Not everyone is
40 familiar with the internet, you know, and so I think
41 that's going to cause a real big problem there.

42

43 Go ahead.

44

45 MR. DOUVILLE: I can understand why we
46 did this on Unit 2 deer because it was just a bunch of
47 problems with Unit 2. I think for the most part it's
48 been fixed and it's running okay and we know there's deer
49 there and everything, but that was the reason. I can
50 understand you using this in a region where there's poor

1 deer harvest or there's some problems, but just to do it
2 just to see what everybody's doing is you're putting a
3 burden on a hunter or rural user, you know, and they're
4 -- and I feel that there may be some resistance or, you
5 know, I don't even like to do it myself, but.....

6
7 CHAIRMAN ADAMS: Thank you, Michael. The
8 other Mike.

9
10 MR. BANGS: Thank you, Mr. Chair. If
11 this goes -- you know, goes through the Board process and
12 stuff I better not find Neil at my favorite spot.

13
14 (Laughter)

15
16 CHAIRMAN ADAMS: Okay. Take note. Is
17 there anything else that you want to highlight for us
18 there, Neil?

19
20 MR. BARTEN: Through the Chair, Members
21 of the Council. That was -- you know, those two were the
22 main ones and I -- again I'm open to answer questions on
23 any, but those are the ones that stuck out in my mind as
24 ones I really wanted to bounce off of you because of your
25 familiarity with the issues.

26
27 CHAIRMAN ADAMS: Well, thank you very
28 much, appreciate it.

29
30 MR. DOUVILLE: One more.

31
32 CHAIRMAN ADAMS: Okay. One more over
33 there.

34
35 MR. DOUVILLE: You have several bear
36 proposals that I'm -- I really haven't looked at because
37 it's really not -- it is not a high use rural user thing.
38 We do take a few of them, but not that many and there's
39 quite a few. But just as an observation on Prince of
40 Wales Island, when you made all those clear cuts it does
41 have a tendency to generate some deer also, but it also
42 generated a lot of bears. It did the same thing to bear
43 as it did the deer, it's prime habitat for bear. They
44 sit in there, they never move and they live in those
45 clear cuts and eat berries and never leave them. They
46 don't go down to the creek and -- but some of those are
47 closing in which I can understand there'd be some concern
48 because a lot of them are closing in and you're losing
49 that habitat. But this is similar to brown bear where
50 these bears have some value to the guided people and

1 stuff, more so black bear there than.....

2

3 CHAIRMAN ADAMS: All right. Thanks.

4 Anything else.

5

6 (No comments)

7

8 CHAIRMAN ADAMS: Excuse me, I was trying

9 to take care of some housekeeping issues here. Thank

10 you, Neil, appreciate it. It's always good to see you.

11

12 MR. BARTEN: Yeah. Thanks a bunch you

13 guys, nice seeing you all again. And again, you know, I

14 really encourage people to look at all the proposals

15 coming at the November Board of Game meeting and, you

16 know, to talk to friends if you want, especially the

17 Council itself to put in comments on them and -- I mean,

18 that's what the system's all about. So the more people

19 we have commenting, especially with local knowledge, I

20 think the better the process works.

21

22 CHAIRMAN ADAMS: Yeah. I think we're

23 going to talk about sending a Council member down to the

24 Board meeting so expect somebody there.

25

26 Again thank you.

27

28 I'm going to let Robert take a little bit

29 of time and explain the technical difficulties we had

30 with Mr. Davidson and how we're going to address that.

31

32 Go ahead.

33

34 MR. LARSON: Thank you, Mr. Chairman.

35 Bill Davidson is in an airport someplace in -- somewhere

36 south of us. And he had poor cell service and was unable

37 to maintain the connection on his -- on the

38 teleconference line. He did wish me to communicate to

39 the Council and the public that with few exceptions

40 salmon in Southeast Alaska region are quite healthy and

41 the Department is very pleased with how the fisheries are

42 -- you know, how productive they are and how the actual

43 fishers themselves are being prosecuted.

44

45 So that is essentially what he wanted to

46 communicate was that by and large, you know, things are

47 doing well. We've had some good sockeye escapements in

48 places where we haven't had good sockeye escapements

49 before. We've had fairly good harvests and escapements

50 of cohos and king salmon. Some of those, especially the

1 Stikine River king salmon is not as many as we've had in
2 previous years, but by and large things are going pretty
3 well.

4

5 So that was the -- kind of the long and
6 the short of his presentation. One of the things I --
7 and I think that's good enough.

8

9 Thanks.

10

11 MR. DOUVILLE: Mr. Chairman.

12

13 CHAIRMAN ADAMS: Mr. Douville.

14

15 MR. DOUVILLE: I would like to make some
16 comment on that. I agree that there was a pretty good
17 harvest in -- you know, for this year that was supposed
18 to be an off year. But in our particular area around
19 Craig in the -- you know, from Warmchuck (ph) down to
20 Scugumchuck (ph) or -- if you will, we had a poor return
21 of humpies, but it was made up by, you know, increases or
22 better harvests in other places. And it's an off cycle
23 year for there, but two years ago I believe there was an
24 over harvest of humpies which continues this trend.
25 There was no fish in front of the creeks and they let the
26 seine season go and these guys just -- they took too much
27 fish. So this year we have a poor return again. And
28 they slacked off on it, but I -- my comment is I want the
29 Department to pay more attention to this particular area
30 which is a good producer of fish, that has -- and a lot
31 of fishing goes on there. They've taken too many. I've
32 looked at the creek this year, I went up to Big Harbor
33 and some -- there was a few fish in the creeks, we had
34 real low water and they're spawning down in the
35 intertidal area in little, small areas, you know. So two
36 years from now these guys need to be very conservative
37 with their seine openings in there so they get this run
38 back up to speed in that area. I'm really worried about
39 it.

40

41 And that would be my comment, they really
42 need to watch this particular area because so much
43 seining goes on, the Eldafond's (ph) tranquil and they
44 can really catch a lot of these fish and they have. So
45 we need to work on rebuilding this cycle down the road.

46

47

48 CHAIRMAN ADAMS: Thank you, Michael.

49

50 MR. DOUVILLE: And if that could be

1 relayed to them as my concern I'd be most happy.

2

3 CHAIRMAN ADAMS: Yeah. Thank you, Mike,
4 for that.

5

6 And why don't you make note, you know,
7 that this comment needs to be addressed so that it does
8 not fall through the cracks.

9

10 We're going to take a lunch break now.
11 Thank you, Ben, for being patient with us.

12

13 MR. VAN ALLEN: You're welcome.

14

15 MR. PAPPAS: Mr. Chair.

16

17 CHAIRMAN ADAMS: But -- did you have
18 something to say, sir?

19

20 MR. PAPPAS: George Pappas, Fish and
21 Game. Sixty seconds or less. I made some calls about
22 the eulachon questions that came up earlier.

23

24 CHAIRMAN ADAMS: Thank you.

25

26 MR. PAPPAS: The Haines situation, the
27 Chilkoot -- the Chilkoot -- Chilkat River had a really
28 huge run of eulachon this year. It is a natural
29 occurrence for when you have large numbers of fish
30 showing up, they pack of the sloughs, they pack up the
31 different water holes, and sometimes do get stranded at
32 the -- when the low tide -- when the tide recedes, you
33 can have large numbers of fish die off or suffocate.
34 This particular instance at the airport, I'd like to get
35 -- request to get a copy of that photograph and we'll
36 further investigate. The basic assumption, not
37 particular to this, but as a biological rule a lot of
38 areas when you have large, large numbers of eulachon, you
39 know, thousands of fish that might be dead near the
40 saltwater might not biologically impact the population.
41 But you always want to know, the staff does want to know
42 about that.

43

44 The second question I had was the
45 enhancement of eulachon in Alaska. The staff did not
46 recall that we've had that happen in Alaska, they have
47 not seen any plans to do so and we're not aware of the
48 success rates if it was done anywhere else. But Mr.
49 Larson and I will look further into that for you.

50

1 And I did not have a solid answer on
2 males versus females showing up first. There has been
3 some site specific work in some systems around where the
4 knowledge -- the information collected was the males were
5 first in some systems. And they don't know, but that's
6 a general rule across all of Alaska. Mr. Larson and I
7 can talk about that and possibly get some more
8 information for you.

9

10 Thank you, Mr. Chair.

11

12 CHAIRMAN ADAMS: Thank you for that.

13 Appreciate it.

14

15 A lot of our people in Yakutat because
16 they weren't going into the Situk River, how many of you
17 were out at the Sandy Beach near there last year and you
18 saw that real big barge out there. Well, it has a big
19 lake in it. And when the tide came in, you know, all of
20 the eulachons would congregate in there and the tide went
21 out, all kinds of eulachons out there. So a lot of our
22 people, you know, had their eulachon needs met just by
23 going out there and dipnetting out of that place. So
24 they weren't going into the river, okay, take note of
25 that. They were there, but they weren't going into the
26 river to spawn.

27

28 Thank you.

29

30 Go ahead. Mr. Larson.

31

32 MR. LARSON: Oh, I would like to
33 acknowledge that there is going to be a benefit dinner
34 from Big Sisters Big Brothers and maybe they would like
35 to say something to the Council?

36

37 MS. DYBBAHL: First off welcome everyone.

38

39 CHAIRMAN ADAMS: Would you please state
40 your name, please.

41

42 MS. DYBBAHL: Oh, yes. You bet, I'm
43 Sally Dybbahl. Sally Dybbahl's my name and I'm the
44 community director for Big Brothers Big Sisters of
45 Hoonah. And we want to thank Frank for getting me in
46 touch with Melinda to have this opportunity to help
47 sustain our local program here. We'll be having soup and
48 salad and different breads for lunch and if you'd like to
49 join us we'd sure like to have you. We have ham and bean
50 salsa soup, some Russian bourse beet soup, we have deer

1 stew, we have seven layer green salad and Jell-o cake and
2 brownies. And fresh Hoonah water.....

3

4 (Laughter)

5

6 MS. DYBBAHL:and your coffee. So
7 anyway thank you very much.

8

9 CHAIRMAN ADAMS: Thank you.

10

11 MS. DYBBAHL: And we're suggesting a
12 donation of \$10, but whatever you're comfortable we'll
13 sure take. And I have a pen if anyone has a checkbook.

14

15

16 All right. Thank you.

17

18 CHAIRMAN ADAMS: Thank you. Let's break
19 for lunch, folks. Be back here at 1:15, please, 1:15.

20

21 (Off record)

22

23 (On record)

24

25 CHAIRMAN ADAMS: Okay. Folks, can we all
26 gather to our seats and quiet down, we're going to get
27 started here.

28

29 Okay. Everyone enjoy that doe stew?

30

31 (No comments)

32

33 CHAIRMAN ADAMS: Okay. Mr Ben Van Alen,
34 please come forward.

35

36 (In Tlingit)

37

38 CHAIRMAN ADAMS: Why don't you just turn
39 on the microphone there, use Mike's -- use Mike's mic.

40

41 Lights please.

42

43 MR. VAN ALEN: Good afternoon and thank
44 you, Chairman, Members of the Council. I'm Ben Van Alen,
45 I work for the Forest Service as a subsistence fisheries
46 biologist in Juneau. I've been asked to provide a
47 summary of the Fishery Resource Monitoring Program
48 studies, in particular that occurred this past summer and
49 some are still occurring I might add, but also a review
50 of the projects in the past.

1 Prior to Federal subsistence funds being
2 available, way back in 2001, there really wasn't much of
3 an ongoing program in any location except for Redoubt
4 Lake really for getting a handle on the annual escapement
5 of sockeye. Fort Arm was a weir -- a coho -- a weir, but
6 they also were tracking sockeye. We also did a project
7 in cooperation with the Forest Service at Sitkoh. Other
8 than that of all the many systems for sockeye on the
9 whole Island of Archipelago, there wasn't anything you
10 could hang your hat on since US/Canada days in the early
11 '80s.

12
13 Anyways with Federal subsistence funds
14 and the whole Fishery Resource Monitoring Program have
15 come cooperative projects involving tribal cooperators
16 and Alaska Department of Fish and Game staff and Forest
17 Service staff in some cases. And so in the Klawock area
18 they worked at Klawock and Hydaburg, has done work at Eek
19 and Hetta and Kasaan, currently has projects at Karta and
20 Hatchery Creek. At Wrangell these projects have come and
21 gone, but at least we have some estimates and for some
22 they're the first ever. Salmon Bay, Thomas and Luck,
23 Kake area. Right now Falls Lake is an ongoing project.
24 In Angoon we have these three going actually, Kook,
25 Sitkoh, Kanalku. I could have put on there Hasselburg
26 (ph), we did a year or two in there. Sitka has got Klag
27 still going. I should have put on there Redoubt which is
28 a -- basically a new project for this year. And Hoonah,
29 we've done Hoktaheen and Pavlof, but Neva's been a long-
30 term project.

31
32 Obviously I'm biased toward sockeye
33 because that's where most of the Fishery Resource
34 Monitoring Program funds have gone. I've got -- I think
35 I have a couple slides at the end relating to eulachon,
36 but there is a handout you might see that I tried to
37 update it for 2010. Again these are preliminary
38 estimates, there's no hard and fast number in there. On
39 the back of this handout is a whole list of reports,
40 reports ad nauseam actually, and some of these you can
41 get right off the web site like OSM or Fish and Game's
42 web site. It -- we don't look at them here, but it is a
43 wonderful reference and will be very useful -- become
44 more and more useful as each year goes by, having a time
45 series of what the escapement is into these systems is
46 very important to know trends and abundance trending up,
47 down, helping us assess us what the reasonable minimum
48 escapement levels ought to be.

49
50 Just an old picture I had from Klag

1 showing that they had about 13,000 counted through the
2 weir this year. At Hetta they had about 20,000 sockeye
3 counted through that weir this year. At
4 Kanalku they -- I believe the latest weir count is 2,400.
5 Again everything's preliminary. Right now they are doing
6 a mark-recapture estimate to estimate the escapement into
7 the lake. I threw Klawock in here almost as an ironic
8 situation where there was no project at Klawock this
9 year, yet it is basically indeed one of our finest weirs
10 in Southeast in terms of a semi-permanent or well
11 engineered structure for counting fish. And we'll
12 probably be able to engage in counting there in --
13 sometime in the future.

14

15 At Karta, you see I put pending for the
16 2008 data and that's related to in part complications in
17 running a weir on a stream which is upper end intertidal,
18 lots of pink salmon, but just difficulty of getting an
19 accurate count of fish going through. In 2009 the stars
20 kind of lined up, I think the weir was put in a little
21 bit, let's say more fish tight, and the crew was
22 outstanding, they did a wonderful mark-recapture effort
23 through the course of the summer, did just one recapture
24 trip, but that recapture trip came up with an estimate
25 that was close to the weir count so we can come away from
26 Karta in 2009 very comfortable with our estimate of
27 escapement, of sockeye escapement into the lake. And
28 hopefully we'll repeat that as years.....

29

30 I don't know if this is -- obviously now
31 it's frozen. Great. Anyway that was an action photo of
32 somebody I know pretty well working fish out of the weir.
33 I wanted to show that just to show how it's done kind of,
34 you know, that it is somewhat labor intensive. In that
35 case you're having the fish trap themselves in the weir
36 in a trap and you have to physically pass them or you're
37 going to pull pickets and count them through. And that's
38 basically what we did at Kook Lake for three years and
39 those are our counts there. In addition at Kook Lake we
40 experimented, we're trying to do things maybe a little
41 more efficient, a little bit more fish friendly. So in
42 addition to the picket weir in those years we operated
43 what I call a net weir and fish video systems. And let
44 me see, the -- well, I guess I was quite encouraged by
45 those results and continued that effort at Kanalku and at
46 Neva where like here in the inlet stream for Neva I was
47 sampling for the proportion of fish that did or didn't
48 have their adipose fins, that we had marked down at the
49 outlet in the stream. Let me see, instead of putting a
50 weir straight across a stream why not put a weir like a

1 V, a weir like this guiding fish past or through a video
2 shoot and that's what I've done the last couple years at
3 Neva. So those fish could come through anytime of the
4 day of the night and typically they move at night. And
5 so in this case I'm sampling for marked and unmarked
6 fish, adipose fin or not. That one's missing it's
7 adipose fin. Anyway so we got -- we're getting better at
8 controlling the environment for the fish video, we're
9 putting together systems that are pretty cheap, each one
10 of those mini DVR recorders costs \$140, a whopping sum.
11 But anyway I'm just pointing out that it's not that
12 expensive to get a system together that operates off
13 solar power and is very reliable.

14
15 So at Kook Lake after a two year hiatus
16 we have funding again for this year so we went back in
17 and rebuilt our floating wall tent and sewed together the
18 two halves of our net weirs, put corks on the nets and
19 launched them. And so this is a picture of our -- well,
20 basically a double redundant system at the outlet of Kook
21 Lake where on the right is a net weir at the outlet and
22 the left is where the -- a net weir between the island
23 and the shore and there's a barrier net right in the
24 middle there. But basically we're counting the fish four
25 times, two cameras at each video shoot on each net and
26 that's the way to validate the escapement. Those fish
27 are allowed to swim up and into the system whenever they
28 wanted to except when we had to pluck some scales, but
29 that's the only time. So the whole system basically is
30 kind of what you see on that little float is a solar
31 power -- solar panel and that battery box with the DVRs
32 in it. That's a picture underwater of the video shoot
33 that the fish swim through.

34
35 At Neva again we've had it for a number
36 of years, since 2002 annual estimates of sockeye
37 escapement. This is what we used to do, now we rebuilt
38 and put a floating wall tent in there, have the video
39 shoot. The only onshore activity now really is our
40 latrine which Tommy Mill, Sr., is probably showing his
41 work there. And here we are inside our tent doing fish
42 video reviews. So that's instead of a you know, in a
43 trap or sitting on the face of a weir counting fish we
44 basically looking at condensed video, motion detection
45 video of only when the fish are moving by. And yeah, it
46 -- you have to be -- keep your records straight, but it's
47 a good way to count fish.

48
49 Hatchery Creek weir took -- incorporated,
50 let me see, a trap-in-weir design that we first pioneered

1 I'd say at Karta and that's worked quite well. Why
2 didn't we think of that before. And here's Tars helping
3 put together a stream-net weir at Hatchery Creek. And
4 that's, in fact, what we have, of course, you can't see
5 anything in the water, the water's pretty (indiscernible)
6 there, but there's kind of V shaped funnel net called a
7 steam-net weir in there and you can just see the video
8 shoot underwater so the fish are just swimming. From the
9 weir you could see downstream underneath the bridge where
10 the -- a certain proportion of the fish, 20 percent, had
11 their adipose fins cut off and we're examining them for
12 marked and unmarked as they swam through the video shoot.
13 So that was there and we did a similar thing at Falls
14 Lake where Falls Lake we've got a long time series of
15 mark-recapture as fish coming up the fish pass and so we
16 assembled a net there.

17

18 I should pause there, I mean, there's Cal
19 and Jack and whatnot, it takes a crew to do this, but
20 anyway we put a net together, a wonderful location and
21 stuck this net on the outside of all these logs and by
22 and large it did a pretty good job of allowing us to
23 sample fish for marked and unmarked and darn near allowed
24 us to count every fish going into the lake. And we'll
25 build on that experience for next year.

26

27 At Redoubt we did a similar thing, the
28 weir has been there for I think 26 years now and this is
29 basically how they count fish, they spend lots of time
30 counting them as they swim through open pickets or out of
31 a trap. So we put a net together and a float together.
32 We first put it up in the lake there hoping that enough
33 fish will be guided through it to give us a good estimate
34 of the marking fraction. It turned out not that many
35 were going through so I ended up moving the whole net
36 right down over the face of the -- I guess the part of a
37 weir there, and so we're essentially counting all the
38 fish that were coming up through that section of the weir
39 and we might do -- continue with that for next year.

40

41 This project -- this Sitkoh beach mark-
42 recapture has been going since '82 and it's started
43 again. You see we haven't done it the last three years,
44 we didn't have funding, but we just got it again and so
45 our last two trips are coming up and that works well.

46

47 I just threw in these two eulachon ones.
48 Bert mentioned in his opening remarks of a project that
49 is funded now to survey the Yakutat borelands (ph) from
50 Situk River to Dome. This happens to be the mouth of the

1 Situk. Anyway I'm really encouraged that that project's
2 funded and just a little technology transfer shows that.
3 Those are eulachon we filmed in the Berners River using
4 the same equipment. So there's potential of that in the
5 Yakutat area, particularly Situk that's clear.

6

7 Thank you.

8

9 CHAIRMAN ADAMS: Is that it?

10

11 MR. VAN ALEN: Yes.

12

13 CHAIRMAN ADAMS: Okay. Any questions
14 anyone. Harvey.

15

16 MR. KITKA: Thank you, Mr. Chair. Ben,
17 just out of curiosity, did you have any trouble with
18 bears at the net type system?

19

20 MR. VAN ALEN: I think by and large it's
21 quite a reversal. Like when we had a picket weir in at
22 Kook Lake, through a good part of the summer there was
23 almost always bears at night all around our weir
24 operation and this year without the weir in place and
25 just a net weir, we only saw an occasional bear as it's
26 walking along the shore of the lake and down and around
27 the outlet. So we went from a picket weir which bears
28 were finding advantageous to them for getting an easy
29 meal or, you know, to be able to -- fish are backed up
30 behind the weir and they were attracted to -- by the
31 bears. And now with the net weir we had no bears in and
32 around our project area.

33

34 CHAIRMAN ADAMS: Anyone else. Mr.
35 Kookesh.

36

37 MR. KOOKESH: Hey, Ben. One of the
38 things we've been dealing with and you're very aware of
39 it is Angoon was on that voluntary closure. And based on
40 these -- and based on these limits and meeting the needs
41 of the community, is this stream, this system, the
42 Kanalku system ever going to be enough to sustain the
43 community or do we have to go somewhere else where the
44 limits -- how do we address the limits for the community
45 of Angoon?

46

47 MR. VAN ALEN: Well, I think there's a
48 little bit of both in there. I think any community has
49 to be diversified in how they meet their subsistence
50 needs. It wouldn't only be sockeye, it wouldn't only be

1 coho, it wouldn't only be seal. And just -- and then
2 within a species, whatever, you wouldn't only be solely
3 reliant on one system to meet your needs. You are -- and
4 it is wonderful using Angoon as an example, that there
5 are other options with Hasselburg and Basket Bay and even
6 Sitkoh for getting sockeye. And what you want is all the
7 systems to be, you know, healthy enough so that there
8 really isn't any management of the subsistence. The
9 fishermen are going where they feel they have their best
10 harvest success and realizing that fish attract fishermen
11 they're generally fishing where the runs are a little bit
12 larger in any given year and it all works out. And the
13 -- where things comes to a head is when there really
14 isn't enough fish to go around between the different
15 fisheries, this would be the commercial seine, sport and
16 subsistence. And so, you know, we're clearly in a need
17 to find and manage for the best allocation between the
18 users. And I guess I -- you know, I pointed out a few
19 years ago that in the Icy and Chatham Strait area that
20 the commercial seine fishery was indeed fishing close to
21 as hard as they -- as they ever have since statehood and
22 that there had been a pattern pre and post statehood of
23 needing to rein in that effort in the highly mixed
24 stocked fishing area there. And we still definitely need
25 to find the right compromise, the right mix between
26 fishing on passing stocks and then directing that seine
27 effort towards more local stocks like at Tenakee or White
28 Water, Chike (ph), whatever. So I think we're still
29 working on that.

30
31 At the same point with these years of
32 information I think in probably not too long reasonable
33 minded biologists could sit down and come up with -- I
34 would call them, I don't know, minimum escapement kind of
35 targets where we'd like to see at least 3,000 or 4,000
36 sockeye into Kanalku on an annual basis. You know, it's
37 not an escapement goal, but it's at least as many as kind
38 of number and at the same point the biologist would be
39 looking at a time series of harvest information from a
40 subsistence fishery and be able to say well, we'd like to
41 have at least -- you know, provide for at least so many
42 -- a 1,000, 2,000, whatever the subsistence take might be
43 in any given location. And then basically with those
44 targets in place the commercial managers can then -- and
45 they -- I would imagine they'll do a pretty good job of
46 manage for those, you know, have something to manage for.

47
48
49 And right now it's -- everything I guess
50 I would say is still a little too nebulous, we don't know

1 what we're really managing for. And it'll come from
2 these kinds of studies where we have a time series of
3 reliable estimates of what are the escapements, when do
4 they occur, what are the subsistence harvests in these
5 locations, the community's needs, and then we'll build
6 from that under the basis or framework of meeting a
7 subsistence priority, be it Federal or State.

8

9 MR. KOOKESH: Follow-up.

10

11 CHAIRMAN ADAMS: Sure, go ahead.

12

13 MR. KOOKESH: When the meeting first
14 started and I mentioned the Administrative Procedures Act
15 and I was wondering where we're going to go with this
16 issue out there because, you know, the State's saying
17 that they -- what they did was following it. So I'm
18 hoping that there's kind of a rem -- this creates a
19 remedy so we can get the right numbers because the idea
20 that we have to go to Basket Bay and get 15 which is not
21 really worth it, if you -- you know, you can't take eight
22 people over and fish -- just catch 100 and whatever, 20
23 fish or and make it worth it. So I'm just wondering if
24 you're kind of aware of what -- how this Administrative
25 Procedures Act process works or not?

26

27 MR. VAN ALLEN: Yeah, really I have no
28 comment on that now because again there's -- yeah,
29 there's administrative procedures on legal issues and all
30 kinds of things, but yeah, I guess I -- I'll admit I take
31 a much more simplistic approach to things. Jurisdiction
32 free as best you can and try to meet subsistence needs.
33 So I don't want to comment on that.

34

35 CHAIRMAN ADAMS: He's like me, he doesn't
36 answer hard questions. Anymore questions from the
37 Council. Mr. Douville.

38

39 MR. DOUVILLE: Are you -- thank you, Mr.
40 Chairman. Are you able to get numbers from Klawock, it's
41 my understanding that they count all fish that go through
42 the weir and they're seeing fair numbers of sockeye since
43 this last rain system?

44

45 MR. VAN ALLEN: Yeah, I really don't know
46 yet on Klawock. I have made a couple of -- only two
47 phone calls and I haven't heard back and so I really
48 don't know what the current -- what's happening in 2010
49 at Klawock.

50

1 MR. DOUVILLE: We have a different
2 hatchery manager there and seems to be on top of things
3 and things are running pretty good there now. Hopefully
4 the hatchery will straighten out its issues now and get
5 up and running much better. But in talking with him the
6 other day he said he was counting all fish so certainly
7 that information is -- would be available at least for
8 numbers wise.
9
10 CHAIRMAN ADAMS: Thank you, Mike. Anyone
11 else.
12
13 Gunalcheesh.
14
15 Okay. I think we're done with
16 presentations.
17
18 MR. LARSON: We'll get Dennis Chester out
19 of the way.
20
21 CHAIRMAN ADAMS: Oh, okay. WE're going
22 to get Dennis Chester out of the way.
23
24 (Laughter)
25
26 CHAIRMAN ADAMS: I just said what you
27 said.
28
29 (Laughter)
30
31 CHAIRMAN ADAMS: Oh, by the way while
32 he's getting ready over there, the Big Brother Big Sister
33 says a big gunalcheesh, they made \$304 from the luncheon
34 this afternoon. So thank you for their support -- your
35 support. And it was great.
36
37 MS. PHILLIPS: How much was it?
38
39 CHAIRMAN ADAMS: \$304.
40
41 MR. CHESTER: Thank you. My name is
42 Dennis Chester, I'm with the US Forest Service out of
43 Juneau. And I was asked to provide a little bit of a
44 update on Unit 4 deer. I think we heard quite a bit
45 yesterday from Phil so I'm not going to -- I'm going to
46 try not to repeat what -- the information that he
47 provided. He -- I think he kind of focused on some of
48 the population monitoring type stuff and I'm going to try
49 and kind of update on the harvest information that we've
50 gathered since I presented some of the information last

1 fall I guess it was for some of the proposals that were
2 analyzed. And.....

3

4 CHAIRMAN ADAMS: Is this what we're
5 feeding off?

6

7 MR. CHESTER: Yes.

8

9 CHAIRMAN ADAMS: Okay.

10

11 MR. CHESTER: Anyway I -- the -- as we
12 all know the harvest information we have comes from the
13 ADF&G harvest surveys that are mailed out and so we --
14 I'm not going to go through the positives and negatives
15 of that. I think we actually had a little bit of
16 discussion on that today.

17

18 But the first one to focus on in Unit 4
19 wide, we still haven't -- haven't seen the 2008 and 2009
20 data on that and so 2007 was the first year after the
21 major snowstorm. And that showed a pretty distinct drop
22 in harvest in 2007 as we would expect. I think the key
23 thing I wanted to point out there is Unit 4 has generally
24 been the highest numbers of deer and, for example, deer
25 per hunter, and that dropped below Unit 2 for pretty much
26 the first time, but it was still above all the other
27 units and sub-units. So at the Unit 4 wide scale that's
28 kind of the information I had and I just wanted to kind
29 of throw that out there.

30

31 But I do have some recent information on
32 the Northeast Chichagof area that has been the primary of
33 concern. I guess the other thing I wanted to mention on
34 a unit wide scale is that I think those numbers that I
35 mentioned kind of indicate that it is more a Unit 4
36 issues that southeast wide. I think it got the most
37 snow and it's also unique in that, as you guys know, we
38 don't have any non-human predators so that tends to allow
39 the deer to get higher, but then when something like this
40 happens it typically makes the deer populations drop
41 faster or further I should say.

42

43 Before the Northeast Chichagof controlled
44 use area, you know, we -- we've had a lot of concerns
45 here and we've had some doe closures. And so I wanted to
46 update some of those numbers with the 2008 and 2009. The
47 one caution is we have a little bit of a known issue in
48 the data I got from Fish and Game for 2009 in that it's
49 under reporting the numbers of hunters, it does not
50 underreport the total deer harvested or the number of

1 days harvested for whatever reason and I can't explain
2 that. But so those numbers aren't
3 directly comparable. I would say that you could probably
4 multiply those numbers for 2009 by half again should be
5 about where they would be. In other words for 2009 in
6 the Northeast Chich major harvest area instead of 193 it
7 should probably be closer to 250, somewhere around there,
8 maybe up to 300. But until we get -- I just didn't get
9 that information in time to get it back to them and get
10 it fixed.

11
12 So anyway you can kind of look at those
13 tables. I got -- I did one for the Northeast Chichagof
14 area as a whole and then kind of separated out because it
15 was -- kind of part of the concern was the Federally-
16 qualified users versus the non-Federally-qualified users.
17 They kind of show the same trend and I guess the biggest
18 trend that I noticed was that I think things have
19 improved since 2007 slightly, they're certainly not back
20 up to what they were prior to 2006, but I think it's
21 pretty much what we would expect. I don't think
22 anybody's claiming the deer numbers are back yet, but
23 when there's fewer deer out there, fewer people are going
24 to go out there and try and harvest them and they're
25 going to have a little bit of a harder time doing so.

26
27 So I guess I'll leave it at that and try
28 and answer any questions anybody has.

29
30 CHAIRMAN ADAMS: Questions anyone.

31
32 Yesterday he did most of it, huh?

33
34 MR. CHESTER: I guess.

35
36 CHAIRMAN ADAMS: Yeah.

37
38 MR. CHESTER: Or it's that after lunch

39 lull

40
41 CHAIRMAN ADAMS: Yeah.

42
43 (Laughter)

44
45 CHAIRMAN ADAMS: Thank you. Gunalcheesh.

46
47 Okay. Fisheries Resource Monitoring
48 Program next. Terry and Pippa. It's all yours.

49
50 MR. SUMINSKI: Good afternoon, Mr.

1 Chairman. Council Members. I'm Terry Suminski with the
2 Forest Service and I'll let Pippa introduce herself.

3

4 MS. KENNER: Pippa Kenner, OSM Anchorage.

5

6 MR. SUMINSKI: We're here today to talk
7 about the 2012 priority information needs for the
8 Fisheries Resource Monitoring Program. In November we'll
9 be advertising the request for proposals for the 2012
10 Fisheries Resource Monitoring Program. Taking into
11 account commitments for ongoing projects and assuming
12 stable congressional funding, we anticipate approximately
13 2.7 million available for new projects. You have to
14 remember that's for the whole -- statewide, that's not
15 the Forest Service part of that and we'll -- I'll get to
16 that in a little bit.

17

18 The monitoring program is designed to
19 provide information needed for management of Federal
20 subsistence fisheries. A key part of the announcement
21 will be the list of priority information needs, a draft
22 of which we are providing to all 10 Regional Advisory
23 Councils for review and comment. You'll find that this
24 starts on Page 44 in your books and this isn't an action
25 item that we're asking of the Councils. The draft
26 document was developed by OSM and Forest Service staff
27 drawing on strategic plans and previously identified
28 priorities in context with work that has been undertaken
29 to date. We have provided an opportunity for review by
30 the Technical Review Committee and now we're looking for
31 Council input. The items we have -- of the items we have
32 identified priorities are important information needs for
33 Federal subsistence fisheries management that have not
34 been included.

35

36 After the announcement in November
37 proposals and later investigation plans will be reviewed
38 and a draft monitoring plan will be compiled for you by
39 the Council's in the fall of 2011. The Federal
40 Subsistence Board will then review the draft plan in
41 January of 2012 and project funded -- funded projects
42 will begin in April -- can begin in April of 2012.

43

44 So for the Southeast specific overview
45 starts on Page 49 in your books. And the 2012 request
46 for proposals is focused on priority information needs
47 for sockeye salmon and steelhead trout. It should be
48 noted that current Department of Agriculture funding
49 levels for the monitoring program in Southeast Alaska are
50 fully committed to continuation of projects initiated in

1 2010. However this request for proposals included
2 solicitation for the Southeast Region so that -- as to
3 maintain options for 2012 should additional funding
4 become available.

5
6 For the Southeast Region in 2012 the
7 request for proposals is focused on the following
8 priority information needs. One is the reliable
9 estimates of sockeye salmon escapement. Stocks of
10 interest include Gut Bay, Red, Kah Sheets, Salmon Bar,
11 Sarkar, Lake Leo and Hoktaheen. In-season subsistence
12 harvest of sockeye salmon is also a priority. Stocks of
13 interest include Hatchery Creek, Gut Bay, Red, Kah
14 Sheets, Salmon Bay, Sarkar, Kanalku and Hoktaheen. And
15 it's also a priority to contribute to the genetic stock
16 identification baseline of Chatham Strait sockeye salmon
17 and also reliable estimates of steelhead escapement,
18 especially for systems on Prince of Wales Island.

19
20 It was mentioned earlier in the meeting
21 about which projects are ongoing and I think -- did Ben
22 cover those adequately for you or do you want me to list
23 those projects?

24
25 (No comments)

26
27 MR. SUMINSKI: I could just -- I'll just
28 run through them real quick. So the projects that are
29 ongoing right now in 2010 is -- let's see, all but the
30 last one are sockeye assessment so there's sockeye
31 assessments at Karta, Hatchery Creek, Clyde Bay, Sitkoh
32 Bay, Hetta, Kanalku, Falls Lake, Kook Lake, Neva, Redoubt
33 Lake and the last one is Yakutat eulachon assessment.

34
35 So and now I'll turn it over to Pippa for
36 the remainder.

37
38 Thank you.

39
40 MS. KENNER: Thank you, Mr. Chair.
41 Members of the Council. I would like to quickly go over
42 the ongoing projects or projects that are just being
43 completed for the social science part of the FRMP, the
44 monitoring program in Southeast Alaska. One is the
45 customary trade in seafood in Southeast Alaska, another
46 is Hydaburg traditional salmon use, another is the
47 Makhmati Island herring harvest and use project and
48 finally is the steelhead harvest and use by Prince of
49 Wales Island communities.

50

1 During the staff review the Park Service
2 suggested an additional information need that is not
3 included in this proposal. So the four I had just read
4 off are going forth presently or are just being
5 completed. So the Park Service suggested an additional
6 priority information need that hasn't been included yet
7 and that is they suggest a project to document and
8 describe traditional harvest and use patterns of smelt
9 species in Icy Bay, Yakutat Bay and these bays'
10 tributaries. Investigators should focus on the species
11 harvested, timing of the harvest, area of the harvest,
12 participation in the fishery and amount of each species
13 harvested, their use and associated contextual
14 information.

15
16 As you've been told funding is very
17 limited and if available at all for new projects in
18 Southeast from the Department of Agriculture -- oh, okay.
19 So funding is limited and the strategic planning in the
20 past did not identify this as a study priority. On the
21 other hand a small scale qualitative survey of eulachon
22 distribution in the Yakutat area is currently underway.
23 We would like the Council's input on whether this type of
24 project is a priority and if it should be added to the
25 request for proposals.

26
27 Terry.

28
29 MR. SUMINSKI: So in summary what we're asking
30 for is an action item if you agree with the priority
31 information needs listed on Page 49 or if you would like
32 to add or subtract or add anything to that we're open for
33 that.

34
35 So thank you, Mr. Chairman.

36
37 CHAIRMAN ADAMS: Okay. Comments,
38 questions from the Council.

39
40 MR. KOOKESH: I got a question.

41
42 CHAIRMAN ADAMS: Yes, sir.

43
44 MR. KOOKESH: Mr. Chairman. Normally we
45 usually have in our packets the lists of the projects,
46 but we didn't see them this time. You know when our
47 good friend Doug McBride would do the reports we would
48 usually see the projects that he mentioned so we can get
49 an idea of it. This time I didn't see it and I had one
50 more question though.

1 On Page 40 -- excuse me, 46, that first
2 sentence there, can you explain it to me a little better,
3 it says the monitoring program seeks to combine
4 ethnographic, harvest monitoring, traditional ecological
5 knowledge and biological data to aid in finding effective
6 management approaches to fisheries. What do you mean by
7 that?

8
9 CHAIRMAN ADAMS: Patty will rescue you.

10
11 DR. WHEELER: No, Paula.

12
13 CHAIRMAN ADAMS: Or Paula. Sorry.

14
15 DR. WHEELER: Thank you, Mr. Chair. And
16 I just wanted to respond -- this is Polly Wheeler with
17 the Office of Subsistence Management. The first question
18 in the fall, fall of 2011, you will be seeing project
19 proposals before you. This is just identifying the
20 priority information needs, they're going to be put in
21 the call for proposals that people are going to respond
22 to with proposals. So this is kind of the first step.
23 So it's the first of a very long -- or the first step in
24 a long process. So these are the priority information
25 needs. And Terry and Pippa are asking the Council to
26 kind of weigh in, look at these priority information
27 needs, see if we've hit the nail on the head. We're
28 going to put this out to the public, ask for proposals.
29 It's anybody's guess what we'll get, but this will sort
30 of steer the call for proposals.

31
32 Now one thing too is that we always put
33 a qualifier in there saying if there's an issue that pops
34 up at the eleventh hour that hasn't been identified in
35 the call and you can give a reason for why this is an
36 important project that ought to be fund with these
37 dollars we'll consider it. So there's -- that's sort of
38 the catch-all in case something comes up at the last
39 minute, recognizing that our process is kind of a long
40 one. So that's the first -- your first question.

41
42 The second question is when this program
43 started, and again it started in 2000, and it was
44 actually funded initially with money provided or seen
45 through by Ted Stevens who recognized that Federal
46 assumption of management authority for fisheries was
47 going to require a pretty big dollar element there
48 because fisheries -- we need to know a lot about
49 fisheries, it's contentious, it's political, it's --
50 there's a lot that isn't known. So it came in with a

1 slug of money, unfortunately we haven't -- it -- we
2 haven't kept up with that slug of money, it's kind of
3 decreased over the years, but the program was envisioned
4 as -- initially as sort of being both biologic --
5 collection biological information, but also social
6 science information, traditional knowledge, doing some
7 harvest monitoring, it was kind of looking at all aspects
8 of fisheries management because most of the fisheries
9 research programs focus on the hard science, the
10 biological science, they don't focus on the social
11 science, collecting that traditional knowledge, getting
12 the local perspective on what's going on with these
13 fisheries. So the program was originally envisioned,
14 kind of the big -- the big vision for the program was to
15 combine the biological sciences with the social sciences
16 and come up with something bigger and better instead of
17 just focusing on one or the other. In reality it's
18 probably been more parallel, I think we've had a lot of
19 biological projects, we've had some social scient
20 projects, there hasn't always been that melding that was
21 envisioned early on, but that was how it was envisioned.

22
23 Mr. Chair. If that answered your
24 question.

25
26 CHAIRMAN ADAMS: Thank you, Polly. And
27 I apologize for getting your name wrong a couple times.

28
29 DR. WHEELER: Happens all the time.

30
31 (Laughter)

32
33 DR. WHEELER: \$5.

34
35 CHAIRMAN ADAMS: \$5.

36
37 (Laughter)

38
39 DR. WHEELER: Five to Patty.

40
41 CHAIRMAN ADAMS: Patty.

42
43 (Laughter)

44
45 MS. PHILLIPS: Pay up.

46
47 CHAIRMAN ADAMS: Pay up.

48
49 (Laughter)

50

1 CHAIRMAN ADAMS: But yeah, I really
2 support the idea of combining, you know, social and
3 biological information because I explained, I guess, the
4 other -- yesterday about the East Alsek River situation
5 and how -- you know, looking into the way our people have
6 managed their resources a long time ago, you know, comes
7 down -- boils right down to, you know, the ways that we
8 did it were we did have methods and means of managing our
9 resources, you know. And I was listening to an
10 individual from Juneau last week, he says we have used
11 science, we don't have a name for it, but we don't have
12 any names for our biology or science, you know, but we do
13 know how to manage our resources because we looked at
14 this -- we did experiments just like western science does
15 and we observed and we came to conclusions. And when it
16 comes right down to it if you take the traditional
17 ecological knowledge that is truly coming from people who
18 really know, you'll find that it is their -- the
19 conclusions are very much the same as western science.
20 So I think it's really something important that we need
21 to continue to pursue because it's important to us to be
22 able to come to, you know, good decisions by using, you
23 know, the traditional knowledge as well. Keep pursuing
24 it.

25

26 Any other comments.

27

28 MR. KOOKESH: Mr. Chair.

29

30 CHAIRMAN ADAMS: Yes, sir.

31

32 MR. KOOKESH: Yeah, one more. See the
33 way I was looking at the question, how -- the way I was
34 looking at the question was when I got to the part about
35 to aid in finding effective management approaches to
36 fisheries, I was looking at it in the State and Federal
37 context. That was what I was looking for because as I
38 read further on it said collaboration and cooperation
39 with the rural community is encouraged. That may be one
40 step, hopefully we don't just stay at that one step and
41 go to the State and Federal approach to management of the
42 fisheries. That was -- that was what I was reading of
43 this, that it would be -- supposedly supposed to be
44 bigger than that.

45

46 DR. WHEELER: Point noted.

47

48 CHAIRMAN ADAMS: Anyone else, please.

49 Mr. Wright.

50

1 MR. WRIGHT: Thank you, Mr. Chair.
2 Earlier today we had -- we heard Mr. Al McKinley state --
3 say that in our old days if there was only one fish in
4 the river we would leave it and that is -- that is part
5 of our culture. So in a sense that's kind of like
6 exactly what -- you know, I know a lot of people disagree
7 with the hunting of the deer when there's less than can
8 sustain what the hunt's going to be, but we as Tlingit
9 people have to kind of bite the bullet and say we have to
10 pull back a little bit. So I think this is a good way to
11 go to deal with, you know, local issues because we
12 definitely have to look at how our people think and how
13 we're going to deal with resources that we have. We
14 certainly don't want to deplete it because if we don't
15 have anything we're cutting off our own toe. So I think
16 this is a good way of going about it and dealing.

17
18 And a lot of it's going to come down to
19 talking to the people, the communities that you're going
20 to be dealing with because I don't want someone to come
21 in and say this is -- this is the decision we made and
22 we've talked to the communities because there's been
23 times when people have come and said we have talked to
24 the communities, but no one's ever seen them. And I --
25 if you're going to do -- deal with something like this
26 you don't want to get it backfire on you and say you've
27 done it, but never did it because there was one issue not
28 too long ago they were saying oh, we've been in there and
29 talked to the community and everybody agreed and we found
30 out later that -- I mean, not later, but when we -- when
31 they told us that we said no, you didn't.

32
33 But, you know, we need to definitely --
34 like an old Tlingit word was (in Tlingit), work together
35 so that we can deal with this.

36
37 Gunalcheesh.

38
39 CHAIRMAN ADAMS: Gunalcheesh. Patty.

40
41 MS. PHILLIPS: Thank you, Mr. Chair. I'm
42 looking at the Southeast Region priority information
43 needs, I'm wondering if -- since we only have 2.7 million
44 is that statewide and so, I mean, how many regions is
45 that that we have to divide, seven. So that's three --
46 you know, 300,000 about. Anyways so it's not that big of
47 a pool of money.

48
49 Well, first I want to give a little bit
50 of historical background and is that this RAC sent a

1 letter to Senator Stevens saying we needed money for
2 fisheries research and monitoring. And it was Hoonah
3 down at the ANB Hall here that we decided -- made the
4 motion to send a letter to Senator Stevens. So, you
5 know, it was the.....

6

7 Hi, Mary. Should I stop?

8

9 CHAIRMAN ADAMS: Go ahead.

10

11 MS. PHILLIPS: It was our -- you know,
12 our advocacy that promulgated that -- the advancement of
13 that fisheries resource, you know, monitoring project.
14 And now we're on the tail end of, you know, Senator
15 Stevens' funds -- money that, you know, put this great
16 program in place. But now we -- now we're having to
17 narrow down, you know, because we have limited funding.

18

19 So that being said and I know that I've
20 been on the soapbox about the steelhead, but, you know,
21 this is a process that -- where we learn information and
22 we've learned that the harvest of steelhead is not as
23 significantly damaging to the stock as we thought it was
24 going to be, you know, or as we were told it was going to
25 be. And so maybe you could do, you know, steelhead
26 assessment when you're doing your salmon assessment, I
27 mean, like Mr. -- you know, Ben Van Alen was saying it's,
28 you know, you got that little camera, you can tell what's
29 going through your weir. So maybe you could do a
30 steelhead in some systems at the same time you're doing
31 salmon, but maybe not, I don't know. But I don't know if
32 we should be earmarking, you know, limited funding for
33 steelhead when we know that the actual harvest isn't
34 detrimental to the conservation of that stock. So I
35 would put -- you know, I would question whether we should
36 keep steelhead on there.

37

38 And the other thing that I've always
39 advocated for is region wide resource studies and not
40 focused on one end of the north or the south end or the
41 mid end, but region wide.

42

43 Thank you.

44

45 CHAIRMAN ADAMS: Thank you, Patty. Mr.
46 Douville. I can always tell when he's going to hold up
47 his hand.

48

49 MR. DOUVILLE: Thank you, Mr. Chair. I
50 agree with Patty wholeheartedly on the steelhead issue.

1 CHAIRMAN ADAMS: Thank you. Cathy has
2 remained pretty quiet all during this meeting so I'm just
3 wondering when she's going to open up, we're about ready
4 to adjourn here in the next few days.

5
6 (Laughter)

7
8 CHAIRMAN ADAMS: Terry, you have a
9 comeback on that?

10
11 MR. SUMINSKI: Oh, I -- the comments
12 about steelhead and the region wide studies. But one
13 thing I did want to just clarify on the funding portion
14 of it. The last projects that were funded were funded
15 for -- well, they were approved for four years worth of
16 funding. And for Southeast Alaska it's about 1.3 million
17 that we're going to carry through for the next three
18 years. So our funding for Southeast is Department of
19 Agriculture funds and it's separate from Department of
20 Interior funds. We're -- right now we're not seeing a
21 whole lot of additional funds above and beyond that 1.3
22 million that we're carrying right now in Southeast in
23 Department of Agriculture funds. So that's why that
24 statement was in there that they may not be enough money
25 to -- for new starts in this call, but just in case we do
26 get -- some funding comes through then we'll be prepared
27 to fund -- you know, fund some of those projects that
28 come out of this process.

29
30 So is that clear, because the 2.7 is
31 misleading even though it's statewide, our funding in
32 Southeast, the Forest Service funding is totally separate
33 from all the other agencies. Well, Southcentral is also
34 Forest Service, but it's -- and so does that help or did
35 I just make it worse?

36
37 CHAIRMAN ADAMS: Okay. Maybe you can
38 respond to this. You know this Council has been really
39 concerned about how funding has been cut for subsistence,
40 you know, particularly in the Forest Service Division.
41 And, you know, we wrote a letter to them, you know,
42 requesting, you know, that we get more funding and
43 everything. And I think I remember getting a letter back
44 -- reading a letter that we got back, but would you like
45 to maybe elaborate on that a little bit too because, you
46 know, I don't think that subsistence should be cut at
47 all.

48
49 MR. SUMINSKI: Mr. Chairman. I.....
50

1 CHAIRMAN ADAMS: Here comes the
2 authority.
3
4 MR. SUMINSKI:I knew you could see
5 him walking up here.
6
7 (Laughter)
8
9 MR. SUMINSKI: And I'll be happy to yield
10 too on that question.
11
12 (Laughter)
13
14 CHAIRMAN ADAMS: Go ahead, Mr. Kessler.
15
16 MR. KESSLER: Thank you, Mr Chairman and
17 Council. Steve Kessler with the Forest Service. This
18 was actually going to be on the -- is on your agenda as
19 part of the Forest Service Agency reports. So I guess I
20 can talk about it here or I can talk about it there. I
21 think it sort of fits a little bit more with the Forest
22 Service Agency report if we could just hold that off
23 until then.
24
25 CHAIRMAN ADAMS: We'll wait. Thank you.
26
27
28 MR. DOUVILLE: Mr. Chair.
29
30 CHAIRMAN ADAMS: Mr. Douville.
31
32 MR. DOUVILLE: Thank you, Mr. Chair.
33 Just to add to my agreement with Patty's feelings on
34 steelhead, I believe that identifying the genetic stock
35 baseline for a Chatham sockeye, you know, would be one of
36 the higher ones on the list so we can actually see where
37 these fish are being intercepted, if they are. And this
38 has been an issue in past meetings for several years.
39 And I think it's important to identify these stocks and
40 if and where they're being intercepted in a commercial
41 fishery.
42
43 CHAIRMAN ADAMS: Sure. Thank you.
44
45 MR. HERNANDEZ: Bert.
46
47 CHAIRMAN ADAMS: Go ahead, Donald.
48
49 MR. HERNANDEZ: Yeah, just maybe make a
50 comment, partially a question, kind of relates to what

1 Patty and Mike have been talking about here. And that
2 would be what are our goals with these projects. I
3 think, you know, with the steelhead projects and now
4 we're talking about genetic baseline information, we're
5 kind of reacting to situations that arise that, you know,
6 we need information needs and that's good, those will
7 happen from time to time and we'll have to get
8 information. But also are we looking for throughout the
9 region kind of an accumulation of baseline data for a lot
10 of systems, is that what our goal has been in the past,
11 is that what we've been trying to achieve or are we
12 looking at, you know, hotspots essentially of contentious
13 issues.

14
15 Terry, I don't know what -- if you could
16 help us out here, what we've been doing over the past
17 year is some -- is there a recommendation, suggestions
18 that we should be keeping in mind here to best use these
19 funds available?

20
21 MR. SUMINSKI: Mr. Chairman. Mr.
22 Hernandez. It -- yeah, basically what you said is
23 correct. The reasons for the program, the basic reason
24 is to provide information to make better decisions, both
25 for the Board and the Councils. And that -- and that's
26 -- that can be a variety of different topics, different
27 issues. The -- you know, baseline data is good, but the
28 -- for a lot of systems so you can see what's going on in
29 case something unforeseen comes up for the system. And
30 then -- but ultimately when you prioritize you are
31 looking for those hotspots, you know, the -- when it
32 comes right down to it if you know you're going to have
33 an issue in a certain system that's going to be your --
34 and, you know, raise it as a priority.

35
36 And what -- basically the way it's worked
37 out is because of funding most of what we are looking at
38 are, you know, kind of have been or, you know, have been
39 hotspot issues, but as you work down the list you just
40 run out of funding. You know, if you work down your
41 priority list at some point you run out of priorities or
42 run out of money while you still have priorities left
43 that are important. And, you know, and now -- you know,
44 we -- there's some that we -- like I said there's some
45 that we know we have issues with and then there's always
46 a good -- it's always good to have some that you think
47 you might have issues with and get some information on
48 those in case they do become an issue.

49
50 And then a lot of these like Ben

1 mentioned in his presentation, many of the systems we had
2 very -- we had no escapement estimates on. So once we
3 went in and took those initial, you know, three year --
4 most of them are three year projects and some of them we
5 found were a problem, some we found were, you know, were
6 not a problem. So that's -- you know, and it's going to
7 be probably that flexible as we move forward with this
8 program. But we're always going to try to have those
9 hotspot issues as the top priorities.

10

11 Thank you.

12

13 CHAIRMAN ADAMS: Pippa, go ahead.

14

15 MS. KENNER: Thank you, Mr. Chair. It's
16 Pippa Kenner with OSM. And you may have noticed that in
17 the list of priority information needs, the so called
18 HMTEK or Harvest Monitoring and Traditional Ecological
19 Knowledge we don't have a lot on the list. And it's not
20 because it's not important.

21

22 MR. DOUVILLE: Can I ask -- excuse me.

23

24 MS. KENNER: The holes in the information
25 that we had were identified early on through an excellent
26 strategic planning process and -- that I inherited that
27 strategic plan and the Council and the Board and the
28 FRMP, the program itself, have been unable to fill a lot
29 of those holes and go into communities or areas for which
30 we had no information or which the information was really
31 old and it collected. And as a consequence this year we
32 found ourselves with these biological priority
33 information needs were -- had rose higher on the list
34 than any of the remaining social science needs although
35 those social science needs will be raising -- will be
36 coming up on the list again maybe in a later call.

37

38 CHAIRMAN ADAMS: Thank you. Michael, did
39 you have something.

40

41 MR. DOUVILLE: Thank you, Mr. Chairman.
42 When you get down -- when you learn the conversion factor
43 for an unorthodox unit such as tubs, sacks and buckets,
44 I hope you would share that with us.

45

46 (Laughter)

47

48 MS. KENNER: Yeah. Thank you. Mr.
49 Douville, through the Chair. Yeah, we could -- I -- we
50 should maybe go over the multi regional priority

1 information needs, it's a category for projects that
2 people may conceive of that cross over the regional lines
3 and have -- and ask for information that happens to be
4 specific to two regions. The one -- there -- at the
5 conception, at the beginning of this process, in all the
6 areas and regions including the multi regional category,
7 there's actually quite an extensive list that's put
8 together of information needs. And then through kind of
9 a long process that list is honed down to the essentials.
10 And something that is still on the list is the evaluation
11 of conversion factors used to estimate edible pounds from
12 individual fish and from unorthodox units such as tubs,
13 sacks and buckets.

14

15 Now a little known part of the type of
16 research we do is conversion of the harvest of different
17 kinds of animals into pounds edible weight. And the
18 reason why we do that is that sometimes we want to -- we
19 as scientists and we as the Council and the Board want to
20 compare the harvest of different types of resources. So
21 by converting everything into edible pounds is one way to
22 compare the harvest of deer compared to the harvest of
23 fish. Now oftentimes the harvests are reported using
24 these unconventional methods instead of a fish we get
25 them -- information coming to us in tubs, sacks and
26 buckets. And there are actually times when researchers
27 go out -- go out with fishing people, this is notable
28 with herring, it happened last year, and worked for hours
29 taking what was put into a buck or a sack or on a branch
30 and taking off all the herring eggs and converting it to
31 edible weight.

32

33 CHAIRMAN ADAMS: Thank you for that
34 explanation.

35

36 (Laughter)

37

38 MR. DOUVILLE: I understand totally.

39

40 (Laughter)

41

42 CHAIRMAN ADAMS: Patty, go ahead.

43

44 MS. PHILLIPS: Thank you, Mr. Chair. I'm
45 curious to know if the smelt study would give us a reason
46 for a joint meeting with Southcentral.

47

48 MR. SUMINSKI: Mr. Chairman. Ms.
49 Phillips. Sure.

50

1 (Laughter)

2

3 CHAIRMAN ADAMS: Let me see, train of
4 thought here. Any other comments, questions.

5

6 MR. BANGS: Mr. Chair.

7

8 CHAIRMAN ADAMS: What's the wish of the
9 Council on this and we're talking about maybe adding some
10 more stuff to this so if that's going to happen we
11 probably need a motion, you know, to include those or do
12 you want to keep it as it is.

13

14 Go ahead.

15

16 MR. BANGS: Thank you, Mr. Chairman. I
17 just have one quick question. With the steelhead project
18 is -- what level is the State involved in support and any
19 funding from that side of it?

20

21 MR. SUMINSKI: Mr. Chairman. Mr. Bangs.
22 It -- as far as I can -- it's been a while since those
23 projects were done and I'm not sure what the State
24 contribution was. I know they had personnel working on
25 them so I'm sure there's in-kind personnel contributions,
26 but I don't know exactly what that breakdown is. We can
27 -- we could get that for you.

28

29 CHAIRMAN ADAMS: Follow-up.

30

31 MR. BANGS: Thank you. I -- the reason
32 I mention it is that, you know, the problem seems to be
33 apparent to the State more so than from the Federal side
34 with steelhead and I hate to see us spend our limited
35 funds on a problem that is perceived by the State. So I
36 would hope that maybe they would help fund any projects
37 that have to do with a problem that's perceived by the
38 State.

39

40 Thank you.

41

42 CHAIRMAN ADAMS: Okay. That's something
43 new, you want to add to it, you might want -- we might
44 want to address that in the form of a motion if you want
45 to include in that.

46

47 But anymore comments before we move into
48 that part.

49

50 (No comments)

1 CHAIRMAN ADAMS: Michael, would you like
2 to pursue that or.....
3
4 MR. BANGS: Thank you, Mr. Chair. I'm
5 just wondering what the -- what level is happening with
6 that at this point before, you know, I move forward. I
7 don't know, it might be already in the works.
8
9 CHAIRMAN ADAMS: Terry, would you like to
10 -- or Cal.
11
12 MR. SUMINSKI: Mr. Chairman. Mr. Bangs.
13 It -- right now there are no steelhead projects underway.
14 And from what I've just been told, the -- or reminded of,
15 the State has not contributed any funds to those
16 projects, it's just been, you know, support, personnel
17 support, in-kind, that -- those type of contributions,
18 but no funding, you know, to a common pool of money or
19 anything like that, it's all been Federal funding.
20 And.....
21
22 CHAIRMAN ADAMS: Go ahead.
23
24 MR. BANGS: Thank you, Terry and Mr.
25 Chairman. I would agree with Mike and Patty that maybe
26 that wouldn't be a priority project.
27 Thank you.
28
29 CHAIRMAN ADAMS: Cal.
30
31 MR. CASIPIT: You know, I did want to
32 add that I know that recently the State has moved their
33 long-term steelhead monitoring project at Sitkoh Lake
34 where they were doing -- I think the Council recalls a
35 presentation by Roger Harding a few meetings ago where he
36 talked about the 11 age classes of steelhead and all this
37 other interesting information that he developed from that
38 project at Sitkoh Lake. Well, they've actually moved
39 that project now to North Prince of Wales, to Big Rats
40 Creek, which had been a system that we had a weir on for
41 steelhead a couple year -- well, more than a couple years
42 ago now. But I just wanted to mention that they -- you
43 know, they have been trying to move priorities around in
44 their own program to try to look at some issues on Prince
45 of Wales. So I just wanted to mention that.
46
47 CHAIRMAN ADAMS: Thank you.
48
49 MS. PHILLIPS: Mr. Chair.
50

1 CHAIRMAN ADAMS: Patty.
2
3 MS. PHILLIPS: Thank you. Sorry, Tina.
4
5 How does the Council feel about keeping
6 reliable.....
7
8 CHAIRMAN ADAMS: That'll be \$10.
9
10 (Laughter)
11
12 MS. PHILLIPS: I move to keep reliable
13 estimates of sockeye salmon escapements at the top of the
14 list. How's that?
15
16 CHAIRMAN ADAMS: Yeah. Is there a
17 second?
18
19 MR. BANGS: Second.
20
21 CHAIRMAN ADAMS: All right. Moved and
22 seconded. Discussion. We probably discussed it to death
23 already.
24
25 MS. PHILLIPS: It's the number 1
26 priority.
27
28 CHAIRMAN ADAMS: Okay. That's on the
29 priority list now. So moved and seconded. Any further
30 discussion?
31
32 (No comments)
33
34 CHAIRMAN ADAMS: Ready to vote?
35
36 MR. KITKA: Question.
37
38 CHAIRMAN ADAMS: The question's been
39 called. All in favor say aye.
40
41 IN UNISON: Aye.
42
43 CHAIRMAN ADAMS: Opposed.
44
45 (No opposing votes)
46
47 CHAIRMAN ADAMS: Motion is carried.
48 Thank you.
49
50 Okay. We need some clarification here.

1 Let's take a five minute at ease.
2
3 (Off record)
4
5 (On record)
6
7 CHAIRMAN ADAMS: Everybody to their
8 seats, please.
9
10 (Pause)
11
12 CHAIRMAN ADAMS: Okay, we're back in
13 session everyone.
14
15 So after this, you know, this long pause
16 I understand we're going to have, you know, a motion or
17 two to come forth here, but I want to recognize Mary
18 Rudolph at this time. So if you guys just stay right
19 there I'll have her come up and sit there and she can
20 address us.
21
22 Mary, welcome. Mary used to be on the
23 Council and it's really good to see her.
24
25 (In Tlingit)
26
27 MS. RUDOLPH: Well, I was all prepared
28 yesterday to give my welcome speech, but it's good to see
29 some familiar faces. I have thought you.....
30
31 CHAIRMAN ADAMS: How many familiar faces
32 or unfamiliar faces do you see here today?
33
34 (Laughter)
35
36 MS. RUDOLPH: Yeah, I see three and --
37 plus Frank. But I didn't know you were still in
38 existence, I thought maybe you dissolved after I left.
39 So.....
40
41 (Laughter)
42
43 MS. RUDOLPH:glad that.....
44
45 CHAIRMAN ADAMS: Well, we tried our best
46 to say intact.
47
48 MS. RUDOLPH:glad we -- glad to see
49 we're still being represented. I was surprised to hear
50 you guys were coming out here to Hoonah. I'm welcoming

1 you on behalf of the Hoonah Indian Association, I am
2 vice-president. Yesterday I looked all morning trying to
3 find you at the school and nobody knew where you were.
4 And finally got HIA after 1:00 o'clock, told me you were
5 up here. I dashed up here and nobody was up here.

6

7 (Laughter)

8

9 MS. RUDOLPH: I practiced my speech all
10 night to get ready for this.....

11

12 (Laughter)

13

14 MS. RUDOLPH:and I don't remember
15 what I practiced, but I just want to welcome you guys and
16 like I said it's really good to see some good faces on
17 here yet and I'm glad to see you're all in existence and
18 still fighting for our subsistence.

19

20 And welcome and I hope you enjoy your
21 visit to Hoonah.

22

23 CHAIRMAN ADAMS: Gunalcheesh. I got a
24 question for you, Mary, so just stay there a minute. One
25 of the discussions that, you know, I've been elaborating
26 on for some time now and it came up a couple times today
27 was the importance of tribal governments, you know, being
28 more involved in subsistence issues. And I'm just
29 wondering, you know, what is Hoonah Indian Association,
30 how far -- much involved are they, you know, in things
31 that are really important to the community of Hoonah as
32 far as subsistence is concerned. I know budgeting is
33 really, you know, a problem, I know our tribe which is a
34 pretty good sized tribe, only gets \$1,200 a year for
35 their subsistence programs. So how is Hoonah Indian
36 Association in that -- you know, in that regard, are you
37 involved or, you know, how much?

38

39 MS. RUDOLPH: Well, we're just
40 reorganized, we had some problems and we're just getting
41 back on our feet. And we haven't really put our
42 committees together yet and we just got a new
43 administrator working for us. And one of the things we
44 are concerned about is our subsistence, especially for
45 our people with a lot of the hard times of prices the way
46 they are for fuel and groceries and this is when we
47 really, really rely on our subsistence. And that carries
48 us through the winter. So it is a big issue for our
49 association to really keep on top of it. And I am one of
50 the ones that's going to be working with subsistence so

1 that we make sure we protect what we have. And like I
2 said it's been a hard time with the prices going the way
3 they are and a lot of our people are hurting. So you see
4 a lot of our people putting up a lot of food, getting
5 ready for the winter. So it is a big issue for us and --
6 with the tribe.

7

8 CHAIRMAN ADAMS: Thank you for that.
9 Keep it up.

10

11 MS. RUDOLPH: The only one that gave up
12 on me was the Forest Service, they always still send me
13 fliers, but nobody else does. So I just want to let you
14 know.

15

16 But again welcome to Hoonah, glad to see
17 all of you.

18

19 CHAIRMAN ADAMS: (In Tlingit). Floyd,
20 you got a comment?

21

22 MR. KOOKESH: Yeah, I was talking to Mary
23 a minute ago and she had also felt that at some point
24 that maybe we couldn't make it without her and that we
25 had disbanded.

26

27 CHAIRMAN ADAMS: Michael.

28

29 MR. BANGS: Thank you, Mr. Chairman. I
30 just wanted to remind Mary that we do have some vacant
31 seats on the Council.

32

33 (Laughter)

34

35 CHAIRMAN ADAMS: We do, Mary, we got two.

36

37 MS. RUDOLPH: I enjoy it. I think this
38 group was one of the best, I've always enjoyed with. I
39 was never disappointed with any of the things that we did
40 while we traveled. And I went through a hard time with
41 my broken arm and then I lost my mom and then I battled
42 cancer for a couple years. So but now I'm getting my
43 strength back and I'm getting involved again so I will
44 keep that in mind.

45

46 (Laughter)

47

48 MS. RUDOLPH: Thank you. Gunalcheesh.

49

50 CHAIRMAN ADAMS: Thank you. And, you

1 know, even though you might have thought that we
2 disbanded or disappeared or somewhere, this is still the
3 best Council in the whole -- in all of the regions.
4
5 Gunalcheesh. Gunalcheesh.
6
7 MS. RUDOLPH: Well, just the idea made me
8 feel good anyway.
9
10 (Laughter)
11
12 MS. RUDOLPH: Thank you.
13
14 CHAIRMAN ADAMS: Gunalcheesh. Okay.
15 We're back to the subject at hand again so what's the
16 wish of the Council on what we would like to do.
17
18 Go ahead, Patty.
19
20 MS. PHILLIPS: I'll defer to Mr.
21 Douville.
22
23 CHAIRMAN ADAMS: Going to defer to Mr.
24 Douville. Go ahead.
25
26 MR. DOUVILLE: Thank you, Mr. Chair.
27 This is just an information means, I don't think we need
28 to prioritize at this time. These will come as proposals
29 at some point and we can prioritize them at that time.
30 Am I -- am I getting it right?
31
32 CHAIRMAN ADAMS: Yeah, that's right. Go
33 ahead. Do you have a comment?
34
35 MR. DOUVILLE: No.
36
37 I do like what you were bringing up
38 though, but if you want to go ahead and answer
39 Mike's.....
40
41 MR. LARSON: Mr. Chair. Yes, if the
42 Council would want to keep the priority needs as
43 referenced on the -- in this document and particularly
44 those items that are addressed on Page 49 as is, then no
45 motion is necessary. If the Council would like to change
46 or delete an item as a priority need that would not be
47 included in the call for proposals, then it would be
48 appropriate for the Council to make a motion and change
49 this list. But if there's no changes necessary then
50 there's no action necessary.

1 CHAIRMAN ADAMS: Patty, did you have
2 something.

3
4 MS. PHILLIPS: Mr. Chair. I think we
5 need to recognize TEK social science is an important
6 component of the fisheries monitoring program and
7 encourage requests for proposals for TEK proposals. So
8 that would need to be added to the list. And I would
9 like to remove the steelhead escapement from the list.
10 And I'm wondering maybe someone from Fish and Game can
11 answer, do we need to have the stock -- genetic stock
12 identification baseline of Chatham Strait sockeye on the
13 list because isn't commercial fisheries already doing a
14 genetic sampling of sockeye salmon.

15
16 CHAIRMAN ADAMS: Patty, you mentioned two
17 things there that I think might require some action. One
18 is to include the TEK project or recognize it.....

19
20 MS. PHILLIPS: Right.

21
22 CHAIRMAN ADAMS:and then was there
23 something that you wanted removed from there?

24
25 MS. PHILLIPS: Yes, Mr. Chair. Remove
26 the steelhead escapement of.....

27
28 CHAIRMAN ADAMS: Okay. Well, why don't
29 we take care of that first and then we can, you know,
30 have Mr. Pappas, you know, answer your other questions.

31
32
33 Yes, sir.

34
35 MR. DOUVILLE: Thank you, Mr. Chair.
36 Patty mentioned the genetic stock information baseline.
37 And what it is is like com fish may be doing that or
38 whoever might be doing that in the commercial fishery.
39 It's my understanding that the genetic stocks from the
40 streams in Chatham Strait have not been catalogued so you
41 need to go to the creek and get that sample and this one
42 and that one. I don't think it's an expensive project,
43 but you need to know -- you might know all the genetics
44 in the fish you're catching, but you don't know where
45 they came from. So without that information the -- you
46 wouldn't have anything. So that -- this is what the --
47 I understand it is. Okay.

48
49 CHAIRMAN ADAMS: Okay. Mr. Bangs.
50

1 MR. BANGS: Thank you. Well, from what
2 I understand the -- these genetics in a lot of the
3 streams -- all the streams that we have projects on for
4 weirs, that is already being done, the genetics are
5 already being done and they're just given to the State
6 and then they're processed. So it wouldn't be a
7 widespread project, it would just be a project in streams
8 that we're not already doing projects on.

9

10 MS. PHILLIPS: Mr. Chair.

11

12 CHAIRMAN ADAMS: Patty, go ahead.

13

14 MS. PHILLIPS: I move that we support the
15 list as written on Page 49 under Southeast Region
16 Priority Information needs as listed, removing the bottom
17 -- number 4, reliable estimates of steelhead escapement
18 especially for systems on Prince of Wales Island,
19 replacing with -- that with request for proposals for
20 TEK. If -- okay. That's it.

21

22 CHAIRMAN ADAMS: Okay.

23

24 MR. BANGS: I'll second it if that's a
25 motion.

26

27 CHAIRMAN ADAMS: Thank you. Discussion
28 anyone. Mr. Bangs.

29

30 MR. BANGS: Yes, I second.

31

32 CHAIRMAN ADAMS: I know you did. I know
33 you did.

34

35 MR. KOOKESH: Discussion.

36

37 CHAIRMAN ADAMS: Huh? Discussion. Yeah.

38

39 MR. BANGS: Yeah, I agree, but we could
40 leave, you know, as far as leaving the steelhead on
41 there, just leave it at the bottom, funding will probably
42 run out before we get there anyway. And if there is
43 funding it might be something that we'd be able to use
44 the funds for.

45

46 Thank you.

47

48 CHAIRMAN ADAMS: Thank you. More
49 discussion.

50

1 MR. DOUVILLE: Mr. Chair.
2
3 CHAIRMAN ADAMS: Mr. Douville.
4
5 MR. DOUVILLE: Thank you, Mr. Chair. I'd
6 just ask Patty to explain her TEK just a little bit -- a
7 little bit more.
8
9 CHAIRMAN ADAMS: Explain, Patty.
10
11 MS. PHILLIPS: We recognize that
12 traditional ecological knowledge and social science is an
13 important component of the fisheries monitoring program
14 and encourage request for proposals for TEK proposals.
15
16 CHAIRMAN ADAMS: All right. Anymore.
17
18 (No comments)
19
20 CHAIRMAN ADAMS: The motion has been
21 made. What's your wish?
22
23 MR. WRIGHT: Mr. Chairman.
24
25 CHAIRMAN ADAMS: Yes. Mr. Wright.
26
27 MR. WRIGHT: Yeah, Mr. Chairman. On the
28 first paragraph there we were going to remove estimated
29 steelheads, it has up here for sockeye, salmon and
30 steelhead trout. So are we going to leave that statement
31 in there.
32
33 MS. PHILLIPS: What paragraph?
34
35 MR. WRIGHT: The top paragraph.
36
37 CHAIRMAN ADAMS: It's the third sentence
38 down under Southeast Region Priority Information Needs.
39
40 MS. PHILLIPS: Call for the question.
41
42 CHAIRMAN ADAMS: All in favor please say
43 aye.
44
45 IN UNISON: Aye.
46
47 CHAIRMAN ADAMS: Opposed.
48
49 (No opposing votes)
50

1 CHAIRMAN ADAMS: The motion carries.
2 Thank you. Folks, are you guys done over there? Thank
3 you.

4
5 Okay. We're into that part of the
6 program now where we review and make recommendations on
7 fishery proposals.

8
9 Just a note of interest, the Sitka Tribe
10 has withdrawn their proposals, that's under Item 9C and
11 D. So make note of that. So we only have three
12 proposals to do today.

13
14 Just a note of interest too, folks, is
15 that Item number D is going to require action from the
16 Council. They're asking for deferral on that proposal
17 and so we're going to have to say yes or nay on it. Keep
18 that in mind as we go down the line.

19
20 Mr. Reeves.

21
22 MR. REEVES: Thank you, Mr. Chairman. I
23 happened to notice yesterday in your Council book that
24 the map that was in there wasn't printed very well so the
25 part that's not easy to see is actually up there in case
26 you do need to look at it.

27
28
29 So I'll be presenting the analysis for
30 Fisheries Proposal 11-16 and 17 which is a combined
31 analysis. It's -- should be on Page 50 in your Council
32 Book.

33
34 Proposal FP11-16 was submitted by Mike
35 Douville.

36
37 CHAIRMAN ADAMS: Excuse me, Mr Reeves.
38 Before we do that though just make note that the
39 presentation procedure that we follow is, of course, you
40 know, your -- doing what you're doing now and then we'll
41 take the testimonies or comments, you know, from various
42 agencies and so forth, go down that list, you know, one
43 by one as we go through it. But I just wanted to clarify
44 that.

45
46 Thank you. Go ahead.

47
48 MR. REEVES: Thank you. Proposal FP11-16
49 was submitted by Mike Douville. It's requesting that the
50 season closing date for the Federal sockeye fishery in

1 the Klawock River be extended from July 31st to August
2 15th and that the Monday through Friday fishing schedule
3 be removed.

4
5 Proposal 11-17 submitted by your Council
6 requested that the closing date be changed to August 7th,
7 but would still retain that Monday through Friday fishing
8 schedule.

9
10 The proponent of 16 is requesting that
11 season extension to allow additional fishing opportunity
12 on the weekends and indicated that that original fishing
13 schedule was created back in the mid '80s by State Board
14 of Fisheries action to address local concerns that the
15 stock was being over fished by non-local residents. The
16 proponent believes that removing the schedule from the
17 Federal regulation will allow Federally-qualified users
18 that can't fish during the week with the beach seines and
19 marine water, to be able to fish other gear within
20 Federal jurisdiction on the weekends when time allows.
21 And the proponent also believed that the harvest by those
22 Federally-qualified users would be pretty minimal in
23 comparison to what's already occurring under the State
24 fishery down in State waters.

25
26 The proponent of 17, the Council, is
27 requesting that the Federal season be extended by that
28 week in order to realign the State and Federal seasons
29 because in the last two years the in-season manager has
30 had to submit special action -- formal special action
31 request to get that extra week of alignment.

32
33 Klawock drains into Fishing District 3B
34 so basically it's most -- it's Prince of Wales residents
35 that have the C and T there.

36
37 Fish and Game does issue subsistence
38 salmon permits at Klawock. Current fishing conditions
39 allow for -- or permit conditions allow for a daily
40 harvest of 20 sockeye with no annual limit. Gear's
41 limited to beach seines, hand purse seines and dipnets.

42
43
44 And State regulation will also allow for
45 incidentally taken salmon species to also be retained in
46 their subsistence fisheries.

47
48 And like I said earlier up until the mid
49 '80s the -- there was no season for Klawock until the
50 Board of Fish back in the mid '80s established this July

1 7th through -- originally it was a July 31st season and
2 it implemented a Monday through Friday fishing schedule.
3 And in 2009 the Board of Fish revisited that and extended
4 that season by a week to August 7th.

5
6 In 1999 when the Federal management took
7 over we just simply pulled what was existing in State
8 regulations into ours. So Klawock since '99 has been in
9 Federal regulation. It's the only Federally managed
10 drainage that has a season so any other sockeye system
11 within Southeast doesn't have a season under Federal
12 regs. And we also -- the Federal rules also will allow
13 for this incidental harvest. So if you're targeting
14 cohos and you catch a sockeye you can retain it as long
15 as you record it on your fishing permit.

16
17 Klawock -- this Council is -- had several
18 proposals since 2000 that had actually requested to
19 change the season before and the proposals during those
20 times were more looking at that marine water fishery so
21 no action really was ever taken. Now this year finally
22 we're seeing one that -- we had this issue where our
23 seasons didn't match and so now we're seeing proposals to
24 at least match that season.

25
26 The -- on the river itself is the Prince
27 of Wales hatchery. You saw a picture of it earlier in
28 Ben's presentation. That weir's just immediately below
29 the lake. And as long as they've been operating they
30 have been counting sockeye, some counts aren't complete
31 because of when they put the pickets in, the weir -- or
32 the hatchery actually is a coho operation. Some years
33 when we were Federally funding it the pickets were put in
34 earlier and counts were taken over the whole run.

35
36 Table 1 should be on Page 56, has a list
37 of historic weir counts. There are some that date back
38 as far as the '30s and you'll see there was some large
39 numbers back then.

40
41 State subsistence harvests, they've been
42 reported since about 1969 on State permits. And again
43 I'll reiterate that -- well, the whole drainage that you
44 see in that map is open under that fishery, but the
45 majority of the State fishery takes place down in the
46 marine waters down in Klawock Harbor.

47
48 The typical directed harvest in the river
49 under that permit's a lot lower. The -- it's a deeper
50 river in places, it's good a lot of woody debris in it,

1 it's just really not that conducive right below the lake
2 to try to seine as it is more down near the mouth of the
3 river in the harbor there.

4
5 Reported harvests under State permits are
6 found in Table 2, it should be on Page 57. And like I
7 said, it's that typ -- that harvest is typically
8 occurring in the marine waters which are outside of our
9 jurisdiction. Early FIS projects were doing -- they did
10 harvest surveys down there and that seemed to suggest
11 that the permit -- the reported number from the permits
12 was roughly about 60 percent of what was actually being
13 harvested.

14
15 The State also allows directed
16 subsistence fisheries for pinks and chums and cohos in
17 there. The seasons typically vary from about July 1st to
18 end of September or end of October for those species.
19 And the State regulation also will allow for incidentally
20 taken sockeyes in those fisheries.

21
22 The Federal fishery, it's the only one
23 like I said earlier under Federal regs that has a defined
24 season. And we've had to -- the in-season managers had
25 to submit special actions the last two years to gain that
26 extra week. Up until about 2006 there was very few
27 sockeye reported out of Klawock on Federal permits. And
28 the few that were were typically reported late in the
29 season, taken by people that were targeting cohos. Since
30 2006 we -- you'll see in that table that there's been a
31 range of about nine to about 300 that have been taken
32 with either a dipnet, seine net or handline.

33
34 Adoption of either these proposals will
35 provide additional fishing time for the Klawock Federal
36 Subsistence sockeye fishery during peak run timing.

37
38 Proposal 16 will create differing State
39 and Federal regulations while 17 was going to basically
40 align the two regulations.

41
42 Extending the season as requested by both
43 proposals would result in some additional sockeye being
44 harvested, but this additional harvest should probably --
45 should not pose any conservation concern since the
46 Federal harvest is most likely going to be very minimal
47 compared to what's already happening down in marine
48 waters.

49
50 Removal of the Monday through Friday

1 fishing schedule might increase some fishing pressure,
2 but it's not like how it was in the past where you had
3 non island folks coming over. It's going to be really
4 limited to a small number of Federally-qualified users.

5
6 If -- the OSM preliminary conclusion,
7 it's on Page 58, is to support Proposal 16 with a
8 modification to it of actually -- besides striking the
9 season, striking the fishing schedule and to take no
10 action on Proposal 17.

11
12 Removal of the Klawock fishing season and
13 schedule for sockeye should -- it'll bring consistency
14 into the Federal management of subsistence sockeye
15 fisheries within the Southeast Alaska management area and
16 with both State and Federal regulations allowing for this
17 incidental harvest of sockeye taken during the other
18 fisheries, there's really no need for a defined fishing
19 season. Removal of the season from Federal regulation,
20 it's going to remove the need for the in-season manager
21 to constantly keep submitting Fed -- these formal special
22 action requests to the Federal Subsistence Board to keep
23 realigning this regulation. And it's only going to allow
24 the Federally-qualified users this additional time. And
25 like was reiterated earlier, the majority of the harvest
26 is already occurring down in marine waters so what
27 harvest should be occurring in Federal jurisdiction, it's
28 going to be minute. And by how -- with the hatchery
29 having that weir there, there is the management tool that
30 would be in place to keep an eye on this run. So if we
31 did see that the escapement was down the Federal manager
32 does have the ability to instantly take action and deal
33 with, you know, any concerns.

34
35 So that concludes what I have for you and
36 I'll be open for any questions.

37
38 CHAIRMAN ADAMS: Questions anyone. Mr.
39 Hernandez, please.

40
41 MR. HERNANDEZ: So in the State waters in
42 their fishery there would still be a Monday through
43 Friday fishing schedule in place, right, they haven't
44 done anything to change that?

45
46 MR. REEVES: Mr. Chairman. Mr.
47 Hernandez. No. When the Board acted in '09 all it did
48 was extend the season. So everything that was already in
49 place under State regulation, so the fishing schedule and
50 they have, I believe, a horsepower restriction, those

1 still apply to the State permit.

2

3 CHAIRMAN ADAMS: Anymore questions.

4

5 (No comments)

6

7 CHAIRMAN ADAMS: Thank you. State. Mr.

8 Pappas.

9

10 MR. PAPPAS: Thank you, Mr. Chair.

11 Members of the Regional Advisory Council. George Pappas,

12 Fish and Game. Our comments begin on Page 60 in your

13 book and I'll do my best to summarize them. And they'll

14 be incorporated as they appear on Page 16 of the

15 transcripts as agreed with the Federal legal counsel.

16

17 Proposal number 16 would remove the daily

18 hour restrictions as discussed earlier and also extend

19 the season for an additional week or, excuse me, two

20 weeks. Proposal number 17 would change the dates to

21 match the recently adopted State season.

22

23 Impacts on subsistence users if Proposal

24 FP11-16 is adopted, the Federal subsistence user will be

25 allowed to participate in the Federal subsistence fishery

26 for sockeye salmon during the evenings and weekends and

27 during extended Federal subsistence fishing season. The

28 restriction to the hours of the fishery was originally

29 put in place to provide for subsistence fishing

30 opportunity for local residents during the week. If

31 adopted as proposed all residents of Prince of Wales

32 Island will be able to fish for sockeye salmon in those

33 waters of the Klawock River where Federal jurisdiction is

34 claimed. This may increase competition for local

35 residents who harvest sockeye salmon for subsistence in

36 this river.

37

38 If FP11-17 is adopted Federal subsistence

39 users will have the same fishing season as the State

40 subsistence users participating in the State fishery

41 which extends the opportunity to fish for one additional

42 week past the current Federal season. Adjusting the

43 closure dates of the sockeye salmon fishery will provide

44 consistency between State and Federal regulations and

45 will reduce risk of enforcement actions on subsistence

46 users fishing under different regulations.

47

48 As for conservation issues, no salmon

49 stocks in this area have been determined by the Alaska

50 Board of Fisheries to be a stock of conservation or

1 management concern and adoption of these proposals will
2 likely not cause a conservation or management concern.
3 Adoption of these proposals however is expected to
4 increase Federal subsistence harvest of sockeye salmon to
5 an unknown degree.

6
7 Additionally under jurisdiction the maps
8 provided with FP07-20, FSA 09-03 and FSA 10-01 provided
9 in the Federal analyzes are not detailed enough for use
10 by fishermen in the field. I have not visited this
11 fishery, unless there's signs up I -- this is a statement
12 that was included in our comments from staff.

13
14 Department's recommendations. The
15 Department opposed FP11-16, elimination of the hour
16 restrictions for the subsistence sockeye salmon in the
17 Klawock river and lake and oppose extension of the season
18 -- fishing season closure date as -- of August 15. The
19 Department supports FP11-17, extending the subsistence
20 sockeye salmon season to August 7th.

21
22 Thank you, Mr. Chair.

23
24 *****
25 STATE OFFICIAL WRITTEN COMMENTS
26 *****

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

30
31 Fisheries Proposal FP11-16 and FP11-17:

32
33 Eliminate daily hour restrictions for the
34 Klawock river and lake federal subsistence sockeye salmon
35 fishery and extend the closure date of the Klawock River
36 sockeye salmon fishery to August 15.

37
38 Introduction:

39
40 FP11-16, submitted by Michael Douville,
41 would remove the daily hour restrictions and season
42 closure date for the federal subsistence sockeye salmon
43 fishery in Klawock river and lake, rescinding hour
44 restrictions implemented in 1986 at the request of local
45 Klawock area residents. If adopted, the proposal would
46 allow all federally-qualified subsistence users to
47 continually fish 24 hours per day, seven day per week
48 through August 15, in Klawock river and lake. Current
49 federal subsistence fishery hours are from 8:00 am Monday
50 until 5:00 pm Friday during the July 7 through July 31

1 season.

2

3

4 FP11-17, submitted by the Southeast
5 Regional Advisory Council, proposes to change the federal
6 subsistence fishery season closing date for sockeye
7 salmon in the Klawock river and lake fishery from July 31
8 to August 7 in order to match the state subsistence
9 fishing season regulations adopted by the Alaska Board of
10 Fisheries during the February 17 through 26, 2010,
11 meeting. The department supported both FSA09-03 and
12 FSA10-01, which were identical requests also approved by
13 the Federal Subsistence Board.

13

14

Impact on Subsistence Users:

15

16

17 If FP11-16 is adopted, federal
18 subsistence users will be allowed to participate in the
19 federal subsistence fishery for sockeye salmon during
20 evenings and weekends and during an extended federal
21 subsistence fishing season. The restriction to the hours
22 of the fishery was originally put in place to provide
23 subsistence fishing opportunities for local residents
24 during the week. If adopted as proposed, all residents
25 of Prince of Wales Island will be able to fish for
26 sockeye salmon in those waters of the Klawock River where
27 federal jurisdiction is claimed. This may increase
28 competition for local residents who harvest sockeye
29 salmon for subsistence in the Klawock River. If FP11-16
30 is adopted, the federal and state subsistence users would
31 have a different fishing season closure dates. Adjusting
32 the closure date of the federal subsistence sockeye
33 salmon fishery to a date different than the state
34 subsistence fishery will create inconsistency between
35 state and federal regulations and increase risk of
36 enforcement actions on subsistence users fishing under
37 different regulations.

37

38

39 If FP11-17 is adopted, federal
40 subsistence users will have the same fishing season as
41 state subsistence users participating in the state
42 subsistence fishery, which extends the opportunity to
43 fish for one additional week past the federal season, to
44 August 7. Adjusting the closure date of the sockeye
45 salmon fishery will provide consistency between state and
46 federal regulations and reduce risk of enforcement
47 actions on subsistence users fishing under different
48 regulations.

48

49

Opportunity Provided by State:

50

1 Salmon may be harvested under state
2 subsistence regulations in the Klawock River from 8:00 am
3 Monday until 5:00 pm Friday, from July 7 through August
4 7. The time limitations were adopted in 1986 by the
5 Alaska Board of Fisheries in response to a proposal
6 submitted by local residents of Klawock, who expressed
7 concern that sockeye salmon were being taken on weekends
8 by people from urban areas. The sockeye salmon harvest
9 limit in the state managed subsistence fishery is 20
10 sockeye salmon per day, per household, there is no annual
11 limit. Legal subsistence fishing gear in this area
12 includes hand purse seines, beach seines, and dip nets.
13 State regulations for this fishery include other time,
14 area, and gear provisions as follows:

15
16 5AAC 01.710(e) From July 7 through August
17 7, sockeye salmon may be taken in the waters of Klawock
18 Inlet enclosed by a line from Klawock Light to the
19 Klawock Oil Dock, the Klawock River, and Klawock Lake
20 only from 8:00 a.m. Monday until 5:00 p.m. Friday.

21
22 5AAC 01.750 In the waters of Klawock
23 Inlet enclosed by a line from Klawock Light to the
24 Klawock Oil Dock, no person may subsistence salmon fish
25 from a vessel that is powered by a motor of greater than
26 35 horsepower.

27
28 Conservation Issues:

29
30 No salmon stocks in this area have been
31 determined by the Alaska Board of Fisheries to be a stock
32 of conservation or management concern, and adoption of
33 these proposals will not likely cause a conservation or
34 management concern. Adoption of these proposals,
35 however, is expected to increase federal subsistence
36 harvest of sockeye salmon to an unknown degree.
37 Currently, approximately 95% of the subsistence harvest
38 effort takes place in the state subsistence fishery in
39 state marine waters.

40
41 Jurisdiction Issues:

42
43 While standing on state and private lands
44 (including state-owned submerged lands and shorelands),
45 persons must comply with state laws and regulations
46 regarding subsistence harvest. The department requests
47 that federal subsistence administrators provide detailed
48 maps that depict land ownership and specific boundaries
49 of areas where federal regulations are claimed to apply.
50 The maps provided with FP07-20, FSA 09-03, and FSA 10-01

1 federal analyses are not detailed enough for use by
2 fishermen in the field.

3

4 Recommendations:

5

6 Oppose FP11-16, elimination of the hour
7 restriction for the subsistence sockeye salmon fishery in
8 Klawock river and lake and oppose extension of the season
9 fishery closure date to August 15. Support FP11-17,
10 extending the subsistence sockeye salmon season to August
11 7.

12

13 CHAIRMAN ADAMS: Thank you, Mr. Pappas.

14 Any questions of the Council?

15

16 (No comments)

17

18 CHAIRMAN ADAMS: Doesn't look like it.

19 Thank you. Next would be Federal agencies.

20

21 (No comments)

22

23 CHAIRMAN ADAMS: Other Federal, State and

24 Tribal agency comments. Anyone in that category wanting

25 to testify?

26

27 (No comments)

28

29 CHAIRMAN ADAMS: None. Interagency Staff

30 Committee comments.

31

32 (No comments)

33

34 CHAIRMAN ADAMS: None. Back to your old

35 tricks again, huh.

36

37 (Laughter)

38

39 CHAIRMAN ADAMS: Subsistence Resource

40 Commission comments.

41

42 (No comments)

43

44 CHAIRMAN ADAMS: Fish and Game Advisory

45 Committee comments.

46

47 (No comments)

48

49 CHAIRMAN ADAMS: Okay. Summary of

50 written comments. Mr. Larson. Public comment.

1 MR. LARSON: Mr. Chairman. There are no
2 written public comments.
3
4 CHAIRMAN ADAMS: Anybody from the public
5 who would like to testify on this proposal?
6
7 (No comments)
8
9 CHAIRMAN ADAMS: Seeing none, we are now
10 in Council deliberation. What's the wish of the Council?
11 Mr. Bangs.
12
13 MR. BANGS: I move to adopt FP11-16 as
14 written on Page 50.
15
16 CHAIRMAN ADAMS: Thank you.
17
18 MR. HERNANDEZ: Second.
19
20 CHAIRMAN ADAMS: We're up for discussion
21 folks, go ahead.
22
23 MR. DOUVILLE: I have a question.
24
25 CHAIRMAN ADAMS: Mr. Douville. Question.
26
27 MR. DOUVILLE: Thank you, Mr. Chair. Are
28 you including with modification?
29
30 CHAIRMAN ADAMS: Yeah, what's the wish of
31 the maker?
32
33 MR. BANGS: I -- excuse me, I meant to as
34 written as the OSM preliminary conclusion for the support
35 for Proposal FP11-16.
36
37 MR. DOUVILLE: Where's he at?
38
39 MR. BANGS: That's the modified version.
40
41 CHAIRMAN ADAMS: The modified one. Okay.
42 That's what we were -- he was asking. Okay. Yeah, it is
43 the modified one, Mr. Douville.
44
45 What's the wish of the Council, you want
46 to talk about it or move on? Mr. Douville.
47
48 MR. DOUVILLE: I can make some comment on
49 it. I'll give you a little bit of history about Klawock
50 sockeye.

1 CHAIRMAN ADAMS: Yeah, we'd appreciate
2 that. Thank you.

3
4 MR. DOUVILLE: About 1985 we had a State
5 ferry in operation which made it real easy for people
6 from Ketchikan to get on the ferry, bring their boats,
7 seines, come over there and fish on the weekend. We also
8 had a cannery in operation with seiners doing nothing and
9 sitting around so they'd go over, take their power skiffs
10 and fish and compete with the -- some of the locals there
11 that had smaller skiffs and stuff and, you know,
12 intimidate them and bigger machinery. And so those two
13 things prompted a proposal by Klawock to close it on the
14 weekends to eliminate those people with jobs coming from
15 Ketchikan to participate in the fishery. And it limited
16 the horsepower to 35 to eliminate the power skiffs from
17 participating in the fishery. So that's why we have
18 those two rules.

19
20 Today you have a very expensive ferry,
21 nobody can afford to do that anymore so there's no need
22 to close it on the weekend because it unnecessarily
23 penalizes the people there that live there that work for
24 a living. The horsepower, I mistakenly thought this only
25 applied to the sockeye portion of the fishery, but it
26 applies to the subsistence fishery in State water, the
27 whole season from up -- whenever it starts in July or to
28 the end of October. So even though there's nobody there,
29 there's no competition whatsoever, you'd be the only one
30 there, you cannot fish your beach seine with a bigger
31 outboard motor on your boat than 35 horsepower. This is
32 -- some of this is totally unnecessary. And I think that
33 that portion of the Department's regulation should be
34 changed because it's outdated, it doesn't apply.

35
36 But in any case my reasoning for making
37 this proposal is that like I said unnecessarily
38 subsistence users are being eliminated from the fishery
39 by adopting the State's regulation in Federal water. So
40 this proposal would open it up in Federal water and in
41 reality -- well, it does several things. There's no
42 horsepower requirement, no weekend and it's a plus for
43 subsistence users. There may be slightly more harvest in
44 that area, but I wouldn't expect it to be very much. And
45 the other thing is not everybody owns a skiff and a beach
46 seine. This gives them the opportunity to go dipnet or
47 spear or however they want to catch their fish.

48
49 That is my rationale for making it.
50

1 And I believe that this proposal is
2 supported by substantial evidence which was supplied by
3 Jeff and it doesn't violate any conservation -- there's
4 no conservation issues and it doesn't propose any
5 restriction on anybody.

6
7 And that's basically all I have to say.

8
9 CHAIRMAN ADAMS: Thank you, Mike. I
10 really appreciate that because as I was reading through
11 this, you know, I saw the possibility that there is going
12 to be increased competition, you know, with the various
13 user groups. And you're saying that's not really the
14 case.

15
16 MR. DOUVILLE: Well, you have to keep in
17 mind that this is -- would only apply to Federal users
18 like somebody from -- that's not qualified for this area
19 could not fish here. You can't come from Ketchikan and
20 do it unless you come from Saxman which their time will
21 run out in the future here as far as rural status. So
22 this would only apply to rural users.

23
24 CHAIRMAN ADAMS: Thanks for that
25 clarification. Anymore comments. Mr. Bangs.

26
27 MR. BANGS: Yes, I agree with Mr.
28 Douville and with the in-season management tools that we
29 have if there is a problem I feel comfortable with this
30 proposal. And I would call for the question.

31
32 CHAIRMAN ADAMS: Thank you. And, Mr.
33 Douville, you know, explained the four criteria that we
34 do so that's on record.

35
36 The question has been called for. All in
37 favor please say aye.

38
39 IN UNISON: Aye.

40
41 CHAIRMAN ADAMS: Opposed.

42
43 (No opposing votes)

44
45 CHAIRMAN ADAMS: Motion carries. Thank
46 you. You want to deal with number 17 or does this take
47 care of it?

48
49 MR. KOOKESH: Takes care of it.

50

1 CHAIRMAN ADAMS: Mr. Kookesh, did you say
2 -- did you want to say something? Go ahead.
3
4 MR. KOOKESH: Since you asked, Mr.
5 Chairman. I was just telling Mr. Bangs that in the block
6 that he made when he made his motion on the OSM
7 preliminary conclusion it was everything in that block.
8 That was my comment.
9
10 CHAIRMAN ADAMS: Okay. Since we passed
11 that one I think we need to deal with 17 somehow and I
12 would just suggest that we take no action on that one.
13
14 MS. PHILLIPS: But we accepted the
15 motion.....
16
17 CHAIRMAN ADAMS: Oh, it's already taken
18 care of. Okay. All right. Thanks. Let's move on.
19 Thanks.
20
21 Why don't we take a break, ladies and
22 gentlemen, and then come back and take care of the rest
23 of our proposals.
24
25 (Off record)
26
27 (On record)
28
29 CHAIRMAN ADAMS: Okay. Folks, we're back
30 in -- we're back in session now.
31
32 (Pause)
33
34 CHAIRMAN ADAMS: Okay. Can we take our
35 seats, please, we're back in session.
36
37 Okay. We need to get back -- we need to
38 address 17 so I think we're going to do that. Mr. Bangs.
39
40 MR. BANGS: Thank you, Mr. Chairman. I'd
41 like to make a motion to take no action on FP11-17
42 because of the action we took on 16.
43
44 Thank you.
45
46 CHAIRMAN ADAMS: Thank you much. Is
47 there a second.
48
49 MR. KITKA: Second.
50

1 CHAIRMAN ADAMS: It's been moved and
2 seconded. Any discussion.
3
4 MR. WRIGHT: Question.
5
6 CHAIRMAN ADAMS: The question's been
7 called. All in favor say aye.
8
9 IN UNISON: Aye.
10
11 CHAIRMAN ADAMS: Opposed, no.
12
13 (No opposing votes)
14
15 CHAIRMAN ADAMS: Motion is carried.
16 Thank you. Thank you, gentlemen.
17
18 You got something to say, Mr. Reeves?
19
20 MR. REEVES: They're ready for 18.
21
22 CHAIRMAN ADAMS: They're ready for 18.
23 It says you are going to do it.
24
25 MR. LARSON: Well, he's going to do it
26 for me.
27
28 (Laughter)
29
30 CHAIRMAN ADAMS: Okay. Let me just go
31 over the criteria that we use, you know, when we do these
32 Council deliberations. First you're going to hear --
33 have, you know, the introduction and then we'll hear
34 comments from the various departments, Alaska Fish and
35 Game, Federal, State, Interagency, Subsistence
36 Commissions, Fish and Game Advisory Committees and then
37 we'll listen to, if any, summary of written public
38 comments. And then we can invite anyone in the audience
39 who would like to testify and then we'll go into Council
40 deliberation.
41
42 And the way that we analyze the proposals
43 is we use four criterias. Number 1 is is there a
44 conservation concern, is there enough data available, you
45 know, in the analysis to support the proposal. And how
46 does it benefit subsistence users. And then we also take
47 into consideration non-subsistence users as well. So
48 that's the four criteria that we use to determine, you
49 know, whether we say yes or no on a proposal or not. So
50 I just thought I'd review that with us all before we

1 proceeded any further.

2

3 So, Mr. Larson, you're on.

4

5 MR. REEVES: Thank you, Mr. Chairman.
6 For the official record my name is Jeff Reeves with the
7 Forest Service, but if we need to I can go by the alias
8 of Robert Larson, Jr. for this analysis here.

9

10 (Laughter)

11

12 MR. REEVES: The analysis for Proposal
13 11-18 should be found on Page 62 of your Council book.
14 The proposal is submitted by this Council and requests
15 that all waters draining into Sections 1C and 1D be
16 closed to the harvest of eulachon.

17

18 The eulachon populations in the waters in
19 these areas are at critically low levels and does not
20 seem to have any harvestable surplus and it's probably
21 unlikely they'll be another harvestable surplus in the
22 foreseeable future. It's -- the area's been closed to
23 the fishing for eulachon at least five years which is
24 probably close to an eulachon's lifecycle and there's
25 been no signs of stock recovery in this area. With stock
26 sizes at this level there are few options available for
27 the conservation other than flat out closing the fishery.

28

29 Putting this regulation or this
30 regulation should provide clear direction to the public
31 that the area will be closed to fishing -- the fishing of
32 eulachon for all users. The area -- rural residents of
33 Southeast Alaska and Yakutat are eligible to Federally
34 fish in this area. Commercial eulachon fishery in the
35 Unuk has been closed since 2001 and the Alaska Board of
36 Fisheries made a positive C and T use determination in
37 that area in 2003. State subsistence fishery has
38 required permits since 2004, that's been closed since
39 2005.

40

41 The Federal Subsistence Board has adopted
42 your original regulation to require a Federal subsistence
43 fishing permit for eulachon in this area in 2002. And
44 also during that same cycle there was a couple of
45 proposals from residents of Ketchikan requesting harvest
46 limits related to the fishery.

47

48 The proponents and ADF&G were concerned
49 about not having harvest limits in regulations, but this
50 Council and the Federal Board rejected those proposals.

1 Due to stock failure that area has been
2 closed annually by special action since 2006.

3
4 The population -- the eulachons in this
5 area, or at least particularly the Unuk, have been
6 monitored by the Forest Service since 2001 and in 2008 a
7 three year stock assessment project was funded by the
8 Fisheries Resources Monitoring Program. The results of
9 this monitoring and assessment have indicated that pretty
10 much no eulachon have spawned in the -- returned to spawn
11 in the Unuk River since about 2004.

12
13 The Section 1C and 1D which is the area
14 affected covers the Burroughs Bay area which include the
15 Unuk, Klahini, Chickamin Rivers. It's northeast of
16 Ketchikan. Long history of local use in the area, but
17 prior to 1969 wasn't documented very well. Up until 2000
18 the State managed commercial fishery provided -- had
19 harvest ranging from anywhere as low as zero pounds up to
20 almost 35,000 pounds. And if you recall earlier you
21 should have seen in that one graph that was in the
22 presentation I did, that was all the red bars that were
23 on the left. Since then there's been no commercial
24 harvest. Up until 2003 it was a personal use fishery and
25 didn't require a permit under State management. In
26 2003/2004 it changed -- when it changed to a subsistence
27 fishery there was a small amount of harvest documented
28 under State permit and since 2005 again there's been no
29 fishery.

30
31 Federally they've been harvested since
32 2001 and in the three or four years of recorded data it's
33 ranged from zero to almost 18,000 pounds. And again
34 since '06 there's been no season.

35
36 Table 1 on Page 67 will show the
37 different harvests by pounds for the different fisheries
38 throughout the years.

39
40 The proposal's going to prohibit the
41 harvest of any eulachon from any waters draining into
42 those sections by all users although the applicable area
43 could be clarified with a slightly different description
44 and the scope of the closure could be made explicit by
45 adding the phrase by all users.

46
47 If eulachon returns were to improve
48 enough to allow for a subsistence fishing opportunity a
49 proposal to open a subsistence fishery could be
50 resubmitted to the Federal Subsistence Board. In

1 accordance with Board policy on closures, this closure
2 would have to be reviewed by the Board no more than three
3 years from establishment of the closure and at least
4 every three years after. Because of the nature to spawn
5 in lower portions of the streams eulachon may be
6 available for harvest in waters within the freshwater
7 portions of the streams under Federal jurisdiction and in
8 adjacent marine waters. And due to the shared
9 jurisdiction any management action would have to be
10 coordinated with State managers for it to be completely
11 effective.

12
13 Closing the area to all users could
14 facilitate the development of future regulations
15 necessary to reopen the area while providing for a
16 Federal priority if the stocks were to recover. But
17 unilateral action by the Federal program will not affect
18 State actions in adjacent marine and intertidal waters.

19
20 The OSM preliminary conclusion is to
21 support the proposal with the modification to clarify
22 applicable area of the closure and to make explicit that
23 the closure would apply to all users. And you can find
24 the modified regulation on Page 68 where you'll see that
25 the requirement of possessing a Federal or a subsistence
26 permit is getting stricken, but a new regulation is added
27 which is the one in bold, the 25(i)(13)(22) which would
28 say that all freshwater streams flowing into those
29 sections are closed to the harvest of eulachon by all
30 users.

31
32 The eulachon returns to the rivers
33 flowing in these sections, particularly the Unuk, have
34 been at critically low levels and without harvest will
35 surplus. And closing -- so the closing of the area
36 should provide clear direction that there's going to be
37 no eulachon fishery allowed within Federal jurisdiction
38 and will eliminate the need for annual in-season actions.
39 And modification to clarify that applicable area and make
40 explicit that the closure applies to all users is
41 consistent with the intent of this proposal.

42
43 So that concludes what I have. Thank
44 you.

45
46 CHAIRMAN ADAMS: Questions or comments
47 from the Council.

48
49 (No comments)
50

1 CHAIRMAN ADAMS: Has there been any
2 indication of just a little bit of eulachons coming into
3 the Unuk River?
4
5 MR. REEVES: Perhaps Mr. Larson might
6 have more clarity.
7
8 CHAIRMAN ADAMS: I thought you were Mr.
9 Larson.
10
11 (Laughter)
12
13 MR. REEVES: I'm junior.
14
15 (Laughter)
16
17 CHAIRMAN ADAMS: Go ahead.
18
19 MR. LARSON: Mr. Chairman. What we're
20 seeing in the Unuk River is a case of a stock collapse
21 and there are essentially no eulachon remaining in that
22 and no indication that there will be a harvestable
23 surplus in the foreseeable future.
24
25 CHAIRMAN ADAMS: Thank you. Has there
26 been any -- see I'm from northern Southeast so I'm not
27 too familiar with what's happening down here. But has
28 there been any other rivers that carry eulachons or is
29 that the only one that -- I know that it was a very
30 popular place, you know for lower Southeast people to go
31 get their eulachons, but, I mean, was that the only
32 river?
33
34 MR. REEVES: Mr. Chairman. Again I think
35 Mr. Larson could -- I -- in the him and I working on the
36 analysis there -- some of those other rivers that I did
37 suggest, they say that there are some that go there, but
38 the predominant -- my understanding is that the
39 predominant return is to the Unuk, is that.....
40
41 MR. LARSON: Mr. Chairman. Practically
42 speaking there are no other rivers in southern Southeast,
43 south of the Stikine River with eulachon.
44
45 CHAIRMAN ADAMS: Okay. All right. Thank
46 you. Any other questions. Patty.
47
48 MS. PHILLIPS: Thank you, Mr. Chair.
49 What is the status of the -- like the -- is it Skeena or,
50 you know, where they get eulachon on the other side of

1 the border, I mean, is that a collapsed stock or is that
2 a healthy stock, is it -- I'm just trying to figure out
3 if it's -- you know, is it a geographical thing or is it
4 -- is it just that system?

5

6 MR. REEVES: Again, I'd defer to my dad.

7

8 (Laughter)

9

10 MR. LARSON: Mr. Chairman. There has
11 been a coastwide problem with production in eulachon
12 systems. Most recently though the closest large systems
13 south of Southeast Alaska in the Nass and Skeena Rivers
14 specifically, have had good returns. But that it is a
15 case that -- as referenced by Mike Douville is that, you
16 know, you have to have a certain escapement to take
17 advantage of these good production years and the Unuk did
18 not have adequate escapements during those years when
19 there was, you know, production possible. So it didn't
20 take advantage of -- if there was, in fact, a time when
21 there were freshwater -- and now we're talking about
22 marine survivals here, if there was marine survival that
23 was -- would allow for rebuilding of stocks, there was
24 never enough larva to take advantage of those. So we do
25 not have that condition.

26

27 CHAIRMAN ADAMS: Anyone else? Mr. Kitka.

28

29 MR. KITKA: Thank you, Mr. Chair. I know
30 I asked this earlier before or a similar question.
31 Basically any idea on how many eulachon you'd need to
32 restock the river to get it going again and how long
33 would it take to -- for it to build itself back up if
34 left alone?

35

36 MR. REEVES: Mr. Chair. Mr. Kitka. I'd
37 have no idea. I know there's -- I mean, if -- I guess if
38 you try to look at the perspective, I want to say I heard
39 a stat that was like 40 some eulachon or something is
40 equal to about a pound or some rough stat like that. So,
41 I mean, when you're looking at harvests probably in
42 30,000 pounds, I mean, that was a pretty good number of
43 fish. And for how this fishery just disappeared, you
44 know, I'd want to think it's probably, you know, more
45 than just a couple hundred fish, kind of roughly like --
46 I think they haven't really noted many more than 100 in
47 any sighting in those assessment years though so
48 obviously it's a lot more fish than that. So I wish we
49 had the magic answer.

50

1 CHAIRMAN ADAMS: Mr. Hernandez, go ahead.

2

3 MR. HERNANDEZ: Yeah, I had a question
4 kind of relating to, you know, subsistence uses. And I
5 know when this Unuk River was initially closed, I can
6 recall that a lot of that subsistence effort or some of
7 that subsistence effort, started happening at the Stikine
8 River. I know I talked to Mr. Larson about this in
9 Petersburg, there was people that used to fish at the
10 Unuk, came up to the Stikine and I was just wondering in
11 the three or four years since that has that continued, is
12 there still subsistence eulachon fishing happening on the
13 Stikine River now?

14

15 MR. LARSON: Mr. Chairman. There is.
16 It's mostly by the residents of Wrangell, there's some
17 use by residents of Petersburg. The use by other
18 residents are not allowed under State -- under Federal
19 rules, they're allowed however under State rules.
20 However they -- we have not seen in the last year or two
21 use by residents of -- or significant use by residents of
22 other communities on the Stikine River.

23

24 CHAIRMAN ADAMS: Anymore.

25

26 (No comments)

27

28 CHAIRMAN ADAMS: Thank you, sir. Oh, Mr.
29 Wright.

30

31 MR. WRIGHT: Thank you, Mr. Chairman.
32 What is -- it says on justification closure of this area
33 will provide clear direction that there will be eulachon
34 fishery allowed within Federal jurisdiction and will
35 eliminate the need for annual in-season special actions.
36 What's that mean?

37

38 MR. REEVES: Mr. Chairman. Mr. Wright.
39 In the past -- so since 2006 or the past four years with
40 -- it -- the agency has, you know, realized that from
41 previous assessment years that the stock the previous
42 year was so low that it -- the decision was made to just
43 go ahead and close down the fishery before it even began.
44 And in order to do that the in-season manager had to
45 execute this special action. So getting this closure
46 into regulation just it -- to tell you the truth it
47 minimizes a bunch of paperwork in preseason to make a
48 closure official to try to allow this thing to rebuild.
49 I think we've just hit the point where we realize that
50 after one lifecycle these fish they just haven't been

1 coming back. So let's just go ahead, see if we can get
2 it closed under regulation and see if that will allow it
3 to rebuild itself. And then once -- and we'll try to
4 continue to assess the drainage and if all of a sudden
5 yes, we saw that, you know, the stock was starting to
6 look healthy or something, we still have the ability, the
7 in-season would, to formally submit to the Board to say
8 can we reopen this or to go through this exact process.

9

10 CHAIRMAN ADAMS: Cathy, welcome.

11

12 MS. NEEDHAM: Thank you, Mr. Chair. And
13 how is the stock monitored or how will it be monitored if
14 the fishery was closed and then at what threshold or is
15 there a threshold that has been established to determine
16 whether or not it would be again the fishery could be
17 open for it?

18

19 MR. REEVES: Mr. Chair. Ms. Needham. In
20 the past before the collapse, you know, Forest Service
21 personnel was typically on-site during -- as the fish
22 came doing aerial surveys, getting actually up on the
23 river, they were taking some samples and they were out
24 there actually monitoring the fishery. There's --
25 sometimes this river's got some ice on it so there's --
26 I don't think there's really any effective way to get
27 under that ice and try to count eulachons, but it was
28 more of a visual on-site, a crew actually spent time out
29 there. You know, they're here trying to, you know,
30 estimate the -- what do you call it, the biomass or the
31 pounds or whatever, you know, it probably wouldn't be any
32 different than that. And, you know, if it -- '08 it was
33 funded for three years so I'm not sure, I think we might
34 have one more year on it, on the Federally funded
35 portion. But it's managed out of Ketchikan Ranger
36 District and they go up there every early spring, late
37 winter. So the closure went in, they would still be
38 heading up there to get an idea. That's pretty much what
39 I can tell you there, if that helps.

40

41 CHAIRMAN ADAMS: Go ahead, Cathy.

42

43 MS. NEEDHAM: As a follow-up then, is
44 there a threshold or any -- like what -- when they're
45 monitoring or as they're monitoring over the next few
46 years is there something -- like how soon will you be
47 able to tell that something can be reopened or that a
48 stock is actually coming back where it can be considered
49 to be a usable system again?

50

1 MR. REEVES: Mr. Chair. Ms. Needham. I
2 can only probably make assumptions. We have some harvest
3 data that we could probably try to compare to some of the
4 early on-site observations, when this return was still
5 coming back. And perhaps there's a way to try to
6 correlate those, but I think it would -- it would take a
7 good blackening of the river with eulachon before
8 managers would be really willing to jump in and say have
9 at them again.

10

11 CHAIRMAN ADAMS: Some more.

12

13 MS. NEEDHAM: Just one final thing then.

14 Are we.....

15

16 CHAIRMAN ADAMS: Oh, you're on a roll.

17

18 MS. NEEDHAM: Well, I'm just curious, I
19 guess I didn't quite understand when you were explaining
20 the first part of my question, how long. It sounds like
21 you have a method for continuing to monitor for this
22 stock, but how long are you prepared to do that or, I
23 mean, is there going to be funding available to continue
24 to monitor Unit 4 return of eulachon or for escapement of
25 eulachon so that information can be continuous or, you
26 know, after your project ends in one year then we don't
27 have any data coming in and we're not understanding what
28 the population is after that?

29

30 MR. REEVES: Mr. Chair. Ms. Needham. I
31 would certainly hope that Ketchikan, they've -- the
32 Ketchikan district has tried to make the Unuk one of
33 their fisheries -- priority in their fish shop. So I
34 would hope that if there was no FIS funding that they
35 would continue to push to keep monitoring this. The
36 stock is very important to Ketchikan and Metlakatla. And
37 a lot of the early work done by the former staff officer,
38 Todd Tisler and the former rangers, especially working
39 with the Waggoner clan out of Metlakatla, I just -- it
40 would just be too valuable not to try to keep tabs on
41 this. So like I said I can't make guarantees, I can make
42 hopes. But I do believe that the Ketchikan Misty Ranger
43 District would still hold this as a priority and try to
44 get crews on there to keep tabs on this.

45

46 CHAIRMAN ADAMS: Mr. Douville.

47

48 MR. DOUVILLE: Thank you, Mr. Chairman.
49 The Department allowed a commercial fishery on this stock
50 and I would assume that they would have records on how

1 many thousand pounds were taken in those years before it
2 was closed. And I believe that's a primary cause for the
3 demise, if you will, of this stock as you take something
4 beyond its threshold to survive it'll go away. These
5 fish could have been absorbed into other fish that go to
6 the Nass River, if you will, because basically we almost
7 know nothing about where they go, where they live, we do
8 know that they go up the river to spawn. But I was
9 curious if there's -- you have any records that show how
10 many pounds were taken in that commercial fishery?

11
12 MR. PAPPAS: Through the Chair, Mr.
13 Douville. Page 67 has the records, I believe, back to
14 1969 on commercial harvest. And I believe it was in
15 pounds, the column number 1 on Page 67 is harvest and I
16 believe the Department closed the fishery in 2001 --
17 since 2001.

18
19 CHAIRMAN ADAMS: Thank you. Okay. Your
20 mic was still on that's how come I thought you still had
21 more to do.

22
23 Okay. Anymore comments. Mr. Bangs.

24
25 MR. BANGS: Mr. Chair, thank you. I'm
26 wondering if there's so few river systems that it
27 wouldn't be a bad idea that if we did have some funding
28 left over for monitoring that we could get genetic make
29 up so that when there is a harvest some other -- you
30 know, in a river nearby like what Mr. Douville's saying,
31 maybe they could sample a few to find out if those fish
32 are going somewhere else.

33
34 Thank you.

35
36 CHAIRMAN ADAMS: That was kind of what I
37 was leading up to too. I think it's a great idea.

38
39 UNIDENTIFIED VOICE: (Indiscernible -
40 away from microphone).....

41
42 CHAIRMAN ADAMS: Do we know that, if
43 they're going up somewhere else?

44
45 MR. REEVES: Mr. Chair. Mr. Bangs. I --
46 I'm not an eulachon expert.....

47
48 CHAIRMAN ADAMS: I think we got one right
49 over there. He held up his hand.

50

1 (Laughter)

2

3 CHAIRMAN ADAMS: Ben, you have something
4 to offer?

5

6 MR. VAN ALLEN: Yeah. I'm Ben Van Alen,
7 Forest Service biologist. And I just, I guess, sit in
8 the back of the room as a biologist putting pieces
9 together and there's a lot of pieces that were bouncing
10 around regarding why this stock of eulachon has literally
11 collapsed. Over fishing is certainly a factor especially
12 right there near the end where literally the only
13 eulachon that we're seeing in the area we're catching.
14 And State and Federal managers are -- share the
15 responsibility and blame for that.

16

17 There's something else though that is out
18 there and the -- that has ramifications on the health of
19 our wild runs be they salmon or herring or eulachon and
20 I'm reminded a bit about a scratching on the wall of the
21 men's room in the Fish and Game bathroom, it said we will
22 manage our resources until they are gone. And I could
23 alter that a little bit and argue that we will enhance
24 our resources until they are gone. And if we look
25 coastwide starting in the Columbia River and go all the
26 way out where the eulachon are in the Alaska peninsula,
27 there's a pattern that's pretty evident, it's the same
28 pattern that's evident for herring, it's the same pattern
29 that's evident for wild stocks of salmon and that's where
30 there's production releases of fish from hatcheries we
31 have a concurrent decline below harvestable levels or a
32 pattern there of the other resources. And in this case
33 I'm -- and I don't want anybody to think that this is
34 fact, I want people to leave this room thinking about it
35 though, maybe there is something to this, maybe there is
36 a reason why eulachon in Unuk have declined essentially
37 over the period of years that Neets Bay Hatchery has been
38 in production. This is of not only chum, but coho.
39 McDonald sockeye in the area, the Kah Sheets herring, was
40 looking pretty good and then declined to below fishable
41 levels. So that's one location. And we can march up and
42 we talked about maybe Lynn Canal, I can't remember, but
43 same thing when production hatch releases occurred in the
44 area of Lynn Canal the herring declined below fishable
45 levels and it remains so. Same thing in Prince William
46 Sound, herring and -- let me see, eulachon stocks that
47 are doing fairly well. You talked about the Nass and
48 Skeena, they're doing pretty good, there are no real
49 production releases of hatchery in the area there.

50

1 And it is indeed competition for space
2 and food, it's competition for groceries in that early
3 marine environment, that spring environment where these
4 fish share the habitats. I use word bites and one is
5 when you're small you can only eat what you can eat and
6 you can only eat what's there. And you just need to know
7 one thing, you know, do they swim together and yes,
8 indeed when we have thousands or millions of late large
9 releases of hatchery fish that are released in areas
10 where we have co-rearing wild stocks, they're in direct
11 competition for each other. And, in fact, the hatchery
12 program, the whole effort is to provide their releases
13 with a survival advantage over the wild fish not only
14 within the species but across species. And I think that,
15 you know, food for thought, let's keep an open mind on
16 this, there's some reason beyond over fishing that this
17 stock has gradually declined in -- basically since the
18 mid and late '80s. Same thing why there's really have
19 been a lack of recruitment into the Sitka Sound herring
20 fishery in -- for basically 11 years now, that's timed
21 exactly when production releases of coho, chinook and
22 chum from the -- you know, the Deep Inlet area, Medvejie
23 and whatnot hatcheries. These are things that we need to
24 be questioning and it's very much a factor of rearing
25 capacity. There's a finite rearing capacity out there
26 and we'll either fill it with hatchery fish or we'll fill
27 it with wild fish. And it's much more expensive to do
28 the former and much more advantageous to do the latter.
29 So obviously I'm questioning our investment in it, not
30 this Council's investment, but we're all party to it.

31
32 And so our important thing I think right
33 now is to think about it, is anything of what I said have
34 any meat, any -- is it -- you know, is it actual factual
35 or is it just a cartoon. I -- you know, and I guess the
36 more I observe literally from the Columbia River on
37 through Western Alaska, this pattern is -- remains
38 unchanged. And again, I guess -- anyway that's all I
39 want to say. I just want us to think about that.

40
41 Thanks.

42
43 CHAIRMAN ADAMS: Thank you, Ben. Anyone
44 else, please.

45
46 (No comments)

47
48 CHAIRMAN ADAMS: No more comments from
49 the Council. Thank you, Jeff or Mr. Larson.

50

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STATE OFFICIAL WRITTEN COMMENTS

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

Fisheries Proposal FP11-18:

Close fisheries Sections 1C and 1D in Southeast Alaska to the federal subsistence harvest of eulachon in Southeast Alaska.

Introduction:

The Southeast Regional Advisory Council proposes to close federal subsistence fisheries for eulachon in all drainages of sections 1C and 1D in Southeast Alaska to provide clear direction that the eulachon fisheries are closed due to recent stock trends in the area.

Impact on Subsistence Users:

If adopted, federal subsistence users could not harvest eulachon in the drainages of sections 1C and 1D until stocks rebuild and the fishery is reopened. In recent years, the federal and state fisheries for eulachon have been restricted or closed by special actions due to low returns.

Opportunity Provided by State:

The state eulachon fisheries in sections 1C and 1D have been closed by emergency order since 2006 due to conservation concerns.

Conservation Issues:

Many eulachon spawning runs throughout the Pacific Coast, including Southeast Alaska, have had marked declines in recent years. Since 2004, there have been minimal returns in the Burroughs Bay and Behm Canal area. The eulachon stocks within sections 1C and 1D are at critically low levels. The personal use, commercial, and subsistence fisheries have been closed for several years in anticipation of rebuilding. Stock status information for each of the above areas is limited, and a conservative approach is necessary for sustaining the health of these stocks.

1 Jurisdiction Issues:

2

3 While standing on state and private lands
4 (including state-owned submerged lands and shorelands),
5 persons must comply with state laws and regulations
6 regarding subsistence harvest. The department requests
7 federal subsistence administrators provide detailed maps
8 that depict land ownership and specific boundaries of
9 areas where federal regulations are claimed to apply.

10

11 Recommendation:

12

13 Support with modification to be no
14 federal season for the harvest of eulachon in sections 1C
15 and 1D. This modification would remove the procedural
16 burden of opening a closed fishery when eulachon numbers
17 rebound in these sections. Because the waters in which
18 eulachon move include intermixture of state waters with
19 waters where federal regulations are claimed to apply, it
20 would be less onerous for federal subsistence users if
21 the modification read: ____ .27(i)(13)(xxii) All
22 drainages of fishing Sections 1C and 1D No federal season
23 for eulachon. Thus, if eulachon numbers rebound
24 sufficiently that the state is able to open a subsistence
25 fishery, opportunity to all subsistence users could occur
26 without a delay due to the process necessary to reopen
27 areas closed to federally-qualified and non-federally
28 qualified users. If the waters are closed where federal
29 jurisdiction is claimed and the state opens a fishery,
30 all fishermen would need to assure they are fishing in
31 state waters below mean high tide.

32

33 CHAIRMAN ADAMS: Questions for Mr.

34 Pappas, anyone.

35

36 (No comments)

37

38 CHAIRMAN ADAMS: Looks like not. Thanks,

39 George.

40

41 Okay. Are there other Federal, State or
42 Tribal organizations, any comment -- anyone want to
43 comment from those areas -- out of those areas?

44

45 (No comments)

46

47 CHAIRMAN ADAMS: Interagency staff.

48

49 (No comments)

50

1 CHAIRMAN ADAMS: Okay. Subsistence
2 Resource Commission, comments anyone.

3
4 (No comments)

5
6 CHAIRMAN ADAMS: Fish and Game Advisory
7 Committees.

8
9 (No comments)

10
11 CHAIRMAN ADAMS: Mr. McKinley, come
12 forward.

13
14 (In Tlingit)

15
16 MR. MCKINLEY: I'd just like to -- I'm
17 ready for deportation back to Juneau where I'll go --
18 where I will be an urban again. It's just -- I just
19 wanted to let you know about a story about we -- we saw
20 a big deer on a bridge in Juneau. And my wife said oh,
21 look at that big deer, big horns on it. I said I'll
22 shoot it. She said no, don't do that, then she said
23 quick, shoot it. Well, I can't anyway. Why. I answered
24 her, I said we're urban. That's the answer I gave her.
25 Because we're urban.

26
27 But just before I leave I just want to
28 say that -- I wanted to let the Board know that all these
29 laws that were passed, ANILCA and all this stuff, you
30 know, the -- that we -- we practice our culture, we have
31 our 40 day parties over there in Juneau and we have our
32 payout parties in Juneau. And that's the -- we still
33 practice our culture. And I just want to let you know
34 that you might let the government know that what's
35 happening to our people. And also that when you talk
36 about the eulachon and herring, we used to get our
37 herring in Auke Bay and the -- but the State mismanaged
38 the whole resources and when they mismanaged the
39 resources now we can't get any herring eggs. So I was
40 talking this with Jim Bosley when he was alive and he
41 told me, you know, Al, he said what the State should do
42 is manage the mosquitoes up in Glacier Bay so we can get
43 rid of them.

44
45 (Laughter)

46
47 MR. MCKINLEY: Yeah, it's like if -- that
48 way they won't have any to manage, you won't have a job.
49 That's what he told me anyway about management of
50 resources. Like I say they come from all over the

1 country to tell us what to do, you know, manage our
2 resources and all this stuff, you know, but they should
3 actually listen to the local community. Local community
4 have better knowledge of their area. Like I -- I'm well
5 aware how we manage our resources here in Icy Strait.
6 Icy Strait, our people call this (in Tlingit) which means
7 a big dish, big dish. This is where we get our food.
8 All the way from Indianapolis, Icy Strait, we gather our
9 food.

10
11 And that's -- I just wanted to let you
12 know that we hardly say anything, but our resource is
13 here in Hoonah. But I was born here and raised, but I
14 left this town in 1950 and but I'm back, after I retired,
15 after 35 years in the Federal government. And I just
16 want to let you know about what's happening about the
17 resource and management, mismanagement and today we don't
18 have any herring in Juneau, Auke Bay. I remember when we
19 used to have our buckets to gather our herring because
20 they still have their eggs in there. And that's the best
21 delicacy we have with the eggs and the herring. That's
22 our best one, you fry it and eat it with rice. That's
23 what we -- the Federal governments know what we eat. And
24 the State government doesn't know what we eat, but if we
25 tell the State and Federal government what we eat they're
26 going to put a regulation on it. That's what's
27 happening. So I always say to myself, Mr. Chairman,
28 don't let them know what we eat.

29
30 (Laughter)

31
32 MR. MCKINLEY: So that way we won't have
33 any regulations. And the State government, the Federal
34 government won't know what we eat and they won't know
35 what to manage. That's how I kind of look at it after
36 being in Albuquerque and Colorado and overseas, the whole
37 kaput.

38
39 But I hear people testify on everything
40 that we have that's implemented. Does these people
41 actually that testified have -- did they get all this
42 information from the loc -- their local community, did
43 the local community testify when they were there in the
44 local community. That's what we need to do, Mr.
45 Chairman, ask them, did you get this information from the
46 local people, ask them. I -- that way the local people
47 know more about their area than anybody else. That's
48 what I would like to implement and let you people know
49 that I know that I'm just now getting involved in this
50 situation here and but anyway that's what the convention

1 will be in Saxman, it's going to be how (in Tlingit)
2 that's what it's going to be. (In Tlingit). Our food,
3 that's what it's going to be, our food.

4
5 And it's like I said earlier that like
6 earlier what I said about Rocky Marciano, you know, it's
7 kind -- to me it's kind of ridiculous to fight for our
8 food where we go out we eat from the beach and we eat
9 from the woods, we pick our berries to -- to give to our
10 guests. Like my brother died, my sister died, his son
11 died and we're going to invite the opposite clan for the
12 party and we're going to eat the food, our food that --
13 the food that we like, he likes, our culture is that we
14 used to serve the best food that we have at the party.
15 That's our culture. (In Tlingit) our way of life.

16
17 I got to leave, Mr. Chairman. And good
18 luck.

19
20 CHAIRMAN ADAMS: Gunalcheesh.
21 Gunalcheesh.

22
23 We as a Council agree that it's
24 important, Mr. McKinley, to listen to the local people.
25 And if you just heard Patty's, you know, addition to or
26 a motion to add TEK, you know, recognize TEK to our
27 projects, that does exactly that. So hopefully, you
28 know, we'll be able to use that more often in our
29 programs.

30
31 Anyhow any other comments.

32
33 (No comments)

34
35 CHAIRMAN ADAMS: Hearing none we're going
36 to go into Council deliberation. What's the wish of the
37 Council.

38
39 Oh, do we have any summary of written
40 comments, Mr. Larson?

41
42 MR. LARSON: We have no written comments.

43
44 CHAIRMAN ADAMS: No public testimony.
45 Okay. Council deliberations.

46
47
48 Old, reliable Mr. Bangs for motions.
49 Thank you.

50

1 MR. BANGS: Thank you, Mr. Chairman. I
2 move to adopt Proposal FP11-18 as written on Page 62 in
3 the OSM preliminary conclusion with the support with the
4 modification.

5
6 CHAIRMAN ADAMS: Thank you. And thank
7 you for the clarification as well, Mr. Bangs.

8
9 Is there a second?

10
11 MR. KITKA: Second it.

12
13 CHAIRMAN ADAMS: It's been seconded.
14 We're in for discussions. Donald.

15
16 MR. HERNANDEZ: Mr. Chairman. I would be
17 in support of the motion to pass this proposal. I think
18 it's a pretty sad day for the Council that we are taking
19 action to close a subsistence fishery with no real hope
20 of it opening again, I don't think that's something we've
21 ever had to do before in my experience. The reasons for
22 doing so is conservation concern, plain and simple, I
23 think that's the only criteria we need to consider in
24 this. We have a lot of clear evidence of a conservation
25 concern. It will obviously negatively affect subsistence
26 users, but it's going to be necessary.

27
28 I think it's kind of important to note
29 that there probably have been some failures in management
30 here, Mr. Van Alen kind of alluded to those. There was
31 a commercial fishery occurring on this stock for a number
32 of years which may have had a negative impact. There was
33 also a subsistence harvest which may have had a negative
34 impact on this stock as well. I think the situation with
35 this stock was that, in my opinion, that there are
36 environmental factors that were affecting this stock and
37 I think we failed to notice it. Probably what was
38 happening was a slow decline caused by environmental
39 factors which we didn't recognize, but yet it wasn't
40 recognized, fisheries continued and we reached a critical
41 point where they collapsed. And I think it should be
42 maybe a lesson as to, you know, how we deal with some
43 other stocks of concern, we have to be very aware of
44 environmental factors and keep a close eye on these and
45 be aware of that, that you reach a critical point where
46 things collapse and sometimes it just kind of can sneak
47 up on you.

48
49 So like I say I support -- I support this
50 proposal, but it's a very sad occasion.

1 CHAIRMAN ADAMS: Thank you, Mr.
2 Hernandez. Anyone else. Mr. Bangs.
3
4 MR. BANGS: Thank you, Mr. Chairman. I
5 agree with Mr. Hernandez and I think he covered the
6 criteria and with that I will call for the question.
7
8 CHAIRMAN ADAMS: Thank you. All in favor
9 please say aye.
10
11 IN UNISON: Aye.
12
13 CHAIRMAN ADAMS: Opposed.
14
15 (No opposing votes)
16
17 CHAIRMAN ADAMS: Motion is carried or --
18 motion is carried.
19
20 Okay, we're on to the next one. That is
21 -- we need to address the request from Sitka Tribe to
22 defer the Makhnati Island herring issue.
23
24 (Pause)
25
26 CHAIRMAN ADAMS: Mr. Kitka.
27
28 MR. KITKA: Mr. Chair. I'm not too sure
29 how to proceed on this, but I would assume that I would
30 move that this be deferred to a future date.
31
32 CHAIRMAN ADAMS: Thank you. That's the
33 proper way to address it. Is there a second.
34
35 MR. BANGS: I'll second it.
36
37 CHAIRMAN ADAMS: Thank you. Discussion.
38
39 MR. DOUVILLE: Thank you, Mr. Chair. I
40 will support the motion, Sitka Tribe's request to defer
41 their proposal to a later date.
42
43 CHAIRMAN ADAMS: Thank you. Cathy.
44
45 MS. NEEDHAM: Thank you, Mr. Chair. I'd
46 like to make the recommendation that we contact Sitka
47 Tribe of Alaska to see if we can defer it to the
48 springtime when we're going to actually be meeting in
49 Sitka, if that would work for them, just to actually set
50 a time to defer to. Can you do that, it's just a

1 recommendation.

2

3 CHAIRMAN ADAMS: Why don't we just do it
4 while we're there.

5

6 MS. NEEDHAM: Add it to the motion, you
7 mean.

8

9 CHAIRMAN ADAMS: Mr. Larson wants to make
10 a comment.

11

12 MR. LARSON: Mr. Chairman. Councilwoman
13 Needham. One of the reasons and the rationale for
14 deferring the proposal was to allow for development of
15 rules associated with the Secretarial review of this
16 subsistence program. This -- those review items will not
17 be -- likely not be available for our consideration by
18 the spring meeting. Very likely those considerations
19 will be before the Council and it'll be clear what they
20 will be at next fall's meeting. Now that's not to say
21 that we know that for sure. One of the things we can be
22 fairly certain of is that those items that are addressed
23 in the letter to defer will not be finalized or available
24 for the Council for their consideration by next spring.
25 So that -- my recommendation is to leave the timeline for
26 defer up to the Board.

27

28 CHAIRMAN ADAMS: Have you all read the
29 letter from Sitka Tribe asking that this be deferred? So
30 I think they do need some time, you know, to address this
31 issue so maybe we ought to just leave that open.

32

33 Anymore comments.

34

35 MR. WRIGHT: Question.

36

37 CHAIRMAN ADAMS: The question's been
38 called for. All in favor please say.....

39

40 IN UNISON: Aye.

41

42 CHAIRMAN ADAMS: Opposed, same sign.

43

44 (No opposing votes)

45

46 CHAIRMAN ADAMS: Motion carried. Thank
47 you.

48

49 Is Item No. 9E, FP09-15. This was
50 deferred, it's calling for a customary and use --

1 customary use of Juneau -- the Juneau road system.

2

3 So, Pippa, please proceed.

4

5 MS. KENNER: Thank you, Mr. Chair.
6 Members of the Council. For the record my name is Pippa
7 Kenner and I'm an anthropologist with the Office of
8 Subsistence Management or OSM.

9

10 The analysis for the deferred Proposal
11 FP09-15 begins on Page 125 of the Council book. This
12 proposal was submitted by the Alaska Department of Fish
13 and Game and requests no Federal subsistence priority,
14 customary and traditional use determination be made for
15 all species of fish in the Juneau road system area. You
16 can see this area on Map 1 on Page 129. The Juneau non-
17 rural area indicated on the map includes the Juneau road
18 system.

19

20 In January, 2009 the Federal Subsistence
21 Board deferred this proposal to allow time to develop and
22 analysis of the customary and traditional uses of fish in
23 Districts 11 and 15. The waters of the Juneau road
24 system area flow into Districts 11 and 15. Proposal
25 FP09-15 is the second proposal submitted by Fish and Game
26 to address the Juneau road system area. Their initial
27 request for closing the Juneau road system area was
28 through FP08-04 and was rejected by the Board. Fish and
29 Game subsequently submitted this proposal, FP09-15
30 because in its view the Board did not evaluate the eight
31 factors describing customary and traditional uses for
32 each fish stock used by specific rural communities when
33 considering Proposal FP08-04.

34

35 At its January, 2009 meeting the Board
36 deferred Proposal FP09-15 and directed that an analysis
37 be developed that examined customary and traditional uses
38 of fish by rural residents of Districts 11 and 15 in all
39 of Districts 11 and 15 rather than just the Juneau road
40 system area. The existing customary and traditional use
41 determination for Districts 11 and 15 is nested or
42 included in the determination for the remainder area of
43 the Southeastern Alaska Management Area and includes
44 Dolly Varden, trout, smelt and eulachon. Eligibility is
45 for all rural residents of Southeast Alaska including
46 Yakutat. This determination was recommended by the
47 Council and it was adopted by the Board in the year 2000.

48

49 I'm dividing my presentation into two
50 parts, the first part of my presentation concerns the

1 customary and traditional uses of fish in Districts 11
2 and 15, the second part concerns the customary and
3 traditional uses of fish in the area of the Juneau road
4 system only and whether or not a determination of no
5 Federal subsistence priority is warranted.

6
7 Usually -- oftentimes when the Council is
8 deliberating on these proposals you use the four criteria
9 in front of you. This is a proposal to change the
10 customary and traditional use determination and instead
11 we use eight factors. And those eight factors can be
12 found on Page 143 of the Council book. You're all
13 probably familiar with them so I won't recite them.
14 However it's important to note that these eight factors
15 are not used as a checklist where each factor must be met
16 to achieve a determination. In fact, for many species
17 and areas all rural residents of the state are eligible
18 until a proposal is received to reduce the pool of
19 eligible users such as this case.

20
21 To begin the first part of my
22 presentation I'm looking at Maps 2 and 3 on Pages 136 and
23 137 of the Council book. These maps were produced as
24 part of the Tongass Resource Use Cooperative Study or
25 TRUCS that conducted household harvest surveys in 30
26 Southeast Alaska communities around 1988. In most
27 communities for some resources the Tongass survey mapped
28 the areas used by people who were surveyed. People were
29 asked to draw the areas where they or members of their
30 families had fished while they were community residents.
31 Because not all communities or residents were
32 interviewed, the resultant maps may not include all areas
33 used. These maps indicate use of fish by residents of
34 Skagway, Petersburg and Wrangell in District 11 and by
35 residents of Skagway, Klukwan, Haines and Wrangell in
36 District 15.

37
38 In addition, State subsistence personal
39 use permits indicate harvest of salmon with nets in
40 District 11 from the Taku River,
41 Sweetheart Creek which is -- flows into Port Snedishum
42 south of Juneau and Admiralty Creek and Bear Creek on
43 Admiralty Island by residents of Klukwan, Haines,
44 Gustavus, Hoonah, Angoon, Sitka, Tenakee Springs and
45 Petersburg. Harvest of salmon in District 15 have been
46 reported -- this is for salmon by nets with subsistence
47 personal use permits in 15 have been reported by
48 residents of Skagway, Klukwan, Haines, Gustavus, and
49 Tenakee Springs.

50

1 Now Dolly Varden, steelhead and other
2 trout species are the primary species likely to be
3 harvested under Federal subsistence management
4 regulations in Districts 11 and 15. Some harvest of
5 herring, eulachon and salmon also occur, however fishing
6 for these species generally takes place in marine waters
7 and/or under State of Alaska jurisdiction such as in the
8 Chilkat River.

9
10 So OSM preliminary conclusion as
11 presented on Page 153 of your Council book for the
12 customary and traditional uses of fish in waters flowing
13 into District 11 is for all residents of District 11 and
14 Skagway and for all waters flowing into District 15 the
15 customary and traditional use determination should be
16 residents of District 15.

17
18 Other rural residents of Southeast
19 Alaska, including Yakutat, would be excluded from the
20 existing customary and traditional use determination for
21 Dolly Varden, trout, smelt and eulachon currently in
22 place for Districts 11 and 15.

23
24 We would like to hear from the Council
25 regarding whether or not the residents of other
26 communities or areas outside of Districts 11 and 15
27 should be included in the customary and traditional use
28 determinations for fish. And as is your usual customer
29 we ask that you provide supporting information to justify
30 your recommendations.

31
32 I'd like to stop now and ask if Council
33 members have any questions before moving onto the second
34 part of my presentation.

35
36 CHAIRMAN ADAMS: Questions anyone. Mr.
37 Kitka.

38
39 MR. KITKA: Thank you, Mr. Chair. I have
40 some serious concerns over this determination because
41 there's an awful lot of our rural residents have moved to
42 Juneau because of jobs that they have gotten there. And
43 how long is -- would you consider a long use of the
44 products that are in the river because I know that there
45 is some that are using the river and harvesting fish out
46 of those -- out of those streams. And they can show a
47 long use of it. So I realize they're considered urban
48 now, but they're -- they were raised in a rural community
49 and whether they're going to be a lifelong Juneau
50 resident or whether they're going to -- the job is just

1 a short-lived job and whether they stay in Juneau or move
2 back to their communities, but the -- there's definitely
3 a sign that some of the rural residents are using these
4 systems as subsistence.

5 Thank you.

6

7 CHAIRMAN ADAMS: Mr. Douville.

8

9 MR. DOUVILLE: Thank you. Mr. Chairman.
10 This would come under review in the near future, would it
11 not, from what Bob was talking about, you could do a more
12 in-depth analysis of the people that have used this in
13 the past, you'd have a more thorough background then of
14 what may have took place. The reason I would say that is
15 because recent regulation in recent years may have
16 discouraged rural users from using the systems for one.
17 Certainly in past years and even many years back, these
18 systems have all been utilized by people that lived in
19 these areas at one time or another as they travel and
20 whatever they were doing. So I can't believe for a
21 second that more of these people didn't use these
22 systems, you know what I mean, maybe not in recent times,
23 but, you know, we learned a whole -- lots as we go on.
24 It's rare to see an area that wasn't -- in other words
25 there wasn't a stone left unturned by the people that
26 lived here and they've been here for 10,000 years at
27 least. Okay.

28

29 MS. KENNER: Mr. Douville, through the
30 Chair. I think that a number of these comments probably
31 have more to do with the second part of my presentation
32 which it describes customary and traditional uses on the
33 Juneau road system specifically. So shall I move on and
34 maybe in my talking points here some of those questions
35 will be answered?

36

37 CHAIRMAN ADAMS: I think that we need to
38 probably address the question that you asked toward the
39 end of this half of the presentation. Does that -- does
40 the Council feel that there is any other community that
41 needs to be added to this as -- and the justification
42 behind it if we identify any communities. I think that
43 needs -- I -- you know, you brought it up and I think we
44 need to address it. So other than the communities that
45 are already in the proposal, is there any others that we
46 feel needs to be a part of that. Mr. Douville.

47

48 MR. DOUVILLE: That was my reason for
49 making this comment is that did we include everybody and
50 I don't think that we probably did people -- but I think

1 that probably we should wait until you -- as you
2 suggested listen to the rest of what you have to say.

3

4 CHAIRMAN ADAMS: Okay. So go ahead and
5 proceed.

6

7 MS. KENNER: The second part of my
8 presentation concerns the Juneau road system area and
9 whether or not subsistence uses of fish should be
10 allowed. Should the non-rural area have a no Federal --
11 have a non-Federal subsistence priority determination for
12 all fish. The ability to harvest fish using Federal
13 subsistence regulations would no longer be possible. The
14 existing customary and traditional use determination for
15 Dolly Varden, trout, smelt and eulachon would be removed.

16

17 I'd also like to say before continuing
18 that for the record in the context of this discussion I'd
19 like to clarify that before and after the establishment
20 of the city of Juneau, the Juneau area has been used by
21 Tlingit for harvesting wild resources. In the context of
22 this discussion we're talking about non-rural residents
23 of south -- non-rural residents of Alaska that do not
24 live on the Juneau road system. And again I want to
25 remind you that this part of the proposal refers to the
26 Juneau road system which is encompassed by the non-rural
27 area on Page 125 on Map 1, it's that small area of road.

28

29 To continue, none of the use described
30 thus far in my presentation occurred in the Juneau road
31 system area, however there are sports -- reports of use
32 from the sport fish harvest survey for the period '96 to
33 2006 including Klukwan, Gustavus, Hoonah, Tenakee
34 Springs, Angoon, Sitka and Petersburg. In some case
35 sport fish harvest information has been used to document
36 customary and traditional uses when no other information
37 has been available. However currently in the most of
38 Southeast Alaska other information is available and the
39 sport fish uses are not considered subsistence uses.
40 However further information is sought from the Council
41 whether or not the sport fish use should be considered
42 customary and traditional use. State subsistence and
43 personal use salmon fisheries aren't allowed on the
44 roaded system, there are open subsistence fishing
45 seasons, but no harvest of fish have been reported
46 through the Federal permit process. There are no
47 recognized rural communities in District 11 or in close
48 proximity to the Juneau road area.

49

50 And therefore OSM's preliminary

1 conclusion is to support a customary and traditional use
2 determination of no Federal subsistence priority for the
3 Juneau non-rural area which again encompasses the Juneau
4 road system. The Juneau road system is expanding and
5 adopting the regulation for the non-rural area,
6 specifically defines the area affected.

7

8 Again the non-rural area is shown on Map
9 1 on Page 129 of the Council book and while the State's
10 Juneau non-subsistence area is quite large, roughly
11 following the boundary of the borough, the Federal non-
12 rural area is significantly smaller and basically
13 encompasses the road system.

14

15 Again there are two parts to this
16 proposal that we ask you to deliberate. The first is
17 whether or not to modify the customary and traditional
18 use determination for fish in Districts 11 and 15 and the
19 second is whether or not to modify the customary and
20 traditional use determination for fish in the Juneau road
21 system area to a no Federal subsistence priority.

22

23 Thank you, Mr. Chairman and Members of
24 the Council for your attention. That's the end of my
25 presentation and I'm available and staff are available to
26 answer your questions.

27

28 CHAIRMAN ADAMS: Questions anyone.

29

30 MS. PHILLIPS: Mr. Chair.

31

32 CHAIRMAN ADAMS: Patty.

33

34 MS. PHILLIPS: Thank you, Mr. Chair. Ms.
35 Kenner, was there tribal consultation with this proposal?

36

37 MS. KENNER: Ms. Phillips, through the
38 Chair. Not that I'm aware of.

39

40 MS. PHILLIPS: Mr. Chair.

41

42 CHAIRMAN ADAMS: Patty, go ahead.

43

44 MS. PHILLIPS: With the -- to me this is
45 a significant shift and the US Forest Service in my
46 opinion -- I don't know, unless they're giving lip
47 service to tribal consultation, should be actively
48 seeking that out and including that in the analysis that
49 comes before us.

50

1 Thank you.

2

3 CHAIRMAN ADAMS: Thank you, Patty.

4 Anyone else. Go ahead.

5

6 MR. HERNANDEZ: Thank you, Mr. Chair.

7 But I don't know, this proposal seems to raise a lot of
8 questions, I mean, we have to give it a fair amount of
9 thought here, I think it's a fairly complex issue and
10 it's also -- this proposal's asking the Council to make
11 a recommendation that I don't think the Council really
12 wants to make, closing essentially a area of Southeast
13 Alaska to subsistence uses. I don't know if there's any
14 other precedents for that that I'm aware of. I realize
15 this is a urban area, but as Mr. Douville pointed out,
16 there is no area in Southeast Alaska that has not been
17 utilized at some time in the past. A lot of questions
18 arise as to, you know, if a -- as a region, an area in
19 Southeast Alaska becomes urbanized, does that extinguish
20 the previous uses that have gone on for, you know,
21 thousands of years.

22

23 CHAIRMAN ADAMS: Did you have a question
24 for.....

25

26 MR. HERNANDEZ: I will have a question,
27 lots of questions, I just don't know where to begin, I
28 guess.....

29

30 CHAIRMAN ADAMS: Okay.

31

32 MR. HERNANDEZ:on this analysis.

33

34 CHAIRMAN ADAMS: Because what I heard you
35 saying, you know, could be covered during deliberation
36 or.....

37

38 MR. HERNANDEZ: Yeah. Well, I guess I
39 have, okay, a detailed question. Within District 11 I
40 think you stated that there are no non-rural communities
41 in District 11, correct?

42

43 MS. KENNER: That is correct.

44

45 MR. HERNANDEZ: Okay. I think we've
46 gotten in trouble in the past on making determinations
47 and where there were maybe not a rural community, but
48 there are rural residents, people living outside of
49 communities, they're not established communities, but
50 they live in the area, kind of more remote locations. In

1 this Juneau area I'm wondering if we've missed anybody
2 that might raise a ruckus if we missed them and I'm
3 thinking of some of the land that's been sold in the
4 Juneau area that's not necessarily a part of Juneau like
5 on Shelter Island and some of the various islands where
6 there have been land sales, people have built cabins and
7 they're kind of living out away from Juneau, are they all
8 considered part of the Juneau urban area or are there
9 people living essentially in rural areas within this
10 District 11 that were missed in this survey?

11
12 MS. KENNER: If I might answer, Mr.
13 Chair. To answer your question I'm not -- I'm not aware
14 of the -- all of the details of your question, however
15 the non-rural area does not extend throughout the entire
16 road system north of Juneau. There are probably a few
17 people living off the road, off the maintained road as
18 you go north.

19
20 CHAIRMAN ADAMS: Follow-up there, Donald.

21
22 MR. HERNANDEZ: Yes. Mr. Chairman, I
23 think -- yeah, there may be indeed people that live out
24 in the Echo Cove area that are on the Juneau road system,
25 but may not be considered part of the urban area of
26 Juneau. I don't want to have these people excluded and
27 hear from them later that they were unjustly excluded
28 from a subsistence opportunity. So I would like to know
29 if they are rural residents within District 11 that are
30 not being considered here.

31
32 CHAIRMAN ADAMS: So are you addressing
33 the same thing that Patty brought up earlier about, you
34 know, consultation with the people in those areas that
35 are going to be affected or am I hearing something
36 different?

37
38 MR. HERNANDEZ: I think it's a little
39 different situation, you know, Patty, I think, was more
40 specific to tribal consultation, but this -- these people
41 may not necessarily be part of any tribal organization.
42 But Patty did make a good point.

43
44 CHAIRMAN ADAMS: Okay.

45
46 MR. HERNANDEZ: I guess also you asked
47 the Council, I believe, if it was our opinion that people
48 fishing under sport fish regulations, do we consider that
49 as a possible subsistence activity in an area where there
50 is no subsistence -- designated subsistence fishery, the

1 only fishing available to a person is sport fishing, but
2 yet those people may be using that sport fish for their
3 subsistence. I mean I think that's fairly common and in
4 other areas we've recognized that as being a subsistence
5 activity. So in my opinion that that should have been
6 considered as a subsistence activity or investigated if
7 you have, you know, sport fish take. Have you tried to
8 determine if some of that sport fish take was indeed, you
9 know, a subsistence -- for subsistence uses, have you --
10 did you try and determine that at all in this analysis?
11

12 MS. KENNER: Mr. Chair. Well, first to
13 back up a little bit. Within the area of the Juneau road
14 system and within the non-rural area there are designated
15 subsistence fisheries and no fish harvest through the
16 Federal permit process have been reported from that area.
17

18 CHAIRMAN ADAMS: Okay. Any.....
19

20 MS. KENNER: There isn't.....
21

22 CHAIRMAN ADAMS: Oh, okay. Sorry.
23 Didn't realize you were in thought so go ahead.
24

25 MS. KENNER: Thank you, Mr. Chair. I
26 think the point that we're trying to make about the sport
27 fishery reports is that these are occasional harvest from
28 people who live outside the area who are visiting, maybe
29 sport fishing with friends and that this does not present
30 a consistent pattern of use. This isn't subsistence,
31 this is people sport fishing. And represents occasional
32 use, much like if you were visiting somebody down in
33 Homer and they said let's grab some rods and go fishing,
34 that sort of thing.
35

36 CHAIRMAN ADAMS: Okay. Anyone else.
37 Cathy.
38

39 MS. NEEDHAM: Thank you, Mr. Chair. I
40 have just a couple of questions for you, Pippa. My
41 understanding is a majority of the analysis for use was
42 based on the TRUCS data base, is that correct?
43

44 MS. KENNER: A significant portion of the
45 analysis does come from the TRUCS data base.
46

47 MS. NEEDHAM: Okay. And that -- can you
48 remind me, is that information from the '80s and have
49 there been any like follow-up
50 or additions to the information that comes out of that

1 where new information has been available since the '80s?

2

3

MS. KENNER: Thank you, Mr. Chair.

4 There's a -- there's a number of data points the way --
5 there's a number of ways the data's organized, one's the
6 map data and one is the harvest data. The harvesting use
7 data def -- generally does not come with location of
8 harvest information. And it can be used to show reliance
9 on a wide variety of wild resources for home use that is
10 one of the factors we use in determining the customary
11 and traditional uses. However the mapping -- and some of
12 the -- some of that has been updated and it is reflected
13 in my -- in OSM's analysis.

14

15 Now concerning the map data, no, it has
16 not been updated. That's what we have. And it is 20
17 years old, that -- yeah.

18

19 MS. NEEDHAM: Okay. And then, I guess,
20 so what you're saying is you're making inferences, you
21 don't actually have linked data for uses specific to maps
22 or mapped areas where -- like just say potentially a
23 community sat down and -- more recently and said we
24 utilize this area where they may have expanded old maps
25 such as the Goldschmidt and Haas maps and things like
26 that where they have more current traditional knowledge
27 that they're documenting, that type of information hasn't
28 been used in this analysis of community, has that?

29

30 MS. KENNER: Through the Chair. Yes,
31 that's correct. Excuse me. I am aware of a Federal
32 anthropologist, Bob Schroeder, who's now retired who did
33 have some projects going on not in the communities with
34 -- which are in these districts. He has implied several
35 times that there was more information that he was working
36 on, however that information is not available. It's in
37 the record, it's in your Council record, but it's not
38 available and it's never been published. And I don't
39 know -- I doubt if it would have bearing on this
40 deliberation -- this discussion we're having now, it
41 involved mainly Angoon and Sitka and Hoonah.

42

43 MS. NEEDHAM: And just one final question
44 and this is sort of my ignorance of past analysis, but
45 does Douglas Indian Association or does the community of
46 Douglas have opportunity to -- I know we talk a lot about
47 Saxman seeking rural preference, has Douglas Indian or
48 has Douglas ever tried to do that and is there a
49 potential that they would be eligible for having rural
50 status?

1 Do we have -- has Douglas ever tried to do that and is
2 there a potential for them having rural status that you
3 know of?

4

5 MS. KENNER: There is a process for
6 determining the rural and non-rural status, it happens
7 every 10 years and the -- I was involved with the end of
8 it during the last cycle of the non-rural discussion.
9 Douglas didn't come up, there was never any mention of
10 the Juneau road system or people living on the Juneau
11 road system. So as far as in -- as far as what I know
12 and I don't mean -- I don't want to speak for Douglas,
13 but no, unh-unh.

14

15 MS. NEEDHAM: Thank you.

16

17 CHAIRMAN ADAMS: Okay. How we doing,
18 anyone else?

19

20 (No comments)

21

22 CHAIRMAN ADAMS: Thank you, Pippa. Next.
23 State.

24

25 MR. PAPPAS: Thank you, Mr. Chair.
26 George Pappas, Fish and Game. I profusely apologize, I'm
27 needed in Bethel for YKD RAC meeting, my plane leaves in
28 a few minutes. This is Laura Sill, our resource
29 specialist three who is Mike Tork's replacement and
30 she'll be reading our comments into the record.

31

32 I'm sorry, sir.

33

34 CHAIRMAN ADAMS: Well, thanks for the
35 introduction and bye, George.

36

37 Go ahead.

38

39 MS. SILL: Okay. As George said my name
40 is Laura Sill, I'm with Fish and Game and I have prepared
41 staff comments.

42

43 CHAIRMAN ADAMS: Yeah. Welcome. Welcome
44 to the fold.

45

46 MS. SILL: Thank you. So Proposal FP09-
47 15 requests that the Federal Subsistence Board
48 demonstrate customary and traditional findings for
49 individual communities for fish stocks within fisheries
50 District 11 and 15 on waters crossed by roads within the

1 current boundaries of the city and borough of Juneau as
2 suggested by a member of the Federal Board on January
3 13th, 2006.

4

5 The proposal requests the eight
6 regulatory factors concerning customary and traditional
7 use of each specific fish stock by each community for
8 each stream be evaluated and reviewed by the Federal
9 Board. The Juneau non-rural area has no specific
10 customary and traditional use determination and falls
11 under the Federal regulation category, remainder of the
12 Southeastern Alaska area.

13

14 Under this designation the Juneau road
15 system area is open to the Federal subsistence harvest of
16 Dolly Varden, trout, smelt and eulachon by all rural
17 residents of the Southeast Alaska and Yakutat areas and
18 the areas open to subsistence harvest of salmon by all
19 rural residents of Alaska. These overly broad
20 designations provide a Federal subsistence preference for
21 the far north rural residents of Barrow to fish for
22 salmon on streams in a Southeastern urban community over
23 1,000 air miles from home.

24

25 The waters subject to this determination
26 constitute a very small portion, less than 10 percent of
27 the freshwater fisheries in Districts 11 and 15 of
28 Southeast Alaska. There are very important to residents
29 of the Juneau area, but are not important to rural
30 residents and are rarely used for any purpose by rural
31 residents of any community.

32

33 Application of the September 23rd, 2008
34 Ninth Circuit Court opinion in State of Alaska versus
35 Federal Subsistence Board, 544.f3.d.1089 makes it clear
36 that an adequate record to support a C and T
37 determination for fisheries on the Juneau road system has
38 not been developed and cannot be established. As the
39 court held in its decision, Federal Board C and T
40 determinations must be supported by substantial evidence
41 of a specific rural community or area's demonstrated
42 customary and traditional taking of a specific wildlife
43 population or specific fish stock, not general species
44 within specific geographic locations. The court added
45 that the Federal Board's regulations clearly tie C and T
46 determinations to the specific locations in which
47 wildlife populations have been taken. And each C and T
48 determination must be tied to a specific community or
49 area and a specific wildlife population. The court
50 further emphasized specific communities and areas and

1 specific fish stocks and wildlife populations are by
2 definition limited to specific geographic areas and a C
3 and T determination is a determination that a community
4 or area has taken a species for subsistence use within a
5 specific area.

6
7 The Ninth Circuit pointed out that six of
8 the Federal Board's eight C and T factors refer to a
9 pattern of use of specific fish stocks or wildlife
10 populations and a seventh factor also imposes specific
11 geographic limitations by directing the Board to consider
12 whether there is consistent harvest and use of fish or
13 wildlife near or reasonably accessible from the community
14 or area.

15
16 Available information presented to the
17 Southeast RAC and Federal Subsistence Board prior cannot
18 support a determination that any rural community has a
19 pattern of use of any fish stock on the Juneau road
20 system. There has been no consistent harvest of fish
21 stocks on the Juneau road system by any rural community
22 and the Juneau road system fish stocks are not near or
23 reasonably accessible to any rural community.

24
25 On the Juneau road system the situation
26 is far different from what the Ninth Circuit Court
27 believed the situation to be for moose in GMU 12. First,
28 salmon and trout stocks found in individual streams on
29 the Juneau road system represent distinct stocks.
30 Evidence of take of the same general species of fish in
31 other districts or even other portions of the same
32 districts cannot be used to establish historic taking of
33 the specific stocks on the Juneau road system. The
34 Federal Board has not developed a customary and
35 traditional use determination to freshwaters of Districts
36 11 and 15. It is extremely unlikely that any rural
37 community would be able to provide substantial evidence
38 of the customary and traditional use factors for any fish
39 stock on the Juneau road system.

40
41 Thank you.

42
43 *****
44 STATE OFFICIAL WRITTEN COMMENTS
45 *****

46
47 Alaska Department of Fish and Game
48 Comments to the Regional Advisory Council

49
50 Deferred FP09-15:

1 Juneau Road System Customary and
2 Traditional Use Determination

3

4 Introduction:

5

6 Proposal FP09-15 requests that the
7 Federal Subsistence Board demonstrate customary and
8 traditional (C&T) findings for individual communities for
9 fish stocks within Fisheries Districts 11 and 15 on
10 waters crossed by roads within the current boundaries of
11 the City and Borough of Juneau, as suggested by a member
12 of the Federal Board on January 13, 2006. The proponent
13 requests the eight regulatory factors concerning
14 customary and traditional use of each specific fish stock
15 by each community for each stream be evaluated and
16 reviewed by the Federal Board. The Juneau non-rural area
17 has no specific customary and traditional use
18 determination and falls under the federal regulation
19 category Remainder of the Southeastern Alaska Area.o
20 Under this designation, the Juneau road system area is
21 open to the federal subsistence harvest of Dolly Varden,
22 trout, smelt, and eulachon by all rural residents of the
23 Southeast Alaska and Yakutat areas, and the area is open
24 to subsistence harvest of salmon by all rural residents
25 of Alaska. These overly broad designations provide a
26 federal subsistence preference for the far north rural
27 residents of Barrow to fish for salmon on streams in a
28 southeastern urban community over 1,000 air miles from
29 home and provide a preference to rural residents of the
30 southern southeast community of Hydaburg in an urban
31 northern southeast community over 225 air miles from
32 home.

33

34 Background:

35

36 The waters subject to this determination
37 constitute a very small portion (less than 10%) of the
38 freshwater fisheries in Districts 11 and 15 of Southeast
39 Alaska. They are very important to residents of the
40 Juneau area but are not important to rural residents and
41 are rarely used for any purpose by rural residents of any
42 community. In acting on previous proposals, the Federal
43 Board suggested it would be appropriate to adopt a
44 determination of no Federal subsistence priority.o# In
45 December 2007, the Federal Board rejected the States
46 proposal (FP08-04) requesting such a determination,
47 without evaluating the eight regulatory factors
48 concerning customary and traditional use of each fish
49 stock by each community. As early as 2000, the
50 Interagency Staff Committee informed the Federal Board

1 that there was a lack of substantial evidence to show
2 that communities in the region have customarily and
3 traditionally harvested and used stocks of rainbow trout,
4 cutthroat trout, and Dolly Varden along the Juneau road
5 system. Because there is no substantial evidence for
6 these arguments, it is clear that any use of Juneau road
7 system fish stocks falls outside the regulatory
8 definition of customary and traditional use, see 50 CFR
9 100.4.

10
11 Application of the September 23, 2008,
12 Ninth Circuit Court opinion in *State of Alaska v. Federal*
13 *Subsistence Board*, 544 F.3d 1089, makes it clear that an
14 adequate record to support a C&T determination for
15 fisheries on the Juneau road system has not been
16 developed and cannot be established. As the Court held
17 in its decision, Federal Board C&T determinations must be
18 supported by substantial evidence of a specific rural
19 community or area's demonstrated customary and
20 traditional taking of a specific wildlife population or
21 specific fish stock, not general species, within specific
22 geographic locations. *Alaska v. Federal Subsistence*
23 *Board*, at 1094-99. The Board's determination must have a
24 substantial basis in fact. *Id.* at 1094. The Court
25 held: Under 50 C.F.R. 100.16, C & T determinations
26 should identify the specific community's or area's use of
27 specific fish stocks and wildlife populations, . . . and
28 not Chistochina's use of moose in general. *Id.* at 1096.
29 The Court added that the Federal Board's regulations
30 clearly tie C & T determinations to the specific
31 locations in which wildlife populations have been taken
32 and each C & T determination must be tied to a specific
33 community or area and a specific wildlife population.
34 *Id.* at 1097 (emphasis in original). The Court further
35 emphasized: Specific communities and areas and specific
36 fish stocks and wildlife populations are, by definition,
37 limited to specific geographic areas and a C & T
38 determination is a determination that a community or area
39 has taken a species for subsistence use within a specific
40 area. *Id.* at 1097-98 (emphasis in original).

41
42 The Ninth Circuit pointed out that six of
43 the Federal Board's eight C&T factors refer to a pattern
44 of use of specific fish stocks or wildlife populations,
45 and a seventh factor also imposes explicit geographic
46 limitations by directing the Board to consider whether
47 there is consistent harvest and use of fish or wildlife
48 . . . near, or reasonably accessible from the community
49 or area. *Id.* at 1098; see also 50 C.F.R. 100.16(b).
50 Available information cannot support a determination that

1 any rural community has a pattern of use of any fish
2 stock on the Juneau road system. There has been no
3 consistent harvest of fish stocks on the Juneau road
4 system by any rural community, and the Juneau road system
5 fish stocks are not near or reasonably accessible to any
6 rural community.

7
8 In Alaska v. Federal Subsistence Board,
9 the Court upheld a C&T determination for Chistochina
10 residents to take moose upon all federal lands within
11 Game Management Unit 12 based on: (1) the assumption,
12 which the Court thought had support in the record, that
13 the populations of moose which had been historically
14 taken by Chistochina residents within a 2500 square mile
15 area were the same populations of moose on other federal
16 lands within the Unit; and that (2) the alternate
17 rationale, somewhat dependent on the first, that the
18 Federal Board was justified by a benefit to management in
19 designating a C&T area for Chistochina to take those
20 moose within all 5,900 square miles of federal lands
21 within the Board's pre-determined areas A, B, and C,
22 rather than being required to carve out a new area for
23 Chistochina limited to just the 2,500 square miles of
24 that community's actual historic use. Id. at 1096-97,
25 1099-1100.

26
27 On the Juneau road system, the situation
28 is far different from what the Ninth Circuit Court
29 believed the situation to be for moose in GMU 12. First,
30 salmon and trout stocks found in individual streams on
31 the Juneau road system represent distinct stocks.
32 Evidence of take of the same general species of fish in
33 other districts, or even in other portions of the same
34 districts, cannot be used to establish historic taking of
35 the specific stocks on the Juneau road system. The
36 Federal Board has not developed a customary and
37 traditional use determination specific to fresh waters of
38 Districts 11 or 15. It is extremely unlikely that any
39 rural community would be able to provide substantial
40 evidence of the customary and traditional use factors for
41 any fish stock on the Juneau road system.

42
43 Second, there has been no historic
44 customary and traditional taking of the specific fish
45 stocks on the Juneau road system by any Southeast rural
46 community. The Juneau stocks are different stocks of
47 fish than those which any Southeast rural community has
48 historically taken. Moreover, federal and state
49 fisheries management both benefit by utilizing a separate
50 regulatory framework for these easily accessed high use

1 waters where fish stocks must be managed through much
2 more conservative regulations than are required in other
3 areas of the districts. Separating out this nonrural
4 area also allows the Federal Board to carry out its
5 responsibilities of balancing the competing purposes of
6 ANILCA and avoiding unnecessary restrictions on
7 nonsubsistence users.

8

9

Impact on Subsistence Users:

10

11

Although both Southeast Alaska general
12 federal subsistence fishery permits and the Southeast
13 Alaska spring steelhead permits allow fishing on the
14 Juneau road system and require reporting of harvest by
15 stream, no federal subsistence harvests by rural
16 residents have been reported for the freshwaters of the
17 road system within the City and Borough of Juneau
18 boundaries. In fact, only two sport-caught fish were
19 reported as having been caught by rural residents of
20 Southeast Alaska on the Juneau road system by responders
21 to the Statewide Sport Fish Harvest Survey from 2004
22 through 2006. There is no evidence of customary and
23 traditional taking of specific fish stocks for
24 subsistence use by any rural resident in freshwaters that
25 cross the road system within the City and Borough of
26 Juneau boundaries. Meaningful subsistence fishing
27 priorities for rural residents exist in streams that are
28 closer to their respective communities. Eligible rural
29 residents would have to travel substantial distances by
30 boat or airplane in order to fish on Juneau roads, and
31 such harvest would not be cost effective. Based on the
32 lack of documentation of any subsistence use, the Federal
33 Board should exempt the fresh waters of the Juneau City
34 and Borough road system area from region-wide regulations
35 by making a negative customary and traditional finding
36 for all communities for all fish stocks in freshwaters
37 that cross the road system within the City and Borough of
38 Juneau boundaries. This action would have no impact on
39 federally qualified rural subsistence users.

40

41

Opportunity Provided by State:

42

43

State regulations provide for a variety
44 of sport fishing opportunities in freshwaters and
45 adjacent shoreline areas, but these opportunities are
46 more restricted than elsewhere in Southeast Alaska. Most
47 people fish for subsistence and recreational use in
48 marine waters. The Department's sport fisheries website
49 for the Juneau road system lists only 15 freshwater
50 streams and, although saltwater shoreline areas are also

1 available for anglers to fish, fishing in saltwater for
2 trout and Dolly Varden is more restricted and subject to
3 lower bag limits than in other areas of Southeast Alaska.
4 Nearly all freshwater sport fishing activity (roughly
5 80%) along the Juneau road system takes place in four
6 primary streams (Cowee Creek, Montana Creek, Peterson
7 Creek, and Fish Creek). Fish populations in these
8 streams are relatively small. Given Juneau's relatively
9 large human population and road access, the potential
10 exists for over harvesting local fish resources if
11 additional harvest opportunity is provided. Several
12 small roadside streams are closed to sport fishing
13 altogether, and others are closed to salmon or Dolly
14 Varden fishing. Restrictive bag and possession limits
15 are in effect for many species as well. Juneau roadside
16 bag limits, possession limits, and size requirements
17 differ in several respects from regional regulations.
18 Bag and possession limits have been reduced for coho
19 salmon, sockeye salmon, and Dolly Varden. In addition,
20 cutthroat trout size limits are more conservative in the
21 Juneau area than in other areas of Southeast Alaska.
22 These restrictions on Dolly Varden and cutthroat trout
23 are also effective in all salt water adjacent to the
24 Juneau City and Borough road system to a line one mile
25 offshore.

26
27 Because Juneau is a non-rural area,
28 residents of Juneau who historically used fish stocks in
29 the area are ineligible to participate in the federal
30 subsistence fishery and cannot qualify for a federal
31 customary and traditional use determination. The
32 existing federal subsistence regulations could lead to
33 even more restrictions on non-federally qualified users
34 (e.g., Juneau residents) in the non-rural area along the
35 Juneau road system on both state and federal lands.
36 These further restrictions could potentially force Juneau
37 residents to travel long distances to rural areas to
38 participate in freshwater sport fisheries. They might
39 also result in increased state subsistence and personal
40 use participation in these areas. They could thus create
41 increased competition and be detrimental to the
42 satisfaction of subsistence needs in those rural areas.
43 Further state restrictions along the Juneau road system
44 would also impact opportunities for those who relocate
45 from rural areas to Juneau and rely upon opportunity in
46 the Juneau area to continue their fishing activities.

47
48
49
50

Conservation Issues:

While conservation concerns are not a

1 factor in the Federal Board's C&T analysis, they do
2 provide a common sense rationale for separating the
3 Juneau Road system and specific stocks in the area from
4 other remainder areas of Southeast Alaska and for making
5 sure that only communities with established customary and
6 traditional use of the specific stocks in the area
7 receive a federal subsistence priority on those stocks.
8 The Department has continually expressed conservation
9 issue concerns to the Federal Board about sustainability
10 of highly accessible fisheries on the Juneau road system
11 if these fisheries are subjected to any participation
12 under liberal federal subsistence harvest regulations.
13 This proposal specifically requests a Customary and
14 Traditional determination for specific fish stocks in a
15 specific area. Comments illustrating the Department's
16 ongoing concerns and conservation issues were previously
17 presented to the Federal Board for proposals FP06-31,
18 FP08-04, the Department's Fisheries Request for
19 Reconsideration 06-05, and FP09-04.

20

21 Jurisdiction Issues:

22

23 According to the Department's Fish
24 Distribution Database, the majority of fish habitat and
25 documented fish observations in these streams are not
26 located within federal lands. Some streams have
27 relatively inaccessible headwaters on federal land, but
28 they flow through State, private, and other land
29 ownership and are not within the Tongass Forest boundary
30 prior to crossing Juneau roads to enter marine waters.
31 Other streams along the Juneau road system flow entirely
32 on non-federally owned land. We request that the federal
33 maps be corrected to accurately portray the Tongass
34 Forest boundary, which specifically excludes a
35 significant portion of the Juneau area. The Juneau area
36 was an exclusion from the Tongass Forest long before
37 statehood.

38

39 In order for rural residents to know
40 where they can legally participate in federal subsistence
41 fisheries, and to aid enforcement personnel in
42 determining whether activities are legal, we request
43 detailed land status maps depict specific boundaries of
44 waters claimed to be within federal subsistence
45 jurisdiction. Maps provided by the federal program are
46 not accurate enough to ensure federal subsistence users
47 do not inadvertently fish from lands not claimed under
48 federal jurisdiction. Significant portions of lands
49 surrounding the Juneau road system are bordered by state
50 or private lands, where there either is no federal

1 jurisdiction or where persons cannot participate in
2 federal subsistence fisheries while standing on
3 non-federal lands.

4

5 Recommendation:

6

7 Support.

8

9 CHAIRMAN ADAMS: Thank you. Questions of
10 the young lady, anyone?

11

12 (No comments)

13

14 MS. SILLS: Oh. No, I'm sorry, I thought
15 that was the end of it. I have more.

16

17 (Laughter)

18

19 CHAIRMAN ADAMS: Please proceed.

20

21 MS. SILLS: Second, there's been no
22 historic customary and traditional taking of the specific
23 fish stocks on the Juneau road system by any Southeast
24 rural community. The Juneau stocks are different stocks
25 of fish than those which any Southeast rural community
26 has historically taken.

27

28 For impact on subsistence users.
29 Although both Southeast Alaska general Federal
30 subsistence fishery permits and the Southeast Alaska
31 spring steelhead permits allow fishing on the Juneau road
32 system and require reporting of harvest by stream, no
33 Federal subsistence harvest by rural residents have been
34 reported for the freshwaters of the road system within
35 the city and borough of Juneau boundaries. There's no
36 evidence of customary and traditional taking of specific
37 fish stocks for subsistence use by any rural residents in
38 freshwaters that cross the road system within the city
39 and borough of Juneau boundaries. Meaningful subsistence
40 fishing priorities for rural residents exist in streams
41 that are closer to their respective communities.

42

43 Based on the lack of documentation of any
44 subsistence use, the Federal Board should exempt the
45 freshwaters of the Juneau city and borough road system
46 from region wide regulations by making a negative
47 customary and traditional finding for all communities,
48 for all fish stocks in freshwaters that cross the road
49 system within the city and borough and Juneau boundaries.
50 This action would have no impact on Federally-qualified

1 rural subsistence users.

2

3 Conservation issues. While conservation
4 concerns are not a factor in the Federal Board's C and T
5 analysis, they do provide a common sense rationale for
6 separating the Juneau road system and specific stocks in
7 the area from other remainder areas of Southeast Alaska
8 and for making sure that only communities with
9 established customary and traditional use of the specific
10 stocks in the area receive a Federal subsistence priority
11 on those stocks.

12

13 According to the Department's fish
14 distribution data base a majority of fish habitat and
15 documented observations in these streams are not located
16 within Federal lands. Some streams have relatively
17 inaccessible headwaters on Federal land, but they flow
18 through State, private and other land ownership and are
19 not within the Tongass Forest boundary prior to crossing
20 Juneau roads to enter marine waters. Other streams along
21 the Juneau road system flow entirely on non-Federally
22 owned land. We request that the Federal maps be
23 corrected to accurately portray the Tongass Forest
24 boundary which specifically excludes a significant
25 portion of the Juneau area. The Juneau area was an
26 exclusion from the Tongass Forest long before statehood.

27

28 I guess our recommendation is to support.
29 And that's all.

30

31 CHAIRMAN ADAMS: Do you have any more,
32 are you sure?

33

34 (Laughter)

35

36 CHAIRMAN ADAMS: Okay. Any questions of
37 anyone from the Council.

38

39 (No comments)

40

41 CHAIRMAN ADAMS: Thank you, ma'am,
42 appreciate it.

43

44 (No comments)

45

46 CHAIRMAN ADAMS: Okay. Other Federal,
47 State and Tribal Agency comments.

48

49 (No comments)

50

1 CHAIRMAN ADAMS: Interagency comment.
2 Mr. Kessler.

3
4 MR. KESSLER: Thank you, Mr. Chairman.
5 Council Members. On this one the Interagency Staff
6 Committee does have some comments for you.

7
8 The OSM preliminary conclusion for
9 deferred FP09-15 recommends that a no Federal subsistence
10 be applied for all fish, for all Federal public waters
11 crossed by roads connected to the city and borough of
12 Juneau road network in the Juneau non-rural area. As far
13 as we know such a broad closure to harvesting of an
14 entire group of animals by Federally-qualified
15 subsistence users has never been adopted by the Federal
16 Subsistence Board. The Board however has adopted no
17 Federal subsistence priority determinations for
18 individual wildlife species in several instances in other
19 areas of the state. The Council needs to consider the
20 justification for such a broad closure to all fish.

21
22 During previous consideration of this
23 action by both the Southeast Council and the Federal
24 Subsistence Board a no Federal subsistence priority for
25 these systems was rejected. The Federal Subsistence
26 Board most recently deliberated this proposal on January
27 13th, 2009 as documented in approximately 36 pages of
28 transcripts. The Board deferred action on this proposal
29 until a more complete analysis could be done for all of
30 fishing Districts 11 and 15. And I've made available to
31 you transcript copies of the Board's deliberation. They
32 should have been -- I think they were handed out this
33 morning.

34
35 One statement of rationale from the
36 proponent which is quoted in the proposal is that quote,
37 additional State restrictions are anticipated due to the
38 unsustainable current Federal subsistence fishery
39 authorizations if even a few residents -- rural residents
40 participate. So this was one of the reasons they give
41 for making this proposal originally. We would like to
42 point out that the Federal fisheries are closely
43 monitored and it is unlikely that Federal subsistence
44 fisheries would ever become unsustainable in the Juneau
45 road area especially since no harvests have been reported
46 from streams in the Juneau road system area to date.

47
48 One other thing I would like to just
49 point out and this was -- it's just right in your book
50 and it's just sort of a follow-up from some of the

1 discussion about sport fish use, I just want to point to
2 Page 148 and it's the first full paragraph from the
3 bottom and it talks about the -- about sport fish use.
4 And just -- I just want your attention brought to this so
5 that you can understand a little further about the sport
6 fish use in the area, that paragraph -- that's the
7 paragraph that starts with some data are available from
8 the statewide sport fish harvest data. And further down
9 it lists from 1996 to 2006 there were 107 responses to
10 the statewide harvest survey from rural residents of
11 Southeast Alaska who reported sport fishing in Districts
12 11 and 15. Of these 107 entries, 32 fished in
13 freshwaters and further examination of which streams were
14 fished found that 24 of these streams were for waters
15 crossed by the Juneau road system including fishers from
16 the communities of Skagway, Sitka, Wrangell, Pelican,
17 Haines and Gustavus. And there's the point I wanted to
18 make by pointing you at this area is that in most cases
19 the sport fish surveys give fairly general information,
20 there was a little bit of a discussion that you had that
21 in this situation we actually know that these instance of
22 sport fishing were actually on the waters crossed by the
23 Juneau road system, not just in marine waters.

24
25 And I don't have any other information
26 besides that. I can't tell you what people were doing,
27 it's only data points.

28
29 CHAIRMAN ADAMS: Any.....

30
31 MR. KESSLER: Thank you.

32
33 CHAIRMAN ADAMS: Thank you. Any
34 questions. Cathy. Go ahead.

35
36 MS. NEEDHAM: Thank you. Mr. Chair. Mr.
37 Kessler, you mentioned that there have been examples of
38 this type of action taking place in other areas about
39 specific -- but you said it was for specific species and
40 my question is was this action taken -- was there a
41 conservation concern on that species at the time and was
42 there a concern that harvest would be limiting that and
43 is that why that particular action was taken previously
44 or do we know?

45
46 MR. KESSLER: Ms. Needham, through the
47 Chair. I don't think that there -- that conservation was
48 a specific issue in some of these. So for instance this
49 Council did deliberate at one point whether there should
50 be a customary and traditional use determination for elk

1 in Unit 3, Etolin Island. And this Council determined
2 that and made a recommendation to the Board that there
3 shouldn't be and I think that was mostly based on --
4 there was an introduction of a short period of time, not
5 that there was a conservation concern. Unit 1 deer was
6 -- is another one of those. I don't think there was
7 conservation concern there though I'm not sure, in 1D.
8 Unit 6 brown bear, Unit 7 brown bear, there was -- there
9 have been a series of them which certainly were not
10 conservation concerns. But all those were for, you know,
11 individual species and individual locations, specific
12 locations.

13

14 MS. NEEDHAM: Thank you.

15

16 CHAIRMAN ADAMS: Go ahead, Donald.

17

18 MR. HERNANDEZ: Thank you, Mr. Chairman.
19 Mr. Kessler, the State in their testimony references the
20 Chistochina court decision. They seem to use that as a
21 basis for a lot of their rationale on this proposal. Can
22 we get a -- kind of an analysis from Federal Staff on
23 what they think that Chistochina decision -- how that
24 applies to this situation or is somebody prepared to
25 brief on that as a counter to what the State says?

26

27 MR. KESSLER: Mr. Hernandez, through the
28 Chair. We don't have such an analysis at this point.
29 There is a little bit of information in this transcript
30 that I handed out because when the Board deliberated this
31 proposal and decided to defer it this Chistochina case,
32 the Ninth Circuit had just ruled on that case. And so
33 there's a little bit of information that can be gleaned
34 from here. As far as additional information I'm sure
35 there will be additional discussion at the Board meeting
36 and I would say if there's specific questions that you
37 have as a Council we would take that -- we would take
38 those questions to the attorneys and see what sort of,
39 you know, positions we have. I'm not -- I'm not ready to
40 speak to any of these legal issues right here.

41

42 DR. WHEELER: Mr. Chair. Neither Steve
43 nor I are lawyers so obviously you probably don't want to
44 take this to the bank, but -- this is Polly Wheeler with
45 Office of Subsistence Management. What I will say about
46 the Chistochina decision is that our attorneys, the
47 Solicitor's Office and Office of General Counsel, have
48 all said that the Chistochina decision affirms the
49 process that the Regional Counsels and the Federal Board
50 have used with regard to making customary and traditional

1 use determinations. So that's a statement that I can
2 make in the affirmative. I can also say that having gone
3 to several meetings or a number of meetings since that
4 decision was made, it's interesting to see that both
5 sides seem to claim that they won, but we all know that
6 with legal decisions there's usually one that prevails.
7 But, you know, our attorneys say that it affirms the
8 Board process, it affirms how the Regional Advisory
9 Councils have dealt with the customary and traditional
10 use determinations and I think there's probably some
11 differences of opinion with regard to who won and what
12 the decision actually said. Words are everything and we
13 can parse words until the cows come home.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN ADAMS: Thank you, Polly.

18 Anyone else. Go ahead, Steve.

19

20 MR. KESSLER: Just one other comment
21 related to the State's comments. And I'm looking at Page
22 162 under jurisdiction issues. Some of these issues
23 actually were not solved or not even discussed in the
24 Chistochina Ninth Circuit ruling, but for instance this
25 jurisdictional issue is right now in front of the Ninth
26 Circuit in the Katie John case. So where -- in these
27 comments in bold that some of these -- this
28 jurisdictional question within the Tongass National
29 Forest prior to crossing Juneau roads to enter marine
30 waters, all of that is still part of current litigation,
31 not past litigation.

32

33 CHAIRMAN ADAMS: Thanks. Thank you,
34 Steve. Okay. Does anyone from any subsistence resource
35 commissions have a comment to make?

36

37 (No comments)

38

39 CHAIRMAN ADAMS: Fish and Game Advisory
40 Committee.

41

42 (No comments)

43

44 CHAIRMAN ADAMS: Written comments, Mr.
45 Larson.

46

47 MR. LARSON: Mr. Chair. Yes, we have one
48 written comment, it's contained in a letter dated
49 September 21st that I've distributed previously to the
50 Council. It's from the Douglas Indian Association and

1 I'll just read maybe some excerpts for the record out of
2 this letter. They take exception to comments issued by
3 the Alaska Department of Fish and Game that there's no
4 evidence of customary and traditional use of Juneau area
5 fish stocks by any rural resident. They reference that
6 at the time when Juneau was discovered by the Juneau gold
7 seekers, Mr. Juneau and Mr. Harris in 1880, there were
8 two permanent villages, in Douglas and Treadwell, there
9 was the summer fish camp and the Auke Tribe and there was
10 a permanent village in Auke Bay. And there were eight
11 villages that were occupied and half as many forts within
12 a 25 mile radius of Juneau. They summarize their letter
13 by saying that the Juneau Indian Association objects to
14 the characterization that there was no customary and
15 traditional use of the Juneau area fish stocks and they
16 request that ADF&G and other agencies as well follow the
17 lead of certain federal agencies in working with local
18 tribes in developing their traditional ecological
19 knowledge.

20
21 That's the only written public comment we
22 have.

23
24 CHAIRMAN ADAMS: Thank you. Comment.

25
26
27 MR. KOOKESH: Mr. Chairman. Just for the
28 record the document doesn't seem very long, is it
29 possible just to read the whole thing into the record
30 instead of having just the excerpts.

31
32 CHAIRMAN ADAMS: Go ahead.

33
34 MR. LARSON: Mr. Chairman. I'll read the
35 entire letter.

36
37 To Whom it May Concern. The Douglas
38 Indian Association is a Federally recognized tribe
39 pursuant to the Indian Reorganization Act of June 18th,
40 1934. Our tribal membership includes descendants of the
41 traditional territory of the Juneau and Douglas and other
42 Alaska Natives and American Indians residing in our
43 region.

44
45 We take exception to comments issued by
46 the Alaska Department of Fish and Game because the Juneau
47 non-rural area has no specific customary and traditional
48 use determinations and there is no evidence of a
49 customary and traditional use of Juneau area fish stocks
50 by any rural resident.

1 Juneau city and borough settled in 1880.
2 Although other communities such as Wrangell and Skagway
3 origins are designated traditional Tlingit. On its
4 historical overview ADF&G stated Russians have limited
5 influence on the Tlingit largely because they were unable
6 to conquer them outside of Sitka. In the last comment
7 legal opinion showed Alaska Natives under the Russian
8 rule enjoyed rights and privileges that would evaporate
9 as the Americans purchase the right to occupy Alaska.

10
11 The imperial law of Russia recognized the
12 settled tribe -- the settled Natives including the
13 Aleuts, Kodiaks, Eskimos and Tlingit who embraced the
14 Christian faith as Russian citizens on the same footing
15 as white subjects. The other comments can be
16 characterized with the assumption that Juneau was not
17 inhabited and no customary and traditional use of Juneau
18 existed prior to the discovery of gold by Juneau and
19 Harris in 1880.

20
21 It was the Tlingit, one in particular,
22 Chief Cowey, who brought these two gold seekers to
23 Juneau. At the time there were two permanent villages in
24 Douglas and Treadwell and the present site of Juneau was
25 a summer fish camp for the Auke Tribe who had a permanent
26 village in Auke Bay. Anthropologists have shown
27 historically eight villages that were occupied and half
28 as many forts within a 25 mile radius of Juneau.

29
30 Those community profiles for the North
31 Pacific Fisheries, Alaska, Southeast Alaska, City and
32 Borough of Juneau states, the area has been previously
33 inhabited by Tlingit groups. They had developed an
34 ecologically adapted system of life based on hunting,
35 fishing and gathering practices combined with complex
36 trading networks. The Gastinall Channel was one of their
37 main fishing grounds. In fact, records exist showing
38 that after Chief Cowey's transgression, other chiefs from
39 the Taku and Auke Tribes organized and petitioned for
40 protection from the influence and aggression of the white
41 man in the Juneau area.

42
43 To summarize, the Douglas Indian
44 Association objects to the characterization that there
45 was no customary and traditional use of the Juneau area
46 fish stocks and we request that ADF&G and other agencies
47 as well follow the lead of certain Federal agencies in
48 working with local tribes in developing their traditional
49 ecological knowledge. Sincerely, Frank Meosoto,
50 President.

1 CHAIRMAN ADAMS: Thanks. So for the
2 record that is recorded. Thank you, Bob.
3
4 Okay. Anymore comments.
5
6 (No comments)
7
8 CHAIRMAN ADAMS: We are now in Council
9 deliberation. What's the wish of the Council?
10
11 Cathy, I was wondering when -- you really
12 woke up this afternoon didn't you?
13
14 MS. NEEDHAM: I had my sugar. Thank you,
15 Mr. Chair.
16
17 (Laughter)
18
19 MS. NEEDHAM: I have mixed feelings about
20 this proposal, in particular -- oh, we need a motion.
21
22 CHAIRMAN ADAMS: Yeah. I thought you
23 were going to make a motion.
24
25 MS. NEEDHAM: I know, I forgot to make a
26 motion.
27
28 CHAIRMAN ADAMS: There's our motion man
29 right there. Go ahead.
30
31 MR. BANGS: I'll make a motion that we
32 recess until morning.
33
34 CHAIRMAN ADAMS: I'll second that.
35
36 (Laughter)
37
38 CHAIRMAN ADAMS: Are you serious?
39
40 MR. BANGS: I -- yeah, I'm serious. If
41 nobody seconds it that's fine. I just thought that it
42 was getting late and there's a lot of questions and this
43 thing is going to take a while, I think, to deal with.
44 But it's up to the Council, I just offered that motion.
45
46 Thank you.
47
48 CHAIRMAN ADAMS: Okay. What's the wish
49 of the Council? We've got -- the next item is -- yeah,
50 what do you want to do, do you want to go ahead and

1 recess?
2
3 MR. LARSON: There's a motion on the
4 floor.
5
6 CHAIRMAN ADAMS: Is there a second?
7
8 MR. HERNANDEZ: Yeah, Mr. Chairman.
9 Thank you.
10
11 CHAIRMAN ADAMS: We need a second.
12
13 MR. HERNANDEZ: You might want to put it
14 on the -- you might want to put it on the table tonight,
15 but, you know, we were given this transcript from the
16 Federal Subsistence Board this morning.....
17
18 CHAIRMAN ADAMS: Yeah.
19
20 MR. HERNANDEZ:and, you know, we
21 haven't had a chance to review it here. I would like to
22 do that tonight before we deliberate. So.....
23
24 CHAIRMAN ADAMS: Yeah. We do have a
25 motion on the floor so we need a second in order to
26 proceed any further. Dies for lack of second.
27
28 MS. NEEDHAM: Second.
29
30 CHAIRMAN ADAMS: Oh, you second. Okay.
31 All in favor say aye.
32 IN UNISON: Aye.
33
34 CHAIRMAN ADAMS: Opposed.
35
36 (No opposing votes)
37
38 CHAIRMAN ADAMS: We are recessed until --
39 could we start at 8:00?
40
41 MR. LARSON: We can start anytime you
42 want to.
43
44 CHAIRMAN ADAMS: Because breakfast is at
45 7:30.
46
47 MR. LARSON: We can do -- we can skip
48 breakfast. I don't know.
49
50 CHAIRMAN ADAMS: Okay. Council members,

1 we'll reconvene here tomorrow morning at 8:30. Okay.
2 Give us time to get breakfast and up here. Okay.

3

4 (Off record)

5

6 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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

THAT the foregoing pages numbered 49 through 207 contain a full, true and correct Transcript of the SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME II taken electronically by our firm on the 29th day of September 2010, beginning at the hour of 9:00 o'clock a.m. at Hoonah, Alaska;

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

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

DATED at Anchorage, Alaska, this 8th day of October 2010.

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