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1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3

4

5 VOLUME II

6

7 October 1, 2002

8 ANS/ANB Hall

9 Hoonah, Alaska

10

11 COUNCIL MEMBERS PRESENT:

12

13 William C. Thomas, Chair

14 Dolly Garza, Vice Chair

15 Marilyn R. Wilson, Secretary

16 Bert Adams

17 Floyd Kookesh

18 Clarence "Butch" Laiti

19 Richard Stokes

20 Patricia A. Phillips

21 Michael Douville

22 John Littlefield

23 Harold Martin

24

25

26 Robert Schroeder, Coordinator

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1 PROCEEDINGS

2

3 (Hoonah, Alaska - 10/1/2002)

4

5 (On record)

6

7 CHAIRWOMAN GARZA: I'll call the meeting
8 to order. Bill is on his way. There were several things
9 we needed to do this morning to allow people to leave or
10 whatever. There was a Sitka proposal, there was a FACA
11 and meeting schedules. Is there any preference for the
12 order? Do you want to start with your proposal now?
13 Looking at the agenda, we are on fishery proposals. We
14 amended Proposal 27 and passed it. We are now moving to
15 Proposal 20. That looks like we're going to have Terry
16 start the presentation.

17

18 MR. SUMINSKI: Mr. Chair, Terry Suminski,
19 subsistence fisheries biologist. Proposal 20, submitted
20 by the Sitka Tribe of Alaska, requests closing the
21 Redoubt Lake watershed and part of Redoubt Bay to sockeye
22 salmon fishing except by Federally qualified subsistence
23 fisherman under the terms of a Federal subsistence
24 fishing permit. The proponent also requests changes to
25 the sockeye salmon harvest limit, open season. The
26 proponent believes that Federal jurisdiction should
27 extend into marine waters and the entire fishery should
28 be under a Federal fishing permit. The proponent is
29 concerned about conflict of non-federally qualified users
30 who conflict with State and Federal regulations and
31 reductions in the resource.

32

33 In discussions with the proponent in May
34 of 2002, the proponent clarified an oversight of the
35 proposal. It was intended to have no closed season. You
36 can see that on your page 55. It should be a no closed
37 season instead of open season from June 1 to August 15.
38 This fishery is relatively close to Sitka. It's located
39 on Baranof Island, about 90 nautical miles south of
40 Sitka. The Federal Subsistence Board in their December
41 2001 meeting adopted regulations for the managing of
42 sockeye in the freshwater of Redoubt Lake. These
43 regulations were a response to a proposal submitted by
44 Sitka Tribe that was appealed.

45

46 Federal and State subsistence regulations
47 are the same as the proposal for allowable gear types,
48 except rod and reel, which is allowed under Federal
49 regulations but not under State regulations. Federal and
50 State open seasons are the same while the proposal asks

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1 for a year-round open season. Bag limits are all varied.
2 Federal regulations have a household limit of 10 sockeye.
3 State subsistence regulations have a possession limit of
4 10 and an annual limit of 50 sockeye. The State
5 sportfishing limit is six per day and 12 in possession.
6 The proponent is asking for a daily limit of 25 sockeye
7 and annual limit of 50.

8

9 The biological background, the weir has
10 been operated by the Forest Service and ADF&G in an
11 outlet of Redoubt Lake nearly every year since 1981.
12 Sockeye escapement is trending up; however, the 2000 and
13 2001 escapements were 2,948 and 3,661 despite early
14 season closures of sport and subsistence fisheries. This
15 year sockeye salmon return to the weir at Redoubt Lake
16 has been monitored by weir since June 8th. Total
17 escapement for this year was nearly 24,000. This
18 escapement is above the annual average escapement of
19 21,341 during that period from '82 to 2001.

20

21 Regarding the jurisdiction portion, the
22 Federal Subsistence Board does not have the authority to
23 extend Federal jurisdiction into marine waters. As far
24 as the freshwater closure portion, Sitka residents
25 accounted for 98 percent of the sockeye harvested from
26 '93 to 2001. From '93 to 2000, non-resident anglers
27 counted for 17 percent of the sockeye harvested by sport
28 anglers in freshwater, which amounts to about 25 sockeye
29 per year.

30

31 Subsistence harvest at Redoubt has been
32 closely related to escapement levels. When escapement is
33 high, subsistence users, as well as all users, harvest
34 more fish. The harvest of sockeye salmon in the system
35 by non-Sitka resident subsistence users and non-state
36 resident sport users from '84 to 2001 amounted to 0.3
37 percent of the terminal sockeye run, the whole return.

38

39 As far as a permit requirement, this
40 proposal has adopted subsistence users who have a
41 positive C&T determination would have to obtain a fellow
42 subsistence fishing permit to fish in freshwater. This
43 would be in addition to an ADF&G subsistence fishing
44 permit to fish in marine waters and freshwater. Gill
45 harvest reporting will result in a reduction of data
46 quality in the harvest reporting system and confusion of
47 fishermen. We saw that this year. An additional source
48 of confusion is differing State and Federal requirements
49 for harvesting sockeye.

50

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1 The harvest limit. If the proposed bag
2 limit was adopted, the daily limit would be 25 sockeye
3 with an annual limit of 50. The number of dipnet fishing
4 sites is very limited on the falls at Redoubt. A daily
5 limit of 10 sockeye per day would allow more subsistence
6 users to cycle in and out of the fishery. In years of
7 lower sockeye abundance, this lower daily limit will
8 allow protection of the stock, help reduce crowding of
9 the users and reduce the need for end-season action by
10 managers. In years of higher sockeye abundance, state
11 managers have the in-season authority to increase the
12 daily limit to 25 sockeye per day. Federal managers
13 would have the same authority if this proposal is not
14 adopted.

15
16 Staff recommendation is to oppose the
17 proposal. The reasons for that is the Federal
18 Subsistence Board does not have the authority to extend
19 Federal jurisdiction into marine waters at this time.
20 Overall, the harvest of sockeye salmon in this system by
21 non-Sitka residents subsistence users and non-state
22 resident sport users from '84 to 2001 is .03 percent of
23 the terminal sockeye run. ANILCA Section 815, Section 3,
24 does not allow the restriction of non-subsistence users
25 unless necessary for the conservation of healthy
26 populations of fish and wildlife or to continue
27 subsistence uses of such populations.

28
29 Closing the freshwater to all the
30 Federally-qualified subsistence users would not
31 noticeably benefit subsistence users or increase
32 escapement. The proposed closure would unnecessarily
33 restrict non-federally-qualified users. We have lake
34 sockeye closely monitored. Using Staff assessment
35 information and in-season management authority, Federal
36 state fisheries managers can protect the stock in times
37 of low escapement while providing subsistence fishing
38 priority during times of abundance.

39
40 Codifying regulations of systems such as
41 Redoubt reduces the flexibility of local managers to
42 respond to the needs of subsistence users and changes in
43 sockeye abundance. The State Board of Fish has supported
44 the development of a management plan for Redoubt sockeye.
45 A task force consisting of Sitkans with diverse interests
46 has been organized by the Sitka Fish & Game Advisory
47 Committee to make recommendations to the committee, which
48 will then make recommendations to the State Board of
49 Fish.

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1 Oposing this proposal will allow the
2 Federal Codified Regulations for 2002 to sunset. This
3 would allow the flexibility needed for the recently
4 initiated management plan process to work.

5
6 Thank you.

7
8 I'll be happy to answer any questions.

9
10 CHAIRWOMAN GARZA: Are there any
11 questions for Terry? Butch.

12
13 MR. LAITI: Your returning numbers for
14 2000 and 2001, is there any reason why they're so low?
15 Does anybody have an idea?

16
17 MR. SUMINSKI: There's various theories.
18 One is that the fertilization project was discontinued.

19
20 MR. LAITI: Parent years look pretty
21 strong.

22
23 MR. SUMINSKI: What's that?

24
25 MR. LAITI: The parent years for those
26 years look pretty strong.

27
28 MR. SUMINSKI: When the fry were in the
29 lake, it was not fertilized and I think a combination of
30 the fry weren't actually fertilized, plus there was an
31 abundance of fry but the nutrient level was low, so that
32 the probably didn't survive as well as they could have.

33
34 MR. LAITI: Is that a fact?

35
36 MR. SUMINSKI: It's a theory, at best.

37
38 CHAIRWOMAN GARZA: John.

39
40 MR. LITTLEFIELD: Thank you, Madame
41 Chair. On page 65, you have a graph of the Redoubt Lake
42 escapement and harvest. I graphed it out myself and left
43 out escapement because the escapement of 80,000, using
44 that as the top bar, doesn't give me the true picture in
45 my opinion of what's happening at Redoubt. And when I
46 draft that, and referring to your old notes on page 70 in
47 the justification where you say from 1984 to 2001 sport
48 use was 0.3 percent, what's happening here at Redoubt is
49 we have basically a non-existent pre-'90s sport fishery
50 that grew, if you look, in 1999. That 37 percent of the

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1 fish actually taken at Redoubt were taken by sport
2 fishery. So when you graph this going from 1991 to '92
3 where there was zero take, what you see is a graph like
4 this, and I just want to make it clear to you that maybe
5 you're not seeing how dramatic that increase was on this
6 graph because of the scale. In other words, you're
7 looking at very small numbers on this page 65 and it
8 looks almost like a straight line, but that sport take
9 has actually increased by year 1999 to 37 percent of the
10 total take. Could you comment on that, whether that's a
11 misinterpretation or not?

12

13 MR. SUMINSKI: There's two parts to that,
14 but the first one is that all the user groups are
15 trending up and that's related to the increase in
16 escapement. That's the statement I had before. My view
17 is that as the escapement increases, all the groups are
18 doing better. So not only has sport increased, but also
19 the subsistence harvest has increased along with
20 escapement. The other part of that is the sport harvest
21 is mainly by Sitka residents that are choosing to sport
22 fish or snag sockeye in saltwater as opposed to going up
23 in the falls and dipnetting. That's where that 0.3
24 percent figure comes in. I was trying to isolate the
25 people that would not normally -- would be the
26 non-federally-qualified people participating in the
27 fishery and that's very low, those numbers of people. I
28 recognize there is an increase like you said, but I think
29 it's more related to escapement. I don't know if that
30 satisfies you.

31

32 MR. LITTLEFIELD: The number is correct,
33 right, the 37 percent? It's gone from zero to 37
34 percent. Do you dispute that? Zero in 1991-92 to 37
35 percent of the take.

36

37 MR. SUMINSKI: It might be. I don't
38 know. I'd have to look at the numbers. I don't think I
39 calculated that.

40

41 CHAIRWOMAN GARZA: So I think what John
42 is referring to is on page 64, Table 1. Do you see the
43 ADF&G subsistence personal use harvest, next to it the
44 statewide sport harvest. That first column under
45 saltwater you look at '91-'92, it's zero. If you look at
46 '99, it's 2,840. So a significant increase in harvest by
47 sport. When I was living there, a majority of that
48 harvest was by six charter boats coming in which had not
49 come in before.

50

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1 I guess one of the questions I had for
2 you, Terry, is in your presentation it sounded like the
3 Staff came to the conclusion that there would be no
4 discernible benefit by providing this opportunity and I'd
5 like you to expand upon that conclusion because that's
6 not the conclusion I come to.

7

8 MR. SUMINSKI: I'm sorry. Expand.....

9

10 CHAIRWOMAN GARZA: In your report, you
11 said that there was no discernible benefit by making this
12 change.

13

14 MR. SUMINSKI: That's related to the
15 people that are harvesting now that are not federally
16 qualified whether they're fishing sport or subsistence.
17 Those people that are non-federally qualified account for
18 about 25 sockeye a year. Twenty-five fish in a 3,000
19 escapement is very important, but 25 fish in a 30,000
20 escapement is not noticeable as far as future
21 escapements. That was my interpretation.

22

23 CHAIRWOMAN GARZA: Bert.

24

25 MR. ADAMS: I'm a little ignorant on how
26 sportsmen catch sockeye. Could someone explain that to
27 me? What type of gear are they using.

28

29 MR. SUMINSKI: Rod and reel, mainly
30 snagging.

31

32 MR. ADAMS: Just snagging. So they
33 anchor right in front of Redoubt?

34

35 MR. SUMINSKI: Exactly.

36

37 CHAIRWOMAN GARZA: Mr. Littlefield.

38

39 MR. LITTLEFIELD: Thank you, Madame
40 Chair. Terry, when we consider proposals, we're asked to
41 look at four different rationale and that is are there
42 any conservation concerns with the system, what
43 subsistence opportunity is provided or not, what kinds of
44 information are presented, in other words the graphs and
45 historical data the State has supplied and whether there
46 will be any restrictions on subsistence use. Do you see
47 the subsistence opportunity increasing or decreasing by
48 raising those limits?

49

50 The subsistence users have persistently

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1 said that they want higher daily limits so they can have
2 economy of scale. In other words, they want to go out
3 one time and fill their smokehouse up or try to as
4 opposed to going out every day and getting five fish,
5 which takes them a month to fill up their smokehouse and
6 they burn gas and this is less effective. So, if you
7 accept the proponents 25 and 50, would that be a good
8 thing for subsistence opportunity or neutral or bad?
9

10 MR. SUMINSKI: I think it depends. From
11 a fishery management point of view, I think it would
12 totally depend on the size of the escapement. If there
13 was adequate escapement where people could come into the
14 dipnetting sites, get their fish relatively quickly and
15 then leave so someone else can access those areas, then I
16 don't think it's a problem. But in years with a smaller
17 return or average, below average return, it could
18 potentially take people quite a while to get that many
19 fish while other people had to wait or go somewhere else
20 or something like that. It's kind of an access question.
21

22
23 I think also, with larger limits, there's
24 more potential for in-season action if we're not getting
25 escapement. If it does look to be a large escapement, we
26 could in-season raise limits to 25 or whatever. If this
27 is in regulation, we wouldn't be able to do that. As an
28 in-season manager, we'd have to go back to the Board. I
29 think the higher you get the limit, more people are going
30 to go down there and you would have a higher chance of
31 having to do some in-season action. But I think you're
32 right as far as a person going down would rather take
33 more fish at one time instead of making multiple trips.
34 That's a fact, yeah.
35

36 CHAIRWOMAN GARZA: Thank you, Terry. I
37 think next is ADF&G. Who you are for the record, Tom.
38

39 MR. BROOKOVER: Madame Chair, Council.
40 My name is Tom Brookover. I'm with the Alaska Department
41 of Fish & Game. I'm the regional management coordinator
42 for Sportsfish Division. I'll be providing the
43 department comment for the Redoubt proposal.
44 Essentially, we concur fully with the Federal Staff
45 analysis and we support the preliminary conclusion that
46 Terry presented.
47

48 In discussion before the Regional Council
49 last year we pledged to work with the user groups and the
50 individuals that harvest Redoubt sockeye salmon to take a

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1 stab and attempt to come up with an escapement goal for
2 the system and develop a management plan to guide
3 management of the Redoubt sockeye fisheries. This past
4 April we submitted a proposal to the Board of Fish to
5 formalize a management approach pending the efforts of
6 essentially a working group composed of local users and
7 supported by the staffs.

8

9 As Mr. Suminski mentioned, one of the
10 most significant events at least in our minds that has
11 occurred since the issue was before the Regional Council
12 last year was the formation of this task force. It's
13 formed under the umbrella of the Sitka Advisory
14 Committee. It would be supported by State and Federal
15 staffs as far as providing information and facilitating
16 at the meeting and so forth and it's comprised of
17 representatives of the subsistence fisheries, Sitka Tribe
18 of Alaska is involved, the guided sport, non-guided sport
19 representatives, as well as representatives from the
20 commercial fisheries, seine, trawl and gillnet.

21

22 The task force is scheduled for its first
23 meeting October 28th of this month and our hope
24 essentially is that group will develop an escapement-
25 based management plan that can be distributed to the
26 public some time this fall, well in advance of the Board
27 meeting. The Board is scheduled to take it up in January
28 in Sitka. So, essentially, our comment is we concur with
29 the Federal staff analysis and we feel the task force
30 will make some headway in this regard.

31

32 CHAIRWOMAN GARZA: Mr. Littlefield.

33

34 MR. LITTLEFIELD: Tom, is it within the
35 ability of the task force to recommend no snagging in
36 Redoubt Bay because that's been the problem, all this
37 quote/unquote sport take is all snagged with treble
38 hooks. It's not people out -- there's a very small
39 minority of people who use traditional sport methods with
40 the flies or something like that to catch a sockeye. If
41 you were to recommend to the task force that snagging be
42 prohibited, do you think that the Board would approve
43 something like that, the State Board, or is that a
44 different proposal all together, no snagging by sport
45 fishermen?

46

47 MR. BROOKOVER: Madame Chair, Mr.
48 Littlefield. Yeah, I think that's exactly the kind of
49 thing the task force could do. We typically see
50 proposals come before the Board to eliminate snagging or

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1 allow snagging and that's the kind of thing that the
2 Board of Fisheries would handle as opposed to us, the
3 Department. This group would be ideally the group to
4 make that kind of recommendation and I would imagine if
5 the Board of Fisheries heard that recommendation come
6 from this group in a form of a package, management plan
7 for Redoubt sockeye fisheries, that would weigh heavily
8 with them, but that's fully within the capabilities of
9 the group.

10

11 MR. LITTLEFIELD: Is snagging a permitted
12 method under State regulations for subsistence use or is
13 it only under the sport regulation?

14

15 MR. BROOKOVER: In Southeast, it's not
16 permitted under subsistence use. It may be in specific
17 areas of the state. I'm not sure about that. In the
18 sport fisheries, it is allowed in saltwater in Southeast
19 but prohibited in freshwater and hence the issue at
20 Redoubt Bay regarding the markers and the boundary there.
21 Snagging is essentially permitted outside of that
22 boundary but not inside.

23

24 CHAIRWOMAN GARZA: Mike.

25

26 MR. DOUVILLE: Thank you. I'd like to
27 make a comment about snagging sockeye. Klawock has had
28 trouble with sockeye numbers in the past and snagging is
29 prohibited off the bridge in saltwater or from the bridge
30 up and off the bridge, so it does take place.

31

32 CHAIRWOMAN GARZA: Patricia.

33

34 MS. PHILLIPS: The goal of the Federal
35 Subsistence Management is the subsistence priority and
36 the goal of State Fish & Game is sustained yield, so how
37 are we going to know that the task force that's formed --
38 our goal is to maintain the subsistence priority. How
39 are we going to know those two programs are going to
40 mesh?

41

42 MR. BROOKOVER: Madame Chair, Ms.
43 Phillips. You're correct in that one of our goals is
44 sustained yield to the resource. At the same time, the
45 State does support a subsistence priority. I'll let some
46 others speak to that if need be, but essentially we
47 recognize a subsistence priority among State-managed
48 fisheries. It may be a little bit different than that
49 priority as it's managed under Federal fisheries.
50 Essentially, one of this group's tasks would be to assure

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1 that the subsistence priority is met as well as
2 conservation of the resource. To that end, there will be
3 federal staff participating in the work group that would
4 be there to provide information to the group. If any of
5 the users didn't feel that was already being met, then
6 I'd submit it go back to the drawing table.

7

8 CHAIRWOMAN GARZA: John.

9

10 MR. LITTLEFIELD: Madame Chair. Tom,
11 this may be a question that I should have asked Terry,
12 but it has to do with your department as well. We
13 discussed the sustained salmon yield in Yakutat. The
14 trigger points for management concerns, yield concerns,
15 conservation concerns that are listed in this sustained
16 salmon yield policy all require an escapement threshold.
17 In other words, the State always fell back on the defense
18 of Redoubt. We could never declare anything wrong there
19 because no one had ever said what the escapement
20 threshold was. If I remember correctly, in Yakutat we
21 asked that our staff provide that number to us and I know
22 they've been working and I know you guys have been
23 getting those numbers. Is that number available? Do we
24 know what the minimum escapement threshold is for Redoubt
25 Lake at this time because we've asked for this before?

26

27 MR. BROOKOVER: Madame Chair, Mr.
28 Littlefield. It's not at this time. It's still
29 undergoing review. We have been working on that with our
30 staff. We've shared an early draft with Federal staff.
31 I did talk to our staff that had been working on it prior
32 to coming here and our goal is to make that available, at
33 least in draft form, to the task force on the 28th or
34 before. We're working to add a number of different
35 escapement goals under this escapement goal review that's
36 due from the Department to the Board and the sockeye goal
37 at Redoubt is one of them. It's not available at this
38 time. There are some people that will review it, but are
39 just getting it or are just starting to review it, so I
40 don't have it at this time. Our hope is that we will at
41 least in a draft form for the group on the 28th.

42

43 MR. LITTLEFIELD: Madame Chair. Is it
44 possible to have our Staff comment on that, what progress
45 they've made on the escapement. In Yakutat, I asked for
46 a number within 10,000 and I would have been satisfied
47 with that, some range, and hopefully a year later someone
48 can tell me within 10,000 fish what they expect to go
49 into Redoubt. We have data in the book here from 1982,
50 but if you look at the data, it's been studied for 50

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1 years. Somebody should be able to give us that number
2 and I don't know why we don't get that number. I think
3 it's important for the State process as well as the
4 subsistence, the Federal part of it.

5
6 MR. BROOKOVER: Madame Chair. I've
7 talked to different people and gotten different answers
8 at times, but I've heard a range of anywhere between --
9 in all my discussions, I would say five to 30,000. Now,
10 in all likelihood, it will be narrowed down from that to
11 some extent. Where in that range it will fall though, I
12 don't know.

13
14 CHAIRWOMAN GARZA: So then what is the
15 parameters you use to determine whether or not the
16 subsistence and/or sport fishery will be closed by
17 emergency order? I mean there is someone at the fence
18 counting and suggesting an action.

19
20 MR. BROOKOVER: Yes. Madame Chair, in
21 the past, at least in the recent past, say five years,
22 what we've used as a trigger so to speak in the sport
23 fishery is when the run or the projected escapement falls
24 short of what we consider to be returns that were
25 propagated off of non-enhanced or non-fertilized
26 escapements. Generally, two of our triggers have been
27 when it reaches the average level for the non-enhanced
28 escapements or when it declines to about half of the non-
29 enhanced escapements. Those have been triggers we've
30 used to close the sport fishery.

31
32 CHAIRWOMAN GARZA: Is there an average
33 non-enhanced return?

34
35 MR. BROOKOVER: If you look at the
36 average return from non-enhanced years, an average
37 escapement anyway, it's approximately about seven or
38 eight thousand if I remember correctly. I don't have the
39 numbers in front of me.

40
41 CHAIRWOMAN GARZA: Is there a separation
42 of fish that have been non-enhanced versus enhanced in
43 timing or how do you determine between the two fish when
44 it comes in?

45
46 MR. BROOKOVER: Madame Chair, most of
47 those were early years when we were getting returns from
48 escapements that were not fertilized. There had been
49 gaps in the fertilization schedule in some years and I'll
50 let Mr. Suminski speak to those.

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1 CHAIRWOMAN GARZA: Mr. Thomas.

2

3 MR. THOMAS: Thank you, Madame Chair.
4 Tom, I was looking at this chart on page 65 that shows
5 the activity of the data collected and I was kind of
6 curious. You might have the information, Tom, on page
7 65, under Tab C. I'm looking at the dramatic drop from
8 1999 to 2000. There's a drop there of about 50,000
9 escapement. And then it shows a minimal recovery, but,
10 by comparison, it's a significant recovery in 2001. In
11 looking at the profile of this chart, it's got kind of a
12 pattern of peaks and valleys. I was wondering, in your
13 opinion, is it safe to anticipate with the management
14 scheme we're using now that we can look for a similar
15 recovery of escapement in your opinion with the
16 historical data we have here?

17

18 MR. BROOKOVER: Mr. Thomas. Yes, in my
19 opinion, that's possible. What you don't see on this
20 graph on page 65 is the current year escapement. The
21 2002 escapement I believe was in the range of 27-28,000
22 fish. I believe it's possible to get escapements again
23 in the future, but you see here on that graph in the
24 range of 20-50,000.

25

26 MR. THOMAS: So if 2002 was on here, it
27 would be up here near the 30,000 mark?

28

29 MR. BROOKOVER: Exactly, mid-30,000.

30

31 MR. THOMAS: Okay. That answers my
32 question. Thank you.

33

34 CHAIRWOMAN GARZA: So, is the management
35 of Redoubt Lake a joint State and Forest Service project
36 or Fish & Wildlife Service project?

37

38 MR. BROOKOVER: Madame Chair. I consider
39 it to be. At Redoubt Lake, we've had what I consider to
40 be a pretty good working relationship between Forest
41 Service and State Staff going back to the early days of
42 the weir and the enhancement efforts. We've cooperated
43 quite a long time on the operation of that project.
44 Since the advent of fisheries management in the Federal
45 jurisdiction, I also think we've cooperated in the sense
46 of management of fisheries. We haven't had conflicting
47 actions taken in the fisheries. When we have had to act
48 in 2001, we acted jointly, so I consider it to be.

49

50 We also implemented back in, I believe,

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1 2000 an on-site creel survey at the fishery to
2 specifically estimate the subsistence and sport harvest
3 both in fresh and saltwater. Unfortunately, the fishery
4 was closed the first two years that was in effect, in
5 2000 and 2001, so we don't have much of a result to show
6 for those years, but that was also ongoing in 2002. It
7 seemed to work well. We both cooperated on that project
8 outside of the investigation of plan procedures for the
9 Federal subsistence funding. This was something that was
10 done with our own efforts so to speak. So, yes, I think
11 so.

12
13 CHAIRWOMAN GARZA: So, is there a Federal
14 Staff person here? I mean are you the numbers person for
15 this lake, Terry? I'm just trying to figure out who.
16 Because you presented the Staff analysis as based
17 primarily on bigger decisions and not just fish numbers
18 and I'm not sure if we should have been asking you more
19 or if we should be asking another Staff member.

20
21 MR. SUMINSKI: Terry Suminski again,
22 Forest Service subsistence fisheries biologist. Yeah,
23 I've been involved with running the weir since the early
24 '90s, so I'm quite familiar with the numbers, especially
25 all the numbers that are in the Staff analysis. So if
26 you have more questions, I'd be happy to answer them.
27

28 CHAIRWOMAN GARZA: Has there been any
29 more information on the statewide sport harvest for 2001?
30 Was that closed? It's pending in here.

31
32 MR. SUMINSKI: The statewide sportfish
33 harvest?

34
35 CHAIRWOMAN GARZA: Yeah, at Redoubt. I
36 don't know why it says statewide.

37
38 MR. BROOKOVER: Madame Chair. I may be
39 able to answer that. The fisheries were closed early in
40 2001 and we do have the creel survey estimates. We don't
41 have the final 2001 statewide harvest survey estimates
42 yet. We're told we should have them this month sometime.
43

44 CHAIRWOMAN GARZA: Do you have a feel of
45 whether or not that harvest dropped significantly as the
46 subsistence harvest dropped or was it closed? I mean
47 were there a couple hundred taken before it was closed?
48

49 MR. SUMINSKI: I think it was pretty
50 close to zero. There was not many fish if I remember

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1 right. I don't have the creel estimate with me from that
2 year, but I know it was very small.

3

4 CHAIRWOMAN GARZA: So, has there been any
5 work done by any Feds or State with regards to why there
6 was a low escapement in 2000 and 2001? Any theories, any
7 ideas, any direction that you're going?

8

9 MR. SUMINSKI: There's an analysis
10 underway both by Department of Fish & Game and the
11 Federal Staff, but it's extremely complicated with the
12 starting and stopping of fertilizer and changing
13 different things. Changing more than one thing at a
14 time. It's not that easy to sort out exactly what the
15 exact cause is. Like I mentioned earlier, the lack of
16 fertilizer in three years is one theory why we're seeing
17 this dip in escapement the last couple years.

18

19 CHAIRWOMAN GARZA: Butch.

20

21 MR. LAITI: Do the commercial seiners or
22 the gillnetters get into Redoubt Bay?

23

24 MR. SUMINSKI: No, there's no time to get
25 commercial fisheries in Redoubt Bay.

26

27 MR. LAITI: How close is the nearest
28 commercial opening? All I have is a map on 58.

29

30 MR. SUMINSKI: There's a gillnet fishery
31 around Silver Bay, but trawl would probably be open, the
32 trawl fishing would be open near there. Did you have a
33 specific question?

34

35 MR. LAITI: Well, I was just wondering
36 how close the commercial fleet gets to Redoubt Bay. Do
37 they have a chance to intercept fish?

38

39 MR. SUMINSKI: There probably is some
40 interception of sockeye. It's hard to sort that out. If
41 you look at the trawl interception, the area that
42 Department of Fish & Game uses is so broad, it covers so
43 many different sockeye systems, it would be impossible to
44 figure out what percentage of those intercepted sockeye
45 came from Redoubt.

46

47 CHAIRWOMAN GARZA: So, Tom, if ADF&G were
48 that specific, understanding that it's complicated,
49 looking at the long-term viability of the lake and what
50 I'm trying to get at and Mr. Littlefield had pointed out

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1 that our decisions need to be conservation based and we
2 have three years where it appears to have dropped, so we
3 need to make a decision on harvest opportunity and
4 whether or not that will have an impact on the resource.
5 We're looking at something that's fluctuated. It looks
6 like it's taking a drop, but now it looks like it's come
7 back. Are there funds that are targeted specifically to
8 looking at this long-term issue or concern?
9

10 MR. BROOKOVER: Madame Chair, not at this
11 point. We've developed several hypotheses for what may
12 have happened in 2000 and 2001. Those include basically
13 a genetic problem that may have been developed by small
14 escapements in the past. I don't know all the details of
15 the analysis, it's just been done, but there have been
16 some genetic analysis work done on that stock. It
17 doesn't look like that was what the problem was. There's
18 a lot of genetic variabilities still left in the stock.
19

20 Another potential is lack of marine
21 derived nutrients and we haven't examined that yet and
22 nor do we know if we have the ability to examine that in
23 this case because of the lake structure. There's
24 basically a large layer of de-oxygenated water at the
25 bottom of the lake and that complicates that aspect of
26 it.
27

28 Thirdly would be that stock size is
29 limiting production itself and we haven't looked at that
30 yet, but that might be a potential. In any event, I
31 don't think we would disagree that the lack of
32 enhancement during that two or three-year gap in the late
33 '90s contributed to the decline we saw in 2000 and 2001.
34 I think we all agree that that had something to do with
35 that decline. But as far as future potential of the
36 lake, we still have some work to do. We don't have
37 dedicated funding for any particular projects, but there
38 are some things that we hope to still examine.
39

40 CHAIRWOMAN GARZA: So, considering the
41 variability in the escapement or return to Redoubt Lake
42 and the lack of an escapement level being set, has ADF&G
43 been concerned about the increase in the sport harvest
44 from zero to almost 3,000?
45

46 MR. BROOKOVER: Well, Madame Chair, these
47 types of decisions are typically taken up at the Board of
48 Fisheries. When I think in the context of a concern, I
49 think more in the context of a conservation concern. At
50 Redoubt, during most years, the majority of the past 10

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1 years, there have been escapements in the range of
2 commonly 20-50,000 fish. The level of harvest on that,
3 at least at the terminus in the subsistence and sport
4 fisheries, doesn't reach a level that would pose a
5 concern.

6
7 If you look at exploitation, at least in
8 the terminal fisheries as it relates to their return
9 coming back to Redoubt Lake, it's not at a high level.
10 Exploitation is not at a high level compared to other
11 sockeye fisheries around. When I look at the composition
12 of a harvest, that really becomes a minor point in the
13 context of conservation because exploitation as a whole
14 is relatively low. But in the context of the harvest, I
15 do agree. I don't know that I'd say it's gone from zero
16 to 30. If I were to look at the table on page 64, I
17 believe in '92 where you see zeroes, the fisheries were
18 closed or curtailed pretty substantially in that year if
19 I'm not mistaken. Again, I don't have the management
20 actions from the past in front of me, but I suspect
21 that's why both the subsistence and sport harvests are
22 very low that year. So I look at maybe the three years
23 from '89 through '91 and look at the composition there.
24 It looks like it may be 10 to 15, maybe 20 percent,
25 something like that, 10 to 15 percent. More recently, it
26 may be up towards 30, so it may have increased some.

27
28 CHAIRWOMAN GARZA: So if there is no
29 concern for the exploitation based on the increase of
30 harvest by subsistence as well as sport, then I'm not
31 sure that this Council needs to be concerned about the
32 potential impact of this proposal on conservation.
33 That's what I'm reading. Has ADF&G ever submitted a
34 proposal to the Board of Fish regarding Redoubt sport
35 take? Because ADF&G certainly does submit proposals
36 based on conservation concerns.

37
38 MR. BROOKOVER: Madame Chair. We haven't
39 up until this point, but we did submit the proposal in
40 April to get this addressed in a task force forum, which
41 we'd support that type of issue being addressed then.
42

43 CHAIRWOMAN GARZA: Is the intent of that
44 task force to be jointly run by ADF&G and the Feds. I'm
45 not sure if it's Fish & Wildlife Service or Forest
46 Service that's the main lead on it, so I keep saying the
47 Feds. I'm sorry.

48
49 MR. SUMINSKI: It's the Forest Service.
50 It's actually a State process, so the lead on it would be

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1 the advisory committee, the State Advisory Committee and
2 State and Federal Staff will provide information as
3 necessary and participate in the meetings is my
4 understanding.

5
6 MR. BROOKOVER: Madame Chair. I guess
7 the only thing I would add to that would be that I view
8 our role -- there will be a chair of the group. I'm not
9 sure who that's going to be yet, but I would imagine it
10 would be an individual that harvests sockeye as opposed
11 to a State Staff member. As I understand it, there will
12 also be a facilitator at the group. I'm not sure who
13 that's going to be yet. I view our role as essentially
14 information providing and logistical support and meeting
15 dates and locations, that type of thing. But it would be
16 under the Board of Fisheries process, culminating ideally
17 in a draft management plan that would be approved and
18 adopted by the Board.

19
20 CHAIRWOMAN GARZA: I guess I am quite
21 concerned that is not a joint effort.

22
23 MR. SUMINSKI: I think it is a joint
24 effort. We will be involved in it. Since it's going to
25 be a local effort, I think that's best for the fishery to
26 be honest with you.

27
28 CHAIRWOMAN GARZA: Will it be strictly
29 local people or will any of the commercial people be
30 allowed to be from Ketchikan or Prince William Sound or
31 anywhere else?

32
33 MR. SUMINSKI: I think that we prefer
34 they be local, people that actually have an interest in
35 the system.

36
37 CHAIRWOMAN GARZA: The Board of Fish
38 would appoint those people?

39
40 MR. SUMINSKI: No. They'd be appointed
41 by the Advisory Committee, right?

42
43 MR. BROOKOVER: Madame Chair. They would
44 be appointed by the Advisory Committee as I understand
45 it. I know a number of individuals, I don't know if all
46 of them have been appointed, but the vast majority have.
47 I don't know of any of them that aren't local.

48
49 CHAIRWOMAN GARZA: John.
50

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1 MR. LITTLEFIELD: Thank you, Madame
2 Chair. I'll refer you to the Table 1 on page 64.
3 There's another trend on there that concerns both ADF&G
4 and those are the last two columns that have to do with
5 the purse seine harvest and the gillnet harvest. If you
6 look at the numbers toward the bottom, you'll see the
7 average is three to four percent and that includes the
8 zero years. What you look at for the last 10 years is
9 quite an increasing trend. Matter of fact, in 2001,
10 those numbers there, 154 plus 726, 880 fish is 44 percent
11 of the escapement or I guess it's a third of it, roughly
12 a third. In other words, those are huge numbers. In the
13 other fisheries, when we have a system that's under -- I
14 know you can't say management concerns or conservation
15 concerns, but we considered that there was a concern with
16 the system. What has been done to curtail those numbers?
17 Where do those fish come from? 726 gillnet fish. I can
18 assume that can only come from the hatchery, but has
19 there been anything done to lower those numbers? They're
20 quite significant when you look at them compared to the
21 escapement.

22
23 MR. SUMINSKI: With those numbers, you
24 have to consider what those areas are, how large they
25 are.

26
27 MR. LITTLEFIELD: 1.13.38, where is it?
28

29 MR. SUMINSKI: 1.13.38 is a relatively
30 small area up in Deep Inlet. That's the closest.

31
32 MR. LITTLEFIELD: Oh, inside Deep Inlet.
33 You're telling me that we're catching 726 Redoubt sockeye
34 and only 3,000 made it up the Redoubt, found their way up
35 the right day, is that what you're telling me?

36
37 MR. SUMINSKI: We don't know if those are
38 Redoubt sockeye. That's a fair distance from Redoubt and
39 there's also Salmon Lake in that area.

40
41 MR. LITTLEFIELD: So out of the two
42 sockeye streams that are in that area, there's one at
43 Salmon Lake and there's one at Redoubt, 726 were taken in
44 the gillnet fishery?

45
46 MR. SUMINSKI: Together, I'm not sure if
47 they're fish from those two systems. They could be
48 transed in the area.

49
50 MR. LITTLEFIELD: Do you have the numbers

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1 for this year?

2

3 MR. SUMINSKI: I don't have them.

4 They're pending as far as I know.

5

6 MR. BROOKOVER: Madame Chair, Mr.

7 Littlefield. I don't know either.

8

9 CHAIRWOMAN GARZA: Mr. Thomas.

10

11 MR. THOMAS: Terry, are those fish in the
12 Redoubt system? Are they in the proximity of Redoubt
13 Bay?

14

15 MR. SUMINSKI: No. Those fisheries are
16 not in Redoubt Bay. Those commercial fisheries are not in
17 Redoubt Bay. The purse seine and gillnet fisheries are a
18 little bit to the north and one in Sitka Sound.

19

20 MR. THOMAS: In terms of miles or feet,
21 how far are they away?

22

23 MR. SUMINSKI: Roughly five or six miles.

24

25 CHAIRWOMAN GARZA: Are there any other
26 questions for ADF&G or for Forest Service? Mr.
27 Littlefield.

28

29 MR. LITTLEFIELD: Terry, could you
30 comment on an escapement number? Has the Forest Service
31 biologist been able to come up with a number? Tom
32 mentioned between five and 30,000. Last year I told you
33 I'd be happy within 10. That's 25,000. Is there any way
34 you can narrow that down or do you agree with the five to
35 30,000?

36

37 MR. SUMINSKI: I guess the best thing I
38 can tell you is what we used this year as levels to
39 manage the fishery. We decided that a projected
40 escapement of less than 12,500 that the sport fishery
41 would remain closed and a projected escapement that
42 dropped below about 7,500 fish that we'd close all
43 fisheries. I don't know if that helps you, but that's
44 what we've been using, numbers in that range. Through a
45 task force process, we hope to look at all the various
46 analyses that are under way right now and try to come up
47 with some workable ranges. It probably won't be a
48 number, a threshold number, it would be a threshold range
49 that would still allow some flexibility for the managers
50 because of what's going on in the other fisheries, for

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1 example. But that's one thing that the task force could
2 come up with as a strategy to manage the fishery.

3

4 CHAIRWOMAN GARZA: So is that lower 7,500
5 level based on the historic non -- my mind just went
6 blank.

7

8 MR. SUMINSKI: Non-enhanced escapements?

9

10 CHAIRWOMAN GARZA: Yes.

11

12 MR. SUMINSKI: It's a variety of things.
13 Past experience of the managers. There's another effort
14 under way by Department of Fish & Game that seems to fall
15 into that same range. There's a variety of sources that
16 are involved in coming up with those thresholds.

17

18 CHAIRWOMAN GARZA: John.

19

20 MR. LITTLEFIELD: Are there any plans in
21 the process for the State to do genetic sampling on
22 those, for instance, the 726 sockeye in that one year to
23 determine whether they came from Salmon Lake, which is
24 also under duress, and we have a closure there this year,
25 or whether they came from Redoubt, which is also been
26 under duress in the past? It seems fairly critical that
27 we know where those sockeyes are coming from. Has the
28 State undertaken any plans to do so? At least I would
29 recommend that they do it if they haven't.

30

31 MR. BROOKOVER: Madame Chair, Mr.
32 Littlefield. We haven't yet and I'm not an expert in
33 sockeye salmon stock ID, but I do know it is difficult.
34 There hasn't been a successful method yet to do that on a
35 large-scale basis. That's one of the reasons we don't
36 have a region-wide program to do that, but there have
37 been some successful efforts on a small scale like this.
38 We may have the ability, but we haven't dedicated any
39 funding to looking at that yet.

40

41 CHAIRWOMAN GARZA: Patricia.

42

43 MS. PHILLIPS: If the Federal
44 jurisdiction line moved the proposed line, then a
45 majority of those sport fishermen are federally qualified
46 fishermen. Is that what you were saying? You've done
47 the studies and it shows that most of the sports
48 fishermen are federally-qualified fishermen?

49

50 MR. SUMINSKI: It didn't have anything to

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1 do with moving the jurisdictional boundary, but that's
2 correct.

3

4 MS. PHILLIPS: Were those that were sport
5 fishing in Redoubt Bay also federally-qualified
6 fishermen?

7

8 MR. SUMINSKI: The vast majority lives in
9 Sitka.

10

11 MS. PHILLIPS: So if you moved the line,
12 if the line was moved and those fishermen are then
13 federally-qualified users, so their take would go from
14 three to ten. If the line were moved, they are
15 federally-qualified now, their take would go from what's
16 allocated now, which is three per day, to 10 per day. If
17 you go from the line now, it's 10 per day up to 50.

18

19 MR. SUMINSKI: Yeah, that's in the
20 subsistence dipnet fishery under the State permit. The
21 sport fishery allows six per day per person.

22

23 MS. PHILLIPS: Oh, six. I thought it
24 said three. Oh, reduced bag limit.

25

26 MR. SUMINSKI: Yeah, it was reduced to
27 three at one point this year and then it was returned to
28 six per day.

29

30 MR. PHILLIPS: If you're a fisherman who
31 can take 10 above the line or instead of being a
32 subsistence fisherman today, I'm going to be a sport
33 fisherman and I'm going to take six, why would you want
34 to fish where you could get less. I don't understand
35 that.

36

37 CHAIRWOMAN GARZA: Patricia, one of the
38 major differences, and I think it still holds, is that 10
39 per day is per family. The six per day is per person.
40 So if you have a family of six, you get 36. Or if you
41 have a charter boat, then every person on there gets six.

42

43 MS. PHILLIPS: Oh, okay.

44

45 MR. SUMINSKI: The other advantage of
46 fishing in saltwater is that it's less physically
47 demanding. You can stay in your boat and fish rather
48 than trying to crawl around on the slippery rocks to
49 dipnet. It's just physically demanding to sling a big
50 dipnet.

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1 CHAIRWOMAN GARZA: It's more fun
2 dipnetting.

3
4 MS. PHILLIPS: But my point is, you're
5 the same person whether you're above the line or below
6 the line, but your take is different.

7
8 CHAIRWOMAN GARZA: So, in terms of the
9 line, we had a substantial presentation at our Yakutat
10 meeting from the esteemed esquire Jude Pate regarding
11 where the line should be for these various streams and
12 tributaries. The Council responded to it and sent a
13 request in and was hoping for something back from Federal
14 Subsistence Board. I'm not sure we got an answer that
15 was acceptable to this Council and I think as part of
16 that proposal we need to discuss that line. That may be
17 something that Sitka Tribe is going to bring back up when
18 it comes to their testimony. I guess I would like to
19 hear from the Federal Subsistence Board staff again the
20 reasoning behind where that line is because it depends on
21 how you read various Federal laws that that line can be
22 drawn in various different places. It does not have to,
23 in our opinion, be exactly where it's at. Basically,
24 now, you can be right up to the falls and you're in
25 Federal waters. If you're a little bit farther out from
26 the falls because you didn't get their first and you're
27 in State waters and it's ridiculous. That line needs to
28 accommodate those guys even if they're just dipnetting.
29 So it's probably not going to come from any of you, but
30 if there's anybody over there that would like to venture
31 up here, I think we need to move to that discussion. I'm
32 going to take a two-minute break.

33
34 (Off record)

35
36 (On record)

37
38 MR. CASIPIT: I really don't understand
39 the legal intricacies of how these lines are drawn and
40 how the jurisdiction is laid out in Federal regulation.
41 The best I can explain is how it was explained to me by
42 our attorney, Jim Ustasiewski. I think he provided the
43 same explanation to the Council this time last year when
44 you were in Yakutat. The issue has to do with basically
45 the Department of Interior agencies and Department of
46 Agriculture, Forest Service. We had slightly differing
47 methodologies for describing jurisdiction in the original
48 EIS that was published back in '94 to implement the Katie
49 John decision. That issue is currently under litigation
50 under a couple different cases, but they were all put

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1 together.

2

3 One of them is the Poratrovich case which
4 asks for an extension of Federal jurisdiction into the
5 marine waters of the Tongass as the proclamation boundary
6 is laid out in the early 1900s, which goes out to 60
7 miles in some places into marine waters. The other case
8 that probably has a bearing on this is the State's Quiet
9 Title action, ownership of submerged lands of the
10 Tongass. Those cases have to be ruled on by the Supreme
11 Court before we can go much further than where we're at
12 now. That's probably the best explanation I could give
13 at this point.

14

15 CHAIRWOMAN GARZA: So do either of those
16 two cases refer to the issue of Federal versus State
17 water in Glacier Bay?

18

19 MR. CASIPIT: Yes. The State's Quiet
20 Title case involves both the submerged lands of the
21 Tongass and the submerged lands of Glacier Bay National
22 Park.

23

24 CHAIRWOMAN GARZA: Okay. John.

25

26 MR. LITTLEFIELD: Madame Chair, Cal. In
27 Yakutat, the Regional Advisory Council identified several
28 lands that were presented by the Sitka Tribe in
29 accordance with 10(D)(4)(13). In other words,
30 identifying lands. We did that and we haven't heard
31 anything on that. I believe the Sitka Tribe talked about
32 McNaughty Island group, which was a World War II
33 withdrawal. We identified that area. We also identified
34 Tongass Proclamation, which goes 60 miles due west of
35 Cape Muzan to Cape Fairweather that has areas deserving
36 -- that were identified. That's one of the regulations.
37 I haven't heard anything about it. Do you have any
38 comment on that? We identified them and we haven't heard
39 anything back.

40

41 MR. CASIPIT: You're right, the Council
42 did identify them. The package of materials was sent to
43 OSM in Anchorage and it was my understanding that the
44 folks that deal with those type issues is the BLM and I'm
45 not sure where that is right now as far as transferring
46 ownership of lands to other agencies or the State or
47 whatever is controlled by the BLM. That's my
48 understanding.

49

50 CHAIRWOMAN GARZA: So we need someone

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1 from the BLM here. Okay. Thank you, Cal. Next is
2 tribal government and/or agency comments. Mr. Widmark.

3

4 MR. LITTLEFIELD: Madame Chair.

5

6 CHAIRWOMAN GARZA: Mr. Littlefield.

7

8 MR. LITTLEFIELD: Before we get off Staff
9 comments, I believe it might be helpful if we could
10 invite another Staff biologist, Mr. Ben VanAlen, who is
11 in the audience to comment on some of these numbers.
12 I've been pushing for these numbers and we just don't
13 seem to get them and maybe he has some additional
14 information that he could present to us on numbers.

15

16 CHAIRWOMAN GARZA: Mr. VanAlen.

17

18 MR. VANALEN: Thank you. Ben VanAlen
19 with the Forest Service in Juneau. I haven't been
20 actively working with these numbers in this past year,
21 but I did provide some advice earlier. Basically taking
22 the, I can't recall, 28 years or something of spawn
23 recruit data. Looking at it, it seemed pretty good,
24 clear to me that we could come up with numbers. My
25 qualifications on the review of that, I'm frankly not
26 certain to what degree, if any, the fertilization effort
27 has really boosted production. It does look like
28 escapements were too low in some early years and that
29 we've definitely had escapements well within the range
30 that will likely maximize production in more recent
31 years. It looks like escapement of something on the
32 order of like 22-27,000 on average would maximize
33 production at a lake. There is an increased risk of
34 having lower returns with escapements beyond 30, 35,
35 40,000 fish.

36

37 I had my ears perked to the discussion of
38 why was the run return so poor in 2000 and 2001. I think
39 it mainly was due to the success or the real health of
40 the run of the larger escapements we had in those earlier
41 years. In the current years, we simply overtaxed the
42 current capacity of the lake and the survival of those
43 fish was much less than it would have been if we had
44 escapements in the parent years in that 22-27,000 range.
45 So I think one real important thing that comes out of
46 this that I consider the actual stock fairly healthy.
47 We've had a series of years of fairly large escapements
48 and I'm very glad. We're back up to, I think, 27,000
49 fish in the escapement. That's good. That's comforting
50 to us to know that we're not in a real long period of

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1 rebuilding.

2

3 I think if we had yet another year of
4 3,000 or so escapement, that would be very uncomfortable
5 or unfortunate and would indeed require a long
6 rebuilding. Fortunately, given multiple ages of the
7 returns, each structure of the population and escapement
8 of around 27,000, which is just, my feeling, from looking
9 at spawn recruit data, where we want to be. If we can
10 indeed keep the escapement in that level, on average, our
11 runs will be what we've been observing, fairly good since
12 the late '80s.

13

14 One aspect of discussion that I think
15 ought to be before the task force as a consequence is
16 what to do in years of really strong returns. We've had
17 three or four of those in recent years. What should we
18 do in those years. So some of the discussion needs to
19 include how might we catch more fish. How might we
20 liberalize subsistence efforts. What methods or means
21 might be available for us to do. Harvest by other gear
22 types or users would be part of the discussion.

23

24 So, anyway, just for simple numbers'
25 sake, I'd like the threshold of 7,500 as a minimum
26 escapement threshold. We really don't want to go below
27 that and we do have to take the hard actions of closing
28 all fisheries, including subsistence, when we project
29 escapement of a run is going to be less than that. So we
30 go above that, like we did this year and past years, I
31 think it's a reflection of a subsistence priority of
32 closing the sport fishing if the escapement is projected
33 to be less than, I can't remember the number exactly, but
34 2,500 or so.

35

36 There's two things that I think are
37 involved, conservation and allocation. Conservation.
38 What's the escapement threshold, what's the escapement
39 range. Once it gets to the allocation piece, that's for
40 the Board of Fisheries and the task force to work
41 through. So whatever the thresholds are that they come
42 up with that affects different users it doesn't really
43 matter to me as a biologist at that point. It's more of
44 a user allocation deal. So if the threshold is at 2,500
45 or 20,000 or 5,000, it doesn't matter as long as we're
46 meeting our escapement needs in the lake.

47

48 So I don't think we're really dealing
49 with a lot of rocket science on setting of the escapement
50 goal, goal range, but it is going to be a very good

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1 technical discussion because there's so much that goes
2 into this. The enhancement effort; has it worked, has it
3 not worked. You know, it's changed. We're not putting
4 liquid fertilizer on, we're using a pellet fertilizer.
5 There's a tremendous expense to that. What's the best
6 bang for our buck. Are we really making more fish?
7 That's one question. It's a merometric lake. What's the
8 best way to maximize production in that lake?
9

10 But I think we're on the right track and
11 I think we are on the right track because we have the
12 weir data. The fact that those fish have been sampled
13 for scales, we can construct brood tables and we can look
14 at that data and it does tell us what range of
15 escapements will likely maximize production. I think it,
16 again, is somewhere in that 20-30,000 fish range.
17 Thanks.

18
19 CHAIRWOMAN GARZA: Thanks. Marilyn.
20

21 MS. WILSON: Madame Chair. I have a
22 question for you. I wanted to know if the cycle of the
23 sockeye salmon is taken into consideration when the
24 salmon come back to spawn. I think it's a five-year
25 cycle for salmon. Also the lake -- I forget what you
26 call it.

27
28 MR. VANALEN: Merometric.
29

30 MS. WILSON: Merometric. Okay. Does
31 that have anything to do with how much the lake can hold,
32 the carrying capacity, because of the salt water that's
33 down in there?

34
35 MR. VANALEN: The answer to both
36 questions is yes. Basically, in a spawn recruit
37 analysis, the taking of scales and aging of scales and
38 knowing what the age composition of the fish that came
39 back from a particular brood year takes into account the
40 fact that some fish are three-year-old fish, some are
41 four-year-old fish, some are five, some are six in this
42 system. Predominantly four or five-year-olds in this
43 system we could look at the annual harvest or return data
44 and see maybe a four-year cycle that's there or maybe a
45 five-year. But we do see the cycle thing and that whole
46 cyclic thing is embodied in the data that's in a spawn
47 recruit relationship.

48
49 So, frankly, we have, I'm just looking at
50 one here, the classic cluster of points that's good to

00078

1 see. We see no production coming from the real poor
2 escapements, the real weak escapements. When we get
3 escapements less than about 7,000, we see this linear
4 relationship. The production is limited by escapement at
5 escapement levels less than about 7,000. Once you get up
6 to 10,000 fish or more, production now is no longer
7 limited by the escapement and the number of fish
8 spawning, it gets to be more limited by just natural
9 variations in survival and that is both in freshwater,
10 early marine, ocean, predator/prey, age structure. You
11 know, all sorts of things affect the annual returns of
12 fish. The stars could line up, we could have good
13 weather conditions and you'll have a lot of fish coming
14 back or in the same escapement you have a very few fish
15 coming back, so all we do is play kind of a mathematical
16 game.

17

18 We want an average production, the
19 average, you know, to be much higher, the average as high
20 as it can. It looks like it would be between 20,000 and
21 40,000 fish. I use that range as a conservative range,
22 too. In other words, I don't want it to be very narrow.
23 I think we learn from having escapements that are high
24 and low so we can actually learn more about the
25 productive response of a lake if we have it broader.

26

27 Also, I recognize that, frankly, we don't
28 have that much control. Terry mentioned this. Our
29 harvests are directly correlated with the return, so we
30 may have a strong run, a strong harvest and strong
31 escapements and it's not like we're really, really
32 managing for an escapement within a narrow range. It's
33 just an observation and it's the way it is and it's
34 probably not worth trying to change it much. It's just
35 that we're working on, when it's really poor escapement,
36 what kind of management actions do we do and when it's a
37 really big escapement or return, what kind of management
38 actions do we do. That's kind of where we're at right
39 now.

40

41 MS. WILSON: I have another question,
42 Madame Chair.

43

44 CHAIRWOMAN GARZA: Marilyn.

45

46 MS. WILSON: It's the sport fishing or
47 fishing side of it, how do they fish, with a sport line,
48 I mean rod and reel, and I thought sockeye does not bite.

49

50 MR. VANALEN: This was discussed a little

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1 bit ago. It's mostly snagging, so it's rod and reel, but
2 snagging of the fish.

3

4 CHAIRWOMAN GARZA: Okay. Patricia.

5

6 MS. PHILLIPS: Is there any correlation
7 between escapement of sockeye with the escapement of
8 other species of salmon?

9

10 MR. VANALEN: I don't know in this lake.
11 It's observed in a lake where you have another weir
12 project there for a number of years and we do see a
13 positive correlation between fish that are -- in this
14 case it's coho and sockeye -- that are in the lake in the
15 same years of rearing. When sockeye survival is good, so
16 too is the coho survival. So, again, that reflects on
17 the carrying capacity of the lake in that year given
18 climate conditions or lake conditions. Trying to
19 anticipate a similar thing in this lake.

20

21 CHAIRWOMAN GARZA: John.

22

23 MR. LITTLEFIELD: Thank you, Madame
24 Chair. Ben, I'm trying to get these numbers and also
25 capture some of what you said and maybe you could correct
26 these numbers or provide some different ones. As I'm
27 looking at what you said and what others said, what other
28 numbers were provided, I'm looking at 7,000 fish we would
29 close all fisheries. In other words, if we got to the
30 first of July in this system, we would know with enough
31 certainty what the run strength is going to be. You
32 would close everything at 7,000. At 12,500, we would
33 open the sport fishery. In other words, at the beginning
34 of this, the subsistence is open and if we project 7,000,
35 we would close the subsistence fishery. At 12,500, we
36 would open the sport fishery. If we projected using
37 27,000, we would liberalize all limits and do everything
38 we could to maintain that fishery at around 30,000, a
39 total escapement of around 30,000. Is that a correct
40 characterization of what you said?

41

42 MR. VANALEN: Yeah, just from my memory
43 and from what Terry showed me on a memo a year ago, I
44 used 20 to 40,000 as a range, so I guess I'd be more
45 conservative. I think an escapement up to 40 is still in
46 an okay range.

47

48 MR. LITTLEFIELD: At 30,000 you would
49 recommend taking whatever steps to liberalize the fishery
50 so that those extra fish were scooped up, whether it's

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1 commercial or whatever method or liberalizing the
2 subsistence take.

3

4 MR. VANALEN: I think that's true. In
5 the long term, reducing our risk of having lower
6 escapements. It would be best to be able to keep our
7 escapements in the 20 to 40,000 fish range. Once we get
8 above that we have an increased risk of having lower
9 returns and having to take these management actions we're
10 describing to maintain escapements in the future.

11

12 CHAIRWOMAN GARZA: Butch.

13

14 MR. LAITI: So then around the middle of
15 July the peak of the run would be coming through? I see
16 in the paper here it says by August 12th 86 percent of
17 the run is through, but there should be a time when
18 there's a real peak.

19

20 MR. VANALEN: That's one thing we are
21 very fortunate to have. Like I said, we have 28 years or
22 so of daily weir counts and nearly every year is
23 complete. We didn't have to mess with the data much, so
24 we have this average, you know, on average a certain
25 proportion/percentage of the runs occurred on each day
26 and then we can go play with the numbers a little bit and
27 see how precise our forecast is going to be. So early in
28 the run we are terribly imprecise. Only 10 percent of
29 the run has appeared. We cannot project what the total
30 season run or escapement is going to be early in the run,
31 but once we get into about July 13th or so, the precision
32 allowing these estimates comes down to about plus or
33 minus 20 percent.

34

35 MR. LAITI: So you're pretty close by
36 then.

37

38 MR. VANALEN: Yes.

39

40 CHAIRWOMAN GARZA: Over break I did hear
41 a comment that we're spending an inordinant amount of
42 time on this proposal and we still have lots to do. So
43 unless there are further questions, we need to keep
44 rolling.

45

46 Thank you, Van.

47

48 MR. VANALEN: You're welcome.

49

50 CHAIRWOMAN GARZA: Mr. Littlefield.

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1 MR. LITTLEFIELD: In response to your
2 last comment, I know we have lots to do, but I think the
3 record needs to be clear what the Regional Advisory
4 Council does because that is going to be reviewed by the
5 Federal Subsistence Board and we need to be very
6 meticulous in what we say in responding to those four
7 rationale; the conservation concern, the subsistence
8 opportunity, the kinds of information that was presented
9 by Staff, State and Federal, and the restrictions on non-
10 subsistence users. We're going to end up in the case
11 where we were last year. We didn't do an RFR, but others
12 have, so I think it's important we make the record clear
13 and take the time to do whatever it takes to do this
14 properly. But I'm prepared to move on.

15

16 CHAIRWOMAN GARZA: Thank you, Mr.
17 Littlefield. That was something that Fred Clark used to
18 try to beat into us. We need to make sure we summarize
19 our comments on how we're voting perhaps for that record
20 when we get around to voting, if we ever do. Onto
21 tribes. Are you ready? Mr. Widmark.

22

23 MR. WIDMARK: Thank you, Madame Chair,
24 Council members. I want to comment on Proposal No. 20.
25 For the record, my name is Woody Widmark, tribal chair of
26 Sitka Tribe of Alaska. I am charged for the health and
27 safety and welfare of up to 3,100 tribal citizens for
28 Sitka Tribe, which is a Federally-recognized tribe.
29 While listening this morning, using the terms subsistence
30 priority, which I have a regard and it should not be
31 secondary. I think the tribe recently, through its work
32 and endeavors with Fish & Game, wanted to make sure that
33 the tribe or at least Sitka Tribe, the tribes in
34 Southeast, had a reasonable opportunity.

35

36 In our area, Redoubt, to Sitka Tribe and
37 its residents, is a geographic and historic area and it
38 seems like it's been documented quite a bit in our packet
39 and sockeye is a customary and traditional resource.

40

41 A couple things I wanted to preface
42 before I call up our biologist is that Sitka Tribe has
43 worked with Forest Service and Fish & Game. Let me start
44 off with the Forest Service. On a government to
45 government relationship, we do have a very good one, I
46 have to admit, and looking on that trust responsibility
47 to tribes. Sitka Tribe and the Forest Service do have
48 projects going and it seems to be working very well.

49

50 If I may, if I can address the Fish &

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1 Game part, or at least the department, Sitka Tribe is a
2 signatory tribe of the Millennium Agreement. That just
3 came to pass this past year with Governor Knowles and the
4 State. My understanding is that each State department
5 should have recently internal policy working with tribes
6 in the state of Alaska.

7

8 This last year it was mentioned in
9 Yakutat that I made comments that the tribe was not
10 contacted about the closure on Redoubt with the sport and
11 subsistence. This past year, I'm happy to announce that
12 the tribe was contacted about the closure and the
13 reopening this year. In similarities between the tribe
14 and, if I may, about Proposal No. 20, it's almost similar
15 that the tribe had to go through with the herring
16 commercial fisheries in the Sitka Sound area.
17 Subsistence, the gathering of herring eggs, was not met
18 by tribal citizens and it's almost similar with the line
19 being drawn or not drawn on jurisdiction that subsistence
20 toward the marine and freshwater that our subsistence are
21 last again. Our sockeye, our subsistence is being taken
22 by other user groups. So it seems like subsistence is
23 last, not a subsistence priority. Like I mentioned, it
24 should not be secondary, but our tribal citizens and
25 tribes should have reasonable opportunity for this
26 resource.

27

28 If I may, I would like to call up Mr.
29 Lorrigan, Madame Chair and Board members, to talk about
30 Proposal 20.

31

32 CHAIRWOMAN GARZA: Yes. If you could
33 stay there so if we have questions, it may go to either
34 one of you. Jack.

35

36 MR. LORRIGAN: Good morning, Madame
37 Chair, Council members. My name is Jack Lorrigan. I'm a
38 biologist for the Sitka Tribe of Alaska and speaking on
39 Proposal 20, the Redoubt closure. At the time this
40 proposal was written, there was an anticipation that the
41 Redoubt return was going to be low. Also, other factors
42 that generated this proposal were the closing of the
43 freshwaters to non-C&T Federally-qualified people. We
44 believe that the marine jurisdictional issue is still
45 valid. As far as we're concerned, at the Yakutat meeting
46 we provided a comprehensive analysis of why we believe
47 the way we do that federal jurisdiction applies here.
48 We've heard nothing in response from the Federal
49 Subsistence Board. All we've heard is just no. Why?
50 We're still anticipating some kind of rebuttal as to why

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1 they won't apply that there.

2

3 Redoubt Lake is on the table. At the
4 Yakutat meeting, you tabled all the other lakes. This is
5 kind of the precedent-setting lake for all the lakes in
6 our area. Ninety percent of the members provided in the
7 analysis, 90 percent of the harvesters were local people,
8 I think that's compelling. It's 90 percent of the local
9 residents are using it. That's quite a lot of people and
10 quite a lot of use going to a local people.

11

12 When subsistence is closed or has in the
13 past, it's usually lumped together with sport fish.
14 Usually, when we hear about a closure, it's sport and
15 subsistence closed at the same time, the same date. The
16 proposal also wanted to find a level where the law says
17 commercial is closed at a certain level, sport is closed
18 at a certain level and then subsistence is closed at a
19 certain level. We've never seen that.

20

21 This year they had an escapement goal of
22 12,500 to Redoubt Lake to allow that lake to get its
23 escapement and then allow subsistence harvest. This the
24 first time ever they've had some kind of threshold. And
25 I still got calls from people who were curious if they
26 could go fish at Redoubt. I said are you subsistence
27 fishing or sport fishing. They said I'm using a dipnet.
28 You can go get fish. Oh. They're conditioned to believe
29 that they're lumped into the sportfish category.

30

31 Several factors drove this proposal. I
32 understand why Fish & Game and the Forest Service have
33 opposed it and that's fine. We still believe the way we
34 do for these number of reasons. We've also watched our
35 halibut and our chinook fishery dwindle in the local area
36 because of increased sportfishing. We're seeing
37 increased sportfishing in our sockeye systems, so we'd
38 like to nip this in the bud, so to speak. Make sure
39 these systems are protected for what we find is a valid
40 reason.

41

42 CHAIRWOMAN GARZA: Jack, you fish
43 Redoubt?

44

45 MR. LORRIGAN: Yes.

46

47 CHAIRWOMAN GARZA: I was a bit confused
48 with the information on the general composition of the
49 sport fishermen, the increase in take from '96 up to '99,
50 going from 1,000 up to almost 3,000. I wasn't sure if I

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1 heard that the majority of those people were, in fact,
2 Sitka or rural residents. Do you have a feel for that?

3

4 MR. LORRIGAN: Well, just from reading
5 the information, I can't remember which page it was, but
6 they said 97 percent of the people that are in there for
7 whatever reason are from the local area. Three percent,
8 according to their -- I can't remember which page that
9 was, but approximately three percent at one point or
10 another were non-residents, probably friends of families
11 that live there or guided non-residents that are in
12 there. Using the same numbers that are in the book.

13

14 CHAIRWOMAN GARZA: I'm trying to ask for
15 your general observation. So, in your general
16 observation, there is not a large six-pack fleet in there
17 snagging for sockeye?

18

19 MR. LORRIGAN: I didn't get down there
20 this year. I couldn't tell you about this year, but
21 people are concerned that that's happening. I don't know
22 if it's people going in after hours with friends or
23 family or if it is six-pack guided sport going in there
24 and doing it. I haven't been able to get in there and
25 ask. Personally, no, I don't know.

26

27 CHAIRWOMAN GARZA: Thank you, Jack. I
28 have a general question, Woody, and it will probably be
29 something that you'll need to direct to Robbie or
30 something to get an answer. I understand that ADF&G
31 Subsistence Division and Sitka Tribe worked on a harvest
32 use for Sitka area as well as other areas in Southeast
33 that we've heard. I would like to know if there's just
34 rough data on what is the average harvest of sockeye by
35 household in the Native community. And I also know that
36 ADF&G and Sitka did a subset that was Sitka in general
37 that would include the non-Native community. Do you have
38 any idea of what that data is? What I'm trying to get in
39 my mind is if we change this, will the harvest actually
40 increase or will people just have to take fewer trips?

41

42 MR. TUREK: Madame Chair, this is Mike
43 Turek, Subsistence Division of Fish & Game. I can give
44 you that answer, but I have to look up the data. I've
45 got that with me. So I can work on that and get back to
46 you with that, okay?

47

48 CHAIRWOMAN GARZA: Okay.

49

50 MR. TUREK: So you want to know Sitka in

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1 particular Native and non-Native? I'll see if I have
2 that with me.

3

4 CHAIRWOMAN GARZA: And in that survey, I
5 can't remember, I know that in some areas there was
6 concern that we were asking the question of is what
7 you're getting enough. Was that question asked for
8 Sitka?

9

10 MR. TUREK: I don't think I have it. If
11 it was asked, I don't think I have that data with me.

12

13 CHAIRWOMAN GARZA: Butch.

14

15 MR. LAITI: Like in Snettisham,
16 Sweetheart Flats, you have a personal use for non-
17 subsistence fishermen. Do they have that there also,
18 personal use permits?

19

20 CHAIRWOMAN GARZA: Did you hear that,
21 Mike?

22

23 MR. LAITI: Tom can answer that.

24

25 CHAIRWOMAN GARZA: So Butch is also
26 interested in that data for Snettisham?

27

28 MR. LAITI: No. I wanted to know if in
29 Redoubt they had a personal use fishery like they do in
30 Snettisham.

31

32 MR. TUREK: Madame Chair, Mr. Laiti. I
33 believe Redoubt has subsistence. There's a C&T finding
34 for Sitka area, so there wouldn't be a personal use. It
35 would be under subsistence regulations.

36

37 MR. LAITI: So there is no personal use
38 fishery there.

39

40 MR. TUREK: Not in that area. It's a
41 subsistence fishery, not a personal use fishery.

42

43 MR. LAITI: Sorry. I couldn't hear you.

44

45 CHAIRWOMAN GARZA: In terms of the
46 process, if you have C&T in a State subsistence fishery,
47 then you do not have a State personal use fishery?

48

49 MR. TUREK: The personal use fishery is a
50 net fishery, non-rod and reel, for areas that don't have

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1 subsistence, C&T or a non-subsistence area like Juneau or
2 Ketchikan.

3

4 CHAIRWOMAN GARZA: John.

5

6 MR. LITTLEFIELD: Madame Chair. This is
7 for the chairman, Mr. Widmark. He'd mentioned halibut,
8 herring and then we're talking about sockeye at Redoubt.
9 If we go back a few years, the tribe was always
10 complaining about these fisheries. Herring has always
11 been high on their list and I neglected to mention that
12 yesterday, but we're still talking about herring.
13 Halibut is in the process of being resolved. The
14 proposed rule is greatly liberalizing those and the Sitka
15 Tribe took action to get there. They testified for it,
16 sent a big task force up. As well as herring. There was
17 no task force that we now see without the Sitka Tribe
18 petitioning and actually threatening to sue the Board of
19 Fish and they developed this task force.

20

21 The same has happened with the Redoubt.
22 There would not be a task force this year that's been
23 formed without the Sitka Tribe presenting their proposal
24 last year to this Board and the SERAC voting for that and
25 putting it forward to the Federal Subsistence Board. In
26 other words, these things don't happen by the State. The
27 State just doesn't come in and say, oh, let's form a task
28 force and talk about Redoubt without the Sitka Tribe
29 doing this. So I wanted to commend them for doing this
30 because it's important that they present them to us and
31 we have another avenue that keeps the pressure on the
32 State to do what's right. Because under the State law,
33 as well as Federal, subsistence is the priority that you
34 talked about and I agree with that and I am going to
35 later support your proposal.

36

37 CHAIRWOMAN GARZA: So, Woody, in terms of
38 your working relationship with the Forest Service and the
39 State, are you comfortable with the task force that
40 apparently has been drafted. It sounds like most of the
41 names have been picked. Do you feel that Sitka Tribe has
42 received adequate involvement in that process?

43

44 MR. WIDMARK: Madame Chair, Board
45 members. Yes, I do. We've had numerous meetings
46 internally on this community-wide. I guess the first
47 meeting is the end of this month, so I'll be looking
48 forward to at least start and see where we go with this.

49

50 CHAIRWOMAN GARZA: Thank you. Butch.

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1 MR. LAITI: Federal jurisdiction. I
2 missed the Yakutat meeting. Could you explain what you
3 proposed on their boundary lines? Was there an argument
4 that the Federal jurisdiction should go down farther?

5
6 CHAIRWOMAN GARZA: Yeah, that information
7 was presented by Jude Pate and it was an inch thick, so
8 I'm not sure if Woody could summarize that or if we'd
9 have to zip Jude over here on the next Lear jet.

10
11 MR. LITTLEFIELD: Butch, the action that
12 was taken by the Federal Subsistence Board had a sunset
13 clause in it and that's why you see this back on the
14 table again. It sunsetted. In other words, the action
15 they took ended. So you see the very same proposal back
16 before you again. That's why we're looking at it. I
17 don't have that book, but hopefully Jack has that
18 information. It would take you quite a while to go
19 through it.

20
21 CHAIRWOMAN GARZA: Thank you. Were there
22 other agencies? Other tribes wishing to speak to
23 Proposal 20? Okay. Fish & Game Advisory Committee
24 comments. Have we received any, Mr. Schroeder?

25
26 MR. SCHROEDER: Madame Chair, we don't
27 have any Fish & Game Advisory Committee comments.

28
29 CHAIRWOMAN GARZA: Okay. Are there any
30 Fish & Game Advisory Committee chairs here? Okay.
31 Summary of written public comments. Mr. Schroeder.

32
33 MR. SCHROEDER: Madame Chair. We have
34 one written public comment. That's from the Southeast
35 Alaska Seiners. It goes on in some length on this
36 proposal and is concerned with two issues. The one issue
37 has to do with Federal jurisdiction, the issue the
38 Council has been discussing. The Southeast Alaska
39 Seiners don't believe that the Council of the Federal
40 Subsistence Board can take action because the proposal
41 talks about doing things in marine waters. They feel
42 this is inappropriate because Federal jurisdiction under
43 Title VIII of ANILCA does not include marine waters of
44 that region and they detail why they believe this is the
45 case.

46
47 They do state that marine waters were
48 defined as those waters located seaward of the mean high
49 tide line or the waters located seaward of the straight
50 line drawn from headland to headland across the mouths of

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1 rivers and other waters as they're flowing to the sea.
2 So the seiners recognize that there may be those two
3 standards applied. They also believe that there simply
4 shouldn't be a restriction on non-subsistence fisheries
5 except under very restricted circumstances, that the
6 stock is at substantial risk of not meeting escapement
7 objectives that the Department of Fish & Game will not
8 take action to assure that the Staff meets escapement
9 objectives and that the proposed restriction on non-
10 subsistence fishery will generate significant benefits
11 for escapement.

12

13 In summary, the Southeast Seiners
14 recommend that the Federal Subsistence Board reject this
15 proposal. That's the only public comment that we
16 received on this proposal. That's signed by David
17 Bedford, who you may know because he's been at our
18 meetings.

19

20 Thank you.

21

22 CHAIRWOMAN GARZA: Is there anybody here
23 wishing to testify on Proposal 20? I have no green
24 cards. Hearing none, we are on to seven, Regional
25 Council deliberation, recommendation and justification.
26 What is the wish of the Council?

27

28 MR. THOMAS: I move to adopt.

29

30 CHAIRWOMAN GARZA: Move to adopt.

31

32 MR. STOKES: I'll second it.

33

34 CHAIRWOMAN GARZA: Seconded by Dick
35 Stokes. Okay. So do we have figured out what we're
36 talking about here, which of the three?

37

38 MR. THOMAS: Madame Chair. Under
39 discussion?

40

41 CHAIRWOMAN GARZA: Yes.

42

43 MR. THOMAS: Under discussion, Madame
44 Chair, if this motion passes to adopt, I would like to
45 have some understanding of a justification that we would
46 use that would be effective in representing this at the
47 Board level. So if we could somehow do that or have a
48 thumbnail sketch of what our justification would be, it
49 would make my decision a lot easier.

50

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1 CHAIRWOMAN GARZA: So as you speak to
2 this motion, if you have comments as to why you're
3 supporting it or not supporting it and that would add to
4 the justification, please elaborate. Make sure that
5 we're all on page 60. This thing was written like three
6 different times, so we're looking at the proposed
7 regulation on page 60 where it shows what is struck.

8

9 MR. THOMAS: That concludes my comments,
10 Madame Chair.

11

12 CHAIRWOMAN GARZA: Okay. Any discussion
13 on the proposal? Mr. Littlefield.

14

15 MR. LITTLEFIELD: Thank you, Madame
16 Chair. I'm going to support this proposal and I will
17 give you the reasons why. First, on Federal
18 jurisdiction, I believe we weighed in. Since the
19 inception of the Regional Advisory Council, this Council
20 has supported Federal jurisdiction in the marine waters
21 of the Tongass and I think the record was adequately
22 stated by the Sitka Tribe and Yakutat documenting on what
23 that was based. Those lands were identified in 1909, I
24 believe, and were certainly in Federal ownership at the
25 time of Statehood. So I would like to refer the Federal
26 Subsistence Board to review the Sitka Tribe's packet
27 which was submitted in Yakutat as justification for
28 having marine jurisdiction over all of the Tongass.

29

30 Secondly, the Federal Subsistence Board
31 secretary has authority to extend extra territorial
32 jurisdiction into the marine waters to protect
33 conservation concerns. So I believe there is a clear
34 precedence for the Board to take that action if they need
35 to.

36

37 Under conservation concerns. The State
38 of Alaska has stated there's no conservation concern and
39 that's because they could never come up with a number.
40 Their own sustained salmon yield policy said they could
41 not say there was a conservation concern in Redoubt
42 without having an escapement number and that's why I've
43 been pushing for that number and we're getting closer to
44 it.

45

46 But just looking at the numbers and
47 seeing what happened, this is a system that's under
48 duress. It's heavily used by many users. You could look
49 at the gillnet data for the last year. This is a stream
50 that has lots of people pushing on it and there is a

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1 conservation concern on this stock. It can be over-
2 fished. I was glad to hear Mr. VanAlen talk about
3 liberalizing these when it got above a certain limit. I
4 hadn't heard that before and I would like to look at more
5 information on that.

6

7 The subsistence opportunities by this
8 proposal will be increased and that's one of our charges.
9 By allowing people to be more efficient, raising the
10 daily limit to 25, allows you to go get your fish in a
11 cheaper and more efficient method. The Sitka Tribe has
12 also recommended 50 sockeye as an annual limit. That
13 tends to address the conservation concern. Existing
14 State regulations have an open-ended limit. In other
15 words, you can take approximately by my figures 700 fish
16 a year under a sportfish license at Redoubt legally. I
17 believe that does two things. It provides a more
18 efficient subsistence opportunity and it also addresses
19 the conservation concern.

20

21 Under kinds of information, we have reams
22 and reams and reams of information on Redoubt. Probably
23 more information than any other stream in Southeast. I
24 don't know if that's true or not, but there's certainly
25 data back into the '50s on this stream and that seems
26 significant enough to me to make the decision that I'm
27 making today.

28

29 There will be restrictions on subsistence
30 users or non-subsistence users. This proposal would ask
31 that you be a resident to fish in the Southeast line.
32 That's basically what it asks, that you be a resident.
33 If you were a resident of Sitka, you would be qualified
34 to fish inside of this line just as you are now. There
35 would be no difference. The people who would not be
36 allowed to fish in there are the guided sport with
37 non-residents aboard. They would not be allowed to fish.
38 I believe those are adequate.

39

40 The task force, I fully support that, but
41 I also believe that this Southeast Regional Advisory
42 Committee, as well as the Federal Subsistence Board, by
43 approving these, has made the State come to the table
44 with the Sitka Tribe. For those reasons, I'm going to
45 support this proposal.

46

47 Thank you.

48

49 CHAIRWOMAN GARZA: Mr. Thomas.

50

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1 MR. THOMAS: I'm not taking issue with
2 anything John says, but when you get to the Board level,
3 our justification is going to have to demonstrate the
4 absence of numbers by management and we'll be able to do
5 that. We can't make allegations that we can't
6 substantiate because the Board will say, well, we don't
7 have the evidence to support that and I don't have
8 anything to further the adoption of this proposal at that
9 level.

10
11 Also, the proposal language shouldn't
12 leave anything to define. If it means certain residents
13 only by community, that should have been specified. So
14 we can't leave assumptions in there. We have to speak
15 with definite conclusions that we arrive at in order to
16 put together a justification that is understandable and
17 representative of the proposal.

18
19 Thank you, Madame Chairman.

20
21 CHAIRWOMAN GARZA: John.

22
23 MR. LITTLEFIELD: Thank you, Madame
24 Chair. I will add one other thing under Federal
25 jurisdiction. When the Sitka Tribe discussed this, and I
26 was in on the discussions, they used existing Federal
27 language that says headland to headland and they moved
28 out to the very first headland. If you look on the map,
29 that's drawn there. That's in our discussion of what a
30 headland was and that's going to be on page 58. The
31 headland on the south on the peninsula was picked as a
32 definable point as the headland. The Federal Register
33 says rivers and other waters as they flow to the sea from
34 headland to headland and that seemed like a defensible
35 position. That was, in fact, a headland and not using
36 the mean high water mark, which is basically everywhere.
37 On every beach there is a mean high water mark on every
38 inch of the beach. Headland to headland is a little bit
39 more definite and that was what was used here and that's
40 why that particular line was chosen from point to point.

41
42 CHAIRWOMAN GARZA: Bill.

43
44 MR. THOMAS: Madame Chairman, I intend to
45 support the motion to adopt mainly because the merits of
46 the proposal are excellent. Our charge is to provide a
47 continued opportunity for subsistence users. Two,
48 conservation concerns haven't really been defined that
49 much. Again, I don't know if it's going to go at the
50 Board level, but I'm going to support the motion in any

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1 case.

2

3 CHAIRWOMAN GARZA: Is there any other
4 discussion on the motion? Mr. Martin.

5

6 MR. MARTIN: Madame Chair, thank you. I
7 also support the motion to adopt. I feel that Sitka
8 Tribe has done everything. They've done their homework.
9 I believe it's time for the other agencies to do their
10 homework, including the Federal Subsistence Board.

11

12 Thank you.

13

14 CHAIRWOMAN GARZA: Patricia.

15

16 MS. PHILLIPS: Madame Chair. I'm going
17 to vote in support of the proposal. The Regional
18 Advisory Council has continually collaborated with
19 Federal and State agencies to recommend management
20 actions concerning extension of Federal jurisdiction into
21 marine waters. The Federal Subsistence Board is
22 ignoring requests by the SERAC to extend jurisdiction in
23 appropriate specific instances where there exists Federal
24 interest to which the Federal subsistence priority
25 attaches.

26

27 The Federal Register, subpart B(10),
28 program structure .10(D)(4)(14), states identifying
29 appropriate specific instances where there exists
30 additional Federal reservations, Federal reserve water
31 rights or other Federal infested lands or waters,
32 including those in which the United States holds less
33 than a few ownership to which the Federal subsistence
34 priority attaches and make appropriate recommendations to
35 the secretaries for inclusions of those interests within
36 the Federal subsistence management program.

37

38 I believe that the Federal Subsistence
39 Board is worried about the political implications of
40 supporting the recommendations of the SERAC. When
41 populations are healthy, other uses have no limits. I
42 think the goal here is to have a healthy resource and I
43 believe that's managers with collaboration from state and
44 local tribes, biologists and traditional knowledge are
45 going to work towards that goal.

46

47 Thank you.

48

49 CHAIRWOMAN GARZA: Thank you. Mike.

50

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1 MR. DOUVILLE: Thank you, Madame Chair.
2 I am going to support this proposal, realizing that a
3 portion of it may be outside of our scope, you might say,
4 but the other parts of it certainly are very good. One
5 point is that it increases the efficiency with which you
6 can go harvest fish. It also has a cap, which addresses
7 conservation, which is very good and I think it is a good
8 proposal.

9
10 CHAIRWOMAN GARZA: Thank you, Mike.

11
12 MR. THOMAS: Question.

13
14 CHAIRWOMAN GARZA: Hey, I get a turn.
15 It's my intent to support this proposal. I understood
16 from Staff that there is not a conservation concern for
17 exploitation rate. We're seeing an increase in sport
18 harvest. I still do want to see the data from ADF&G
19 subsistence survey to be given to Mr. Thomas so that the
20 Federal Subsistence Board has the opportunity to review
21 that data. But I think it will demonstrate that the
22 harvest rate per household is not high. People generally
23 go down maybe four times. That's 40 fish. At least that
24 was my general average when I lived there. So I don't
25 think that that will increase the risk of over-
26 harvesting.

27
28 I would like to make two points that our
29 chairman will take forward. One is that if there is a
30 sentiment at the Federal Subsistence Board to vote
31 against the marine portion of it, that the proposal not
32 die, that the other portion of the proposal go forward.
33 And that the chairman again ask for information on when
34 we will receive a response to the marine line
35 jurisdiction, that the Southeast Regional Advisory
36 Council is still looking for that.

37
38 I think that the other point we need to
39 make is that this proposal should not be tabled pending
40 Board of Fish action regarding a task force. I think the
41 two can still go forward hand in hand if this proposal
42 passes. I think that task force is still necessary, but
43 I do not believe that this proposal should be tabled
44 simply because there may be a task force formed this
45 winter. Those are my comments. Marilyn.

46
47 MS. WILSON: Madame Chair. I also
48 support this motion, but I was also worried about the
49 Board tabling it like you said because of the headland to
50 headland that we want put in there and I'm worried that

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1 they might. I'm hoping that will be taken care of. The
2 reason I support it is we are to give reasonable
3 opportunity to subsistence users and priority. That's
4 our main thing here.

5

6 MR. THOMAS: Question.

7

8 CHAIRWOMAN GARZA: The question has been
9 called. All in favor signify by saying aye.

10

11 IN UNISON: Aye.

12

13 CHAIRWOMAN GARZA: Opposed.

14

15 (No opposing votes)

16

17 CHAIRWOMAN GARZA: Proposal 20 passes
18 unanimously. We are now going to Tom Boyd. As you're
19 getting up there, I would like to check on two things.
20 One is the status of Mr. Wilson, the lead dancer
21 yesterday. Is he in good health? Does anyone know? We
22 should find out that sometime today. Also, I would like
23 to point out on the radio this morning we did hear that
24 there is a boater in the Petersburg area who is still
25 missing. I think we need to keep that man and his family
26 in our prayers. He's been missing for three days, so
27 things do not look good. As we have a break during the
28 day, we need to have prayers for him and his family and
29 good thoughts.

30

31 MR. THOMAS: Madame Chair.

32

33 CHAIRWOMAN GARZA: Yes, Mr. Chair.

34

35 MR. THOMAS: When that comes up, I would
36 recommend Bert be given those honors for prayer. Also,
37 yesterday I facetiously referred to Mr. Boyd as FACA and
38 I apologize to him for that. Tom has been a stout friend
39 of this effort for many, many years and he's responsible
40 for a lot of good things that have happened. Tom is the
41 director of the Office of Subsistence Management, so in
42 that office there's nobody higher ranking than he is,
43 although he seeks guidance from higher ranking members
44 from time to time that you can't see. With that, I'd
45 like to introduce you to Tom Boyd.

46

47 MR. BOYD: Thank you, Mr. Chair. I'm
48 here today to provide a briefing to the Council with
49 regard to a recent decision I should say now at this
50 point by the Department of the Interior regarding changes

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1 that will occur in the future regarding the composition
2 of the 10 Federal Subsistence Regional Advisory Councils.
3

4 I will refer you to Tab G in your book,
5 which presents a briefing paper on what I will be
6 presenting to you today. Before I get started, I want to
7 first thank Mr. Chair for allowing me to move ahead in
8 the schedule. I have other commitments this week and
9 must leave town if the weather permits today, so I
10 appreciate the indulgence of the Chair and the Council in
11 allowing me to move ahead of the agenda.
12

13 You have the briefing paper in your
14 booklet under Tab G entitled Regional Advisory Councils.
15 It covers the topic for review of Regional Council
16 composition for compliance with the Federal Advisory
17 Committee Act. For this briefing, I will present an
18 overview and then open it for questions that the Council
19 may have.
20

21 Earlier this year, this past winter, you
22 received a copy of a letter from the Department of the
23 Interior. The letter is now referred to as -- we refer
24 to it anyway -- as the Griles letter. It is from Deputy
25 Secretary Steven Griles. It spoke to the Department of
26 concerns about membership balance on the Regional
27 Advisory Councils. The 10 councils, your council, are
28 subject to the requirements of the Federal Advisory
29 Committee Act, that we refer to as FACA. FACA requires
30 the membership of a Federal advisory committee to be
31 fairly balanced in terms of points of view represented
32 and the functions to be performed by the advisory
33 committee. The Department asked the Federal Subsistence
34 Board to review its procedures used to select members for
35 the councils to ensure that we were complying with
36 requirements of the Federal Advisory Committee Act.
37

38 Recently, the chair of the Federal
39 Subsistence Board, Mitch Demientieff, was interviewed.
40 I'll not cover necessarily the interview, but in general
41 the Board and the chair of the Board have supported the
42 idea of review to ensure that we were lined up with all
43 of our legal requirements, whether in ANILCA or Federal
44 Advisory Committee Act.
45

46 The Board went through several months of
47 looking at this issue, developed a proposal, had legal
48 review by the Office of the Solicitor in the Department,
49 both at the regional level in Alaska and at the
50 Washington, D.C. level, the national level. After a

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1 couple of rounds of discussion and interaction with the
2 solicitor's office, the Board completed its proposed
3 changes to council composition.

4

5 Hopefully all of you received a copy of
6 the August 26th letter from the Board to Mr. Griles and a
7 report which explains the changes in depth. More
8 recently, on September the 17th, last week, my office,
9 OSM, received a letter from Mr. Griles which stated that
10 the Board recommendations are to be implemented without
11 delay. He said that the Board recommendations will
12 strengthen the program to the benefit of all residents of
13 Alaska. I think yesterday we passed out a letter from
14 Chairman Demientieff that outlined what occurred with
15 regard to that letter.

16

17 Now I'll kind of touch on all of the
18 changes approved by the Office of the Secretary. Number
19 one, the changes involve increased membership on nine of
20 the 10 councils. The Yukon/Kuskokwim/Delta and
21 Southcentral Councils will increase their membership from
22 11 and 7, respectively, to 13 members on each of those
23 two councils. Your council, the Southeast Council, will
24 remain at 13. The remaining seven councils will increase
25 their membership to 10 and they vary in size from seven
26 to nine members. By having larger councils, this will
27 allow for additional opportunities for representation of
28 other directly-affected interests, which I'll touch on in
29 a minute. Recreational and commercial uses that have a
30 direct interest in subsistence allocations.

31

32 The second change that will occur is a
33 change in council composition. All councils will have
34 designated seats. Seventy percent of the seats will be
35 designated to represent subsistence interest and 30
36 percent will represent sport and commercial interests.
37 So, in other words, for the councils that have 10
38 members, three seats will be designated to sport and
39 commercial interest and the remaining seven subsistence
40 interest. For those with 13 members such as yours, four
41 seats will represent sport and commercial interest and
42 the remaining nine will represent subsistence interest.

43

44 Nothing changes with regard to the
45 requirements of ANILCA. All council members will
46 continue to be residents of their region. In the case of
47 the Southeast, all members of the council must be
48 residents of the Southeast region. As pertains to our
49 regulations, all members must be knowledgeable about
50 subsistence uses of fish and wildlife within the region

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1 and they may either be rural or non-rural residents, but
2 they still must reside within the region. In other
3 words, residents of Juneau or Ketchikan, which are
4 currently non-rural communities, still can belong to the
5 council. Some councils have alternates. I don't believe
6 this council does. Alternates will be allowed to
7 complete their terms, but alternates will be discontinued
8 in future years.

9

10 In the report that accompanied the August
11 26th letter, and I won't go into detail, there will be
12 changes to the nominations process, primarily changes to
13 the content of the application itself that people fill
14 out and some of the screening criteria to be expanded to
15 look for qualifications of the other interest groups.

16

17 Implementation. These changes will be
18 phased in over three years, beginning with the
19 application and nomination process next year, 2003. Full
20 implementation of the new composition of the councils
21 will be complete in 2006. The idea here, and this was an
22 idea that was championed by the Chair Mitch Demientieff,
23 was that they wanted to have all of the council members
24 that are currently in place have an opportunity to
25 reapply and be considered for these seats.

26

27 That's a comprehensive overview of the
28 changes that will be occurring starting next year. I'll
29 just pause there and see if there are any questions.

30

31 CHAIRMAN THOMAS: Before I recognize
32 anybody, thank you, Tom. Historically, in some regions,
33 they've experienced not being able to have a quorum at a
34 significant amount of their meetings. That's the need
35 for alternates. Okay, with the discontinuing of
36 alternates and those regions that have difficulty in
37 acquiring a quorum, what happens? They just don't have a
38 meeting if they don't have a quorum?

39

40 MR. BOYD: Well, in the worst case
41 scenario where we don't have enough members to satisfy a
42 quorum, we have to reschedule those meetings and
43 hopefully a quorum will assemble so that we can conduct
44 business. It does present a problem. I would agree with
45 you, Mr. Chair. In our experience, the incidents of
46 needing alternates to meet the quorum has been very
47 minimal, so I don't anticipate that we will have
48 significant issues or problems meeting quorums.

49

50 CHAIRMAN THOMAS: Should it become more

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1 chronic, is there a contingency to address that with the
2 inability to establish a quorum? That might be further
3 down the road than we need to go.

4

5 MR. BOYD: If I may, Mr. Chair, I think
6 it is further down the road. There is a mechanism in
7 place and that is we review the council charters every
8 two years. We're required to do so. If that becomes a
9 problem, it's possible that alternates may be
10 reinstated through that process. That was how they
11 were put in place to begin with, for recognition of the
12 problem, and this was then the solution to the problem.

13

14 CHAIRMAN THOMAS: So that would be
15 responsive.

16

17 MR. BOYD: It could occur that way, yes,
18 to be responsive if there is a future problem.

19

20 CHAIRMAN THOMAS: Thank you. Anybody
21 else? Dolly.

22

23 MS. GARZA: So I'm a bit confused in
24 terms of timing. Is this something that the Federal
25 Subsistence Board met on and made a decision without
26 talking to any of the Regional Advisory Councils?

27

28 MR. BOYD: Well, this office, my office,
29 and the Board has tried to keep the Council informed as
30 this process has moved along. Essentially, you're
31 correct, Ms. Garza. The posture of the Department of the
32 Interior is this is a legal review to ensure that we are
33 in legal compliance with the Federal Advisory Committee
34 Act. As such, the posture of the Department is this was
35 not open to public discussion or input. It is the
36 position of the Department that these changes should
37 occur in order to comply with the law.

38

39 MS. GARZA: So has the Federal
40 Subsistence Board met and said, yes, this is what we want
41 or is this coming now from OSM and it still has to go to
42 the Federal Subsistence Board?

43

44 MR. BOYD: This is a decision essentially
45 of the Federal Subsistence Board as approved by the
46 Office of the Secretary, Deputy Secretary Griles. I'm
47 not sure I'm answering your question. The decision
48 essentially to conduct the review came from the
49 Department of the Interior in order to ensure that we
50 were in compliance with the Federal Advisory Committee

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1 Act. They asked the Board to specifically look at a
2 representation by other interest as interpreted by the
3 Department to be in compliance with FACA. The Board did
4 so and legal review occurred and through that review the
5 Board then came up with this plan that was subsequently
6 last week approved by Secretary Griles. So this is
7 coming from the Board and the Department.

8

9 MS. GARZA: So when did the Federal
10 Subsistence Board meet and make the decision that they
11 would agree with what OSM has brought to them?

12

13 MR. BOYD: OSM is primarily serving in a
14 staff capacity at the direction of the Board. I don't
15 have the dates in front of me, but the meetings occurred
16 on several occasions throughout the last six to eight
17 months.

18

19 MS. GARZA: So the first meeting may have
20 been prior to our last Regional Advisory Council meeting
21 in Juneau?

22

23 MR. BOYD: The last meeting occurred in
24 February/March time frame, is that correct? It may have.
25 I don't have the dates in front of me. We received the
26 initial letter requesting the review.....

27

28 CHAIRMAN THOMAS: That came about in
29 December.

30

31 MR. BOYD: December or January, yes,
32 early in the year, so we may have had an initial kickoff
33 meeting early in the year.

34

35 CHAIRMAN THOMAS: Floyd.

36

37 MR. KOOKESH: When I was looking at this
38 composition, it states that the membership will represent
39 commercial, recreational, hunting and fishing interests.
40 I was kind of going over my background here and I was
41 looking at it because when I viewed this and I kind of
42 felt like it was an insult to my intelligence to be
43 seeing this. We're not coming back and looking at the
44 Board and saying what do you do, you know.

45

46 So I sat here and just did all my
47 background and my background says I'm a commercial
48 halibut fishing, it says that I'm U.S. Coast Guard
49 licensed to operate a passenger vessel, which is a
50 charter captain, it says that every year I buy a sport

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1 fishing license and every year I buy a hunting license,
2 I'm a longtime subsistence user, and I also represent the
3 city of Angoon as the mayor.

4

5 Is there a criteria you can adjust for,
6 like are you going to have somebody from Fish & Game on
7 there. Is this the kind of interest you're looking for,
8 that 30 percent? I make up the 70 and I make up the 30.
9 Well, that changes. Is that what you're looking for?
10 Are you looking for somebody that represents Alaska
11 Department of Fish & Game? Is that what they're looking
12 at in this composition?

13

14 MR. BOYD: Are you asking will there be a
15 member from the State or from the Alaska Department of
16 Fish & Game? It's possible that membership could be
17 someone who represents the United Fishermen of Alaska.
18 It's possible that membership may represent some
19 sportfishing group. It's possible that membership may
20 represent a recreational fisherman. I'm not here to
21 determine who that will be. That's something the Board
22 recommends and the secretary decides. I think the intent
23 of the Federal Advisory Committee Act is that there be
24 representation on Federal Advisory Committees from those
25 interests that are directly affected by the
26 recommendations and the decisions made in this process.

27

28 CHAIRMAN THOMAS: Dolly.

29

30 MS. GARZA: So we have two different
31 processes. We're throwing out FACA all of a sudden,
32 although I have been on one of the FACA boards and we
33 certainly didn't have to go through this. Assuming this
34 goes through (indiscernible - coughing) legal suits that
35 are or will be filed to this whole process and that it
36 may not happen, but should it go forward, of the 30
37 percent, which is going to be three and one-third, I
38 guess, for us, will the person who represents commercial
39 as Mike Douville does here, as Bert Adams does, as Patty
40 does, will that person still have to meet the ANILCA
41 requirements that they be subsistence users and
42 knowledgeable of subsistence activities, which is one of
43 the major questions when you get interviewed to be on the
44 Council?

45

46 MR. BOYD: The only ANILCA requirement is
47 that they be a resident of the region. That has been
48 supplemented by regulations that requires them to be
49 knowledgeable of subsistence uses. They are not required
50 to be a subsistence user per se, but knowledgeable of

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1 subsistence uses. So we will be asking questions to
2 understand those qualifications in addition to other
3 criteria we'll be using in the selection process.

4

5 CHAIRMAN THOMAS: That being the case, is
6 there going to be a mechanism to authenticate the
7 information you get?

8

9 MR. BOYD: Yes. And it's essentially the
10 process we follow even today. The process essentially is
11 that we form a panel in each region. The panel
12 membership is made up of Federal staff from the agencies
13 within the region. They receive the applications, call
14 references, key contacts and also interview the
15 applicants. All of you probably have been interviewed by
16 someone from a Federal agency. That information is
17 looked at by the panel and recommendations are then
18 forwarded to the Federal Subsistence Board. The Federal
19 Subsistence Board will evaluate that information,
20 develops their recommendation and forwards it on to the
21 secretaries.

22

23 CHAIRMAN THOMAS: How autonomous are
24 those panels?

25

26 MR. BOYD: How autonomous are they?
27 Well, autonomous only in the sense that they have
28 guidelines that are developed that are uniform across the
29 state. They use the same selection criteria. They
30 follow the same guidelines that are developed.

31

32 CHAIRMAN THOMAS: So they're not subject
33 to influence from different levels of the process.

34

35 MR. BOYD: I'm not exactly sure what
36 you're getting at, Mr. Thomas.

37

38 CHAIRMAN THOMAS: A person or an officer
39 says, okay, I understand this person was an applicant for
40 this appointment. I would encourage you to make that an
41 endorsement of your review.

42

43 MR. BOYD: To the best of my knowledge,
44 that does not occur. The panels are given full
45 discretion to pursue and gather information and develop
46 their recommendations.

47

48 CHAIRMAN THOMAS: John.

49

50 MR. LITTLEFIELD: You can select a sport

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1 or commercial interest who was totally opposed to the
2 concept of this subsistence priority and they could be
3 sitting on this Board, is that correct?

4

5 MR. BOYD: Well, I suppose that's
6 possible.

7

8 MR. LITTLEFIELD: How does that comply
9 with the subsistence priority that's implied and written
10 in Title VIII that this Board or all the councils are
11 supposed to be promoting and supporting this subsistence
12 priority. It seems at odds with common sense and
13 certainly boards that I've served on to have someone who
14 is opposed to the purpose for which you are formed
15 sitting on your board. Matter of fact, in a non-profit,
16 state law it's illegal. So I'm just wondering how this
17 process is going to work if you have an adamant anti-
18 subsistence person sitting at the table. You're just
19 putting a no vote at the table. And those people
20 definitely have a voice through the Fish & Game Advisory
21 Committees, written public comments. They have a voice.
22 Everyone has a voice. We've always listened to them.
23 And the council, if you look at it, is diverse.

24

25 My second comment was on why the number
26 13. It seems like we could go to 14 and we could have
27 then 10 subsistence and four. We could go to 15 and
28 still have 11 subsistence and four. I mean the 13 is
29 probably the worst. We would have 9 and four and the
30 only way it would be fair is we'll both have 10 or 20,
31 like that, to get the exact 70/30 split. Like Madame
32 Chair said, we're going to get one-third of a person or
33 one-tenth of a person. I don't know where the 70/30 came
34 from or 13, but 13 is probably the worst number you could
35 have picked.

36

37 CHAIRMAN THOMAS: I was reminded that no
38 matter who gets appointed to serve on a RAC has to
39 embrace the existing language and the intent of Title
40 VIII. They don't have to agree with it, but they do have
41 to embrace it.

42

43 MR. LITTLEFIELD: He just said he didn't
44 have to. That's the way I read it.

45

46 MR. BOYD: If I may address that point.
47 I answered your question as honestly as I could, Mr.
48 Littlefield. While I think it's possible, do I think
49 it's likely? I guess I would hope that it isn't very
50 likely and I would say it probably isn't very likely. I

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1 would hope that the screening process that we put in
2 place and that we use today would identify those
3 individuals and that we would seek those individuals who
4 work constructively with the council but will provide a
5 diverse viewpoint. I think that is the intent of the
6 Federal Advisory Committee. The intent of ANILCA, as you
7 have correctly pointed out, is to assure that the
8 subsistence priority is maintained and to promote the
9 idea of the subsistence way of life. Hence the super
10 majority on the Council.

11

12 Anyway, I would hope in the screening
13 process that we seek out those individuals who would be
14 willing to work constructively with the Council to
15 promote the primary purpose, which is Title VIII of
16 ANILCA.

17

18 CHAIRMAN THOMAS: I would hope that there
19 would be a provision that if there is a person appointed
20 to the RAC that is hostile to the intent of Title VIII,
21 that that person no longer be a member of the RAC and
22 replaced with someone that is. A viewpoint is one thing.
23 Viewpoints are good. All it is is hearing somebody else.
24 So I'm confident that we're not going to experience any
25 hostile appointments. If we do, we have traditional
26 means of handling those situations.

27

28 (Laughing)

29

30 CHAIRMAN THOMAS: Bert.

31

32 MR. ADAMS: Thank you, Mr. Chairman, Mr.
33 Boyd. If you look at all of the backgrounds of the
34 members of this Council, you'll find that all of those
35 interests are represented. I think that we look at the
36 best interest of the subsistence issues that are before
37 us. Even though it might commercial fishermen, sport
38 fishermen, charter boat captain, I think it should be the
39 main focus as far as I'm concerned. As I deliberate
40 here, there's other involvements that I'm in as well. I
41 think you already have the composition in this particular
42 body right here.

43

44 MR. BOYD: I think that was discussed and
45 recognized by the Board. I think the legal concern here
46 was that we ensure across the Board that those interests
47 were represented.

48

49 CHAIRMAN THOMAS: Marilyn.

50

00104

1 MS. WILSON: Mr. Chair. I sit here and I
2 feel really bad that our word is not taken. Some of us
3 have been on the Board since the inception of this
4 Council, which is about nine years. I know a few years
5 ago the Federal Board acted on some proposals and in the
6 newspaper they were blamed for listening to the Council
7 too much and I think that's another affront. Nobody
8 believes in this Council and any of the Councils that are
9 in Alaska. It's like we can't think or we don't do our
10 job right. I know we all work hard to do things right
11 and to listen to all the information.

12
13 For the legal part of this operation and
14 the Board to come up and say we need some other members
15 on here, I was on the Fish & Game Council and I know how
16 hard it is to work with people who do not believe in
17 subsistence. The rest of the Council mentioned all these
18 things and I really do not believe we should change the
19 composition of this Council because we are all very
20 capable people and we are all the user groups. I think
21 that should be taken into account. I can't help feel
22 strongly about this because I have given a lot of my life
23 to it.

24
25 CHAIRMAN THOMAS: One clarification.
26 This action isn't an action that was promoted by the
27 Federal Board. It's a directive they got from the
28 Department of Interior, the secretary. Is that right,
29 Mr. Boyd?

30
31 MR. BOYD: It came from a direction from
32 the Department, that's correct.

33
34 CHAIRMAN THOMAS: Harold.

35
36 MR. MARTIN: Thank you, Mr. Chairman. I
37 guess I'm sort of confused and a little bit disturbed.
38 We have commercial fishermen sitting on our Board and I
39 come from a non-subsistence area. I guess that makes me
40 a sports fisherman. This whole process sounds to me like
41 we can't be fair. I guess I'm a little bit disturbed
42 about how this whole process came about. You probably
43 said something about the legality of it. To me, FACA
44 requires a public process and consultation by tribes. I
45 didn't see any of those happen. I believe the Sitka
46 Tribe asked for tribal consultation. They didn't get
47 that. This whole thing reeks to me like the old days
48 when the agencies came to our villages and said this is
49 what's good for you, this is what was done for you and it
50 just disturbs me.

00105

1 CHAIRMAN THOMAS: John.

2

3 MR. LITTLEFIELD: Thank you, Mr. Chair.
4 I'm looking at the nominating form as well as the
5 application packet and there are A through G listed
6 there. A is a subsistence user. I guess I could put an
7 X there. B is a recreational user and I could put an X
8 there. Sport user, I could put an X there. Commercial
9 fisher, I could put an X there. H is a guide. I'm not a
10 registered guide, but I probably know a lot more about
11 the local area than most of the guides that live there.
12 They ask me questions on occasion. Transporter, I've
13 held a 100-ton license with a towing endorsement for 10
14 years, so I could put an X there. And other, I guess I'm
15 a businessman, that would be a commercial interest. So
16 I'm just wondering what you're accomplishing here. As
17 mentioned by others, the Board is very diverse and
18 probably this holds true for many of the Board members.
19 They could also put X's there and in commercial
20 interests.

21

22 I'm trying to find out what you're trying
23 to accomplish by this other than delusion of the
24 subsistence priority because that's what I see it to be.
25 I see it as people who are opposed to subsistence that
26 would be sitting on this Council. In other words, we'd
27 be looking at, in a worst case scenario, four no votes on
28 advancing a subsistence priority guaranteed and I think
29 that's first in Title VIII.

30

31 MR. BOYD: Mr. Chair, I guess the best I
32 can say is what the Department is looking at is to ensure
33 that the Federal Advisory Committee Act requirements are
34 met. That membership will be fairly balanced in terms of
35 the points of view represented and the functions to be
36 performed by the Advisory Committee. In the case of this
37 program, the Board and the Council are confronted with
38 issues of interest to those other consumptive uses,
39 commercial and sport. Really, what they're trying to do
40 is ensure that there's a voice at the table for those
41 interests that may be impacted by you or the
42 recommendations of this Council are the decisions made by
43 the Federal Subsistence Board. In a nutshell, that's
44 what they're trying to achieve. In their belief,
45 interpretation, that meets the requirements of the
46 Federal Advisory Committee Act.

47

48 I think what the selection process will
49 be looking at are primary affiliations, if you will, for
50 those interests. I think it's recognized and the Board

00106

1 recognized in their deliberations that many of the
2 existing Council members, including I guess almost all of
3 this Council, do, in fact, wear multiple hats. There are
4 other councils that it's fairly clear that members wore
5 multiple hats and then there were some councils it wasn't
6 so clear. So I think what we're doing is putting in
7 place a mechanism to ensure that FACA is met. At the
8 same time, I don't think they were trying to tear down
9 the primary purpose for what the councils are doing here,
10 and that is to provide input from those who are
11 knowledgeable of subsistence on those issues that
12 directly impact them. It's a balancing act between two
13 statutes, ANILCA and FACA.

14

15 CHAIRMAN THOMAS: Is that defined
16 criteria considered in the changes, has that information
17 been distributed?

18

19 MR. BOYD: In terms of the nomination
20 process? Is that what you're asking? The selection
21 criteria?

22

23 CHAIRMAN THOMAS: There was mention made
24 about people wearing more than one hat. Is that part of
25 the consideration in the adopting process?

26

27 MR. BOYD: Yes, it is. We're asking
28 people in the application process to identify their
29 primary affiliation. In other words, all in one.
30 Recognizing that people may wear multiple hats. What is
31 your primary affiliation.

32

33 CHAIRMAN THOMAS: Dolly.

34

35 MS. GARZA: So in looking at this,
36 assuming that there's an interest in some level of
37 balance, what I don't see here is environmental.

38

39 MR. BOYD: If I may again, Mr. Chair.
40 The interpretation of the solicitor's office is that this
41 is a statute that affects those who consumptively use the
42 resource. It's a taking statute, as they have said, and
43 that we need to only focus on those that are
44 consumptively using the resource. Broadly, FACA has been
45 interpreted not to be a Noah's Ark where you have two of
46 everything to have membership or to be satisfying the
47 requirements of this part of the statute. The guidance
48 from the department of the solicitor is only those that
49 have consumptive interest should be members.

50

00107

1 CHAIRMAN THOMAS: Well, just for a
2 witness, a year ago this month a letter was sent to the
3 Department of Interior from the State Legislature to the
4 two leaders of the Legislative body, the Senate President
5 and the Speaker of the House, requested that this action
6 occur. So this is in response to that. I don't think
7 it's an irony that the Department decided to go ahead and
8 do this even though I understand it's nation wide. I
9 don't know how many FACAs there are in Alaska and I'm
10 also not sure how many of them are restricted to a single
11 interest. I don't think it's of any consequence. I just
12 wanted to let you know that we're aware of those
13 happenings. Dolly.

14
15 MS. GARZA: Mr. Chairman. This is listed
16 basically as a report; however, I think that this Council
17 should respond to this and I would like to suggest that
18 we create an ad hoc committee that could perhaps draft a
19 letter tonight because I am, as others, absolutely
20 affronted. Someone is assuming that I don't represent
21 the interest of communities. I think I attempt to be
22 fair in all senses that I can. I think I'm very
23 conservation oriented. I consider this an absolute slap
24 in the face. I think it was brought forward by people
25 who are not subsistence-minded and why all of a sudden
26 decided to go along with them is beyond me.

27
28 But from the Council members I've talked
29 to, this is very discouraging. It tells you that you
30 have absolutely no faith in our capabilities. Absolutely
31 no faith, no trust. We have not doubled our harvest over
32 the 10 years that we've had subsistence. We have not
33 even increased it by probably 25 percent. We still take
34 less than one percent of the whole resources in the state
35 of Alaska and yet we have continued to be the primary
36 target for every single attempt to reduce fish or game
37 use in the state of Alaska. We have been fighting for as
38 long as my grandmother, who was one of the people who
39 stood in battle. I have always thought that I could
40 count on Office of Subsistence Management to help us
41 through these hard times, to direct us so that we can
42 continue to protect subsistence because that's the
43 absolute basis of ANILCA and, with this, I don't believe
44 that anymore. I've lost trust, I have lost faith and I'm
45 not sure why I'm here.

46
47 CHAIRMAN THOMAS: See, that's the whole
48 thing. The whole thing was initiated by parties that are
49 hostile to subsistence in Alaska in any case. We are two
50 votes against amending the Constitution or to allow for

00108

1 state provisions. So they're using their influence to
2 the Federal under this administration working through
3 employees like yourself, staff like yourself, to
4 accomplish this. We understand this isn't your design,
5 this isn't your initiative. It's your response to a
6 directive and we understand that.

7

8 I don't have to elaborate any further.
9 You know that our feelings on the actions are based on
10 integrity and intelligence, this type of thing. So
11 that's the whole disturbing thing. They couldn't get it
12 done statewide, so they went and found an ally in
13 Washington and they're working out of there and it's
14 unfortunate, but it's still going to be of no
15 consequence. Who will benefit? Anybody else have any
16 questions? Mike.

17

18 MR. DOUVILLE: Thank you, Mr. Chairman.
19 I believe I read the letter as a review of the
20 composition of the Board, is that correct?

21

22 MR. BOYD: As I stated earlier, it's a
23 review of the composition of the councils, the 10
24 Regional Advisory Councils.

25

26 MR. DOUVILLE: Did you look at the
27 applications of your council to see what the composition
28 really was before going on farther?

29

30 MR. BOYD: Yes. My office conducted a
31 review of the individuals that are currently serving as
32 members of the Councils to try to ascertain those other
33 interests. However, the information we had was not
34 complete and I think it was based mostly on personal
35 knowledge that myself and my staff may have had of the
36 various members. We did try to provide that information
37 both to the Board and to the Department to show them
38 where we currently stood, yes.

39

40 MR. DOUVILLE: You know, I have five CFEC
41 permits, which I qualified for. I have a Coast Guard
42 masters license. I'm also a licensed sport fishing
43 guide. I belong to the Alaska Trawler Association and
44 also the Ketchikan Sports Club. I wouldn't want to trade
45 any of those things. I'm also a subsistence user and
46 I've owned my own boat since 1971. So it's commercial
47 fishing interest and sport, so I fail to see where there
48 was anything that was inadequate. I think it's just more
49 of an attempt to further water down the system that we
50 sitting here have a really difficult time dealing with

00109

1 anything that's even slightly controversial. It just
2 doesn't go over well. It's frustrating to me and it's a
3 waste of my time and my knowledge.

4

5 President Clinton ordered in a
6 presidential order to use TEK. What happened to that?
7 You don't see it anymore. It's not mentioned, not used.
8 I mean they just blow off traditional knowledge. So to
9 further water it down by special interest is not going a
10 step in the right direction.

11

12 CHAIRMAN THOMAS: Patty.

13

14 MS. PHILLIPS: Chairman Thomas, Mr. Boyd.
15 I appreciate your calm demeanor in the heat of these
16 stern comments. Do you know how the 70/30 split was
17 derived?

18

19 MR. BOYD: Yes. It was basically taken
20 from the amendments to ANILCA that were developed in
21 concert with the state and Senator Stevens. Those
22 amendments were put forth, I think, prior to 2000, 1998
23 or 1999 time frame, and went forth and has a contingency
24 plan should the state pass a constitutional amendment.
25 Those amendments never went into effect because,
26 obviously, the state didn't pass the constitutional
27 amendment, so they were to derive from that package of
28 amendments that were put together and Senator Stevens
29 introduced into Congress.

30

31 MS. PHILLIPS: As reported by other
32 Council members, we represent a cross section of the
33 population of Alaska. When my seat comes up for renewal
34 or to be reappointed, which category am I to check? Am I
35 to check the 70 percent subsistence or am I do check the
36 30 percent sport or commercial or recreational? I could
37 fall into either category. Not knowing which seat needs
38 to be filled, I may check the inappropriate box and not
39 be renominated or reappointed to this Council. There
40 should be a lot of emphasis on reappointing members to
41 this Council because there's a long learning curve to be
42 effective on this Council.

43

44 If I base my decision on this category to
45 check based on income, it would have to fall in the
46 commercial, sport, recreational, but I grew up in Alaska.
47 I remember going out as an infant, as a toddler, as a
48 child, as a teenager, as an adult, digging clams,
49 gathering abalone, staring at deer tongues hanging out of
50 a hanging deer. So which category do I check? I don't

00110

1 know.

2

3 CHAIRMAN THOMAS: Dick.

4

5 MR. STOKES: I would like to say that we
6 have a group in Wrangell that works closely with our
7 state senator and they have stated that it would take
8 time but they were going to see what they could do about
9 the subsistence and I believe this is one of the areas
10 that they're working because our senator is right close
11 with the one that's running for governor and his
12 influence in Washington. So I believe this is a darn
13 right slap in the face to us.

14

15 That's all I have to say.

16

17 CHAIRMAN THOMAS: Thank you, Dick.

18 Harold.

19

20 MR. MARTIN: Thank you, Mr. Chairman.

21 Currently, I think this is not a done deal, it's just a
22 proposal.

23

24 MR. BOYD: Mr. Chair. Last week, the
25 Department did approve these changes, so this briefing
26 paper was written before the approval came out.

27

28 MR. MARTIN: I kind of expected these
29 kind of things to happen when former Senator Drue Pearce
30 became advisor to Secretary of Interior Gale Norton. We
31 all know Senator Drue Pearce is not a friend of
32 subsistence, she's one of the people that voted against
33 it in the legislature. My own personal opinion is that
34 the Office of Subsistence Management and the Subsistence
35 Board are too easily influenced by the State and trying
36 too hard to act like that State. It seems like all the
37 advice that comes from the State -- I'm beginning to
38 wonder why do you call it a Federal takeover? Why don't
39 we just turn everything back to the State? That's the
40 direction it's taking.

41

42 Thank you, Mr. Chairman.

43

44 CHAIRMAN THOMAS: Obviously, there's a
45 lot of frustration on this merely because of lack of
46 communication. We all anticipated the outcome on this
47 and I don't think anybody is surprised by it. So, thank
48 you for reading this. This is not an action item. It's
49 an informational item. When Dolly gets through, I do
50 have one person from the public that wants to share her

00111

1 views. Dolly, go ahead.

2

3 MS. GARZA: Recognizing that it is off
4 the agenda as a report, it can still become an action
5 item, so Mr. Chairman I would move that we add it to.....

6

7 CHAIRMAN THOMAS: 19.

8

9 MS. GARZA:19 and that the intent
10 would be to take that up before the end of the day so we
11 can create an ad hoc committee and write a letter of our
12 severe disappointment and that each of us as Council
13 members put on one page who we are and what we represent.

14

15 MR. LITTLEFIELD: Second.

16

17 CHAIRMAN THOMAS: Hearing no objection,
18 so ordered. Thank you, Mr. Boyd. I'll now hear from
19 Wanda. She has some important comments to offer us.
20 Tom.

21

22 MR. BOYD: I had one other item that may
23 be fairly brief.

24

25 CHAIRMAN THOMAS: If you don't mind
26 sitting at the table.

27

28 MR. BOYD: Not at all.

29

30 MS. CULP: Thank you, Mr. Chairman. My
31 name for the record is Wanda Culp. I'm a Hoonah Indian
32 Association member and a customary and traditional user
33 originating from Glacier Bay where the Federal government
34 has already banned us out of. For the record, I'd like
35 to loudly oppose the changing of the Board composition.
36 The Southeast Regional Advisory Council is impressive in
37 their interaction with each other and with those of us
38 that attend these meetings. The local issues and
39 conditions are taken very seriously and we can have
40 confidence that each and every one of these folks that we
41 face here know what we're talking about and can
42 understand it.

43

44 The recreational uses that the State of
45 Alaska has allowed is killing customary and traditional
46 usage. It's literally taking us over like a cancer. The
47 Volschmidt and Hawse book that gets referred to
48 occasionally here clearly outlines that we customarily
49 and traditionally use the entire Southeast Alaska, yet we
50 don't have any place to go where we aren't competing very

00112

1 strongly with these recreational users who are hostile to
2 our very own presence.

3

4 If the Federal Subsistence Board
5 continues to throw hoops at us where we have to jump
6 through and now they're proposing -- or not even
7 proposing, they're imposing on us forces that are just
8 going to disrupt this process. If it becomes diluted to
9 the point where we can't even bring up our issues without
10 facing hostility, we're not going to bother with the
11 Federal Subsistence Board process as users. We're just
12 going to do what we've always done and that's be illegal
13 in our own midst. Under anybody's definition, that is
14 inhuman.

15

16 So this has to stop somewhere. This is
17 not a broken situation. The Regional Advisory Council
18 here is not broken, so why try to fix it.

19

20 Thank you.

21

22 CHAIRMAN THOMAS: The thing here is will
23 we prevail under these conditions forever. This is just
24 another page in the history in Alaska. So I don't think
25 we need to feel threatened, I don't think we're going to
26 buckle. I think what we're doing is exposing a factor
27 for people that don't share the same views that we do
28 with regard to resource management. When they realize
29 the serious problem they made in exposing that, it's like
30 a chronic liar that told the truth one time. He spent
31 two weeks trying to lie his way out of that. So I see
32 this as a comparison. No personal reflection on Mr.
33 Boyd. He's just a messenger and we appreciate you being
34 here. That being the case, let's let you finish your
35 second take on this, then I'll let Woody come up and give
36 his remarks.

37

38 MR. BOYD: I will try to make this brief
39 because I think it's a fairly straightforward issue.
40 Since I wrote the letter, I will take responsibility for
41 this one. In Tab H, I believe. I wrote the letter to
42 all the Councils and I would say that the problems in the
43 various Councils are different with regard to meeting
44 times and locations. For this Council, I don't believe
45 there's an issue with me and my office with regard to
46 meeting locations, so that's not an issue I want to focus
47 on. I really want to focus on the scheduling part of the
48 meeting. I won't re-read the letter to you, I'll just
49 focus on an area that I would like some help from the
50 Councils on.

00113

1 In administering the Council program, I
2 have to balance the schedule of 10 different Councils. I
3 realize you only see what your Council does. And that
4 creates problems sometimes when I have Councils that sort
5 of have overlap in meetings and I have to send staff and
6 other agencies have to send staff to these meetings and
7 we have a lot of demands. I understand you have
8 scheduling concerns, too.

9
10 So what I would like to propose is that
11 we think a year out as opposed to what we're currently
12 doing, just six months out. When you come to the end of
13 this meeting and you're looking at your next schedule,
14 that you look ahead to the next fall as well as the
15 winter meeting and propose a tentative date and location
16 for those two meetings and then, when we come back next
17 winter, February/March time frame, we look ahead again to
18 this next meeting and the meeting after that. That will
19 keep us two steps ahead of trying to schedule and we can
20 dialogue with the Council if we have any conflicts that
21 we need to sort out. And I would rather sort them out
22 with you as a Council as a whole rather than me trying to
23 second-guess or just talk to Bill alone. I think that
24 would help us sort of just sort of stay ahead of the
25 scheduling conflicts that I see occasionally.

26
27 CHAIRMAN THOMAS: I think I have a quick
28 fix. We have a five-week window and 10 Regional
29 Councils. We either need to expand our window or we just
30 don't apply it (ph).

31
32 MR. BOYD: I wish it were that simple,
33 Mr. Chair. Anyway, I would just propose -- and I'm not
34 suggesting that any authority or responsibility for the
35 Council to identify when and where they meet is something
36 that I want to intrude upon. I just want the opportunity
37 to continue to dialogue with you on it.

38
39 CHAIRMAN THOMAS: In response to this,
40 we'll do everything that we can to avoid those that you
41 pointed out in our scheduling and realizing that
42 circumstances can happen other times with somebody else
43 and even with us. Initially, we'll do all we can to
44 avoid this.

45
46 Thank you very much. Oh, stay there.

47
48 Go ahead, Woody.

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

00114

1 Council members. Thank you for letting me respond before
2 Mr. Boyd leaves. I'm not sure if everybody has a copy of
3 the letter. For the record, Woody Widmark, Tribal Chair
4 for Sitka Tribe of Alaska. Just to get my comments in,
5 and I know this is going to be an action item later on, a
6 couple days from now. I just wanted to emphasize
7 Department of Interior. What comes to mind -- I heard
8 from Mr. Martin already about trust responsibility
9 consultation to Federally-recognized tribes, which we do
10 have well over 200 tribes, 227 tribes in the great state
11 of Alaska. It sounds like the Deputy Secretary made more
12 or less a directive. There was no scoping process, no
13 public process, nothing. That's why I hear the
14 frustration by the Council members, but I also want to
15 emphasize there's nothing to the tribes.

16

17 Where there are applicable laws or laws,
18 the Federal Advisory Committee Act, there are other acts,
19 applicable laws that affect tribes. In the executive
20 order by the President. The government. When you say
21 Department of Interior, they do have a trust
22 responsibility to tribes, Federally-recognized tribes,
23 and also maybe avenues where the Department of Interior
24 and other Federal agencies can meet with tribes and
25 particularly with the common grounds coming in Kake,
26 coming next week as well, too.

27

28 I'm using the language by Mr.
29 Demientieff, the chair of Federal Subsistence Board, that
30 this one law that guide the operation of the Regional
31 Advisory Council. I want to put that there are other
32 laws that direct the Department on consultation, trust
33 responsibility, let alone a public process on that. I
34 don't have to remind the Department of Interior they're
35 already having problems with trust reform across the
36 Indian country as well, too.

37

38 The 70/30 percent, I believe, could be
39 just a start of diluting words, you know, just a start of
40 not looking at 70/30. Another avenue of anti-
41 sovereignty, which tribes are going across the nation, so
42 I put up a red flag on that. To respond to Ms. Garza on
43 why I'm on the Board here, at least there are other
44 avenues for public process and I agree that, including
45 our agenda that Dolly mentioned, there is summary of
46 written public comments and also there's an avenue for
47 public testimony as well.

48

49 Subsistence priority. Reasonable
50 opportunity that I've heard from this Council and I

00115

1 mentioned earlier in our Proposal No. 20. I'm just
2 trying to figure out is the Regional Advisory Council
3 across the state not doing a good job? Has each advisory
4 had an evaluation on that because they're doing this. Is
5 it good, is it bad, is it so-so? I would figure if
6 you're not doing a good job, you wouldn't get
7 reappointed.

8

9 And I would hope that letters of support
10 by tribes -- I just wanted to re-emphasize our letter to
11 Mr. Boyd to my right. I just wanted to rebuttal, I
12 guess, or re-emphasize that at least this Council on the
13 letter that the Sitka Tribe is appreciative of the SERAC
14 and the work that is done to protect subsistence. Having
15 attended the fall of 2000 meeting in Yakutat, Alaska, I
16 found the Council to be educated on the issues before
17 them and carefully weigh their actions and ready to share
18 their intimate knowledge of the region's subsistence use,
19 essential habitat and community opinion regarding
20 resource allocation decisions. STA's concern in the face
21 of good work being done by SERAC why changes are even
22 being proposed.

23

24 I do agree that at least on the
25 composition that why -- I mean every one of you share a
26 frustration that you have. You have more than one or two
27 or three hats on different avenues. At least from Sitka
28 Tribe and I think tribes feel frustration that they're
29 not being consulted. They're the ones being impacted
30 very much so in the different regions. So I feel really
31 remiss and I've emphasized this on government and we do
32 have them in the audience and really want to reassure
33 that Sitka Tribe won't stand pat on this. We're going to
34 ask for consultation. We're going to ask if there are
35 other laws that affect tribes here and our livelihood.
36 Our subsistence priority is being affected.

37

38 If I may, Mr. Chairman and Council, I do
39 have a question here by the audience if I could read it.

40

41 CHAIRMAN THOMAS: Sure.

42

43 MR. WIDMARK: Thank you. The regional
44 Federal subsistence program, including the RAC process,
45 was worked out in the large EIS in a rule-making process.
46 Legally, doesn't the secretary have to do at least an
47 environmental analysis, including public scoping to amend
48 the EIS and doesn't she have to do a proposed rule to
49 change an administrative rule? That's one question. The
50 other question, the Federal Advisory Committee was passed

00116

1 in 1976. ANILCA was passed in 1980. If conflicts arise
2 between FACA and ANILCA, doesn't the more recent
3 legislation govern?

4

5 Thank you, Mr. Chairman.

6

7 CHAIRMAN THOMAS: Thank you, Woody. A
8 couple of things. One thing, we're not a facilitator for
9 government-to-government relations. Secondly, it isn't
10 Indian law. We're trying to represent the region and
11 everybody that lives in it. While we have a tendency,
12 sometimes our non-Native blood gets overwritten by our
13 first nation status and we don't apologize for that. But
14 this is a broad-reaching provision for resources in
15 Alaska. My suggestion, and I like what you said, is that
16 as a tribe we're going to try to ensure that more
17 government-to-government interaction occurs and that's
18 what's supposed to happen from my understanding of the
19 law of government-to-government. So I just wanted to
20 point those two things out so that Tom wouldn't feel like
21 he was the author of Title VIII. Anyway, Tom, do you
22 have any response for Woody?

23

24 MR. BOYD: On the issue of how well the
25 Regional Advisory Councils are doing, I agree with Sitka
26 Tribe with regard to this particular Council and the
27 other nine Councils. I don't think there was a hint of
28 criticism of the performance of the Regional Advisory
29 Councils as this issue of FACA compliance was being
30 deliberated and discussed. That is not what's driving
31 this, so I want to make that perfectly clear. I think
32 the Board and myself are extremely satisfied with the
33 performance of the Councils. I haven't visited your
34 Council in a long while and I'm glad I did because the
35 time I've spent with you yesterday and this morning has
36 been enlightening for me. So I'll just say that from my
37 own heart that that's not the issue here. The issue is
38 compliance with Federal Advisory Committee Act and that's
39 what's driving this.

40

41 With regard to the other questions that
42 you asked or the legal questions, there are legal
43 questions and I'm certainly not going to sit here and try
44 to answer them because, number one, the first question
45 with regard to whether or not there should be public
46 process and EA are following the APA, the Administrative
47 Procedures Act. That's not in the question, but it's
48 implied, where we have some public process for obtaining
49 information. I stated earlier that it's the posture of
50 the Department that this is a matter of legal review and

00117

1 trying to comply with the law, which doesn't necessarily
2 require an open public process.

3

4 However, I should say at the same time it
5 is now a matter of litigation. A cross motion, a motion
6 to intervene and a claim has been filed in the District
7 court of Alaska regarding the Safari Club litigation
8 that's currently ongoing, Safari Club, et al, versus the
9 Federal Subsistence Board. In a way of summary, the
10 Safari Club litigation has been going on for a couple
11 years now. Among other claims, they challenge the
12 composition of the councils. As a result of this recent
13 action by the Department and the Board in terms of
14 council composition, the cross claim is to basically ask
15 the court to declare an injunction against this action.
16 So that's ongoing right now, so we will find out what the
17 courts have to say about these legal questions. That's
18 essentially my response.

19

20 CHAIRWOMAN GARZA: Mr. Littlefield.

21

22 MR. LITTLEFIELD: Thank you, Madame
23 Chair. I find it amusing that the OSM hides behind legal
24 action going on on marine waters to prevent taking any
25 action on the questions that we've asked about marine
26 waters, why they don't use this same defense right here
27 saying that there's legal action going on protesting
28 this, therefore we won't do anything, because that's what
29 you've done on marine waters, but on this one you've got
30 legal action. Oh, my God, let's change the Board right
31 now.

32

33 The second one was a comment on the trust
34 responsibility of Natives. It does have a place at this
35 Board. In other words, 8.01 talks about Natives
36 specifically and they do have a place at this meeting.
37 My question to Mr. Boyd is how many tribes have written
38 you letters to date protesting this? I want to get some
39 kind of feel. Other than the Sitka Tribe's letter, which
40 is in front of you, are there many others that are
41 protesting? I suspect more will be coming in, but how
42 many do you have right now?

43

44 MR. BOYD: Early on we received a letter
45 from the Alaska Inter-Tribal Council and the other one
46 was the Sitka Tribe.

47

48 MR. LITTLEFIELD: Nothing from up north?

49

50 MR. BOYD: To the best of my knowledge,

00118

1 no other letters.

2

3 MR. THOMAS: Anybody else?

4

5 CHAIRWOMAN GARZA: Woody, thank you for
6 your comments. Thank you for your comments. Getting
7 ready for lunch. ANS is sponsoring lunch. Dinner is on
8 our own, so this is the time to support ANS as they're
9 getting ready for Grand Camp. Before we have lunch, I
10 did ask Bert Adams if he would say a prayer, one for Mr.
11 Wilson, who I understand is doing better and to also
12 include the Petersburg family who has a missing boat
13 member. So if we could go to that, Bert.

14

15 (Prayer by Mr. Adams)

16

17 (Off record)

18

19 (On record)

20

21 CHAIRWOMAN GARZA: Call the meeting back
22 to order. I think we're done with our diversion, so
23 we're back to the agenda. The next proposal at hand is
24 Proposal 27. Statewide existing regulation of fish and
25 who is reporting on that?

26

27 MR. CASIPIT: Madame Chair, I think we
28 took care of 27 yesterday. 28 would be the next one.

29

30 CHAIRWOMAN GARZA: Okay. Sorry. Okay,
31 28.

32

33 MR. CASIPIT: Proposal No. 28 and it
34 starts on page 45, Tab C. This proposal was submitted by
35 Office of Subsistence Management. The proposed
36 regulation would read Federal subsistence fishing
37 schedules, opening, closings and fishing methods are the
38 same as those issued for the subsistence taking of fish
39 under Alaska Emergency Orders ACC.16.05.060 unless
40 superseded by Federal special action.

41

42 A little background on this. This was
43 put in place to implement the Yukon/Kuskokwim in-season
44 management agreement between the State of Alaska and
45 Federal Subsistence Board. Basically, the effect of this
46 would be, with the State issuing a special action
47 modifying the subsistence fishery, that the Federal
48 government wouldn't have to prepare a complimentary
49 Federal special action, that the State special action
50 would be the same as the Federal special action unless it

00119

1 was superseded.

2

3 The Staff analysis for this one starts on
4 page 47 and I'm not going to go very much in-depth on
5 that. I think I'll just cut to the preliminary
6 conclusion. The preliminary conclusion is to support
7 this proposal with modification. This regulatory
8 language would only be in place for the Yukon and
9 Kuskokwim regions and this would also allow the current,
10 ongoing Federal and State in-season protocol for the rest
11 of the state to be developed and completed before any
12 other regulatory action is put in for those. So our
13 preliminary conclusion is to support this proposal for
14 the Yukon/Kuskokwim regions but statewide and other areas
15 the existing management structure would still be in place
16 for a subsistence fishery to be closed or opened or
17 whatever on Federal land. It would have to be a State
18 action as well as a Federal action. With that, I'll be
19 happy to answer questions to the best of my ability.

20

21 CHAIRWOMAN GARZA: Is there questions of
22 Staff? ADF&G comments?

23

24 MS. SEE: Madame Chair, Council members
25 and the public. My name is Marianne See with the
26 Department of Fish & Game. We support this proposal. We
27 feel this would encourage a more coordinated management
28 approach for Federal and State managers. I also feel
29 that it will reduce duplication of effort and possible
30 confusion for the public by means of coordinating news
31 releases and legal notices regarding identical management
32 actions. I'll be happy to take any questions.

33

34 CHAIRWOMAN GARZA: Any questions for
35 State? Thank you. Tribal government and other agencies.
36 Hoonah Indian Association, Sitka Tribe. Okay. We're all
37 full after lunch. Fish & Game Advisory Committee, are
38 there any reports? Are there any Fish & Game Advisory
39 Committee chairmans here? I better hurry up before Bill
40 gets up here. Summary of written comments, Mr.
41 Schroeder?

42

43 MR. SCHROEDER: Madame Chair, we've got
44 one written comment from the Cordova District Fishermen's
45 United and CDFU supports this proposal in the interest of
46 clarity and consistency. This regulation will require
47 collaboration and cooperation between State and Federal
48 managers resulting in benefits to the resource, managers
49 and users. That's the only written comment that we have
50 on this proposal.

00120

1 CHAIRWOMAN GARZA: Thank you. Is there
2 any public testimony? I do not have any green cards
3 regarding this. Okay. We'll hear for Regional Council
4 deliberation, recommendation and justification. Is there
5 a motion? Mr. Adams.

6
7 MR. ADAMS: Madame Chairman. The
8 Wrangell-St. Elias Regional Subsistence Resource
9 Commission also had this before them and they went ahead
10 and supported and adopted it. For the sake of
11 discussion, I would go ahead and move that we approve it.

12
13 CHAIRWOMAN GARZA: As a point of
14 clarification, are you moving on the proposed regulation
15 or the Staff recommendation?

16
17 MR. ADAMS: Madame Chairman, it's Staff
18 recommendation.

19
20 CHAIRWOMAN GARZA: So there is a motion
21 to accept the proposed regulation as modified by the
22 Staff, so it would be limited to Yukon only. On page 50.
23 Is there a second to that motion?

24
25 MR. MARTIN: Second.

26
27 CHAIRWOMAN GARZA: It's been moved and
28 seconded to accept the Staff recommendation for this
29 Proposal 28, so it will read, for the Yukon and Kuskokwim
30 River, statewide Federal subsistence fishing schedules,
31 openings, closing, blah, blah, blah. It is now specific
32 to Yukon/Kuskokwim for our deliberations. Any
33 discussion? Mr. Littlefield.

34
35 MR. LITTLEFIELD: Thank you, Madame
36 Chair. I'm going to oppose this proposal. I think the
37 words are backwards. Whether it's on the Yukon/Kuskokwim
38 or the Southeast region, I think you could easily turn
39 the words around. In other words, State of Alaska
40 emergency orders should follow the statewide Federal
41 subsistence, would feel a little more appropriate to me.
42 Locally, within our area, the special actions that I've
43 seen are not overly cumbersome. I only know of one in
44 Sitka. Maybe there are others. They didn't seem to be
45 overly cumbersome and I think there's a clear reason to
46 differentiate between tying the Federal subsistence even
47 more closely to the state program. So I would oppose it.

48
49 CHAIRWOMAN GARZA: Thank you, Mr.
50 Littlefield. Any other comments? Mr. Martin.

00121

1 MR. MARTIN: May I ask who does the
2 executive summary on page 43?

3
4 MR. CASIPIT: Madame Chair, may I answer
5 that?

6
7 CHAIRWOMAN GARZA: Yes. Cal.

8
9 MR. CASIPIT: These executive summaries
10 are prepared by OSM Staff in Anchorage for publication in
11 these books. So OSM prepares these executive summaries.

12
13 MR. MARTIN: How much insight do these
14 have?

15
16 MR. CASIPIT: They're basically just re-
17 wordings of what's in Staff analyses or what was
18 originally proposed. They generally don't add things to
19 this, they just kind of boil things down.

20
21 MR. MARTIN: I'm just concerned that --
22 Mr. Littlefield stated that on the regulations, this
23 seems to me asking us and the Feds to conform to State
24 regulations.

25
26 MR. CASIPIT: Your perception is correct.
27 That's, in a sense, what this proposed regulation does.
28 The State would pass an emergency order or whatever and
29 that would have the same force under Federal law unless
30 the Federal government issued a special action that
31 didn't do the same.

32
33 CHAIRWOMAN GARZA: Mr. Thomas and then
34 Ida.

35
36 MR. THOMAS: Madame Chairman, thank you.
37 I want to speak in opposition to the motion. If you'll
38 turn to page 50, under justification. The purpose of
39 this proposal is to streamline the special action process
40 on a statewide basis. This streamline process is
41 currently being implemented and evaluated on a trial
42 basis for the Yukon/Kuskokwim River for the 2002 fishing
43 season. That's a pretty powerful statement. It's a good
44 statement. I don't think major systems like that or any
45 system that's important for any reason should be treated
46 like this because there is no anticipated outcome of
47 benefit or consequence on this. It is premature because
48 I would like to see what the effects are on regions that
49 are identified in here before we do anything on it. I
50 want to speak against the motion.

00122

1 CHAIRWOMAN GARZA: Patty.

2

3 MS. PHILLIPS: Madame Chair. I vote
4 against the motion. Under the effect of the proposal,
5 page 49, it says one in-season manager has indicated that
6 this proposal may result in unattended regulations being
7 put into effect and that a longer evaluation period is
8 necessary before the regulation is put into effect and
9 this proposal may undermine the overall present State
10 protocol of development.

11

12 CHAIRWOMAN GARZA: Thank you. Ida had
13 asked to be recognized and then Cal.

14

15 MS. HILDEBRAND: Thank you, Madame Chair.
16 Ida Hildebrand, BIA Staff Committee member. I just
17 wanted to state that there was a lot of agreement to the
18 last two Council comments, that it is considered
19 premature and that it should be directed only at the
20 Yukon/Kuskokwim because the system between the State and
21 Federal managers in in-season management is so much more
22 intense than the rest of the state that it shouldn't be
23 put out in a statewide proposal. The Yukon and Kuskokwim
24 Councils have not yet met on this, so it might be that
25 it's also premature, but your Council has already picked
26 up on that. There is a different working relationship in
27 the EO and Federal special action on the Yukon/Kuskokwim
28 that's unique in that part of the state and the way they
29 address those, how the local people, the subsistence
30 users respond to the State's EO is different than
31 elsewhere. I believe those Councils should be the ones
32 that respond to this and I agree with your Council's
33 comments.

34

35 Thank you.

36

37 CHAIRWOMAN GARZA: Cal.

38

39 MR. CASIPIT: My comments were pretty
40 much along the lines of what Ida was saying. A couple
41 more considerations in the Yukon/Kuskokwim area. There's
42 the YR DFA Group and the Kuskokwim Working Group that's
43 meeting constantly during the season. They're dealing
44 with five or six special actions in a day or a week.
45 Much more intense activity in terms of the in-season
46 management. In some other areas, like Southeast, we're
47 lucky if we get five or six in-season actions in a year.
48 So the intensity is a little bit different in other areas
49 of the state and this proposal is to try to kind of
50 streamline things for the Yukon/Kuskokwim.

00123

1 CHAIRWOMAN GARZA: Mr. Probasco.

2

3 MR. PROBASCO: For the record, my name is
4 Pete Probasco. I think it's important that we clarify
5 the intent of this proposal and I think we're capturing
6 at the end here. It only addresses at this point
7 Yukon/Kuskokwim and that's the proposal. The main reason
8 for that is there's been in the last two years a very
9 elaborate process that the State managers and the Federal
10 managers, along with the regional councils, have gone
11 through and developed a Yukon/Kuskokwim in-season
12 management protocol. We felt that it was premature to
13 include other areas until we go through that same process
14 for other management areas. This may apply or this may
15 not apply. That's why it's been modified to address only
16 the Yukon/Kuskokwim and not the remainder of the state.
17 We still think we need to get in-season management
18 protocols addressed for the remainder of the state as
19 well. Madame Chair.

20

21 CHAIRWOMAN GARZA: Okay. So, as a point
22 of question there, if Yukon/Kuskokwim supports this, then
23 I imagine it wouldn't matter how we vote as long as it's
24 specific to their region.

25

26 MR. PROBASCO: That's correct. That's
27 why the proposed language is for the Yukon.

28

29 CHAIRWOMAN GARZA: Right. So I guess my
30 concern is why are we voting on it if they haven't voted
31 on it because I don't want to vote in opposition to what
32 they think is right for their region?

33

34 MR. PROBASCO: If I may, my advice would
35 probably be to defer to that Council and that this
36 Council would encourage waiting until this process
37 through the Yukon/Kuskokwim is completed to evaluate if
38 it's appropriate for your region. I would save that
39 until you have all the facts on the table to evaluate
40 that. Madame Chair.

41 CHAIRWOMAN GARZA: Mr. Littlefield.

42

43 MR. LITTLEFIELD: If the Yukon/Kuskokwim
44 approves this, it has the effect of deferring the Federal
45 actions to State actions, is that correct?

46

47 MR. PROBASCO: Technically that is
48 correct, Mr. Littlefield. However, in practice, both the
49 in-season managers on both the State and Federal sides
50 work on a daily basis and only those actions that they

00124

1 concur with would we defer to the State. For example,
2 this year when we had areas of -- not this year, but the
3 previous year -- disagreement as far what users could
4 fish on the Yukon. The Federal Subsistence Board stepped
5 in and implemented their authority.

6
7 So I don't want you guys to get the
8 impression that we're sitting in the back just letting
9 the State take the lead. They still have daily
10 interaction on the Yukon/Kuskokwim multiple times per
11 day. It just saves these paper bureaucracy in
12 implementing special actions through the system.

13
14 CHAIRWOMAN GARZA: Mr. Thomas.

15
16 MR. THOMAS: Madame Chairman. Some of
17 the change that's going on right now should have occurred
18 before it reached consideration from the Council. Once
19 it does that, unless Staff is called on for a resource on
20 specific questions, then the discussion is limited to the
21 Council. I'm not having any objection, it was just a
22 point of inquiry. You handle it whichever way you want.

23
24 CHAIRWOMAN GARZA: We're still under
25 Staff reports.

26
27 MR. THOMAS: I thought there was a
28 motion.

29
30 CHAIRWOMAN GARZA: I'm sorry.

31
32 MR. THOMAS: There was a motion. There
33 was a motion, Madame Chairman. Oh, you heard me.

34
35 CHAIRWOMAN GARZA: I heard you loud and
36 clear. Thanks, Pete.

37
38 MR. PROBASCO: Thank you, Madame Chair.

39
40 CHAIRWOMAN GARZA: Butch, were you trying
41 to be recognized? You kind of went like that once.

42
43 MR. LAITI: Me? No.

44
45 CHAIRWOMAN GARZA: Okay. Floyd.

46
47 MR. KOOKESH: I have a comment also on
48 this proposal. Also in the book, I was reading on page
49 53 that says under ADF&G that under this proposal State
50 emergency orders were applied to Federal waters. That

00125

1 scared me when I saw that. That's under their comments.

2 I just wanted to point that out.

3

4 CHAIRWOMAN GARZA: Any further
5 discussion?

6

7 MR. THOMAS: Question.

8

9 CHAIRWOMAN GARZA: The question has been
10 called. The motion before us is to accept the staff
11 recommendation that the streamline process would work for
12 Yukon/Kuskokwim. All in favor of the motion signify by
13 saying aye.

14

15 (No aye votes)

16

17 CHAIRWOMAN GARZA: Opposed.

18

19 IN UNISON: Aye.

20

21 CHAIRWOMAN GARZA: The motion fails.
22 Proposal 21. Starting on page 75 is the executive
23 summary. This would allow the use of bait in catching
24 coho and salmon in subdivisions 3 A, D and C. Is there a
25 Staff report?

26

27 MR. VANALEN: Ben VanAlen with the Forest
28 Service. I'm a fisheries biologist in Juneau. This
29 proposal FP-03-21 submitted by Jennifer of Thorne Bay
30 requests no restrictions on the use of bait in the
31 subsistence take of Coho salmon. Currently, the Federal
32 subsistence regulations allow bait to be used only from
33 September 15 through November 15. So these are the same
34 dates the Alaska Department of Fish & Game allows the use
35 of bait for sport fishing in most freshwater systems.

36

37 This bait restriction is intended to
38 reduce hook and release mortality of cutthroat trout,
39 steelhead and other by-catch species. So the need and
40 effectiveness of bait restriction in conserving by-catch
41 is an issue and the loss of harvest efficiency in the
42 target species, in this case coho salmon, is an issue.
43 I'd say well over 90 percent of the coho salmon used for
44 subsistence are harvested from marine waters and state-
45 regulated sport or commercial -- this is gillnet, seine,
46 trawl fisheries. The Federal coho subsistence fisheries
47 that this proposal addresses are brand new, basically new
48 in 2000 and 2001. Prior to this, the subsistence users
49 had to fish under State sportfish regulations to harvest
50 coho salmon in freshwater outside of the Angoon area.

00126

1 Sportfish regulations allow the year
2 around use of bait in saltwater, but not in freshwater.
3 This proposal will allow the season long, year around use
4 of bait in freshwater for subsistence take of coho salmon
5 throughout Federal lands in Southeast Alaska. So coho
6 stocks are and have been quite healthy throughout the
7 region.

8

9 Regarding cutthroat and steelhead trout,
10 there was a declining trend observed by ADF&G biologist
11 and the fishing public in cutthroat trout and steelhead
12 abundance for several years, probably about 1994. Bait
13 restrictions, minimum size restrictions and bag limit
14 restrictions imposed by the Alaska Board of Fisheries in
15 1994 appear to be working and stabilizing and rebuilding
16 trout populations.

17

18 So the effect of this proposal is
19 basically allowing the rear round use of bait, will
20 improve the subsistence harvest efficiency for coho. Use
21 of bait results in higher hook and release mortality of
22 incidental species. Salmon and trout taken on bait tend
23 to be hooked deeper in the mouth and throat. Studies
24 have found that hooking mortalities in resident species
25 like cutthroat trout, rainbow trout and Dolly Varden were
26 consistently three to nine times higher for baited hooks
27 than for artificial lures. This September 15th through
28 November 15th period that bait is allowed is a compromise
29 between harvest efficiency on coho salmon when they're in
30 the streams and limiting by-catch mortalities of these
31 other species.

32

33 The migration timing of coho salmon into
34 the thousands of rivers and streams in the region is
35 variable and protracted. In general, most return to
36 their natal streams in August through October and spawn
37 in October through November, but it's not unusual to find
38 adult coho salmon streams from early July through the end
39 of December. It's not possible to selectively fish for
40 coho salmon using baited hooks. Cutthroat trout in
41 particular are highly vulnerable to bait.

42

43 Our preliminary conclusion is that we
44 oppose the proposal. Our justification is that the
45 Federal subsistence fisheries for coho salmon are new in
46 2000 and 2001, the participation harvest impacts of this
47 fishery on salmon, trout and char stocks were unknown.
48 The existing Federal regulations for coho salmon have
49 strong public support. We have no information at this
50 time that indicates that subsistence users are unable to

00127

1 meet their needs for coho under the Federal regulations.
2 We do know that the use of bait results in higher hook
3 and release mortality of trout and char and we wish to
4 avoid conservation concerns with these species.
5 Nevertheless, coho salmon can be effectively harvested
6 using artificial lures and flies.

7

8 Thank you.

9

10 CHAIRWOMAN GARZA: Any questions? Mr.
11 Thomas.

12

13 MR. THOMAS: I was reading the
14 preliminary proposal on page 81. That conclusion is what
15 you're representing?

16

17 MR. VANALEN: That's correct. We're
18 opposing the proposal.

19

20 MR. THOMAS: Were those justifications
21 written independently from that of the State?

22

23 MR. VANALEN: Yes.

24

25 MR. THOMAS: I see. I find it
26 interesting to find identical wording in there. Is that
27 something typical or a coincidence? I'm referring to the
28 sentence on page 82, the first sentence. We do know that
29 the use of bait results in higher hook and release
30 mortality of trout and char. On the next page over it
31 says the Department's concern with this proposal is the
32 potential for increased mortality of fish. Not that I'm
33 taking issue with them. I find it interesting in the
34 composition of the language used in that part of the
35 proposal. One more question though. John, were you
36 waving your hand in response to my question?

37

38 MR. LITTLEFIELD: On language. I have a
39 language question.

40

41 MR. THOMAS: Oh, well, I have a question.
42 How many people here have caught trout using bait, hooks,
43 fishing pole?

44

45 MR. VANALEN: What was your question
46 again, Bill?

47

48 MR. THOMAS: Did you ever catch a fish
49 fishing for coho?

50

00128

1 MR. KOOKESH: Yeah.

2

3 MR. THOMAS: You have? Where were you
4 fishing? On a stream?

5

6 MR. KOOKESH: You're asking me in a
7 stream?

8

9 MR. THOMAS: No, no. Just trawling.

10

11 MR. KOOKESH: Just trawling? Yeah.

12

13 MR. THOMAS: You caught them, huh? I'm
14 exploiting being a poor fisherman. That concludes my
15 questions.

16

17 Thank you very much.

18

19 CHAIRWOMAN GARZA: John.

20

21 MR. LITTLEFIELD: Thank you, Madame
22 Chair. I had a question on page 75 of the executive
23 summary. The language is different than it is on page 79
24 and I want to be clear what's happening there. It looks
25 like bait may only be used needs to be struck through on
26 page 75 in both paragraphs. I would like that clarified
27 before we bring this up for a vote. In other words, the
28 language on 79 I believe is correct, 75 is incorrect.

29

30 MR. VANALEN: I think that's true. I
31 think what's on page 79 is correct and the objective
32 summary that helped summarize this is not quite right.
33 The general description isn't quite right. It's a
34 Southeast wide, not just for Subdistricts 3-A, B and C.
35 And also the cross-outs aren't quite correct either.

36

37 CHAIRWOMAN GARZA: So to be addressing
38 this proposal correctly, we need to be on the bottom of
39 page 79. Okay.

40

41 MR. VANALEN: I think what's being
42 proposed is -- wording that the best I can to avoid
43 loopholes, situations where somebody -- say they're
44 fishing for coho, but actually at a time, place and
45 circumstance where they weren't really trying to take
46 other species, trout, so it's difficult to do and I guess
47 I'm likewise not real comfortable with non-retention type
48 regulations. They should be avoided if we can. I think
49 that's what we were trying to do if I remember right, is
50 was basically not allow retention of trout and sockeye

00129

1 unless it's in situations where they're obviously dead or
2 very likely going to die. So we're still hoping that
3 some of those will be released alive.

4

5 CHAIRWOMAN GARZA: Patricia.

6

7 MS. PHILLIPS: Madame Chair, Van. The
8 run timing. I mean the proposal says July through
9 September and the effective proposal states a return to
10 their streams in August/October and spawn in
11 October/November, but it's not unusual to find cohos from
12 July to December.

13

14 MR. VANALEN: What we have is coho in
15 probably 2,000 or 3,000 streams, you know, primary
16 streams throughout the region. And even within an area,
17 like right here in this area we've got early run at
18 Pavlov. In July, they're running strong and peaking
19 while in the same area here we'll have coho that aren't
20 actively moving into the streams until into October, so
21 it just reflects the natural variations that occur and
22 basically timed with water temperature at locations they
23 rear and spawn in.

24

25 The proponent comes from Prince of Wales
26 Island and in general there are some areas with earlier
27 running fish than up here.

28

29 CHAIRWOMAN GARZA: Mr. Thomas.

30

31 MR. THOMAS: Do you know if there's a
32 conservation concern on the identified catch?

33

34 MR. VANALEN: From the literature review
35 I did, it looked fairly convincing that there was indeed
36 a conservation concern on cutthroat and steelhead, but
37 this is in the early '90s. The biologist from Fish &
38 Game as well as the fishing public before the Board of
39 Fisheries basically struggle with what kinds of
40 regulations might be done to protect those two species.
41 So they came up with what's now a size limit, bag limit
42 and bait restrictions. And since that point it does
43 appear that the stocks are healthier, that there are,
44 indeed, more of them and maybe catch rates are better. I
45 wasn't, frankly, able to get my hands on that much real
46 data and because I don't think there is, you know, that
47 kind of stock assessment data of a weir project. The
48 investment hasn't been made for many of steelhead,
49 cutthroat populations. But the health of the resource is
50 certainly better now than what it was in the '90s and

00130

1 there are likely these efforts and the reason for it.

2

3 MR. THOMAS: You mean not using bait?

4

5 MR. VANALEN: That's correct. They're
6 allowing bait only for a two-month period.

7

8 MR. THOMAS: If I may, Madame Chair.

9

10 CHAIRWOMAN GARZA: Bill.

11

12 MR. THOMAS: What significant value are
13 the by-catch that are identified here?

14

15 MR. VANALEN: If I could just speak in
16 generalities. As a biologist, I would hope that we
17 basically aren't putting any stock at risk. We want to
18 maintain the health of all our stocks, all the species,
19 in all areas. There's a general interest as to the
20 actual value. In terms of the use of a cutthroat, I
21 can't really comment on that.

22

23 MR. THOMAS: I understand. Thank you.
24 That's all I have, Madame Chair.

25

26 CHAIRWOMAN GARZA: ADF&G. You might want
27 to stay there because I think there might be questions
28 between both of you.

29

30 MR. BROOKOVER: Tom Brookover for the
31 record, ADF&G. I'll keep my comments brief. Basically
32 we fully concur with the Federal Staff analysis and we
33 support the preliminary conclusion.

34

35 CHAIRWOMAN GARZA: So the question I have
36 is what is the State -- there is a State personal use
37 coho fishery in stream.

38

39 MR. BROOKOVER: Sportfishing regulations
40 allow fishing in stream for coho salmon.

41

42 CHAIRWOMAN GARZA: What can they use?

43

44 MR. BROOKOVER: Essentially, as Mr.
45 VanAlen pointed out, rod and reel. Bait is prohibited
46 year round with the exception of too much window in the
47 fall. I think Mr. VanAlen summed it up well from action
48 by the Board in 1994 taken in response for concerns for
49 cutthroat and steelhead, at which time the Board reduced
50 harvest limits for cutthroat trout, rainbow trout and

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1 steelhead and implemented the region-wide ban. At the
2 same time, the Board recognized that people wanted the
3 opportunity to use bait for coho and at the same time
4 implemented the allowance of the use of bait in the two-
5 month window that currently exists.

6

7 CHAIRWOMAN GARZA: John.

8

9 MR. LITTLEFIELD: Thank you, Madame
10 Chair. A question for both biologists. Could you
11 respond to the conservation concerns of the trout and
12 char? If this were to pass, would there be a possible
13 conservation concern on those species?

14

15 MR. BROOKOVER: Madame Chair, Mr.
16 Littlefield. It's possible that there could be a
17 conservation concern on those species. The action taken
18 by the board in 1994 was both in terms of harvest limit
19 reductions and a ban on the use of bait. In addition to
20 that, size limits were imposed on cutthroat and
21 steelhead. I don't remember whether any previously
22 existed, but if they had, they served much more to limit
23 the effective harvest after the 1994 Board meeting. So I
24 guess one of the factors in the Board's decision was the
25 mortality on fish that had to be released with an
26 existing size limit. In other words, if you could keep
27 fish to a minimum size limit, anything caught under that
28 size limit would have to be released. Studies at the
29 time documented a substantial mortality, particularly
30 with cutthroat trout, associated with use of bait. By
31 some studies, it was in the range of 45 percent. That
32 was opposed to other studies that showed a mortality rate
33 of five percent without the use of bait. In other words,
34 with a prohibition on bait.

35

36 CHAIRWOMAN GARZA: So following up with
37 that, the reg that brought that forward in '94 is eight
38 years old and you had mentioned that the stocks are
39 recovering. Have any of the State harvest opportunities
40 for sport fishermen for rainbow or cutthroat been
41 liberalized as a result of a rebounding stock?

42

43 MR. BROOKOVER: Madame Chair. Not in the
44 broad sense. There may have been one or two specific
45 exceptions that have been made since then on very
46 specific areas, but there may also have been other
47 specific exceptions that further constrained harvest
48 opportunity in a case or two. But, in general, those
49 types of -- if action has been taken, it's been very
50 specific and the instances have been relatively few. On

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1 the whole, dealing with thousands of streams in Alaska
2 and a fair number of those contain cutthroat trout, there
3 hasn't been any significant change.

4

5 CHAIRWOMAN GARZA: Van.

6

7 MR. VANALEN: I believe the question was,
8 if passed or adopted, would it likely lead to
9 conservation concerns with by-catch species. I guess I'm
10 sitting here saying we're in the second year -- well,
11 basically, this summer is the first summer we've had a
12 region-wide Federal permit on coho subsistence fishery.
13 As far as I'm aware, there is so far very little
14 participation in that. I don't know if that's because
15 it's new or because people don't really go in freshwater
16 areas outside of what they would normally do and what
17 they've been accustomed to do in fishing sportfish
18 rights. They already had a license and they just use the
19 State's sportfish regs, so I'm just kind of implying
20 maybe there isn't a burning use or need for this new
21 fishery that I see right now.

22

23 This is the second year of Federal coho
24 fishery on Prince of Wales Island. In 2001 it was
25 understandable, but very few participated and just a
26 couple of permits returned. So, anyway, we've got a
27 fishery. We've called a party but nobody's come kind of
28 thing. So right at the get-go, from this observation, we
29 could liberalize it all over the place and probably not
30 have any immediate consequence to the health of the
31 resource.

32

33 But being conservative, I would say wait
34 a minute, before we take an liberalize this brand-new
35 fishery, which we don't even know really what is going to
36 unfold in terms of participation, where they're going to
37 fish, and the needs of the users and going now to
38 liberalize it to year around use of bait, there's again a
39 loophole where people can, and they will, I hate to say
40 it, say they're fishing for coho, but there will be a
41 time and place where it's really not likely to catch
42 coho, but by God they could really catch cutthroat or
43 another species and have a good time doing it. I don't
44 want to get the cart before the horse on this. I think
45 this kind of proposal it should really have a valid place
46 for discussion maybe five years from now after we see how
47 this Federal permit fishery unfolds and see if there is a
48 need. If people are, indeed, compromising their ability
49 to meet their subsistence needs for coho and maybe we
50 will need to allow use of bait for a bigger period of

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1 time when the coho are there. Maybe not year round
2 because we want to be conservative on it. I don't know.
3 That's kind of where my thoughts are. I guess maybe
4 there will be comments from the public or somebody that
5 will think otherwise, but I just don't see it unfolding
6 that quickly for us.

7

8 CHAIRWOMAN GARZA: Thank you. Floyd.

9

10 MR. KOOKESH: One of the things I'd like
11 to ask you, does the State have a cutthroat trout and
12 steelhead management plan?

13

14 MR. BROOKOVER: Madame Chair, Mr.
15 Kookesh. The State does not have a statewide management
16 plan at this time. There is a Southeast trout management
17 plan. There are one or two other trout management plans
18 in other areas of the state. The current event is that
19 the State Board of Fisheries will be taking out a policy
20 on the management of trout and they will be taking that
21 out here in October after the work session. That policy
22 will essentially establish a framework for the Board and
23 the Department to operate under and the public as well,
24 essentially to deliberate regulations for trout,
25 conservation of the trout species. So it doesn't have a
26 statewide plan or policy yet, but there is a policy
27 slated for deliberation several weeks from now.

28

29 MR. KOOKESH: I was referring to page 80
30 that states that Alaska Board of Fish has adopted the
31 bait restriction in 1994 and re-evaluated in 2000. It
32 says biologists with ADF&G and the fishing public
33 strongly supported these bait restrictions along with the
34 minimum size limit and bag limits in the development of
35 the State's cutthroat trout and steelhead management
36 plan. So in eight years they haven't put one together
37 yet just for Southeast.

38

39 MR. BROOKOVER: That's correct. I
40 believe in this sense and Mr. VanAlen can correct me if
41 I'm wrong, but a management plan may have been used in
42 the general sense in Southeast. Part of our approach in
43 managing steelhead and cutthroat trout has been under the
44 reduced bag limits, size limits there in place and the
45 general prohibition on the use of bait. I think it was
46 in that sense that the management plan may have been
47 discussed. You can correct me if I'm wrong.

48

49 MR. VANALEN: I could replace the words
50 management plans with regulations.

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1 CHAIRWOMAN GARZA: Any further questions?
2 Thank you. Tribal government or other agencies?
3 Proposal 21. Fish & Game Advisory Committee chairs.

4
5 MR. SCHROEDER: We have no written
6 comments or other comments from Advisory Committee
7 chairs.

8
9 CHAIRWOMAN GARZA: Okay. So none from
10 advisory and none from written.

11
12 MR. SCHROEDER: And, Madame Chair, we
13 have no written comments on this proposal.

14
15 CHAIRWOMAN GARZA: So any public
16 testimony? We have no green cards. Regional Council
17 deliberation, recommendation and justification. Mr.
18 Littlefield.

19
20 MR. LITTLEFIELD: Madame Chair. I move
21 to adopt the proposed regulation on page 79, as written
22 on page 79.

23
24 MR. THOMAS: Second.

25
26 CHAIRWOMAN GARZA: What we have before us
27 on page 79 at the bottom, proposed regulation, scratching
28 the words bait may be used only from September 15 through
29 November 15, scratching that further down. That is what
30 we have before us. Is there any discussion? John.

31
32 MR. LITTLEFIELD: I'm going to vote
33 against this proposal adoption. We discussed this quite
34 a bit at length last year. As noted, it is a new
35 fishery. I support the justification with the minor
36 concerns. I believe there's a possibility of a
37 conservation concern on unattended species. The
38 subsistence opportunity was provided last year by greatly
39 liberalizing the daily harvest limit and the annual
40 limit. The information is somewhat suspect at this time.
41 It's a new fishery. There are no restrictions on non-
42 subsistence users. For those reasons, I am going to
43 oppose this proposal.

44
45 CHAIRWOMAN GARZA: Mike, do you have any
46 comments coming from the Prince of Wales?

47
48 MR. DOUVILLE: Thank you, Madame Chair.
49 I am confused. I've seen it written so many different
50 ways, I don't know which one would really....

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1 CHAIRWOMAN GARZA: Page 79 at the bottom.
2 That's all we're looking at.

3
4 MR. DOUVILLE: So this one strikes the
5 bait completely?

6
7 MR. MARTIN: That's right. What's in
8 bold, it would strike that.

9
10 MR. DOUVILLE: I don't support this thing
11 at all. I mean it looks good to me the way it is, the
12 way we're using it and people are catching fish there.
13 We'll have to see how it turns out. It's a new fishery.
14 Not too many people really use it. We'd like to see what
15 the outcome is. I would not support taking the bait away
16 for the window that you're able to use it now.

17
18 CHAIRWOMAN GARZA: Bill and then Harold.

19
20 MR. THOMAS: I was really serious in
21 considering supporting the proposal, but if a salmon coho
22 was eating salmon eggs as bait, they're not fit to eat
23 anyway. So I'm thinking against the motion.

24
25 CHAIRWOMAN GARZA: Mr. Martin.

26
27 MR. MARTIN: Thank you, Madame Chair.
28 For some reason, this whole thing strikes me as getting
29 into sports fishing. This was submitted by people from
30 Thorne Bay. It just don't seem right, so I vote against
31 this proposal.

32
33 CHAIRWOMAN GARZA: I guess I understand
34 -- maybe I have the same confusion as you, Mike, but I'm
35 now confused. The proposal was to loosen the ability to
36 harvest coho with bait in stream. Currently you can do
37 it for two months. They wanted to do it year round.
38 What we have on the bottom of page 79 would eliminate
39 using bait any time.

40
41 MR. DOUVILLE: The proposal, page 77,
42 this explains it on top Request no restriction on use of
43 bait in a subsistence-taken coho salmon. Go to page 79,
44 and the whole bait may be used all the way from September
45 15th to November 15 is struck. So only spears, dipnet,
46 rod and reel may be used. It's messed up. It's not
47 right.

48
49 I see a nice fishery there. People are
50 going to fish there. I would offer an amendment. This

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1 is what we're really voting on right here, to increase
2 the window that you can use bait, say from the first of
3 September to November 20th or something like that. But,
4 meanwhile, no, I would not support that. These things
5 are not the same, they're different.

6

7 CHAIRWOMAN GARZA: We've got a regulation
8 confusion going on here. Currently you can harvest coho
9 using bait for two months.

10 And Thorn Bay wanted to be able to do it year round, but
11 the proposal on page 79, the way it's struck, says you
12 can't use bait at all anymore. Cal

13

14 MR. CASIPIT: Madame Chair. The effect
15 of striking bait may be only used, the effect of that was
16 that bait could be used year round. Since bait is not
17 prohibited in the proposed regulation, bait could be used
18 year round. You can use a rod and reel with anything on
19 it. We were trying to find simple regulations. If this
20 isn't simple, Council can say no prohibition on bait
21 instead of just a plain strike out.

22

23 CHAIRWOMAN GARZA: Harold.

24

25 MR. MARTIN: Am I right to say if that we
26 voted this proposal down, the regulations would remain
27 the same? We can use bait from September 15 to November
28 15th.

29

30 MR. CASIPIT: Correct.

31

32 CHAIRWOMAN GARZA: Marilyn.

33

34 MS. WILSON: If we voted it down, would
35 that make it the same as the State regulations for the
36 use of bate? I think that's what it says on page 77.

37

38 CHAIRWOMAN GARZA: Cal.

39

40 MR. CASIPIT: Marilyn, you are right. If
41 you were to approve the proposed regulation, you would be
42 dropping the bait restriction. That is a person may use
43 bait year round for harvest of coho. If you reject the
44 regulation as it's written, the existing bate window
45 would still be in place and that is the same as the bait
46 window under State sport regulations.

47

48 CHAIRWOMAN GARZA: Okay. So we're on the
49 bottom of page 79. If we vote for that proposal, then
50 basically we're telling Federal Subsistence Board we

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1 would like subsistence people to harvest coho using bait
2 year round. If we vote it down, then we're supporting
3 status quo, which allows bait for two months of the year.
4 Everybody is shaking their head yes. Further discussion.
5 Call for the question.

6

7 MR. THOMAS: Question.

8

9 CHAIRWOMAN GARZA: Anybody still
10 confused?

11

12 MR. THOMAS: Question.

13

14 CHAIRWOMAN GARZA: All in favor of the
15 motion signify by saying aye.

16

17 (No aye votes)

18

19 CHAIRWOMAN GARZA: Opposed.

20

21 IN UNISON: Aye.

22

23 CHAIRWOMAN GARZA: Motion fails. Status
24 quo it is. Okay. We have a bunch of steelhead ones.
25 Five minute break.

26

27 (Off record)

28

29 (On record)

30

31 CHAIRWOMAN GARZA: Before we start with
32 steelhead, we have one ADF&G guy who wants to leave this
33 afternoon, so he wants to make a quick introduction as
34 it's his first meeting here. Mr. Campbell.

35

36 MR. CAMPBELL: I'm Rod Campbell. I'm
37 with the Alaska Department of Fish & Game, Division of
38 Commercial Fisheries. I've recently been appointed as
39 the liaison between commercial fisheries and the Federal
40 agencies and the RAC committees. I appreciate this
41 opportunity to introduce myself. I've set an ambitious
42 schedule to try to attend as many RAC meetings as I could
43 and I am scheduled to leave on a 4:30 flight to go to
44 Juneau and then to the RAC meeting in Cordova and next
45 week I go to Fairbanks and out to Bethel. I do apologize
46 for leaving early. I appreciate the opportunity to
47 attend this meeting. I certainly have learned a lot. I
48 wish I could be hear until completion, but I appreciate
49 your help and education in the RAC system.

50

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1 So thank you very much.

2

3 CHAIRWOMAN GARZA: Any questions? I
4 guess my question to you is what do you see your
5 activities are in this role?

6

7 MR. CAMPBELL: My activities are to --
8 I'm statewide with commercial fisheries. As you know,
9 the way these RACs are set up, when there's individual
10 questions from an area, we go to the area biologist and
11 the regional supervisor to get the particulars on that.
12 My job is to try to coordinate the information that comes
13 out of the RACs to those Fish & Game Staff to make sure
14 there is a line of cooperation the RACs and the
15 Department. Make sure they're up to date on what the
16 RACs thoughts are, what your votes are on things, what
17 your concerns are, so I can make sure that those are
18 relayed to Fish & Game Staff, in a nutshell.

19

20 CHAIRWOMAN GARZA: Where are you based
21 out of?

22

23 MR. CAMPBELL: Currently I'm based out of
24 Kodiak. My background is obviously in management of
25 fisheries. Mostly in the Western region, Kodiak,
26 Chignik, Alaska peninsula responsibilities. I will be
27 moving to Anchorage next spring. My youngest daughter is
28 a senior in high school. I didn't want to move her until
29 she graduated.

30

31 MS. WILSON: What is your full name
32 again? Excuse me, Madame Chair.

33

34 CHAIRWOMAN GARZA: Marilyn.

35

36 MR. CAMPBELL: Rod Campbell, just like
37 the soup.

38

39 CHAIRWOMAN GARZA: John.

40

41 MR. LITTLEFIELD: Thank you, Madame
42 Chair. Rod, I asked Tom Brookover a question earlier and
43 maybe it should have been directed to you. It concerned
44 those gillnet fish that were caught at Redoubt and they
45 were about 24 percent of the total escapement. I think
46 I'd like to make a request from you that we get some
47 information on where those fish are coming from because
48 that's a pretty significant number of sockeye to be
49 caught inside Deep Inlet. If it's in the commercial
50 fisheries, I'd like to know where they're coming from. I

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1 don't know how to do that. Maybe the chair could ask.
2 But I'd like to get that information if it exists and if
3 it doesn't, I'd like to see that it happens.

4

5 MR. CAMPBELL: Madame Chair, Mr.
6 Littlefield. Yes, I made a note of that. It was
7 important. I will contact the Southeast Commercial
8 Fisheries staff to see what information they can provide
9 me to forward to you. If they don't have the
10 information, if they can get it or if not, give you an
11 answer one way or the other.

12

13 MR. LITTLEFIELD: Thank you.

14

15 CHAIRWOMAN GARZA: Marilyn.

16

17 MS. WILSON: I have a question. Rod, is
18 the State Fish & Game Department or the State funding
19 your travels to the RAC meetings?

20

21 MR. CAMPBELL: Madame Chair, Ms. Wilson.
22 My travel funds, as I understand it, are provided by the
23 Federal government.

24

25 Thank you all very much.

26

27 CHAIRWOMAN GARZA: Thank you.

28

29 MR. THOMAS: Thank you, Rod. Have a safe
30 trip.

31

32 CHAIRWOMAN GARZA: Steelhead.

33

34 MR. CASIPIT: Madame Chair. If I could
35 say a few words to maybe set the stage on this one. This
36 is a fairly complicated proposal. If the Council will
37 remember, you've been dealing with the steelhead issue on
38 Prince of Wales every year since the implementation of
39 the Federal program. Various proposals and analyses have
40 been presented to you over the past couple years. We
41 combined the analyses for all the proposals. We got
42 several proposals from the public on steelhead for Prince
43 of Wales. They're all combined for efficiency purposes.
44 Jeff will be presenting that information to you.

45

46 I also wanted the Council to know that
47 the level of coordination and work that went into this
48 one has been incredible. I've watched Jack from the very
49 beginning on this one. He's researched everything, he's
50 talked to a lot of people. If you look at that

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1 literature, study the list at the back of his analysis,
2 I'd have to tell you he's read every one of those
3 citations. So the amount of work on this one is
4 incredible and I wanted to, at this point, thank Jeff for
5 all his work on this one. He's done an incredible job
6 pulling together a lot of information together for the
7 Council. So, with that, I'll turn it over to Jeff.

8

9 CHAIRWOMAN GARZA: So you're trying to
10 tell us we have to be nice to him? Go ahead.

11

12 MR. REEVES: Thank you, Madame Chair.
13 For the record, my name is Jeff Reeves. I'm the
14 subsistence biologist out of Craig Ranger District. As
15 Cal just mentioned, through efficiency, we wound up
16 combining all the proposals into one. Proposals 22
17 through 25 all request a modification of some sort to the
18 current Federal subsistence regulation for steelhead.
19 Proposal 26 goes in the opposite direction and requests a
20 complete closure to all steelhead fishing by both
21 qualified and non-qualified users until such time that
22 the populations are deemed capable of supporting a
23 subsistence fishery.

24

25 In the State regulatory history side of
26 things, despite a positive customary and traditional use
27 determination for steelhead by the Board of Fish, a
28 portion of subdistrict 3-B in 1989, all steelhead harvest
29 has occurred either incidentally in the commercial
30 fisheries or been harvested under sportfish regulations.
31 Passport regulation was one fish per day any size. The
32 Board of Fish in 1994 changed the sport regulation to one
33 fish per day to annually 36 inches or greater. The daily
34 limit, however, could be two fish if one was a hatchery
35 fish. The commercial fishing regulations were also
36 changed during this cycle, prohibiting the sale of
37 steelhead caught in the net fisheries. The trawl fish,
38 however, was not regulated and could still sell
39 steelhead.

40

41 For the Federal regulatory history, in FY
42 2001, the Subsistence Board modified FPO-123 and placed
43 the current regulation in the books. During last year's
44 regulatory cycle, the Board rejected FPO-240 and what we
45 need to know about that proposal is it was very similar
46 to the original one that was modified.

47

48 On Prince of Wales Island, steelhead are
49 present in 74 systems. Peak numbers of steelhead are
50 present in April and May and are represented by two

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1 stocks of steelhead, fall run and spring run fish.
2 Spring stocks are dominant on Prince of Wales Island.
3 The available information for Prince of Wales steelhead
4 is very limited. In the past, only one weir has been run
5 over three separate years. Three other systems have had
6 three creel census projects, the Carta, the Thorne and
7 Klawock River.

8

9 Since the change in the steelhead
10 regulations in '94, both the Alaska Department of Fish &
11 Game and the U.S. Forest Service have initiated index
12 snorkel counts on some of the Prince of Wales systems.
13 Index counts would normally begin in April and systems
14 would be snorkeled weekly during the peak of the spawning
15 season until the counts drop below the highest count
16 observed that year. Counts can be variable and you'll
17 find them on Table 1, which is on page 100. Weather,
18 water conditions and snorkel bias can affect these
19 surveys. Counts less than 50 may suggest that some
20 Prince of Wales steelhead populations are small. How
21 well these counts indicate trends is unknown as very
22 little data has been collected to relate those counts to
23 actual escapements.

24

25 Other than the three years of weir
26 counts, actual population numbers are unknown. Tentative
27 escapements for some Prince of Wales systems were
28 estimated in the 1980s. No predicted models have been
29 developed to determine harvest or surplus. The Karluk
30 River model in Kodiak Island has suggested that harvests
31 could range between 9.8 and 28.9 percent. Since Prince
32 of Wales systems may have lower abundance and
33 productivity, potential sustainable exploitation rates
34 may be near the lower end of that model at approximately
35 10 percent.

36

37 Length data for Prince of Wales is also
38 lacking. Table 2, which is on page 101, shows a sample
39 of 1,075 steelhead and suggests that only 0.6 percent are
40 larger than 36 inches. Since those lengths are derived
41 mainly from one system, the actual length composition for
42 Prince of Wales may not be fully represented, plus length
43 frequencies may also vary each year.

44

45 Habitat changes from past logging
46 practices on Prince of Wales may be having an effect on
47 steelhead. Timber harvest to various degrees and
48 practices have occurred since the 1950s on Prince of
49 Wales Island and there have been no long-term monitoring
50 projects implemented, so any negative impacts on Prince

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1 of Wales systems are unknown.

2

3 Harvest history. Prince of Wales Island
4 is the second largest island in Alaska. Twelve
5 communities are present on Prince of Wales. The current
6 population is 3,907 residents. That population has
7 declined by 1,000 since 1995. As a result of past timber
8 harvests, the northern two-thirds of the island has been
9 roaded, with roads entering nearly every drainage.
10 However, depending on the road age, some of those roads
11 may not be passable. The main road system is currently
12 linked to the Alaska Marine Highway system, with a
13 facility in Hollis and provides daily round-trip service
14 between Ketchikan and the island.

15

16 The household subsistence harvest
17 surveys, information from them can be found on Table 3,
18 which is located on page 103. I've estimated that
19 harvest by Prince of Wales Island community is roughly
20 600 steelhead each year, most of which is taken by rod
21 and reel. Liberal sport regulations up until 1991
22 resulted in large sport harvest of steelhead on Prince of
23 Wales Island. Those harvests can be found on Table 4,
24 which is on page 105. Harvest increased to a peak in
25 1987 with an estimated harvest of 1,950 steelhead.

26

27 When fish managers and participants began
28 to notice a decline in the stocks, the Alaska Board of
29 Fish enacted the current regulation in 1994. Since the
30 new regulation, estimated sport harvests have ranged from
31 0 to 114. Although the prohibition against bait has
32 reduced catch and release mortality, a limited number of
33 mortality studies suggested a two to three percent
34 mortality rate. Managed to be conservative will commonly
35 assume a five percent mortality for artificial lures.
36 Bait mortalities tend to be from three to nine times
37 higher than those rates for artificial lures.

38

39 The commercial fishing by-catch of
40 steelhead is also listed on Table 4 and has ranged from
41 533 to 11,540 fish prior to the 1994 regulation changes.
42 The majority of the catch, 65 percent, has occurred in
43 the gillnet fisheries. Since 1994, the commercial sale
44 of net-caught steelhead has been prohibited, but the fish
45 may still be retained for personal use. Trawl-caught
46 steelhead may still be sold and since 1997 have been
47 fewer than 50 recorded landings each year. There's
48 uncertainty with these recent estimates as net-caught
49 steelhead are not documented.

50

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1 All these proposals except 26 would
2 liberalize the subsistence harvest of steelhead on Prince
3 of Wales Island as no minimum size limit would expose 100
4 percent of the steelhead population to harvest. Without
5 an annual harvest limit and harvest cap, along with close
6 harvest monitoring, there is potential for a conservation
7 concern with allowing increased harvest. An annual
8 season may potentially exposes smaller fall run stock to
9 overharvest. Allowance of the use of bait could cause
10 conservation concerns because of the increased mortality
11 factor towards lost or released steelhead, trout and
12 char.

13
14 Liberalization of harvest opportunity
15 under Federal subsistence regulations would magnify the
16 need for improved harvest assessment. Preliminary Staff
17 conclusions can be found on page 106 and it's currently
18 to oppose FP03-22, 24, 25 and 26 and to support FP03-23
19 as modified below. Our justification is the closure of
20 all users on Prince of Wales Island Federal public lands.
21 It's not necessary for the continued viability of
22 steelhead populations, but continuation of subsistence
23 usage or for reasons of public safety.

24
25 Staff recommendation was to liberalize
26 subsistence fishery regulations on Prince of Wales to
27 reflect contemporary use, which appears sustainable.
28 Productivity of steelhead is low in comparison to salmon
29 and should be managed conservatively. Subsistence
30 harvest opportunity should only reflect documented
31 contemporary use of the period sustainable. Directed
32 harvest opportunity for steelhead should be kept
33 conservative due to the limited abundance and
34 productivity, for lack of assessment data, ease of access
35 through the road system and relatively large numbers of
36 potentially Federally-qualified fishers. In general,
37 subsistence harvest should be directed away from
38 extremely small runs that are road accessible, not be
39 directed at fall runs, provide no more than the
40 documented contemporary harvest of estimated 600
41 steelhead and not be further constrained by permits.
42 This concludes my presentation. I'm open for questions.

43
44 CHAIRWOMAN GARZA: John.

45
46 MR. LITTLEFIELD: Madame Chair. I'm
47 looking at the preliminary conclusion that you're
48 recommending on page 106, is that correct, 106?

49
50 MR. REEVES: Yes.

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1 MR. LITTLEFIELD: And you have an annual
2 harvest limit of two fish and an annual harvest level cap
3 of 600. There's 600 fish, two per day or two annually,
4 and then down below you have a 36-inch limit, so I'm
5 wondering why you would need -- what rationale went
6 behind the 36-inch limit when 600 fish is the cap. If
7 they took 600 12-inches, that would be the end of the
8 season, so I wonder what thought process went into that.
9

10 MR. REEVES: The systems that are listed
11 there for the 36 size restriction, that is just a small
12 handful of Prince of Wales steelhead system. These are
13 roadside systems that based on these escapement estimates
14 that Staff felt were small based on the population
15 threshold and literature suggests that 200 or less is a
16 high-risk stock. The remainder of the systems, which are
17 listed in the appendixes A and B, they should be on pages
18 110 and 111, breaks up the systems by remote access and
19 road access. At the time this regulation was written,
20 yes, it's an annual harvest limit of two fish, there's a
21 600 fish cap for the island. Since those systems listed
22 under Item F are small roadside systems that right now we
23 have concern over, we have decided to maintain a 36-inch
24 size restriction on this. Does that answer your
25 question?
26

27 MR. LITTLEFIELD: Somewhat it does, but
28 I'm looking at the annual cap, which already limits. You
29 know, if you have a 600 annual cap, that would inherently
30 limit the number of fish that were taken. And you can
31 only take two, so I guess the size didn't become quite as
32 important to me because the other proposals talked about
33 size limit and we debated this again in Yakutat. It just
34 seems redundant to me if you have a 600 cap.
35

36 MR. REEVES: One of the other things that
37 we looked at with the two fish limits allows the
38 opportunity for at least 300 households to take part.
39 Based on the Table 3 data where it shows the household
40 harvest survey information. That information estimated
41 approximately 117 households and this is harvest that's
42 been going on up until now despite a 36-inch size
43 restriction. So I believe there's a possibility that
44 some of the households might harvest some steelhead, but
45 in the past they didn't because of the size restriction.
46

47 CHAIRWOMAN GARZA: I think the question
48 is why have a size restriction at all for any of them if
49 you have a 600 cap? I mean if you go to the stream,
50 whether it's big or small, you get two fish and then you

00145

1 go home and that's it. Do you have reduced incidental
2 mortality because you're taking the fish that you've got?
3

4 MR. REEVES: These systems, we did not
5 have any true escapement numbers for. All we had to work
6 with or that I had to work with was estimates. Based on
7 that Karluk model was a sustainable exploitation rate
8 that we're assuming to be near the lower end due to the
9 productivity of Prince of Wales system. That 10 percent
10 might not be very many fish. My feeling is that chances
11 are these systems probably aren't getting hit anyway.
12 That these documented 600 fish probably are not coming
13 out and that's something that we wouldn't know until we
14 see permits back from the first year of fishery either.
15

16 CHAIRWOMAN GARZA: So then the logic is
17 if only 10 percent of a natural population on a small
18 stream is above 36 inches, then you would not take too
19 many fish from that stream.
20

21 MR. REEVES: Could you run that one more
22 time, please?
23

24 CHAIRWOMAN GARZA: Say there's 50 fish
25 that you can take and anybody can go take two any size,
26 they're going to take 50 fish. But if 10 percent of them
27 are 36 or above, then you're only going to take five. Is
28 that the logic? I guess we're still having -- maybe not
29 we, but I'm still having a problem. It seems like if you
30 have a big size restriction, then you're encouraging
31 someone to go through, catch it, throw it away, catch it,
32 throw it away, catch it, throw it away, and that's sort
33 of counter to what you consider going out and getting
34 food fish.
35

36 MR. REEVES: Some of these systems too
37 have no estimates. There's no idea of how many fish they
38 support. They are catalogued for steelhead. One
39 example, Turn Creek. Turn Creek is catalogued for
40 steelhead, but if you ever see it, it's probably no more
41 than five feet wide. Whether that steelhead that was
42 seen to get a catalogue was a rarity, the one size in
43 that might not be large enough to even possibly support
44 two fish being harvested. I'm playing conservative with
45 it due to the lack of knowledge of these systems meaning
46 no estimate or even an estimate being lower than this 200
47 threshold that is identified as high risk.
48

49 CHAIRWOMAN GARZA: Bill.
50

00146

1 MR. THOMAS: Madame Chairman. By the
2 time a proposal like this gets to the Board, the Board
3 generally insists on hard data. I'm hoping the data that
4 will support the presentation of this proposal will be
5 heard at this meeting and no time later. It looks to me,
6 for the most part, any information with numbers was
7 mainly kind of a swag approach to this, is that correct?

8

9 MR. REEVES: Yes.

10

11 MR. THOMAS: So those of you that don't
12 know what swag is, it's called a scientific wild ass
13 guess. That isn't hard evidence. I don't think that the
14 subsistence users should be penalized for an unidentified
15 consequence. Like I said, the Board insists on hard
16 data.

17

18 Thank you.

19

20 CHAIRWOMAN GARZA: John.

21

22 MR. LITTLEFIELD: Madame Chairman. This
23 may be a question for the Department, but I'd like to
24 refer you to page 104 on the commercial harvest in the
25 center of the page, the last sentence. It says there are
26 uncertainty in these estimates as net-caught steelhead
27 retained for personal use are not documented. Do you
28 have any idea what amount of fish that is, a guess?

29

30 MR. REEVES: I have no guess. Whether
31 these are net-caught, I don't know. The household
32 harvest survey did show that the community had 14
33 steelhead in the community that year, the result of being
34 caught by commercial gear.

35

36 MR. LITTLEFIELD: And following up on
37 that, I look back on the table on the next page over,
38 Table 4, in 1986, the commercial harvest of steelhead was
39 seen at 11,000 fish. It sounds to me like there's a lot
40 of fish around. I don't know how many of those were
41 inches. It pales in comparison to what you're offering
42 the subsistence user. And now that it's illegal we're
43 not seeing the numbers, right? The numbers are suspect
44 to me, what's really happening in that fishery.

45

46 CHAIRWOMAN GARZA: So, in terms of the
47 process, is this recommendation coming from a joint
48 effort? Is the recommendation coming from OSM Staff or
49 from ADF&G Staff?

50

00147

1 MR. CASIPIT: The proposal, as you see
2 written on the bottom of page 106, is your Southeast
3 Federal Staff recommendation.

4

5 MR. THOMAS: Who are?

6

7 MR. CASIPIT: Jeff and a little help from
8 me.

9

10 CHAIRWOMAN GARZA: Mike.

11

12 MR. DOUVILLE: What?

13

14 CHAIRWOMAN GARZA: What do you have to
15 say?

16

17 MR. DOUVILLE: For questions? I don't
18 have any questions for him right now. I could make a
19 comment. I mean it's hard for me to ask questions of you
20 when all you've got is a guesstimate. You have nothing
21 at all, nothing solid, professional judgment, estimates.
22 You don't have anything, so it's really hard to ask
23 questions when all you're doing is guessing and I don't
24 want guesses. I mean that's not anything personal on
25 your. I know that data that you have to work from
26 because I've looked at a lot of this stuff myself.

27

28 CHAIRWOMAN GARZA: Harold.

29

30 MR. MARTIN: When you're talking about
31 commercial harvest, is that incidental?

32

33 MR. REEVES: Yes.

34

35 MR. MARTIN: There's no commercial
36 fisheries there.

37

38 MR. REEVES: There's been no directed
39 steelhead fishery that I know of.

40

41 CHAIRWOMAN GARZA: Where does the
42 steelhead come from that sells on the commercial market?

43

44 MR. CAMPBELL: Madame Chair, the question
45 was the origin of the steelhead that are on the market at
46 Fred Meyer?

47

48 CHAIRWOMAN GARZA: Let me rephrase. Are
49 there any commercial fisheries that allow you to sell
50 steelhead in the state of Alaska?

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1 MR. CAMPBELL: No net commercial
2 fisheries that I'm aware of. In the report, they talk
3 about trawl caught steelhead averaging about 50 a year.
4 By regulation, you're not able to sell any steelhead
5 caught in either seine or gillnet fishery the best of my
6 knowledge. These fish were -- I guess I don't know the
7 origin of them. If they were farm raised, possibly, but
8 certainly not caught in a commercial fishery that I'm
9 aware of.

10
11 CHAIRWOMAN GARZA: We'll move on to
12 tribal government and other agency comments. Cal.

13
14 MR. CASIPIT: I believe Tom Brookover
15 needs to give a statement.

16
17 CHAIRWOMAN GARZA: ADF&G.

18
19 MR. BROOKOVER: Madame Chair. For the
20 record, Tom Brookover with Department of Fish & Game. In
21 the past, as this has come up for the past couple of
22 years, we've generally not supported providing additional
23 subsistence harvest opportunity, at least of the nature
24 that's been proposed, at least in a general sense. You
25 know, over a broad area or a broad scale, additional
26 opportunity without having some additional information
27 that suggests the stocks can support it. A lot of the
28 reason for that stance came from our past experience with
29 the '94 Board of Fisheries action and what precipitated
30 that. Essentially, we did have a concern with steelhead
31 in the early '90s, as we've discussed in the past and the
32 Board took fairly substantive action in the sport fishery
33 as we were just discussing under the previous proposals.

34
35 Now, essentially, the State, we do agree
36 that additional subsistence harvest opportunity can be
37 provided on Prince of Wales Island while at the same time
38 maintaining healthy stocks. There is one large piece of
39 information that has come into play and that is harvest
40 estimates, the community household surveys that do
41 document contemporary harvest of steelhead occurring on
42 Prince of Wales Island. Our general sense from the
43 information that we do have, which includes no hard and
44 fast stock assessment information of quantifiable
45 escapement estimate does include some information that we
46 can use to potentially glean trends in the stock,
47 including catch rates and including the index surveys
48 that Mr. Reeves talked about don't show any trend over
49 the last eight or nine years on Prince of Wales Island.
50 We've known that the past couple of years when we've been

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1 before you. What we didn't have a good handle on was
2 what was actually taken and the household community
3 surveys have shed a lot of light on that.

4

5 So in light of looking at the past eight
6 or nine years with no indication of a declining trend or
7 an increasing trend and recognizing that these harvests
8 have probably occurred, it did occur when the community
9 harvests were conducted and we assume they occur
10 similarly in other years. It appears likely that the
11 steelhead stocks on Prince of Wales Island can sustain
12 that level of harvest. As I said, this time we do agree
13 that additional harvest opportunity can be provided for
14 while maintaining healthy stocks.

15

16 We support the Federal Staff analysis
17 with regard to how the additional harvest should be
18 managed. There are several divisions that Mr. Reeves
19 read, which include directing additional harvest away
20 from small road accessible systems and fall runs,
21 providing for opportunity consistent with the current
22 level of harvest. In addition, we also agree with not
23 limiting harvest using length limits where that
24 additional harvest is provided for.

25

26 We've been working to ensure conservation
27 of small stocks with Federal Staff to arrive essentially
28 at a consensus as to where subsistence opportunity within
29 those constraints I mentioned. Our Staffs have discussed
30 criteria used to identify streams where this opportunity
31 should be provided, but we remain divided on this
32 particular aspect. We intend to continue to work to
33 resolve our differences and again, toward the end of
34 providing additional harvest opportunity on as many
35 streams as can support the additional harvest on Prince
36 of Wales Island.

37

38 Again, similar to Federal Staff
39 recommendation, if additional harvest opportunity is
40 provided as recommended in the analysis, we do agree with
41 the Federal Staff that getting more quantifiable
42 information is critical and also, like Federal Staff,
43 would strongly support any additional efforts in stock
44 assessment and harvest assessment.

45

46 CHAIRWOMAN GARZA: Thank you. Are there
47 any comments from ADF&G Subsistence Division on the
48 household surveys? Mike? Go ahead, Mike.

49

50 MR. TUREK: Mike Turek with Alaska

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1 Department of Fish & Game Division of Subsistence.
2 Madame Chair and Council members. At this time we don't
3 have any plans for any household level surveys. We'd be
4 interested in doing that, but we'd have to contact the
5 tribes and communities first and see if they're willing
6 to cooperate with us on more surveys on Prince of Wales
7 Island.

8

9 CHAIRWOMAN GARZA: But Tom is referring
10 to household surveys that were done.

11

12 MR. TUREK: Did you have a question
13 concerning those?

14

15 CHAIRWOMAN GARZA: Yeah. I don't
16 remember when those were done.

17

18 MR. TUREK: We did household harvest
19 surveys in '97, '98 and '99 on Prince of Wales Island,
20 did all the communities, all resources, and that's where
21 we got this most recent steelhead data.

22

23 CHAIRWOMAN GARZA: Mike and then John.

24

25 MR. DOUVILLE: Thank you, Madame Chair.
26 I have a question on the household survey. It was done
27 in '97 and '98. What years did you focus on for that
28 survey? Was it '91 to '95 or can you be specific on what
29 years you targeted when you did that survey?

30

31 MR. TUREK: Madame Chair, Mr. Douville.
32 In '97, we collected data from the '96 harvest year. The
33 '98 would be the '97 harvest year and '99 would have been
34 '98 harvest year. When we do our surveys, we ask for the
35 previous year's data. So we collect one year of data in
36 our household surveys.

37

38 MR. DOUVILLE: They started in when, '97?

39

40 MR. TUREK: In '97, so that was the '96
41 harvest.

42

43 MR. DOUVILLE: Oh, '96 harvest.

44

45 MR. TUREK: Yeah. We title the survey
46 the year that we're actually in the field, but we're
47 getting data from the previous year.

48

49 MR. DOUVILLE: Okay. So '95 would have
50 been the.....

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1 CHAIRWOMAN GARZA: So the data you got
2 was for '96, '97, '98.

3

4 MR. TUREK: Right.

5

6 MR. DOUVILLE: I have one more comment to
7 make. The restriction was already put in place in '94,
8 right? This data was taking place even after restriction
9 was put in, so before that restriction the household
10 harvest would have been much higher because you could
11 take one a day. Your whole family could go catch one a
12 day. So just keep that in mind.

13

14 CHAIRWOMAN GARZA: John.

15

16 MR. LITTLEFIELD: Thank you, Madame
17 Chair. I see the State's opposition listed on Proposals
18 22 through 26. You're listed as opposed to each one of
19 those, but Staff has combined these into the preliminary
20 conclusion on page 106 and I would like your opinion on
21 what you think of the proposal laid out on 106, State's
22 comments.

23

24 CHAIRWOMAN GARZA: Are you asking Tom
25 this?

26

27 MR. LITTLEFIELD: Yes, that would be for
28 Tom.

29

30 MR. BROOKOVER: Madame Chair, Mr.
31 Littlefield. I'm not sure I understand the question.

32

33 MR. LITTLEFIELD: If you start on page
34 85, we look at 22 and ADF&G comments were to oppose, and
35 if you follow those down through 26, ADF&G comments
36 opposed, opposed, opposed, opposed. Staff has seen fit
37 to lump all these together with the language that's on
38 106 and I would like to get your opinion whether you
39 oppose, support or neutral on that.

40

41 MR. BROOKOVER: Madame Chair, Mr.
42 Littlefield. Fair enough. At the time the proposals were
43 submitted, we essentially held the same interest in
44 position, so to speak, as in the past and that is
45 providing additional harvest opportunities, substantial
46 additional harvest opportunity, we would oppose without
47 having some evidence in the wake of the concerns we had
48 in the early '90s that stats could support that in terms
49 of research, studies, quantifiable estimates. Now, since
50 those comments were entered on those proposals initially

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1 back, I don't know, in May or sometime, possibly earlier,
2 we've had a chance to essentially discuss the community
3 household survey data, which is an important factor, and
4 that did sway our position.

5
6 As I said now, we do not oppose this
7 proposal. What you see on page 106 we do not oppose. We
8 essentially have come to a point at which we believe that
9 given the information we had, which isn't scientific,
10 quantitative information in terms of stock assessment,
11 but at the same time does provide an indication of stock
12 status that doesn't point to an increase or a decrease in
13 the trend in light of the harvests that have been
14 estimated under the community households. So we think
15 the stocks can support that level of harvest.

16
17 CHAIRWOMAN GARZA: Mike.

18
19 MR. DOUVILLE: Okay. So '95 would have
20 been the.....

21
22 CHAIRWOMAN GARZA: So the data you got
23 was for '96, '97, '98.

24
25 MR. TUREK: Right.

26
27 MR. DOUVILLE: I have one more comment to
28 make. The restriction was already put in place in '94,
29 right? This data was taking place even after restriction
30 was put in, so before that restriction the household
31 harvest would have been much higher because you could
32 take one a day. Your whole family could go catch one a
33 day. So just keep that in mind.

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41 conclusion on page 106 and I would like your opinion on
42 what you think of the proposal laid out on 106, State's
43 comments.

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46 this?

47
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49 Tom.

50

00153

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2 Littlefield. I'm not sure I understand the question.

3
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15 position, so to speak, as in the past and that is
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17 additional harvest opportunity, we would oppose without
18 having some evidence in the wake of the concerns we had
19 in the early '90s that stats could support that in terms
20 of research, studies, quantifiable estimates. Now, since
21 those comments were entered on those proposals initially
22 back, I don't know, in May or sometime, possibly earlier,
23 we've had a chance to essentially discuss the community
24 household survey data, which is an important factor, and
25 that did sway our position.

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28 proposal. What you see on page 106 we do not oppose. We
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30 given the information we had, which isn't scientific,
31 quantitative information in terms of stock assessment,
32 but at the same time does provide an indication of stock
33 status that doesn't point to an increase or a decrease in
34 the trend in light of the harvests that have been
35 estimated under the community households. So we think
36 the stocks can support that level of harvest.

37
38 CHAIRWOMAN GARZA: So the main change, if
39 you combine the different proposals and their intents,
40 the main change on page 106 language is to allow the take
41 of steelhead that are less than 36 inches in some
42 streams. Is that the main change?

43
44 MR. REEVES: Madame Chair. The way the
45 proposed regulations are is it would allow the harvest of
46 any size fish in the systems that were not listed on the
47 bottom there. So out of the 74 steelhead systems, there
48 was 20 or 21 systems that are listed there. These were
49 roadside systems that were probably most concern for us.
50 So the harvest could occur in the other.

00154

1 CHAIRWOMAN GARZA: So that's the only
2 change that was brought forward from the different
3 proposals is the fish size?

4
5 MR. REEVES: Based on the four other
6 proposals. They varied from two of them had the annual
7 harvest limit of two fish, so that was meld together with
8 those two. Spear, I can't remember if that was in any of
9 them. That was added based on review of past transcripts
10 from Council meetings and the knowledge that some of the
11 harvests, at least around the Hydaburg area, had been
12 occurring with a spear.

13
14 Basically, what I can say with this one
15 is the closest regulation that came to this before
16 modification was 23. I did look at the other ones in
17 trying to come up with a recommendation. Does that
18 answer your question?

19
20 CHAIRWOMAN GARZA: I guess what I'm
21 trying to compare is the existing regulation to the
22 proposed and what are the changes. So Patricia was
23 saying seasons, but when I look at the existing
24 regulation, it doesn't talk to season. Patricia.

25
26 MS. PHILLIPS: I was wondering why you
27 chose April and May for a season compared to Proposal 25
28 which says November 1 through April 30th.

29
30 MR. REEVES: Madame Chair and Ms.
31 Phillips. The season of April and May, that was put in
32 there because with the concern of fall run stocks being
33 smaller and since spring run stocks are predominant in
34 Prince of Wales, spring run fish are usually in the
35 system in April or May, so the season, as basically
36 stated to in the justification, since we didn't want to
37 direct it at fall runs, that season would basically
38 direct it more at spring run fish.

39
40 MS. PHILLIPS: I didn't understand that.
41 What are you saying?

42
43 MR. REEVES: Okay. Prince of Wales has
44 two stocks of steelhead. Not all the systems have these
45 fall run stocks. These fish will enter around
46 Thanksgiving time, is one of the time frames I've heard
47 for some of the systems in talking to people. There's
48 only maybe about 13 systems on that big list of those two
49 that have fall run fish and these stocks tend to be a lot
50 smaller than the spring run fish, which are predominant.

00155

1 Spring run fish start entering anywhere around March into
2 April.

3

4 MS. PHILLIPS: You're saying the size of
5 the fish is smaller for the fall run or the stock?

6

7 MR. REEVES: The run size.

8

9 MS. PHILLIPS: Okay.

10

11 MR. REEVES: Of fish immigrating into the
12 river.

13

14 CHAIRWOMAN GARZA: So then the other
15 charge is that the actual season is reduced then.

16

17 MR. REEVES: From the existing Federal
18 regulation, yes, it is.

19

20 CHAIRWOMAN GARZA: Under current
21 regulation, what is it?

22

23 MR. REEVES: Madame Chair. The existing
24 Federal regulation is two fish annual and 36 inches or
25 larger. There's no closed season basically, so you could
26 fish all year to try to get those two fish and you could
27 use a dipnet or rod and reel and there is a bait
28 restriction on the fishery.

29

30 CHAIRWOMAN GARZA: So then looking at the
31 proposed modified 23, and so far there are three changes
32 I find, the spear is added, the season is reduced and you
33 can take smaller fish in some of the streams. Some I
34 just mean as they're listed or not listed.

35

36 MR. REEVES: Yes, that is correct.

37

38 CHAIRWOMAN GARZA: Are there any other
39 changes from the existing to the new proposed?

40

41 MR. REEVES: I don't see any unless
42 you've noticed that there is the annual harvest cap in
43 there now, but that is related to the removal of the size
44 restriction.

45

46 CHAIRWOMAN GARZA: So the 600 steelhead
47 per year is not under current management?

48

49 MR. REEVES: No.

50

00156

1 CHAIRWOMAN GARZA: So basically there's
2 four changes, two that reduce and two that increase. The
3 increase is in spear, you can harvest smaller fish in
4 some streams, the decrease is the season and the decrease
5 is the cap, from what I can tell. Okay. So what we may
6 do is we may, as a Council, look at the modified proposal
7 or we may choose to go through proposal by proposal.
8 That's up to this Council. Or modified paragraphs of the
9 proposed proposal. We may ask you back if we go proposal
10 by proposal. Tribal government and/or other agency
11 comments. Are there any Fish & Game Advisory Committee
12 comments submitted?

13
14 MR. SCHROEDER: Madame Chair, I don't
15 have any comments from Fish & Game Advisory Committees.
16 I do have three written public comments.

17
18 CHAIRWOMAN GARZA: Just one second. Are
19 there any Fish & Game Advisory Committee chairs? Okay.
20

21 MR. SCHROEDER: We've received three
22 written comments on one or the other of these proposals.
23 The first comment is from the chairman of the Tongass,
24 Gary Sousa. He states here Alaska Department of Fish &
25 Game historical data reveals that the stocks of steelhead
26 have always been smaller and especially the steelhead
27 stocks in the Pacific northwest. These stocks declined
28 greatly region-wide in 1992, requiring regulation changes
29 for harvest allowances in order to protect them. These
30 stocks as a whole have not rebounded. Recent biological
31 data is lacking to support relaxing restrictions and is
32 instead support of continuing with the current
33 management. The Tongass Sportfishing Association
34 strongly opposes relaxing these harvest restrictions.

35 There is a letter from Mark Storm, the
36 Prince of Wales Island Steelhead Conservation
37 Association. I'm sorry I don't have a date or address of
38 where this person is from. This letter is in response to
39 the proposals to relax harvest restrictions on steelhead
40 on Prince of Wales Island streams. We strongly believe
41 that any liberalization of bag limits on steelhead for
42 subsistence or sport purposes would be greatly
43 detrimental to the resource. Any such liberalization
44 would ultimately diminish subsistence or sport
45 opportunities for steelhead angling and harvest on Prince
46 of Wales Island for island residents as well as others.
47 Then the same paragraph is repeated as in the Tongass
48 Sportfishing Association. I, therefore, strongly oppose
49 to relaxing harvest restrictions on Prince of Wales
50 Island streams.

00157

1 The third comment is from Fred Warren,
2 Elder of the Chilkat Indian Village of Klukwan. He made
3 comments on some other actions that we're doing. I favor
4 the proposal of 2024 by the Klawock Cooperative
5 Association. In reality, the limit of taking five
6 steelhead trouts daily may occur several times, but when
7 that occurs the leftover steelhead trouts will be shared
8 with other families who need subsistence food, especially
9 the elders. So this is a letter of support.

10

11 Madame Chair, those are the written
12 public comments we've received.

13

14 CHAIRWOMAN GARZA: Thank you, Mr.
15 Schroeder. We have no green cards. Is there anyone who
16 would like to testify regarding any of these proposals,
17 23 through 26? Okay. We have Regional Council
18 deliberation, consideration and justification. We have
19 to decide as a Council how we want to approach these
20 proposals. Mr. Littlefield.

21

22 MR. LITTLEFIELD: Madame Chair. I'm
23 struggling with trying to figure out how to get through
24 this. I'm somewhat disappointed that 22 through 26 got
25 to us in a conglomeration of some stuff that was proposed
26 and stuff picked out of the air. So I think the fairest
27 way to do this, and I wish the Staff would have done
28 this, would have been to give us a recommendation on each
29 of the proposals as they stood and as they were submitted
30 by the proposer. I believe we talked about this before.
31 For us to get through them, I would recommend that you
32 probably go with the most restrictive and work your way
33 backwards. That would be my suggestion. But I'm open.
34 That might be 26 first.

35

36 CHAIRWOMAN GARZA: Mr. Thomas.

37

38 MR. THOMAS: Madame Chair, I move that we
39 go through them one at a time. Under discussion, I'll
40 give you my rationale.

41

42 CHAIRWOMAN GARZA: Hearing no objection,
43 we'll start with 26. So the intent of 26 is the fishery
44 will be closed, submitted by Craig Community Association.
45 Is there a motion to support?

46

47 MR. LITTLEFIELD: For the purpose of
48 discussion, I move to adopt FP03-26.

49

50 MR. MARTIN: Second the motion.

00158

1 CHAIRWOMAN GARZA: It's been moved and
2 seconded to support Proposal 26 as written at the bottom
3 of page 96 and the top of page 97.

4
5 MR. DOUVILLE: I'm going to support this
6 motion as the people of Prince of Wales Island have not
7 been able to back this C&T on steelhead as a custom since
8 the modification in '94. At that time you could catch
9 one a day for the entire steelhead season. For the
10 entire year you could do one a day. If you could find a
11 steelhead, you could take it. I support to close it
12 until it has been determined and they're allowed to get
13 steelhead as is accustomed.

14
15 CHAIRWOMAN GARZA: Just as a point of
16 clarification, if Proposal 26 were supported by the
17 Regional Advisory Council, that would not affect sport
18 harvest of steelhead. That would only close subsistence
19 harvest of steelhead on Prince of Wales, so there would
20 still be take. Am I wrong? Is there a personal use
21 steelhead harvest on Prince of Wales by state residents
22 who may not have C&T or rural status?

23
24 MR. TUREK: Mike Turek, Fish & Game.
25 Madame Chair, Council members. There is a C&T finding
26 for steelhead on Prince of Wales Island, but there are no
27 permits issued for a directed steelhead fishery and there
28 is no personal use fishery either. It's a sport fishery.
29 If you harvest while fishing for salmon, you can keep it.
30 There are no permits issued by the State for subsistence
31 steelhead on Prince of Wales Island.

32
33 CHAIRWOMAN GARZA: But there is a sport.

34
35 MR. CASIPIT: There's a sport regulation.
36 Just catch and release. If they're over 36 inches, you
37 can keep it. John.

38
39 MR. LITTLEFIELD: Here's a question for
40 Staff. As I read this, it says all steelhead trout
41 fishing in Unit 2 Prince of Wales Island will be closed.
42 It's my understanding that those waters are freshwater
43 under Federal jurisdiction, so that would close the sport
44 fishery as well as the subsistence fishery. It would
45 close both. Is that correct?

46
47 MR. CASIPIT: Yes, your interpretation is
48 correct. If you were to pass 26 as proposed, all
49 steelhead fishing on Prince of Wales Island would be
50 closed. That would be Federally qualified as well as

00159

1 non-Federally qualified users.

2

3 MR. THOMAS: Madame Chairman. It's kind
4 of refreshing to see this proposal. It's the first
5 subsistence proposal I've seen in the book. It defines
6 our charge very well. 8.01 says that we're supposed to
7 do exactly this. I would support it as well. Our charge
8 is to provide continued opportunity. Anything different
9 than this would not do that. I want to support the
10 motion.

11

12 CHAIRWOMAN GARZA: John, then Mike and
13 then Harold.

14

15 MR. LITTLEFIELD: I'm going to move that
16 we table this. If you want a discussion on what tabling
17 will do, I'll give that to you, but I think this should
18 be tabled until we go to the next proposal and work our
19 way down because this is the most drastic one. I move to
20 table 26 at this time.

21

22 CHAIRWOMAN GARZA: In the confusion, is
23 there a second?

24

25 MS. WILSON: I second it, Madame Chair.

26

27 CHAIRWOMAN GARZA: Move to table is non-
28 debatable. All in favor signify by saying aye.

29

30 IN UNISON: Aye.

31

32 CHAIRWOMAN GARZA: Opposed.

33

34 MR. THOMAS: No.

35

36 CHAIRWOMAN GARZA: Hand count. All in
37 favor, raise your hand. Opposed, raise your hand. Okay.
38 If you're in favor of tabling, raise your hand. If
39 you're opposed to tabling, raise your hand. It is
40 tabled.

41

42 MR. LITTLEFIELD: Madame Chair. I move
43 to adopt FP02-003-25.

44

45 CHAIRWOMAN GARZA: 25 is before us. Is
46 there a second?

47

48 MR. DOUVILLE: I'll second it.

49

50 CHAIRWOMAN GARZA: Discussion on Proposal

00160

1 25 on page 93. Mr. Douville.

2

3 MR. DOUVILLE: I support Proposal 25.

4 It's more like customary and traditional use those

5 Federally-qualified users are accustomed to.

6

7 CHAIRWOMAN GARZA: Floyd.

8

9 MR. KOOKESH: It would seem like to me

10 that you would determine how much fish there are first

11 before you start voting on how much we should allocate.

12

13 CHAIRWOMAN GARZA: Mike.

14

15 MR. DOUVILLE: I want to point out that

16 for one a week, it's fairly conservative compared to what

17 we're accustomed to in the past. This is the most

18 conservative proposal. It's only one a week. We used to

19 catch one a day. The whole household could go catch one

20 a day. This has a time limit on it from November 1 to

21 April 30th, so this doesn't even get into that spring

22 run. It's very conservative. It's so conservative

23 compared to what we harvested before. There's no

24 comparison. There is no real reason to deny this one for

25 those reasons. The numbers are very small and I'm sure

26 that the stocks could support it. We have in the past

27 without any problem.

28

29 CHAIRWOMAN GARZA: I'd like to ask Mike a

30 follow-up question on that. I understand that you did

31 meet with at least Craig Community Association. They

32 have two proposals that are very different.

33

34 MR. DOUVILLE: I did. And their thinking

35 was that if they don't get 25, which is the minimum, that

36 they would want to go with 26 until it is acceptable. In

37 their thinking, the sport fishery is taking more fish

38 through just mortality than C&T users.

39

40 CHAIRWOMAN GARZA: See, that's what I was

41 trying to figure out before on 26. If subsistence use is

42 closed and you still have catch and release but you can't

43 keep it, you still have mortality. We have Staff members

44 on both Federal and State that are saying there are now a

45 surplus. What I'm concerned about is that the sports

46 will say, okay, if C&T doesn't want it, we'll take it, so

47 we want something more than catch and release. We want

48 one fish a week.

49

50 MR. DOUVILLE: Without a size restriction

00161

1 on it.

2

3 CHAIRWOMAN GARZA: But I'm saying for
4 sport. I'm saying if subsistence doesn't take this what
5 appears to be an available harvest now and attempting to
6 be more conservative, you may have Ketchikan guys that
7 are saying, okay, if there's excess fish and they don't
8 want it, we'll take it under sports regs and we'll go to
9 the Board of Fish and get it. There's nothing that would
10 stop them from doing that.

11

12 MR. DOUVILLE: You lost me somewhere. I
13 don't understand what you're trying to explain to me.

14

15 CHAIRWOMAN GARZA: Okay. A two minute
16 break.

17

18 (Off record)

19

20 (On record)

21

22 CHAIRWOMAN GARZA: So we have some
23 Robert's Rules of Order maneuvering we need to do so we
24 can get down to what we think we might want.

25

26 Mr. Littlefield, the king of Robert's
27 Rules of Order will lead us forward.

28

29 MR. LITTLEFIELD: Thank you, Madam Chair.
30 I would offer this as the proposed procedure. We are
31 currently at motion 25, Proposal 25 before us. I'm going
32 to offer that we -- propose that we table that, Proposal
33 25. Secondly, assuming that that would pass, I would
34 like to take from the table Proposal No. 26 and call for
35 a vote on Proposal 26. And hopefully defeat that.
36 Subsequent to that, we would take from the table 25,
37 Proposal 25 and substitute the language and the
38 preliminary conclusion on Page 106 as substitute language
39 to be considered line by line. And then we would change
40 each line as the Council wishes, but our intent was to
41 use the language in Proposal 25 as the mark-up vehicle.

42

43 CHAIRWOMAN GARZA: Okay. So the first
44 step would be to move to table 25.

45

46 MR. LITTLEFIELD: Second.

47

48 CHAIRWOMAN GARZA: You have to first it.

49

50 MR. STOKES: I so move.

00162

1 CHAIRWOMAN GARZA: It's been moved and
2 seconded. All in favor signify by saying aye.

3

4 IN UNISON: Aye.

5

6 CHAIRWOMAN GARZA: Opposed.

7

8 (No opposing votes)

9

10 CHAIRWOMAN GARZA: 25 is tabled. Mr.
11 Littlefield.

12

13 MR. LITTLEFIELD: Madam Chair, I'd like
14 to take from the table Proposal 26.

15

16 MR. STOKES: Second.

17

18 CHAIRWOMAN GARZA: All in favor.

19

20 IN UNISON: Aye.

21

22 CHAIRWOMAN GARZA: 26 is now on the
23 table. Discussion.

24

25 MR. STOKES: Question.

26

27 CHAIRWOMAN GARZA: So the intent is to
28 vote 26 down, all in favor say aye. Opposed.

29

30 IN UNISON: Aye.

31

32 CHAIRWOMAN GARZA: 26 is dead.

33

34 MR. LITTLEFIELD: Madam Chair.

35

36 CHAIRWOMAN GARZA: With the Craig boy
37 voting for it anyway. Okay.

38

39 MR. LITTLEFIELD: Madam Chair, I'd like
40 to take from the table, Proposal 25.

41

42 CHAIRWOMAN GARZA: So ordered.

43

44 MR. MARTIN: So moved.

45

46 CHAIRWOMAN GARZA: 25 is back on the
47 table.

48

49 MR. LITTLEFIELD: Madam Chair.

50

00163

1 CHAIRWOMAN GARZA: Yeah.

2

3 MR. LITTLEFIELD: I'd like to offer
4 substitute language which is on Page 106, preliminary
5 conclusion language and I would like to consider that
6 line by line as substitute language for 25.

7

8 CHAIRWOMAN GARZA: So the motion is to
9 consider substituting the language in.....

10

11 MR. LITTLEFIELD: Page 106.

12

13 CHAIRWOMAN GARZA:Page 106.
14 Further discussion once it's on the table as substitute
15 language, is there a second?

16

17 MR. STOKES: I'll second it.

18

19 CHAIRWOMAN GARZA: Okay. So now we have
20 it before us.

21

22 MR. LITTLEFIELD: Line by line.

23

24 CHAIRWOMAN GARZA: Right.

25

26 MR. DOUVILLE: I'm lost.

27

28 CHAIRWOMAN GARZA: I know. Okay, so we
29 agreed to substitute or do we have to vote on it?

30

31 MR. LITTLEFIELD: You made the ruling.

32

33 CHAIRWOMAN GARZA: Hearing no objections
34 we are looking at the language on Page 106 preliminary
35 conclusions that has been substituted for Proposal 25,
36 are there amendments? Mr. Littlefield.

37

38 MR. LITTLEFIELD: Madam Chair, in the
39 first sentence, 27(i)(13)(4), which reads you may take
40 steelhead trout on Prince of Wales Island, only under the
41 terms of a Federal subsistence fishing permit from April
42 1st to May 31st, I would like to substitute the language
43 on Page 93 from Proposal 25 that says November 1st
44 through April 30th, November 1st through April 30th.

45

46 MR. KOOKESH: I thought he said line by
47 line.

48

49 MR. LITTLEFIELD: That is the first line.

50

00164

1 CHAIRWOMAN GARZA: That is the first
2 line.

3
4 MR. KOOKESH: Two lines.

5
6 CHAIRWOMAN GARZA: It's two lines John.

7
8 MR. LITTLEFIELD: To the first period.

9
10 MR. KOOKESH: Need a new motion.

11
12 MR. LITTLEFIELD: Line by line means to
13 the first period, paragraph by paragraph means.....

14
15 CHAIRWOMAN GARZA: The first amendment
16 being forwarded is to change the dates from April 1st to
17 May 31st, change it to November 1st to April 30th, even
18 though it takes two lines.

19
20 Discussion.

21
22 Call for the question.

23
24 MR. LITTLEFIELD: Question.

25
26 CHAIRWOMAN GARZA: Question has been
27 called. All in favor of the amendment to change the
28 dates signify by saying aye.

29
30 IN UNISON: Aye.

31
32 CHAIRWOMAN GARZA: All opposed.

33
34 (No opposing votes)

35
36 CHAIRWOMAN GARZA: The amendment passes.
37 The next line down is A, the annual harvest limit is two
38 fish. Mr. Littlefield.

39
40 MR. LITTLEFIELD: Madam Chair, continuing
41 to refer to Page 93, I would like to substitute Line A,
42 the annual harvest limit of two fish from language in 25
43 that says the harvest limit is one fish per week, per
44 household, period.

45
46 CHAIRWOMAN GARZA: Is there a second?

47
48 MR. MARTIN: Second.

49
50 CHAIRWOMAN GARZA: So then A would mean

00165

1 -- not annual -- the harvest limit is one fish per week
2 per household, period. Is that the intent, Mr.
3 Littlefield?

4

MR. LITTLEFIELD: Yes, Madam Chair.

6

7 MR. THOMAS: Madam Chair, do I understand
8 we scratch the word, annual?

9

10 CHAIRWOMAN GARZA: Yeah.

11

12 MS. PHILLIPS: Do we cross it out?

13

14 CHAIRWOMAN GARZA: Yes. If it's one per
15 week then people will have different annual harvests.

16

17 So the harvest limit is one fish per week
18 per household.

19

20 MR. DOUVILLE: That's correct.

21

22 CHAIRWOMAN GARZA: So discussion on that
23 amendment.

24

25 MR. THOMAS: Question.

26

27 CHAIRWOMAN GARZA: Question has been
28 called for. All in favor of the amendment for A signify
29 by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRWOMAN GARZA: Opposed.

34

35 (No opposing votes)

36

37 CHAIRWOMAN GARZA: The amendment passes.
38 Are there any amendments to B? Hearing none, are there
39 any amendments to C? Hearing none, are there any
40 amendments to D? Hearing none, are there any amendments
41 to E? Hearing none, are there any amendments to F?
42 Okay.

43

44 We have before us a substitute for
45 Proposal 25, which is the modified 23, the two changes
46 that we have just amended to it is that the dates would
47 change from November 1st to April 30th and that would
48 change from two fish to one fish per week per household.
49 That is the amended proposal that we have before us.

50

00166

1 Mr. Douville.

2

3 MR. LITTLEFIELD: I would read the whole
4 thing, I believe, for the record.

5

6 CHAIRWOMAN GARZA: Okay. Mr. Douville.

7

8 MR. DOUVILLE: Madam Chair, there was
9 some concern over fall fish and I would like to make a
10 further amendment to December 1 instead of November 1.

11

12 CHAIRWOMAN GARZA: Is there a second?

13

14 MR. THOMAS: Second.

15

16 CHAIRWOMAN GARZA: Okay. So A would be
17 -- not, A, the very first line would change from November
18 to December 1st? So moved and seconded. Discussion.

19

20 MR. THOMAS: Question.

21

22 CHAIRWOMAN GARZA: Question has been
23 called. The intent would be to change it back one month
24 in the fall. All in favor signify by saying aye.

25

26 IN UNISON: Aye.

27

28 CHAIRWOMAN GARZA: Opposed.

29

30 (No opposing votes)

31

32 CHAIRWOMAN GARZA: Motion passes.

33

34 Okay, so the proposal before us
35 27(i)(13)(4), you may take steelhead trout on Prince of
36 Wales Island only under the terms of a Federal
37 subsistence fishing permit from December 1st to April
38 30th, period.

39

40 A. The harvest limit is one fish per
41 week per household, period.

42

43 B. You may use only a dipnet, spear or
44 rod and reel with artificial lure or fly, period.

45

46 C. You may not use bait.

47

48 D. The annual harvest level cap is 600
49 steelhead for Prince of Wales.

50

00167

1 E. The permit must be returned within 15
2 days.

3
4 F. List the number of streams where
5 there needs to be a 36-inch limit or larger.

6
7 That is the proposal before us, any
8 discussion.

9
10 MR. THOMAS: Did the motion maker adopt
11 that already?

12
13 CHAIRWOMAN GARZA: Yeah.

14
15 MR. THOMAS: Question on the motion.

16
17 CHAIRWOMAN GARZA: There is a question
18 over here. Mr. Littlefield -- no. Any other comments.
19 Question has been called. All in favor of the substitute
20 language for Proposal 25, which is on Page 106 signify by
21 saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRWOMAN GARZA: Opposed.

26
27 (No opposing votes)

28
29 CHAIRWOMAN GARZA: Motion passes. Mr.
30 Schroeder has it up there if you want to look at what we
31 changed.

32
33 Okay, we still have Proposal 22, 23 and
34 24.

35
36 MR. THOMAS: Under D, it says, 22.....

37
38 CHAIRWOMAN GARZA: Or does the action on
39 this last proposal makes it moot? Okay.

40
41 So are we done with proposals?

42
43 MS. WILSON: Did we adopt the proposal,
44 Madam Chair?

45
46 CHAIRWOMAN GARZA: Yes. Hey, we're done
47 with proposals.

48
49 MR. THOMAS: Move we adjourn for the
50 week.

00168

1 (Laughter)

2

3 CHAIRWOMAN GARZA: Hey, we made it
4 through Item 8 in record speed.

5

6 (Laughter)

7

8 MR. SCHROEDER: Madam Chair, the
9 steelhead proposal, it would be useful for the record to
10 summarize the rationale for the changes. I know you've
11 been talking through this quite a bit.

12

13 MR. THOMAS: You want us to explain
14 ourselves?

15

16 CHAIRWOMAN GARZA: So we support the
17 Staff analysis that there is increased steelhead for
18 increased harvest opportunities. Given that there is a
19 cap of 600 we believe that families should be able to
20 take one fish per week which is what they were taking
21 prior to the '94 amendments and, in fact, probably a
22 little more than one fish per week but we understand that
23 we need to start somewhere as a basis. We agree with the
24 -- or we support basically the original season, the
25 longer season, I'm not sure what the original season was,
26 if it was all year.

27

28 MR. LITTLEFIELD: It liberalizes the
29 limit, the size limit.

30

31 CHAIRWOMAN GARZA: What is the existing
32 season? Cal.

33

34 MR. CASIPIT: Right now the existing
35 season is year-round, but the minimum size limit is 36
36 inches.

37

38 CHAIRWOMAN GARZA: Okay. And we support
39 a lifting of the 36-inch size limit on many of the
40 streams because as subsistence people we are not looking
41 at the size of the fish but the food of the fish. At
42 least that's my justification, I'm not sure if other
43 Council members have theirs.

44

45 Mr. Littlefield.

46

47 MR. LITTLEFIELD: Madam Chair. Because
48 of conservation concerns, I supported the 600 steelhead
49 cap, however, we believe there is an unmet need and I
50 would like to request Staff to work with the residents of

00169

1 Prince of Wales Island to come up with a number that may
2 be more liberal than that if we could live with it. But
3 right now I'm supporting the 600 because both the State
4 and the Federal Staff believe 600 would be okay. We
5 increased the subsistence opportunity for the residents
6 of 3A, 3B by liberalizing the size limit except at these
7 streams. So that's a positive step.

8

9 I am dismayed that we don't have better
10 information. And given the information we have, I felt
11 confident making my decision but I would like to have
12 more information on the steelhead runs in Southeast and
13 in particular Prince of Wales Island, if Staff could help
14 us with that or maybe we might see these in FIS
15 proposals. And this proposal did nothing to restrict
16 non-subsistence users and therefore I could support it
17 and I was glad to see others support it as well.

18

19 CHAIRWOMAN GARZA: Is that good?

20

21 MS. PHILLIPS: Madam Chair.

22

23 CHAIRWOMAN GARZA: Patricia.

24

25 MS. PHILLIPS: The Craig Community
26 Association recognized that there is a need for taking
27 steelhead trout and if they were willing -- if there was
28 going to be a restriction on subsistence take then they
29 also presented a proposal that would close the season,
30 but Staff, in their analysis showed that there -- though
31 there is a conservation concern there isn't enough of a
32 conservation concern to restrict Federally-qualified
33 users.

34

35 CHAIRWOMAN GARZA: Thank you, Patty. Is
36 that okay? So we've got tomorrow, we'll be onto reports.
37 There's some action items. We did discuss earlier
38 creating an ad hoc committee so we could create a letter
39 or a response to OSM regarding.....

40

41 MR. THOMAS: You moved back the gavel so
42 I could do that.

43

44 (Laughter)

45

46 CHAIRWOMAN GARZA: So, okay, Mr.
47 Chairman, we need to create an ad hoc committee so we can
48 consider a response to OSM regarding FACA and Council
49 structure.

50

00170

1 CHAIRMAN THOMAS: Okay. I'm looking for
2 volunteers besides Mike and John to work with Dolly on
3 this, so Marilyn.

4
5 MS. GARZA: So we were considering.....

6
7 CHAIRMAN THOMAS: Harold.

8
9 MS. GARZA:having a bring your own
10 food since we have a really nice bed and breakfast that
11 has a full kitchen. Bring something to eat and we can
12 just plunk it out and we've got satellite TV and jacuzzi
13 and sauna.....

14
15 CHAIRMAN THOMAS: Hey.....

16
17 (Laughter)

18
19 CHAIRMAN THOMAS: Okay. So you'll be
20 working to about 8:00.....

21
22 MS. GARZA: So should we start right
23 away.

24
25 MR. SCHROEDER: At the pleasure of the
26 Chair.

27
28 CHAIRMAN THOMAS: Thank you.

29
30 MS. GARZA: So we have to go to the
31 grocery store, pick some things up and then we can just
32 go up to it, it's the Wale's View, which is off of Park
33 Avenue. Go down the street, you'll see Park Avenue, take
34 a right, go up take a left and it's at the very top by
35 the Fran Ulmer for Governor sign.

36
37 MR. LITTLEFIELD: State Street or Park
38 Avenue.

39
40 CHAIRMAN THOMAS: That's tougher than the
41 last proposal.

42
43 (Laughter)

44
45 MR. SCHROEDER: There are a couple of
46 other items that the Council may wish to assign to other
47 Council members to deal with or perhaps it's good for us
48 to touch on briefly right now.

49
50 The Office of Subsistence Management and

00171

1 the Federal Subsistence Board is looking at proposals
2 that are submitted to the Board of Fisheries and to the
3 Board of Game. And the interest there is to provide
4 comments to the Board of Fisheries and Board of Game on
5 proposals that may be of interest to subsistence users.
6 This is a little bit of a first time through, definitely,
7 for me, and it's the first time through for Councils
8 doing this. But I think Staff would benefit a great deal
9 if Council members could work in committee form with Dave
10 Johnson and Dan LaPlant for the wildlife proposals and
11 with either Pete or -- and other Staff person and Cal on
12 the fisheries proposals.

13

14 So since there are a couple of people who
15 aren't spoken for tonight I thought I'd bring that up.

16

17 MS. GARZA: I think the sauna got them
18 all. But, yeah, we could bring that up at the same time.
19 I brought my packet of the Board of Fish proposals
20 because I would like to ask for support for some of them.

21

22 CHAIRMAN THOMAS: Okay, if there's no
23 objections from the Council, those on this committee that
24 you see responses ad hoc actions to deal with them.

25

26 MR. SCHROEDER: It might work better if
27 there were some people who deal with wildlife just to
28 kind of coaster themselves with wildlife and that's if
29 Council members who simply deal with fish, so that we
30 don't load up the -- any two or three Council members.
31 That's just my suggestion Mr. Chair.

32

33 MS. GARZA: Well, maybe we'll see who's
34 up there and then just split it out. 6:00 o'clock and
35 it's bring your own food and bring your own drink, we got
36 nothing.

37

38 MR. LITTLEFIELD: What's the name of the
39 place?

40

41 MS. GARZA: Whale Watch.

42

43 MR. LITTLEFIELD: Whale Watch.

44

45 MS. GARZA: Yeah.

46

47 MR. LITTLEFIELD: On Park Avenue.

48

49 MS. GARZA: Yeah. Bob and Dave and some
50 of the drivers know where it's at. Great view, lots of

00172

1 room. Recess until tomorrow, Mr. Chair.

2

3 CHAIRMAN THOMAS: Recess until.....

4

5 MS. GARZA: 8:00.

6

7 CHAIRMAN THOMAS:8:00 tomorrow?

8

9 MS. GARZA: We got lots to do.

10

11 CHAIRMAN THOMAS: 8:00 o'clock tomorrow.

12

13 (Off record comments)

14

15 MS. GARZA: 8:30, okay, 9:00 o'clock

16 then, I don't know.

17

18 CHAIRMAN THOMAS: 9:00 o'clock.

19

20 (PROCEEDINGS TO CONTINUE)

