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SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
October 5, 1994
Centennial Hall
Juneau, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

10 William C. Thomas, Sr., Chairman
11 Gabriel D. George, Vice Chairman
12 Lonnie Anderson, Member
13 Richard Dalton, Sr., Member
14 John P. Feller, Member
15 Dolly Garza, Member
16 Vicki LeCornu, Member
17 Patricia A. Phillips, Member
18 Mim Robinson, Member
19 John F. Vale, Member
20 Carol Jorgensen, Coordinator

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(On record)

1
2 CHAIRMAN THOMAS I want you folks to recognize my new
3 gavel, better than last year. Last year it was a coffee cup.
4 For a while it was an ashtray, this time I got crystal.

5
6 I want to welcome everybody that's here. Wednesday is
7 not always a time when people can break away from what they're
8 doing to attend these meetings. The meetings, I think, will
9 attract more attention and people as they -- available can make
10 it, will be here. It's important for people to know that this
11 regional concept is exactly regional, it's meant for everybody
12 in the region to have an opportunity to have input in this
13 process so that we can best manage our fish and game and
14 wildlife in our region, which we think is the best approach and
15 the most manageable scheme we can come up with.

16
17 We have members that are going to be getting here
18 later, we do have a quorum. And we're going to ask the members
19 of the Council to introduce themselves once again. The reason
20 for that is because we have new members on the Council, there
21 are new staff people here that haven't been here in the past
22 and I just feel it's important for everybody to have a pretty
23 good idea of who you're looking at; who you're listening to and
24 what happens in this whole scheme. So I hope I left enough
25 lead time to ask Mr. John down there to start off with his
26 name, where he's from and a little bit about himself. John
27 Vale.

28
29 MR. VALE: Hello everyone, I'm John Vale, I'm from
30 Yakatat. I'm a commercial subsistence fisherman, I enjoy doing
31 those things and I appreciate being a part of this process to
32 do what I can to affect subsistence uses in Southeast here.

33
34 CHAIRMAN THOMAS John.

35
36 MR. FELLER: Good morning, I'm John Feller, I'm from
37 Wrangell, I'm a Tlingit and Haida. My Tlingit name is
38 Goo-dlow-ooow. I've been involved in subsistence since -- for
39 six years now. I started in SENSC, Southeast Native
40 Subsistence Commission, I've been active in that and also at
41 home. And I'm also a commercial fisherman and a subsistence
42 user.

43
44 CHAIRMAN THOMAS Dolly.

45
46
47 MS. GARZA: Good morning, my name is Dolly Garza, I'm a
48 new representative. I live in Sitka, however, my mother is
49 from Craig and my father is from Klawock and I grew up in

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1 Ketchikan. I work for the University of Alaska in a Marine 3
2 Advisory Program and through that I do travel to numerous
3 Southeast communities, so I feel that I have a broad
4 representation in terms of understanding some of the community
5 needs in terms of subsistence. I hope that am a good
6 representative on the Board.

7 CHAIRMAN THOMAS Thank you, Dolly. I'm Bill Thomas,
8 I'm the incumbent chairman. I live in Ketchikan, born in
9 Klawock, raised in Craig. Tlingit. I've been actively
10 involved with the politics of fisheries for better than 30
11 years. I have a background of a commercial fisherman. I have
12 a background in everything that happened in Southeast except
13 for mining, I haven't done any mining. I've logged, did wood
14 processing, I retired from a career with the Coast Guard in
15 industrial maintenance. I went on to another career with the
16 school district as an engine education director, retired from
17 that in June, so my new career is retiring.

18 So I'm also a member of Southeast Native Education --
19 the Native Subsistence Commission. The president of that
20 Commission, as you know, and I'll introduce him in a little
21 bit, but I'm glad to be here and glad everybody else is here.
22 Gabe.

23
24 MR. GEORGE: My name is Gabriel George, my Tlingit name
25 is Dax' tee nah from Daishetaan (ph), from Angoon. Just flew
26 in from Angoon, I'm living in the house I was born in some 50
27 years ago or so and my initial interests was fisheries and I've
28 been working with subsistence and subsistence division --
29 started with the Alaska, you know, and it's a big part of --
30 like the old Southeast in Alaska -- Southeast and all of
31 Alaska, the subsistence issue. I'm getting a little be excited
32 about it at times when meeting with other people and enjoying
33 my time here. Thank you.

34 CHAIRMAN THOMAS Vicki.

35
36 MS. LeCORNU: My name is Vicki LeCornu, I'm from
37 Hydaburg or Craig or in between all those places on the island,
38 I guess. I have -- I'm an artist by trade and I teach my art,
39 Haida art, basketry and through that I try to teach the
40 traditional uses of our resources, as you call them. And I
41 would like to represent an idea for people for a return to a
42 livelihood that I don't see in term subsistence as we use it
43 now. I think that's my main interest is to restore livelihood
44 to people who have traditionally used it. Thanks.

45
46 CHAIRMAN THOMAS Richard.

47
48 MR. DALTON: My name is Richard Dalton, Senior. My
49 Tlingit name Tee ka taah, Dax' teen taan (ph) from Hoonah.

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1 I've been engaged with different and regulations (sic) since we
2 became a statehood. I have been engaged with the limited entry
3 law when it was first born into the State of Alaska. And full
4 permit (ph) and presently I'm President of the Hoonah
5 Traditional Tribal Council. I filled one year with them and
6 very much concerned on the regulatory basis, as far as State is
7 concerned, and more so in the Federal level.

8 The fact that I am now a Board member perhaps we will
9 be able to be educated a little bit more where by we can voice
10 our opinion on the regulatory basis for out subsistence users
11 and hunters in our State of Alaska. I appreciate that I can be
12 here to represent Southeast Alaska.

13 CHAIRMAN THOMAS Lonnie.

14 MR. ANDERSON: My name is Lonnie Anderson, I'm a Raven,
15 my Tlingit name is Onnee. I've been involved in fisheries
16 related projects since '78, attended the Regional Council
17 meetings and in the subsistence deal. Retired school teacher,
18 vice president of the non-profit fish hatchery. Adjutant for
19 the American Legion Post 2 in Kake, a few of the other
20 non-descriptive projects, but glad to be here. My vote is
21 always concerning our Native subsistence use, 1,000 percent.
22 Thank you.

23
24
25 CHAIRMAN THOMAS Thank you, Lonnie. That completes the
26 membership of the Council. We want to hear from the rest of
27 you folks. But before we do that I'd like to recognize Harold
28 Martin, he's the President of Southeast Native Subsistence
29 Commission. It's a large commission, it's a commission that's
30 very represented. It's represented in virtually every
31 community in Southeast and various elections are held in
32 conjunction with the delegations to the Tlingit and Haida
33 general assembly that they have each year.

34
35 While to this point it hasn't been a part of the
36 Central Council, but election is held for conveniences purposes
37 because people are voting anyway and that was determine for a
38 good time for that to happen. We're glad that Harold is here
39 and if he has any comments we'd like you to share some
40 comments, if you want to wait you can do that, but stand and be
41 recognized.

42
43 MR. MARTIN: Thank you, Mr. Chairman, I'll wait and lay
44 down a full (indiscernible -- too far from a mic).

45
46 CHAIRMAN THOMAS We're glad to have you here. I want
47 to ask Carol to facilitate the introduction of the staff
48 people. Carol Jorgensen is our coordinator and maybe you can
49 explain the difference between a coordinator and council
50

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member.

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1 MS. JORGENSEN: Thank you, Mr. Chairman. As Bill said,
2 my name is Carol Jorgensen and I'm the Federal Subsistence
3 Regional Advisory Coordinator for Southeast Alaska and there's
4 10 Regional Councils. I'm the only coordinator that works
5 outside of U.S. Fish & Wildlife, I work for Forest Service, but
6 I work with the other five regional coordinators, so we
7 coordinate it all.

8 My Indian name is Chooh Da Heit, I'm a Tlinglit from
9 Southeast and I worked in subsistence a very long time. I was
10 Deputy Director of Subsistence for Fish & Game a number of
11 years and been involved, either living or working, at the
12 subsistence way of life. We have Fish & Wildlife and Forest
13 Service and Park Service. I saw someone here from Park
14 Service, but I don't see them now.

15 So what I'll ask is starting with Bill Knauer with U.S.
16 Fish & Wildlife if he'd stand up and introduce himself and
17 we'll just weave our way back, then Norm and Geneen and go on
18 further back.

19
20 MR. KNAUER: I'm Bill Knauer with the U.S. Fish &
21 Wildlife Service, Office of Subsistence Management in
22 Anchorage. I've been with them since their inception back in
23 about '90 and I work primarily on regulations and policies and
24 Federal Register Notices and I've been intimately involved in
25 the formation of the Regional Councils.

26
27 MS. JORGENSEN: Norm.

28
29
30 MR. HOWSE: Good morning. My name is Norm Howse, I'm
31 the Forest Service Assistant Director for Subsistence, in
32 charge of the subsistence program in our agency. I also sit on
33 the staff of the Federal Subsistence Board. And in that
34 capacity, there are no board members here today, there may be a
35 little later, Bob Williams may be stopping in, but on behalf of
36 the Federal Subsistence Board I'd like to welcome everybody
37 that is here today and especially the new appointees, Vicki and
38 Dolly, that are here. Congratulations on your new appointments
39 and there'll be some interesting meetings and time coming, I
40 think, and you'll enjoy the job, it'll be exciting.

41
42 Marilyn Wilson was also reappointed to this Council and
43 she is in the throws of a move, physically moving, I guess,
44 right now and probably won't be here for this meeting, but --
45 and Dewey Skan is from Klawock, he should be possibly coming in
46 tonight or tomorrow as I understand.

47
48 MS. JORGENSEN: Um-hum (Affirmative).

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1 MR. HOWSE: We'll welcome him here when he gets here 6
2 and glad to have him on board as well. This will be a good
3 session, I think. We're looking forward to another productive
4 year, '95-96 regulation development and you're the stepping
5 stone for a lot of that and it's just right on the edge of that
6 at this point with some new ideas and some new thoughts and I
7 think the staff is prepared to help as much as they can in
8 putting together a good Federal Subsistence Program for the
9 coming year.

10 With your help and our assistance, I think, working
11 together we should produce some good products, thank you.

12 MS. JORGENSEN: Geneen.

13 MS. GRANGER: My name is Geneen Granger and I work in
14 Planning at the regional office for the Forest Service here. I
15 have sort of a new position called social science coordinator
16 and my goal -- part of my goal is, anyway, to ensure that all
17 aspects of subsistence, especially the social and human
18 dimension parts get included in all of our planning efforts.

19 MS. JORGENSEN: Hank.

20 MR. NEWHOUSE: I'm Hank Newhouse, I work in the
21 Ketchikan area of the Forest Service. Subsistence is something
22 that is really dear to my heart and I've been actively working
23 in the subsistence area for the last seven years. I think
24 Richard and his people in Hoonah probably were the first people
25 that really touched my heart, probably about six years ago.

26 MS. JORGENSEN: Dale.

27 MR. KANEN: My name is Dale Kanen, I'm the Subsistence
28 Program Manager for the Chatham area of the Forest Service
29 here, so I have everything from Port Alexander to Yakutat in
30 terms of National Forest lands and subsistence issues go, so if
31 there are things that you need done or information that you may
32 need that I may have or may be able to get for you in that
33 piece of the world and stuff, get a hold of me and I'll see
34 what I can do.

35 MS. JORGENSEN: George.

36 MR. SHERROD: I'm George Sherrod, I'm an anthropologist
37 with the U.S. Fish & Wildlife Service, whose office is in
38 Anchorage, although my office is in Fairbanks now. I've been
39 federally (ph) a couple of years and have done anthropological
40 research since 1977 here in Alaska.

41 MS. JORGENSEN: Terry.

42 MR. WILD: My name is Terry Wild, Fish & Wildlife
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Service in Anchorage, Subsistence office and I do travel arrangements for the 10 Regional Councils, along with Gina Martinez. If you have any travel questions, if I could help answer them, I set up the hotels and your flights back and forth and travel advances and travel vouchers.

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MS. JORGENSEN: Very important person. Marty.

MS. BETTS: I'm Marty Betts, I'm an anthropologist for the Regional Subsistence, Fish & Game. I've been in Southeast now for about six years, so I know some of you. We, in our office, one of the staff of researchers and we tend to divide up the communities a little bit, so some of you I know better than others, but I hope to know all of you by the end of this meeting. And I guess our office wanted a person to become involved in the Federal (indiscernible -- too far away from a mic) at this point we're trying to accommodate ourselves through (indiscernible)

MS. JORGENSEN: Jeff.

MR. BARLOW: I'm Jeff Barlow, recent graduate from the University of Alaska. (indiscernible -- too far away from a mic)

MS. JORGENSEN: Matt.

MR. KOUKESH: I'm Matt Koukesh, I've like 20 hats out there, but I had one hat today, I'm with Marty Betts, Subsistence Division and if there's any way that we can help today, Marty and myself will be attending the meeting the next couple of days.

MS. JORGENSEN: Great, thank you. Harold, do you want to give some background?

MR. MARTIN: Thank you, Carol. As Bill said, my name is Harold Martin, I'm employed by the Central Council of the (indiscernible) I've been with them for the last 12 years. I was elected as the President of the Southeast Native Subsistence Commission. (indiscernible -- too far from mic) The Southeast Native Subsistence Commission is made up of 21 communities and three sites (ph) from Native organizations.

The sanction organizations are made of the Sealaska Corporation (indiscernible) presently we have 22 commissioners active, we have yet to get three commissions from Tenakee, (indiscernible) and Skagway. And I'm very please to see that we have the finest of some of the Native Subsistence Commissioners serving on the Regional Council. Thank you.

MS. JORGENSEN: Joe.

MR. KOLASINSKI: I'm Joe Kolasinski, the court reporter. I've been with this group, I think, since the

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inception. This is my third or fourth meeting with these guys
I'm down from Anchorage, enjoying everything that's going on.
I've worked with other Councils and this, by far, is the best
one that I've worked with. I feel this is a good Council,
probably one of the best I've ever seen. And I enjoy being a
part of this process, thank you.

CHAIRMAN THOMAS Thank you, Joe.

MS. JORGENSEN: Thank you, Mr. Chairman.

CHAIRMAN THOMAS I appreciate everybody for being so
gracious for letting us know who you are. Joe did ask me to
announce to the Council members, anybody that's near a
microphone, that if you are going to be disruptive while
anybody else is talking to move away from the phone to be
disruptive, otherwise it picks up all the sounds. And I won't
elaborate on all the sounds. Anyway he asked us to do that.

That's a difficult job when you got technology that's
as sensitive as that and we're glad that it is that sensitive.
Because anything I'm used to you got to yell into, so we're
happy that's there and we've never had a problem in the past,
but it's our protocol to announce that whenever things are that
sensitive and that important.

You know, those of us that have been involved in
subsistence for any length of time felt like every move we made
was futility. We always asked ourself why is it that we're the
users, we know the habits, we know the nature of the resource,
we know the subsistence uses of it and why are we always put on
the back burner when it comes to competing with other user
groups? And it just seem like up until now that subsistence
was doomed to make room for other users of resources. But
looking around the room now with just the few people that are
here is a lot more effort in making an improved and making
subsistence use like it should be and needs to be.

We've never had this before. We spent a life time with
you and us or them and us. It seemed like we always had an
adversary in dealing with subsistence. I'm not suggesting that
the adversary is totally gone, but I think we got the attention
of the adversary to, at least, consider the approach, the
process and the format that the Federal Government was so
gracious in establishing. Realizing the management of
resources in Alaska has been long sought after from people of
Southeast. But people from the rest of Alaska was very opposed
to the idea. Never was able to understand why.

Just as an extreme example, it would be difficult for

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1 us to implement the same regulations in the Kotzebue area as we
2 would use in, say, Hoonah or Tenakee, for instance. But with
3 the regulations that have been in place for so long that's how
4 it worked. Everybody was subjected to the same application of
5 the regulation, whether it was good or not. By realizing, by
6 involving the communities and if all of you had an opportunity
7 to see the make up of the communities of the other regions
8 you'd have a better understanding for what I'm saying. It's
9 not totally Native, it's totally Native where you have totally
10 Native populations. Where you have mixed populations you have
11 mixed members on the Board. And they're all very supportive of
12 this process.

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And we're afforded now, guidance from biologist that
know what they're doing in the field. They have a cultural
sensitivity to people that are really frustrated with the
subsistence issues. Some of the Native community now is
getting sophisticated in terms of the sophistication of the
Western educational system. Not to say that we weren't
sophisticated before that, we were sophisticated in our own
way. Our own way was very productive. We have never been
responsible for the depletion or annihilation of any resource.
History will show that the Native community has always been
the best steward of any resource any place in the world.

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It's a tough one to sell here, but we're trying and
some people buy it and not everybody does. We all realize now
that the State, they're still saying it doesn't belong -- the
management of our resources does not belong in the hands of the
Federal Government, it belongs with the State, but nobody has
been able to tell me why. You all lived here, does anybody
know anything that the State has managed to any satisfactory
degree, I sure don't. But I don't want to be State bashing, I
just wanted to make that point. I think we all sensed that,
some of us feel that all the time, that's no longer the main
issue, the main issues now is to establish our direction, see
where things need to be improved and do what we can to improve
that. We have staff support; we have agency support; we have
Congressional support; we have guidance. All the way to
Washington where all that kind of language counts. We're no
longer just a voice in the strong wind down here, so I wanted
to share that with you folks.

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Has an agenda been made available for everybody?
Everybody's got an agenda. This agenda is to last us for the
three days.

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Just to give you some background what's happened since

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1 last year. After our meeting to organize in September and into
2 October, we met the last part of September and into the 3rd of
3 October, I think, last year. And we got through we realized
4 that there was a meeting going on with the Federal Subsistence
5 Board in Anchorage, the 26th of October, last year to discuss
6 whether or not we should reconsider the restriction on some
7 hunting in Game Management Unit 4, which is the -- is that the
8 Hoonah/Sitka area?
9

10 MS. JORGENSEN: (Nods affirmative)

11 CHAIRMAN THOMAS: The Hoonah/Sitka area. And I wasn't
12 real familiar with it before then, but the problem that was
13 there -- the problem with having the hunting seasons the way
14 they were set up was really making a negative impact on the
15 deer population. It was set up so that people from other
16 communities, such as Juneau, can take the ferry, go down there
17 with their truck, go down there and come back and it was just
18 too much pressure on the deer. And so the Board was
19 considering that proposal to reconsider in Anchorage in October
20 and so I was up there to represent Southeast on their
21 particular proposal.

22 And the way that works up there when the Chairman of
23 the Board calls the meeting to order you got people there from
24 the State and people from different Federal agencies that make
25 up the Board, but the State was the ones that requested the
26 reconsideration and then, of course, they gave me an
27 opportunity to speak for the region. And we prevailed very
28 well at that meeting because our proposal made sense to the
29 members of the Board.
30

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32 That happened with several other proposals in different
33 areas during the course of the year. I really summarizing some
34 exciting things that happened. Besides that activity another
35 one of our proposals to be able to shoot and hunt ungulates
36 from a boat. I didn't know what an ungulate was until last
37 year. I've been shooting for a long time, I didn't know what
38 they were. Well, the deer falls into that category and there
39 was a lot of discussion about that. The State had a
40 prohibition on that and they listened to reason why members of
41 the community and people that have done that testified to
42 support the idea of shooting from a boat. We took that to the
43 Federal Board, had the same arguments up there and we also
44 prevailed on that.
45

46 In Yakutat there was a need to increase the bag limit
47 for brown bear in Yakutat to satisfy the needs of the community
48 there without having a negative impact on the bear population.
49 That met with resistance from the State, they felt that would
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1 have additional pressure on the brown bear in that area; gavel
2 us their reasons why and Yakutat was real represented, they
3 justified the reasons for their proposal, that prevailed.

4 So those are some pretty significant areas of
5 accomplishments in the areas of subsistence. We're able to
6 overcome some of those. There's some technicalities because
7 the State says if you shoot a deer from a boat on State land
8 you're subject to a violation. I don't know where all that's
9 all. I guess the next thing to do is to take care of the
10 officer, I'm not sure.

11 But, anyway, their argument was that you didn't have a
12 stable platform from a boat to shoot. So we introduced the
13 idea of shooting seals or sea otter or birds from a boat, you
14 know. There's knowing how to shoot and there's knowing how to
15 shoot. I've never seen mortality losses from shooting from a
16 boat myself, I'm sure it's happened, but I've never seen it.
17 Again, the chemistry of the Councils around the state
18 and the staff, the coordinators, it can't be an easy job, but
19 Terry back there was very modest in describing what he does.
20 But to make those logistical arrangement for 80 something -- is
21 it 80 some?

22 MR. WILD: Eighty-three.

23
24 CHAIRMAN THOMAS: Eighty-three commissioners to travel
25 to different places and to make sure that everything gets paid
26 for and that the traveler is reimbursed for whatever expense
27 they do put out is a challenging job. Some of the names --
28 they're getting good at pronouncing names, better at it than I
29 am on some of the members, but everybody is doing a good job.
30 I think we glean on the enthusiasm and the sincerity from the
31 different regions. Everybody comes with a strength and
32 everybody comes with a weakness.

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35 And I think we've learned how to support that and to
36 receive support from those other areas. So there's some
37 exciting -- it's an exciting challenge, a rewarding challenge
38 and I think more people are buying into this. As the week goes
39 on we'll find more people sharing our same interests in the
40 area of conservation of the habitat and they'll be introduce if
41 land when they get here. They've been invited and that's as
42 much as my memory chip will allow me to have. Carol is going
43 to fill some of the gaps, if you would, Carol, thank you.

44
45 MS. JORGENSEN: Before I do that, Mr. Chair, I'd like
46 to recognize Mr. Ray Nielson and have him introduce himself.

47 MR. NIELSON: Hello, I'm Ray Nielson, I'm here
48 representing Sitka Care of Alaska.

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1 MS. JORGENSEN: I just wanted to give kind of a little
2 overview for the benefit of the new members and for the
3 audience. It's been a year ago today, actually, or tomorrow,
4 I'm sorry. A year ago tomorrow when the Southeast Regional
5 Council had their first meeting. This is their third meeting
6 now. They were appointed a year ago August, it's been in
7 progress for a year and the way things have been going the
8 Federal Subsistence took a step further than the State.

9
10 In the State, we know we had the Fish Boards and the
11 Game Boards and we had six regions. And the Federal Government
12 took it a little bit further and made 10 Regional Councils,
13 which I think is a little bit more tailored to each area,
14 because the areas are so diverse. The members of the Federal
15 Subsistence Board are the directors of the five Federal
16 agencies, which is U.S. Fish & Wildlife, U.S. Forest Service,
17 Bureau of Land Management, Bureau of Indian Affairs and U.S.
18 Park Service.

19
20
21 And from that they have what they call a staff
22 committee and the staff committee meets usually, at least, once
23 a month, sometimes twice a month to discuss the proposal,
24 discuss our request for reconsideration and special actions.
25 To discuss any of the subsistence matters and they make
26 recommendations to the Federal Subsistence Board, based on the
27 Regional Council's input and recommendations, also.

28
29 As Terry said, there are 83 commissions throughout the
30 state sitting on the 10 Regional Councils. Southeast Alaska
31 has 13 members, which is the largest, just because of the
32 diversity of Southeast, the land and the fact that we're so
33 spilt up. And the other Regional Councils consists of usually
34 seven or nine members. Bill has been meeting periodically
35 though the year with the other chairmen or vice chairs and so
36 has Gabe.

37
38 The process has been very -- we've been learning as we
39 go along. As I said, this is our third meeting and we're real
40 happy to have our new members, we know they're going to
41 contribute a lot with their background. So that's about it as
42 far as orientation.

43
44
45 What I wanted also to share was in your packets, for
46 the benefit of the Regional Council members, on the back there
47 you have handouts and the regulation booklets, if you want, for
48 the sake of the audience. In your packet that I put together
49 we have addresses of all the Regional Council members with
50

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272-7515

1 their telephone numbers or fax numbers, if any. We have a flow
2 chart of the U.S. Fish & Wildlife, which is the leading agency
3 for subsistence. And we have a packet that was also sent to
4 you, but I wasn't sure that maybe some of you got it or that
5 you would, maybe, bring it, so I put it in your packet.

6 We got some other information, like special actions
7 that have happened, proposals that have been passed or dealt
8 with, one way or the other, and their outcome. On the right
9 side of your packet I put just strictly informational items
10 that I got and sometimes they may pertain to a specific
11 subsistence issue. Other times they're just for your interest
12 in some of the things that have been happening. One is a
13 newspaper article, another is various report, one of our
14 subsistence -- the migratory bird subsistence hunting issue,
15 which was interesting and some of the projects that Forest
16 Service has been involved in.

17
18 And then for the new members we put together the
19 notebook for you. The other Board members have got this
20 notebook in the past. I also brought the Title VIII. The
21 notebook is something that the other Council members already
22 have and in it we have the necessary things to do to do your
23 job, your Subpart A, B, C, D and so on, and then I gave you a
24 copy of the ANILCA booklet. And my job is here to be there for
25 you, to support you in whatever your needs are. I'm available
26 at anytime -- well, I travel a lot, so you'll get my machine a
27 lot, but I have a 1-800 number, which is 1-800-586-7895 and
28 that's for anyone that needs to get a hold of me.

29
30 And I think that's about it, Mr. Chairman.

31
32
33 CHAIRMAN THOMAS: Thank you, Carol. There have been a
34 lot of exciting things that's happened and we want to be sure
35 and give you an idea of what some of them were. There's been a
36 minimum amount of frustration, so we won't even bother with
37 those. Again, I'm really please with the members, it's good to
38 see everybody here. Everybody that doesn't live in this region
39 has been very complementary, very gracious in recognizing the
40 work that comes from this region, I just want you folks to know
41 that. They think you guys are an all right Council. When I
42 said that I decided the same thing, but I wasn't sure until
43 then.

44
45 I want to read you something that I think was very
46 instrumental in pushing a decision over high center. Dear
47 Mr. Hensley, The practice of shooting deer from a boat is a
48 common practice of Natives and non-Natives to take advantage of
49 a situation of picking a deer out of a herd or a single one for
50

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272-7515

1 More often than not it is the only chance for some to
2 take an animal. There are some of us who would rather shoot in
3 an animal at 30 to 40 yards as opposed to taking a 2 to 300
4 yard shot. Many Southeast shooters are good enough of a shot
5 to take a deer this way. Those Native hunters who are seal
6 hunters are good enough to judge distance as to do so. Those
7 hunters that wish to become a provider must start out by
8 becoming a seal shooter. Then after than you are good enough
9 to shoot deer in the woods or up the beach a way.

10 A deer that is hit gives a body sign and/or a blood
11 trail. A deer that is hit is meat in our locker, therefore, we
12 would track it down, wanton waste is not in our vocabulary. We
13 urge you on reconsideration of R94-04 to allow the hunting of
14 deer from boats in Unit 4.

15
16 Thank you, Ray Nielson, Subsistence Committee
17 Traditional Food Program, Sitka Tribes of Alaska.

18 Ray wasn't able to attend that meeting, so he faxed
19 this up and had a young lady by the name of Michelle Davis to
20 read this to the Board. It was her first time in public
21 speaking, she was nervous, but while she was reading this
22 letter she was bold and brave and confident, did a good job and
23 there wasn't a disagreement from anybody within that room.

24 So I wanted Ray to know that we appreciate his efforts.
25 And I want the rest of you to know letters like this are
26 important, they can make that difference. Thanks again, Ray.

27
28 Okay, we don't have minutes of our February meeting.
29 What's the wishes of the Council in terms of adopting the
30 agenda? Do you want to use the agenda as a guide or do we want
31 to adopt something that we have to live with until Friday?
32 What's your preference?

33
34 John.

35
36 MR. VALE: Mr. Chairman, I'm personally more
37 comfortable, I guess, with having some flexibility in the
38 agenda as we move along and I'd hate to see us tie too closely
39 with the

40
41 CHAIRMAN THOMAS: So you'd like to use it as a guide?

42 MR. VALE: Use it as a guide, yeah.

43
44 CHAIRMAN THOMAS: Is that a motion?

45
46 MR. VALE: I'll so move to use the agenda as a guide.

47
48 MR. FELLER: I'll second that motion.

49
50

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272-7515

CHAIRMAN THOMAS: We have a motion and second to use 15 the agenda as a guide. Discussion.

1 MR. ANDERSON: Question.

2 CHAIRMAN THOMAS: Question has been called. All those
3 in favor say aye.

4
5 IN UNISON: Aye.

6
7 CHAIRMAN THOMAS: Opposed same sign.
8 (No opposing responses)

9
10 CHAIRMAN THOMAS: Okay, we'll used the agenda as a
11 guide. That gives us the flexibility to take something into
12 consideration right away without going through a lot of
13 suspension of rules and this kind of thing, parliamentary wise
14 as we go along. John.

15
16 MR. VALE: Mr. Chairman, I did have a couple of
17 additions for the agenda to get to at one point.

18
19 CHAIRMAN THOMAS: Okay.

20 MR. VALE: Shall I go ahead on that?

21
22 CHAIRMAN THOMAS: Sure.

23
24 MR. VALE: I just wanted to offer a short verbal report
25 on the business of the Wrangell/St. Elias Subsistence Resource
26 Commission. Maybe Item 3, under Old Business, Reports would be
27 a good place for that.

28
29 CHAIRMAN THOMAS: Okay.

30
31
32 MR. VALE: And at some point during the course of the
33 meeting here I'd like us to -- one topic that I'd like to see
34 the Council approach in the future here is -- you know, there's
35 a lot of planning processes going on. The Tongass Land
36 Management Plan revision is going on right now. And at our
37 last meeting in Juneau we were going to have reports from the
38 Forest Service on how they take subsistence into consideration
39 in their planning when they do timber sales and what not. And
40 because of the way the planes ended up, no meeting occurred.

41
42 We didn't get into that and I think it's important for
43 us to look at the planning processes going on here in Southeast
44 and how subsistence is taken into consideration there. I don't
45 see us being able to do it at this meeting, but I would like
46 to, at least, get an outline of how we can approach that. So
47 at some point in the agenda maybe we could address that area.

48
49 CHAIRMAN THOMAS: How about F under New Business?

50

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272-7515

MR. VALE: F under New Business, okay.

1 CHAIRMAN THOMAS: I'll just call that John Vale.
2 Anybody else?

3
4 MR. HOWSE: Mr. Chairman.

5 CHAIRMAN THOMAS: Norm.

6
7 MR. HOWSE: We anticipated that the question that John
8 just brought up about TLMP planning might be something that you
9 might want to know something about and I've contacted the team
10 leader and gave him a heads up that that might occur and he's
11 tied up in meetings the next two or three days, but he thought
12 he might be able to break loose if he knew when he could come
13 over and give you a short update on sort of what's happened
14 with the TLMP, Tongass Land Management Plan, revision and some
15 of those things.

16
17 CHAIRMAN THOMAS: Okay.

18
19 MR. HOWSE: So if we know ahead of time when that might
20 come up then it might be possible to fit in a 15-20 minute,
21 something like that, update on what's happening, at least.

22
23 CHAIRMAN THOMAS: Okay. We could even -- we don't have
24 to stay at F down there, we could interrupt the agenda to allow
25 for that to accommodate his time.

26
27 MR. HOWSE: Yeah. And, Carol, I won't be here, but
28 Carol knows how to get a hold of Bob Vaught and phone numbers
29 and we can make that arrangement, I think, to have somebody
30 come over and say something about it.

31
32 CHAIRMAN THOMAS: I appreciate that, thank you.
33 Anybody else with anything else? Okay.

34
35 MR. FELLER: Mr. Chairman.

36
37 CHAIRMAN THOMAS: John.

38
39 MR. FELLER: I just don't recall a quorum being
40 declared, was that something I missed or is there a need for
41 that?

42
43 CHAIRMAN THOMAS: No, we declared -- yeah, we declared
44 a quorum.

45
46 MR. FELLER: Okay.

47 CHAIRMAN THOMAS: We declared -- we had -- we got nine
48 now?

49
50

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MS. JORGENSEN: Eight.

17

1 CHAIRMAN THOMAS: One, two, three, four, five -- eight.
2 Yeah, seven is a quorum, we have 13 members with seven
3 required for a quorum. Good point, John, thank you.

4 MR. FELLER: Thank you, Mr. Chairman.

5
6 CHAIRMAN THOMAS: Okay. Next thing on here is
7 nomination and election of officers. You'll see a listing for
8 three officers, we have a chairman, a vice chairman and a
9 secretary. So the Chair will declare nominations -- Carol.

10
11 MS. JORGENSEN: Mr. Chairman, I want to point out that
12 the office of the Secretary now is vacant because Ann Lowe was
13 the past Secretary.

14
15 CHAIRMAN THOMAS: Yeah, I guess I was assuming that
16 these were all one year terms.

17
18 MS. JORGENSEN: Right.

19 CHAIRMAN THOMAS: So, yeah, these are all vacancies
20 now. So the Chair will declare nominations are open at this
21 time.

22
23 MS. GARZA: Mr. Chairman.

24
25 CHAIRMAN THOMAS: Dolly.

26
27 MS. GARZA: I wonder if we should consider postponing
28 this until the other Board members who intend to arrive are
29 here.

30
31 CHAIRMAN THOMAS: What's the wish of the Council?
32 Carol.

33
34 MS. JORGENSEN: We might be able to do that, I know of
35 only one for sure that I can say is going to be her and that's
36 Dewey is going to try to make it, at least, by tomorrow, but it
37 wasn't an absolute guarantee. Patty, I think, is still trying
38 to make it in, but her weather is really bad out there and I
39 know Marilyn Wilson called me this morning -- as of this
40 morning and said that she would not be here for the full
41 meeting. I have not heard from Mim Robinson and who else is
42 missing?

43 MS. GARZA: Herman.

44
45 MS. JORGENSEN: And Herman, I don't think he's going to
46 be here just because the last I heard he was out at his fish
47 camp and it doesn't look like he'll be making it in. So I
48 don't know if we're actually going to have more members. I'm
49 hoping for a few, but it's no guarantee.

50

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MR. DALTON: Mr. Chairman.

1 CHAIRMAN THOMAS: Richard.
2

3 MR. DALTON: It's only fair that we get some of our
4 members who will be here tomorrow, if that's the case then I'm
5 in favor making this feasible tomorrow because then we will
6 have a little bit more members.
7

8 CHAIRMAN THOMAS: Okay.

9 MR. DALTON: So I make a move.
10

11 CHAIRMAN THOMAS: Okay, it's been moved to postpone
12 this till tomorrow?
13

14 MR. DALTON: Um-hum (Affirmative).

15 CHAIRMAN THOMAS: Okay, is there a second?
16

17 MS. GARZA: Second.
18

19 CHAIRMAN THOMAS: Discussion.
20

21 MR. ANDERSON: The discussion, Mr. Chairman, I
22 recommended scheduling it 1:00 o'clock tomorrow afternoon and
23 if they're here, fine, if not, let's proceed with the members
24 that we have.
25

26 CHAIRMAN THOMAS: Good justification. So you're
27 offering an amendment to the motion?
28

29 MR. ANDERSON: No, that's just a suggestion. It's the
30 will of the Chair.
31

32 CHAIRMAN THOMAS: 1:00 o'clock tomorrow, any more
33 discussion?
34

35 MR. FELLER: Call for the question, Mr. Chairman.
36

37 CHAIRMAN THOMAS: Question has been called for, all
38 those in favor say aye.
39

40 IN UNISON: Aye.
41

41 CHAIRMAN THOMAS: Opposed.
42

43 (No opposing responses)
44

45 CHAIRMAN THOMAS: Motion carries, so elections will be
46 1:00 p.m. on Thursday. The Chair will declare a five minute
47 break.
48

49 (Off record)
50

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272-7515

(On record)

1 CHAIRMAN THOMAS: Okay, before we move on to our next
2 agenda item I have an announcement that if anybody here has to
3 make any phone calls to please use the pay phones and not use
4 any of the building office phones. Please use the pay phones.
5 Moving on

6
7 MR. ANDERSON: Mr. Chair, we haven't received any money
8 to afford that yet.

9
10 CHAIRMAN THOMAS: Use a credit card. Report on Federal
11 Subsistence Board Meeting, Mr. Knauer.

12
13 MR. KNAUER: Thank you, Mr. Chairman. What I'd like to
14 do is go back to the April Board meeting and let you know what
15 happened. That was the first meeting where all of the Regional
16 Councils were really represented by their Chairs or Vice Chairs
17 or a designate. And it met in April in Anchorage, from April
18 11 to 15 and you, in fact, do have a summary packet of all of
19 the proposals that were considered by the Board and the
20 actions.

21
22 But just to summarize, the Board considered about 88
23 different proposals, the deliberated and prior to their
24 deliberation on each proposal they heard testimony from the
25 public, recommendations from the Regional Councils, via their
26 Chairs or designates, and recommendations also or testimony
27 from the Alaska Department of Fish & Game representatives.

28
29
30 And to the best of my knowledge, from what I heard
31 yesterday, all but about 12 of the proposals the Federal
32 Subsistence Board when along with the recommendations of the
33 Regional Councils that were appropriate. Those 12, there were
34 some that were not contrary to Regional Council recommendation,
35 but that maybe were deferred for further study or different
36 action. And in two of those cases there were situations where
37 different Councils had made different recommendations. For
38 example, on the first two proposals, which were of a statewide
39 nature, some of the Councils supported and some of the Councils
40 did oppose those.

41
42
43 Of the proposals specific to Southeast there were about
44 15 proposals and for the most part the Federal Subsistence
45 Board did follow the recommendations of the Regional Councils.
46 In the one area where there was some difference related to
47 proposals -- two proposals that related to the proxy taking of
48 other species, designated hunter type situation. And in that
49 case the Board for administrative purposes did reject the
50

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272-7515

1 proposals, but in essence they also deferred them because the
2 directed the staff to work with the Regional Councils and the
3 State to form a task force to further study the issue and
4 develop some framework whereby proposals could be generated
5 like all Councils.

6 Of the about 15 proposals that were considered in
7 Southeast, six of those were adopted, those were six that were
8 recommended for adoption by the Regional Council. The others,
9 with the exception of those two that I already mentioned, had
10 been recommended either -- that were either withdrawn or they
11 were recommended for no action or opposition and the Board did
12 follow this Council's recommendation.

13 Since then there was a formal meeting on August 17th
14 and I think Bill was up for that meeting also. And at that
15 meeting the Board acted on a number of what we call requests
16 for reconsideration, essentially, appeals to previous Board
17 actions. And they also acted on something that we call special
18 actions. In other words, things that occur in between the
19 normal process.

20
21 There was a request from the Ninilchik Traditional
22 Council, that was to harvest moose, that was denied. By the
23 way, there is a chart, something like this, in your packet.
24 Specific to this area, I think Bill has already mentioned that
25 the State had filed two requests for reconsideration, one
26 questioning the taking of ungulates, hoofed animals, from
27 boats. And also a request by the State to require the State
28 permit and ceiling requirements and also to change the brown
29 bear season again. Based on testimony from your Chair and
30 others, the Board denied both of those requests from the State

31
32
33 In other actions that occurred not at formally convened
34 meetings, but in teleconferences since then the Board received
35 a request from the village of Kake to harvest a deer for
36 culture camp. The Board also received a request from the
37 Native program in Sitka to harvest a deer for culture camp.
38 Both of those were very short turn around time and the Board
39 did grant both of those requests. The Board would like to
40 request, though, that you take back information to your folks
41 that a one or two day turn around, even a one week turn around
42 time, is generally not adequate. We were able to meet those
43 needs, but it created a lot of hardship for the people.

44
45 The Board also had a request to reopen the goat season
46 in the Frosty Ridge area from the Forest Service, they did
47 accomplish that, the goat season was reopened.

48 MS. GARZA: May I ask you a question there? On the
49 request from Kake, as well as from Sitka, for one deer,

50

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272-7515

1 although it was a short turn around, can those requests be 21
2 considered ongoing? So that you would know that they would
3 likely want the same one deer next summer and the following
4 summer and thereafter?

5 MR. KNAUER: Those requests were for one deer for a
6 specific time frame and the permit was granted, was issued, to
7 a specific individual in each case for those camps. What I
8 would suggest that each of those do is because the dates of the
9 camps may vary or the persons involved may vary, is that they
10 would go ahead and submit a request as soon as they're aware of
11 when their camps are going to be.

12 MS. GARZA: Would that have to be done at this meeting
13 or could it come from the next meeting? From the Southeast
14 Advisory

15 MR. KNAUER: It would not have to be done at this
16 meeting.

17 MS. GARZA: Okay.

18 MR. KNAUER: It could be done -- it would not have to
19 be done at a Regional Council meeting.

20 MS. GARZA: Okay.

21 MR. KNAUER: The Board also -- just for your general
22 information, although it does not affect this area, did extend
23 the moose season up in the Koyukuk/Kanuti area to benefit those
24 folks in the Alatna, Allakaket, Kanuti area who were flooded
25 out and had lost much of their subsistence resources. Just to
26 let you know that the Board is responsive in situations like
27 that.

28 There is one thing that is pending Board action right
29 now and that's a request to -- I believe it may have been
30 accomplished to issue an emergency closure for the goats in
31 part of Unit 6(D).

32 MR. HOWSE: That's in Southcentral district.

33 MR. KNAUER: That's in Southcentral. The next Board
34 meeting will be in mid November and they will be considering a
35 request to adjust lynx seasons. There are none of those that
36 are specifically being dealt with in this region. They will
37 also be considering closing lands on the Alaska Peninsula --
38 southern end of the Alaska Peninsula because of the declining
39 caribou populations.

40 And they'll also be looking at king crab situation in
41 Kodiak. There's a difference in size limit between State and
42

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1 Federal regulation and also a question of moose and caribou o22
2 the Severson Peninsula. Those are the items that I currently
3 have identified as being addressed in the November meeting.

4 Are there any questions?

5 CHAIRMAN THOMAS: Thank you, Bill. That gives you a
6 thumbnail sketch of what happened at the Board meetings from
7 last year until now. Is there any questions from the Council?
8 Dolly.

9 MS. GARZA: Just generally, since I'm new to this
10 process, how often does the Federal Subsistence Board meet; and
11 do they take action at each of their meetings?

12
13
14 MR. KNAUER: They generally meet about once a quarter.
15 The set meeting is usually for about one week in April, I
16 believe this year it will be coming up April 10 to 14. That's
17 the meeting at which they spend about a week and deliberate all
18 the proposals relating to seasons, harvest limits, methods and
19 means. And then there is usually a meeting in last summer,
20 early fall, as was this year, at which the discuss requests for
21 reconsideration, special actions. There is usually a meeting
22 in early winter to finish up some of those requests for
23 reconsideration that might have been received right at the very
24 end or special end season actions. And then there frequently
25 is one in late winter, January, February, sometime like that to
26 sort of catch up, but not necessarily.

27
28 And the meetings are open to the public, they do
29 deliberate items and issues before them. They don't
30 necessarily bring all Chairs in for all Council meetings,
31 especially the three, other than the April meeting, may be
32 dealing with just certain areas and so they would only bring in
33 the Chairs or representatives from those Councils that were
34 affected.

35 MS. GARZA: Thank you.

36 CHAIRMAN THOMAS: Any further questions? John.

37
38 MR. VALE: Thank you, Mr. Chairman. I have one or two
39 specific questions dealing with Proposal 17 as to what the
40 Federal Board's attempt was and what the modifications were to
41 that proposal. I don't know if you have that information, but
42 I'll shoot the questions out and maybe you can give me what you
43 have. Perhaps Dale might have some answer to this.
44
45

46
47 I probably could have resolved these earlier with
48 communications with the Forest Service, but I've been so busy
49 commercial fishing that I haven't had the opportunity, so I'd
50

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272-7515

appreciate it if you bear with me just a little bit on this. 23

1 I read the minutes from the Federal Board meeting on
2 this proposal and I had the impression that all that was
3 authorized in the taking of these moose was for ceremonial
4 purposes. And I don't know if that impression is correct or
5 not and, you know, before you answer I guess I'd preface that
6 with saying that, you know, a major part of the proposal was to
7 provide for some community sharing of those moose. And I had
8 the impression that, you know, that really isn't provided for
9 in this action. And so I'm just looking for some clarification
10 as to what is allowed and what's not allowed under this
11 proposal. I hope I'm clear enough on that.

12
13 MR. KNAUER: You're clear enough, but my memory is, as
14 I get older, not as clear as your question. As far as sharing,
15 sharing is provided for in these regulations, throughout, not
16 just for those moose, but for any resource. It allows an
17 individual who takes wildlife to share with other individuals.
18 That is not a question and, therefore, what this particular --
19 part of the amendment was that it would allow the taking of
20 five moose for ceremonial potlatches and other ceremonial uses.

21
22
23 I don't remember the exact modifications that the
24 Federal Board -- the additional language, I don't have that in
25 front of me. But I can provide you that information after I
26 get back to Anchorage and go through my notes from the Board
27 meeting.

28
29
30 MR. VALE: Okay, I guess you answered in that it
31 provided for ceremonial potlatches and other ceremonial
32 purposes, which is more restrictive than what the proposals
33 sought. And, you know, I'd like you to know that this action
34 was very positively received in Yakutat and people are very
35 appreciative of this, you know, additional means of harvesting,
36 so I don't want to think that, you know, we're disappointed or
37 anything like that.

38
39 And just for the Council Members sake, one of the
40 driving forces behind this proposal when it was submitted was
41 simply to allow people to harvest moose and distribute them in
42 the community, not just under a potlatch, but simply to harvest
43 them and distribute moose in the community. And under the just
44 for ceremonial purposes that's seems to be more restrictive.

45
46 So I guess I would simply say that I'm hopeful now that
47 when we get into our proxy hunting proposal that that'll be
48 provided for and that area will be provided for under a proxy
49 hunting type system. So, thanks.

50

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MR. FELLER: Mr. Chairman.

1 CHAIRMAN THOMAS: John.

2
3 MR. FELLER: I also have a question of Bill or maybe
4 one of the other agency members. I haven't had my material,
5 I'd been out fishing, so I was wondering, I know at some point
6 in time the Federal Subsistence Board was to address some
7 proposals of fish subsistence, so can you enlighten me on that;
8 when we might be dealing with these in the future? Near
9 future or whatever? Like, halibut and coho king salmon.

10
11 MR. KNAUER: I'd like to ask Norm Howse to give you an
12 update on the fisheries situation.

13
14
15 MR. HOWSE: Yeah, John, that's a good question and it's
16 one that perplexes us as well just when all of this is going to
17 come to a head, but we recognized that when the regs were put
18 out a year ago that the fishery portion of those regs was left
19 out. We did that on purpose, think that we were going to
20 rewrite the entire fisheries subsistence sections and redo the
21 whole thing. It really does need to be redone, it's -- it was
22 adopted from the State regulations back in 1990 and they just
23 don't fit the current situation at all. And we recognize the
24 need to get those rewritten.

25
26
27 But we were not able to do that with the Katie John
28 lawsuit in progress and some other lawsuits that were tied to
29 that, like the Quinhagak case and so forth, so the decision was
30 made to hold off on those, but then we also recognized that we
31 didn't have any fishery regulations in place if we didn't
32 publish something, so what was done was the Federal Register
33 was released that extended the old regulations for another
34 year, thinking that Judge Holland and the Katie John lawsuit
35 would get settled.

36
37 Well, we're still at that point of waiting for that to
38 happen. Judge Holland did rule last March, I think it was --
39 March 30th on the Katie John lawsuit and did rule that the
40 Federal Government had the authority for those regulations over
41 the State, that it was the responsibilities of the Secretaries.
42 And he ruled on what's called navigational servitude as having
43 -- there is a property interest of fish in those waters and it
44 includes all the navigable waters of the State of Alaska. And
45 that's water, basically, out to the three mile limit.

46
47
48 The Federal agencies and the State have appealed that
49 to the Ninth Circuit Court of Appeals, the State appealed it
50

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

based upon State's rights. They appealed both the who questi⁰⁵
that the Secretary of the Interior and the Secretary of
Agriculture do not have that authority, but that's a State
responsibility. And they also appealed what's called the where
one question, which is where does that authority and that
jurisdiction extend to and they don't think it belongs in the
State waters, they recognize State tide lands, State waters out
to three mile limit as belonging to the State of Alaska and not
under Federal navigational servitude.

Consequently, the Federal Government also appealed the
navigational servitude argument on a legal basis. They said
that we agree with you, Judge, that we do have the authority,
but we think it should be under a legal doctrine called reserve
water rights and not navigational servitude. And what reserve
water rights is we reserve water for special purposes, like
subsistence. And it would not include all navigable waters.

So those appeals are currently before the Ninth Circuit
Court of Appeals. They are scheduled to have briefs this month
in San Francisco on that appeal. We don't expect the Ninth
Circuit, I guess, to probably rule on that till some time after
January. That's our best expectation at this point. However,
they just did rule in what's call the Quinhagak appeal, which
was a Ninth Circuit Court of Appeal up in the Bristol Bay area.
And this was a subsistence issue that dealt with rainbow trout
and being able to have rainbow trout as a subsistence resource.

And they upheld the plaintiffs in that case, basically
said that, yes, they are a part of the culture and tradition
and they should be allowed to harvest the rainbow. And because
of that it's somewhat an indication, I think, of what the
leaning, at least, of the Ninth Circuit and what direction they
may be headed on Katie John, eventually, but we can't out guess
them at this point. We have to allow that process to continue
and to happen.

But we expect some time after the first of the year to
get some kind of a ruling out of the Ninth Circuit Court of
Appeals and, at least, our expectation is that they will uphold
Judge Holland and that will direct the Federal Government to
look at the fisheries issue in all navigable waters in the
State of Alaska.

At that point, we expect, the State will then appeal to
the U.S. Supreme Court and that process will take probably a
minimum of two years to work its way through the U.S. Supreme
Court. And they'll appeal based upon state's rights type
issues that the Federal Government is infringing on the State's

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272-7515

ANCHORAGE, ALASKA 99501

1 rights to manage its fish and wildlife resources. So it's a 26
2 continuation of a number of cases, there's -- the Katie John
3 case is a consolidation of about six or eight cases, Kluti
4 Kaah, the North Slope Borough and others.

5 And one other issue that has also come up since that
6 time is what they call the where two and where three questions.

7 And these are being submitted as a petition by Eric Smith
8 representing -- an attorney representing RuralCap and North
9 Slope Regional Council and several other groups that request
10 that the Secretaries issue rule making to extent the
11 jurisdiction off of Federal public lands onto State and private
12 lands, so that this program would extend, not just to the
13 Federal public lands, like the parks and refuges and so forth,
14 but extend all Native lands and all State land throughout the
15 entire State.

16 And that it also allow the Federal Board to exercise a
17 jurisdiction over migratory species that might cross some of
18 those lands. So it's looking at, say, caribou, for example,
19 that might be moving through that area that it's on State land
20 at one point or private land, but it's part of a Federal herd
21 or Federal area program and therefore should be managed to
22 insure that animal when it gets over to the Federal lands is
23 available for Federal subsistence purposes.

24
25
26 And that rule making is currently going out as a
27 Federal Register notice sometime this coming year to the public
28 to comment on that before any rule making is done. So we
29 should see that, I would guess, maybe this fall or early winter
30 sometime. And from that Judge Holland will end up with all of
31 this information back in his court one of these days, hopefully
32 sometime after January, and we would get some kind of a ruling
33 at that point to, at least, give us some direction of where
34 we're headed on the fisheries questions and the jurisdictional
35 question and who's going to do it and that sort of thing, but
36 until that happens there's no intent on the part of the Board
37 to rewrite the fishery regulation and try to outguess what the
38 court is going to come up with.

39 So we end up in a continuation of a little bit of
40 muddled mess there as far as fishery regulations that we don't
41 have a very good handle on at this point and don't intend to
42 try and straighten out until we know what the court is going to
43 tell us. I hope that helps a little bit.

44
45 MR. FELLER: Oh, that helps a lot, Norm, yeah. That
46 was a big question mark. That you for your elaborate answer
47 there.

48
49 MR. HOWSE: It's still a question for us, too.
50

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1 MS. LeCORNU: Can I ask him another question?
2 Unrelated? I was just wanting -- I didn't really understand
3 the legal doctrine of reserved water rights. Is that something
4 the State is -- is that a State position or is that a

5 MR. HOWSE: That's a Federal -- we feel -- the Federal
6 Government felt that the reserved water rights doctrine is a
7 better to follow than the navigational servitude doctrine and
8 Judge Holland used the navigation servitude as his legal basis
9 for determining where fisheries would be managed by the Federal
10 Government. The Federal Government's position was that it
11 should be done under what's called reserved water rights and
12 it's a different sort of

13
14 MS. LeCORNU: Well, you mentioned that it didn't cover
15 as much water, is that

16
17 MR. HOWSE: Well, it doesn't take in all waters of the
18 State of Alaska.

19
20 MS. LeCORNU: And so it wouldn't cover all navigable
21 waters?

22
23 MR. HOWSE: No. No, it would only cover those waters
24 that have been determined to have reserved water rights for
25 that purpose.

26
27 MS. LeCORNU: Okay.

28
29 MR. HOWSE: And it would require a great deal of work,
30 actually, to identify where those waters are.

31
32 MS. LeCORNU: Thanks.

33
34 MR. HOWSE: It's not just a blanket, which is what
35 navigational servitude would do.

36 CHAIRMAN THOMAS: Rich.

37
38 MR. DALTON: Mr. Chairman, it kind of interest me about
39 reserving water rights because Glacier Bay was pretty heavy
40 case on Greg Brown's. The State took initiative move saying
41 that they had the water right and also submerged land. Now,
42 what position would the Federal take in respect to that --
43 saying that we would have some kind of a restriction there, so
44 that it would be Federal reserve the water right or is it the
45 State?

46
47 MR. HOWSE: I think that's something the National Park
48 Service would have to answer, I don't know the answer to that,
49 Richard. That's outside of our area and I don't have an answer
50

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272-7515

ANCHORAGE, ALASKA 99501

1 MR. DALTON: It's a controversy right now and I think
2 it's more or less a political football in Washington D.C. for
3 making these navigable waters to be a reality so that we could
4 justify our travel between to and fro to the areas. It's quite
5 important that something be done from the Federal perspective
6 point of view.

7 MR. HOWSE: Right now that's the standard that the
8 court -- Federal District Court, Judge Holland, used in trying
9 to determine where the fisheries should be managed. And it
10 wasn't something that we promoted or suggested, it was
11 something that he used himself, so the Federal District Court
12 will have to help decide, I think, some of this as well,
13 but

14
15 MR. DALTON: In the case of Katie John case it's being
16 re-appealed again. It appears that these navigable waters or
17 the tributaries or different other categories involved with
18 water rights, Judge Holland made a decision, but the whoever is
19 re-appealing is still questionable. And I think it's quite
20 important that we know where we're with some of these
21 legalities.

22
23 MR. HOWSE: Well, that's what we're hoping the Ninth
24 Circuit Court will do. There's every right of the parties
25 involved in the lawsuit to appeal and that's exactly what
26 they've done to the Ninth Circuit and it could go on to the
27 U.S. Supreme Court. This is not a closed decision anywhere at
28 this point, it's -- that could go on for several years.

29
30 CHAIRMAN THOMAS: Any further questions? Thank you
31 very much, gentlemen, for your elaboration on those points.

32
33 My chronometer shows straight up 12:00 o'clock, we'll
34 break for lunch then we'll have a siesta from 1:00 to 2:00.

35
36 (Off record)

37
38 (On record)

39 CHAIRMAN THOMAS: Okay, I got 1:30 straight up. We
40 have a new member that just arrived, Patty Phillips. Patty,
41 this morning when we started off everybody in the room
42 introduced them self by giving where they're from and all about
43 them, all the things you're proud of, so if you could think of
44 anything we'd appreciate it if you would do that at this time.

45 MS. PHILLIPS: I'm Patty Phillip from Pelican. I just
46 recently had a three month baby boy, Carol John. He's number
47 four, we almost named him number four.

48
49 CHAIRMAN THOMAS: Okay. That's the best background we
50

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heard all day.

29

Okay, that brings us to Old Business, 7A, Number 2, Report on Scheduled C&T Studies. Is Taylor -- who's going to be Taylor today?

MR. SHERROD: I'll be Taylor today.

CHAIRMAN THOMAS: Okay, George.

MR. SHERROD: Mr. Chairman, I believe that in your packet you had a piece of paper that looks like this, a little bar chart, that is a schedule for the three ongoing customary and traditional use determinations. Not having attended any of your meeting before I'm not sure how familiar the members are of the process and I'm not sure whether I should proceed with an overview and then just field questions or whether you'd like a bit more detailed explanation as to what it is we're doing.

CHAIRMAN THOMAS: Okay.

MR. DALTON: Mr. Chairman.

CHAIRMAN THOMAS: Yeah, Richard.

MR. DALTON: Can I see that package you're referring to?

MR. SHERROD: It looks like this.

CHAIRMAN THOMAS: This Council only knows one bar chart and it's not on paper. Red Dog, Triangle.

(Off record comments -- looking for correct chart)

MR. SHERROD: I apologize, apparently they were not included as part of the packet. The materials I received

CHAIRMAN THOMAS: I think what would be the most convenient for people that haven't had opportunity to listen to the discussion or see any of the material or have any reason to review the material might be more convenient if you would give us an overview or a report on what you have at this time and then field questions from there. And we'll ask for volunteers that might have answers in case you happened to get stumped on one of them. If not, we'll wait and come back with an answer later.

MR. SHERROD: Okay. Thank you, Mr. Chairman. Basically, when the Federal subsistence management system assumed management we adopted the regulations that the State had in place at that time. Including in those regulations were the customary and traditional use determinations that were on the books or on the State books, I should say.

The Board at that time recognized that there were certain of the customary and traditional use determinations may

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272-7515

ANCHORAGE, ALASKA 99501

1 be inaccurate, there were certainly a number of people, rural30
2 residents, that felt that they did not reflect the spirit of
3 the law, I guess you would say, and so the Federal Board
4 directed its staff to commence the process of reviewing
5 customary and traditional use determinations statewide.

6 We have currently three ongoing studies and we are
7 gearing up for three more. When I say we, the State was sort
8 of divided up between the major land holding entities, the BLM,
9 Forest Service, Park Service and Fish & Wildlife Service and
10 their staffs, then, have commenced undertaking these studies.
11 Currently the Park Service has two ongoing studies, the Fish &
12 Wildlife Service has four that are either in the stage of
13 nearing completion or the planning and preparation is underway
14 for those studies.

15 The three studies that are in sort of their final
16 phases, of course, the Kenai Peninsula Customary and
17 Traditional Use Determination Study, which was conducted by
18 Fish & Wildlife Service staff. This study is being reviewed
19 and I do believe that at some point in time everyone was mailed
20 a green booklet that looked like this. If it looks familiar
21 would you raise your hand, so I have a feeling -- okay.

22 This is being presented sort of as we speak to the
23 Southcentral Council for their deliberation. It will go before
24 the Board for consideration in March of '95 and hopefully will
25 become finalized by January.

26 The other studies that are currently ongoing and
27 following at the heel is the Upper Tanana Customary and
28 Traditional Use Eligibility Study, which is being conducted by
29 the Park Service. It is also being -- or will be reviewed by
30 the Eastern Interior Regional Subsistence Advisory Council next
31 month in their fall meeting. And, hopefully, it will also be
32 taken up by the Board this March and become finalized in July
33 of this coming year.

34 The last study that is actually in the process of being
35 written up or intensively researched is the Copper River Basin
36 Customary and Traditional Use Study, and it is also conducted
37 by the Park Service and it is currently scheduled to be taken
38 up by the Board next year in the spring and should be finalized
39 by July of '96.

40 Each of these studies has -- I mean, it's an evolving
41 process, to some degree they had to be tailored on existing
42 information and other local conditions. The primary focus has
43 not been all resources, but the larger mammals. And if
44 everyone's confused I guess at this point I'll try to answer
45 some questions.

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CHAIRMAN THOMAS: Dolly.

1 MS. GARZA: In terms of the studies, are they looking
2 at areas or people; in terms of the determination?

3 MR. SHERROD: There's been two different approaches,
4 one has been a community based approach, which has been --
5 there's some alterations, I'm speaking in generalities, that
6 the Park Service has adopted where you look at community and
7 try to ascertain their uses, regardless of the management unit.
8 The other approach, the one applied in Kenai, was to take the
9 management unit approach, to look at the areas or the people
10 using the area on the Kenai Peninsula and that became the focus
11 of the study.

12
13 In the case of the Kenai Peninsula the people living on
14 the Peninsula also became the only ones that were perceived as
15 being qualified to make a claim for customary and traditional
16 subsistence use of the area, so it was fairly clean cut.
17 Places on the interior road connected systems tend to be a bit
18 more difficult and I think that we may see some modification of
19 the methods used to accommodate sort of the nature of use
20 patterns in these areas.

21
22 Where you may have, for example, individuals for three
23 or four or multiple management units, communities, using
24 resources within an area. Our regulations are based upon
25 management units, so to some degree that drives the focus of
26 where the determination is made, who can use bear in Management
27 Y, for example.

28
29 MS. GARZA: So -- I guess I have some concern that the
30 studies are done by two or three or four different agencies
31 that may have different interests or different outcomes that
32 they intend to reach. Are there some baseline policies that
33 are followed for these studies; and in terms of the studies, do
34 they involve local residents, such as ADF&G, Department of
35 Subsistence involves the community members to make sure that
36 the uses are accurate in terms of community use?

37
38 MR. SHERROD: The studies are based, again, on the
39 agency undertaking them, to some degree, is the primary land
40 holder in the different management units. In Southeast, of
41 course, that falls to the U.S. Forest Service. There is a
42 check and balance, I suppose, between different agencies'
43 intents in the fact that the Board, as a multi agency staff,
44 are the ones that will make the final determination and, of
45 course, the input from this Council.

46
47 They are based on existing information. There is, at
48 this point, no current study that is actually going out and
49 collecting new data, short of public review and comments. And
50

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272-7515

1 all these reports are subject to publication, public review 32
2 comment periods and so on. It's one of the reasons why it
3 takes roughly two years or more to actually bring one from the
4 completion of the planning stage to the actual documentation
5 stage, to final determination.

6 CHAIRMAN THOMAS: John.

7 MR. FELLER: Mr. Chairman, I just have this one quick
8 question. George, I know last year in discussion we were kind
9 of leery about, I think, Kenai Peninsula area was one of the
10 first determination and I'm sorry I didn't -- maybe you could
11 clarify how that came out. Was it good from our standpoint or
12 how that -- or is it still ongoing?

13 MR. SHERROD: It's still ongoing, it is being reviewed
14 and the Board will take it up in March.

15 MR. FELLER: In March?

16 MR. SHERROD: And this was a document that was drafted.
17 After the study was done, which was a larger document, there
18 was this summary drafted. Basically, what this summary does is
19 it compares three different options or three different levels
20 of qualification, the first being the most lenient in which the
21 communities in question and the resources in question,
22 basically, all fell in the category of, yes, community A can
23 take or has customary and traditional use of the different
24 species.

25 The last option was sort of if you applied a very
26 stringent test to the information, then you had fewer
27 communities that actually qualified. It's simply -- well, it
28 wasn't simply, but it was primarily a document that was
29 designed to show the Regional Council members and the Board
30 sort of the outcome of the adopting of different sets of
31 criteria, different acid tests, for whether or not a community
32 would qualify. Because those determinations haven't been made,
33 you know, we really don't know how they're going to apply.

34 The eight criteria, of course, are set up, they're part
35 of the Subpart A process. At least the variables the Board is
36 supposed to examine are defined. The question comes up how do
37 you examine them? When, for example, is the customary and
38 traditional sharing; when does that qualify? Is it half the
39 community; is it three quarters of the community? Is it half
40 of what you take; is it 10 percent of what you take to 90
41 percent of the community? These are they type of questions
42 that haven't been grappled with yet.

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ANCHORAGE, ALASKA 99501

1 MR. ANDERSON: George, I have a question here. You 33
2 know Ninilchik was denied their moose for their elders and will
3 this show up in their customary and traditional use, say, for
4 the moose for Kenai?

5 MR. SHERROD: Will they receive customary and
6 traditional, is that the essence of the question?

7 MR. ANDERSON: Um-hum (Affirmative).

8 MR. SHERROD: That I can't say. The evidence has been
9 presented that, in fact, Ninilchik did -- or the member of the
10 community of Ninilchik have customarily and traditionally
11 harvested moose and shared them. I don't think there's anyone
12 that can say that as a Native community they don't meet the
13 eight criteria which were designed to reflect that pattern. I
14 think in Ninilchik's case, and I'm not a policy maker, so I'm
15 speaking simply as an analytical staff -- staffer, I guess.

16
17 The question is because of Ninilchik's position as sort
18 of an enclave in a larger, primarily new settlement that has
19 derived there since, you know, since the '70s and '60s, can you
20 qualify all of Kenai, for example, or can you qualify
21 Ninilchik, excluding the rest of Kenai? Those are the type of
22 questions, so I think that it's going to be interesting to see
23 how the Board handles that.

24
25 The case, again, is not whether the people that are
26 part of the sub-community of Ninilchik or the Tribe of
27 Ninilchik, do they have a valid claim? The question is,
28 whether the community, as a pool, has a valid claim? And
29 whether the law can be applied to a sub-community as opposed to
30 the whole community.

31
32 MR. ANDERSON: How about the Native community?

33
34 MR. SHERROD: That's a question about -- I suppose that
35 -- as I say, I'm not a policy maker, but what constitutes a
36 community to -- in many cases the community has been
37 interpreted as being a town or an unorganized place, like
38 Teller, or something along those lines, not as a sub-community
39 of individuals within a larger group, like we have in all of
40 our regional centers and we certainly have on the Kenai in
41 different places.

42
43 MR. ANDERSON: Well, to me it seems like that there's a
44 little -- I mean, you are denying the village elders there.
45 And I think basically we are trying -- that's one of the
46 reasons we are sitting here today is that they didn't get their
47 fair share before in the -- (indiscernible-cough) supposed to
48 be the savior of all of the customary and traditional uses.

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1 MR. SHERROD: Well, I wasn't present there, I'm not 34
2 going to defend the actions or attack the actions that they
3 take. I think that if this is a concern and I think that there
4 is the opportunity, because there is a lot of determination
5 haven't been made, that perhaps an option that this Council can
6 do is send a message to the Board that in your mind when the
7 law talks about a community that that community is not simply
8 and organized town, it's not something that has a mayor, that
9 it could be an identifiable sub-unit within a larger
10 socio-political entity. It could be a community in an urban
11 center that meets the rural definitions. Obviously, Anchorage
12 and Juneau and other places would have problems because they've
13 been determined to non-rural. But in those areas where you
14 have large population centers in rural areas and that you have
15 discernible populations, social units, one of the options this
16 Board has or this Council has is to send a message to the Board
17 that in your determination these social units are communities
18 and should be considered. Does that answer your questions,
19 Mr. Anderson?

20 MR. ANDERSON: Um-hum (Affirmative).

21 CHAIRMAN THOMAS: Richard.

22 MR. DALTON: Yes. I guess I'm having a hard time
23 trying to understand what you're trying to convey. Here we
24 have before us units cut down. You're talking about
25 population; you're talking about human being; you're talking
26 about Kenai. I don't know the population of Kenai and who uses
27 subsistence in general of customary usage or whatever it means
28 for their livelihood.

29
30
31 So here we are in little Hoonah, have a little unit
32 that's broken down and then we talk about Hoonah we talk about
33 Pelican, Elephant Cove and Angoon and Kake and little things
34 like that. I just have a kind of hard time trying to
35 understand why would Kenai with their customary usage up there
36 apply to these areas that I mentioned. Of course, Sitka has
37 their own boundary, Juneau has their own boundary, Hoonah has
38 their own, Kake and Angoon.

39
40 MR. SHERROD: I think the intent of making this
41 presentation is not to imply that the use area of Kenai will
42 impact Southeast. I think the question here is, are the
43 measures that are applied by the Board in determining whether
44 Kenai or part of Kenai, the communities on the Kenai Peninsula,
45 have customary and traditional use or eligibility are the same
46 measures that may be applied to areas within the Southeast.
47 And that's where the input -- where the hope is to obtain input
48 from the knowledge of this group.

49
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As Mr. Anderson pointed out, maybe the sub-communities³⁵ should be considered. That's the type of information we need or that the Board will need in trying to make the determination. Because it's possible that if you were to exclude a community, like Ninilchik, based on the logic that you really couldn't separate it out from the other uses that, in fact, you might have cases that would arise in Southeast that would be similar.

So it's not that the determinations, per se, will affect Southeast, it's just that measures, these very ambiguous measures as to how many individuals within a community, whatever it is, and that's a question, itself, what is a community, share resources? How many harvest resources and where do they harvest them? And it's that way in deciding what's critical and what's not.

MR. DALTON: When you mention other users; who are you referring to; the other users? The people that just come from Lower 48 and reside in Kenai, maybe one month prior to the departure of somebody from Seattle, Oregon, California? Are you referring to them as other users? I don't understand the other users.

MR. SHERROD: Okay. One of the criteria is a demonstration of long term customary and traditional use of a resource by a population, a community. Obviously, if you decide that long term, for the sake of an example, is 10 years, that anything short of 10 years is not long term. If you have a community that has experienced rapid growth, say -- let's call it Hermanville.

A logging camp has sprung up at the edge of community C in Southeast. So all of a sudden community C, its population has tripled and 75 percent of that population has only lived in the state five years. If the 10 years becomes the breaking point which a group either has long term use of a resource or not, and if you say that 50 percent of the community has to have long term or not, then obviously this new community would fall out. Not because there's not a component of that community that does not have long term use, but because the majority of the community can't demonstrate it, simply because they haven't been there that long.

Now, I'm not trying to say this a scenario of what the Board is going to do. This is the nature of the questions that the Board is going to have to deal with. How do you make that cut? And I suppose that this is the avenue for this body to

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 debate some of those things, perhaps, and send those opinions36
2 or those views to the Board and, hopefully -- I mean, the
3 determination of, yes, a sub-community should apply, if that
4 was a motion that was sent forward. A motion saying -- a
5 resolution saying 50 percent of the community meets the
6 qualification, we think that that's probably adequate to put
7 them over the hump. And say, yes, 50 percent have had long
8 term use, therefore, you know, that community falls in --
9 that's the type of determinations the Board is going to have to
10 make here in a few months. And it's not that you have to weigh
11 the evidence on Ninilchik or weigh the evidence on Port Graham,
12 it's that perhaps you have insights into where these cut offs
13 should be.

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CHAIRMAN THOMAS: Dolly.

MS. GARZA: Yes, Mr. Chairman. I guess that brings me
back to the question that I originally asked and that was,
whether or not there was a common policy basis upon these three
studies have been done? Getting into your question of, you
know, the measures that you used to determine customary and
tradition, you know, if each study uses different measures then
by the time we get down to a Southeast study, you know, it may
be just -- the process may be there that even if we were to
comment there would be little room for acknowledging the
difference that Southeast may have compared to other regions in
Alaska. And so, I guess, that's my concern, I have not see the
study that you held up, probably because I'm new to the Board.
And so the question I would have is, are we supposed to look
at how the study was set up to determine if we think that's a
good process?

MR. SHERROD: The eight criteria, which are the focus
of the study, each study's research and documentation, are set
out in Subpart A. The studies, in and of themselves, are
basically objective reviews of existing data, saying, yes, we
know for a fact that community C harvested brown bear and
according to ADF&G studies took X this year and Y this year and
Z the next.

Deciding whether that constitutes customary and
traditional use is something that has not been done because
this has not come up before the Boards or before the Regional
Councils. As I say, one of the criteria is the demonstration
of long term use and dependency upon a resource. Well, what is
long term and what is dependency?

Now, the reports say that we know that since time
immemorial Group A harvested as many brown bear as they could

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1 or as many deer as they could. Or more likely we could say, 37
2 you know, since historic records have been kept, you know that
3 the average harvest was 500 a year or 100 year. The question
4 here is not that reports, in of themselves, vary that much in
5 the information they bring forward. It's how those
6 determinations are going to be made and that's not part of the
7 actual process.

8 In this case, these studies have gone to the point --
9 here, as I say, they looked at -- if you took a real
10 restrictive interpretation of what needed to be met that
11 basically unless 75 percent of the community could demonstrate
12 it, zip there out. On the other spectrum, if 25 percent of the
13 community could demonstrate it then, zip, they're in. And
14 there were three different sets, you know, a medium study, a
15 restrictive study and a more liberal interpretation.

16 And how these communities would fall out -- it simply
17 attempted to shoe the Board and the Southeast Council the
18 effects of determining -- or they're setting a standard by
19 which a community would meet criteria one, two, three, four,
20 five and so on down the line. To date no one has actually
21 deliberated that and come out with a finding. The finding
22 will, in theory, come this spring.

23
24
25 So the studies are fairly comparable, even though there
26 has been some modification to deal the with the availability of
27 data, cultural difference across the State and so on. The
28 eight criteria which provide the focus for which the data has
29 been reviewed and basically summarized are the same in all the
30 studies. And it's part of the regulatory structure. The
31 question at hand here or the unknown -- I'm not going to say
32 the question. The unknown is how the Board and the different
33 Councils are going to make that cut. At what point do you
34 decide that, yes, given factor A we've decided that the
35 community meets it.

36
37
38 The other question that is an unknown is, do you say,
39 well, they've got four out of the eight criteria, do we say,
40 well, they made it on four, but they didn't make it on four, do
41 we throw it out? Do they have to qualify on five of the eight;
42 do they have to qualify on all of them? It's possible that
43 each of these cases will be dealt with regionally, that they
44 will be dealt with trying to take into consideration the
45 history and the culture of the area, the uniqueness of the
46 subsistence uses. That what may qualify a community in one
47 part of the state will not qualify in another. Or what might
48 just be pivotal -- the transmission of knowledge may be pivotal
49 in certain parts of the state and other parts of the state
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272-7515

maybe that won't weigh quite as heavily. I think the Board has the latitude to make those determinations.

1 CHAIRMAN THOMAS: Gabe.
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3
4

5 MR. GEORGE: Yeah, I guess what you're saying is just
6 that in terms of the cookie cutter and who's the subsistence --
7 what community is a subsistence community and what isn't hasn't
8 been determined and probably won't be determined and when it
9 will be it will be done on a regional basis and on a
10 case-by-case basis. So what we will probably be looking at,
11 and a good example is Sitka, is that, you know, they're cutting
12 -- their irregularity on the cooking cutter was their
13 population and their general make up, even though -- I guess
14 there's about 8,000 now, there's less because the mill shut
15 down and all, but when that comes up as a question in the
16 future, I assume it going to be up to, again, the Regional
17 Council to sit down and say, is population a limiting factor in
18 determining whether a community is a subsistence community or
19 not? Or is the historical aspect of Sitka and the traditions
20 that made them the community they are, whether they're a modern
21 community or a modern community exhibiting cultural traits,
22 like the Tlingits do and others, in a community will be
23 determined in the future by studies that are done.
24
25

26 But the problem that hits me is that some of the --
27 well -- that there is lines going to be drawn and where they're
28 going to draw, I guess, is the big issues. You know, and
29 certainly throughout the history of Alaska whether you look at
30 Sitka or even, now, Angoon, which is predominantly Alaska
31 Native, it's going to change and it's going to grow, you know.
32 And once -- because it does, does that mean someone loses and
33 somebody gains and is our culture worth losing for the sake of
34 growth or change, because it's happening everywhere, it's
35 happening certainly in Wrangell and Sitka and Juneau and every
36 place else. There's only very few communities that are
37 established that were not Native communities and most all of
38 them were. And every time there was a change, who loses?
39

40 But anyway, something to play with I guess.
41

42 CHAIRMAN THOMAS: Patty.
43

44 MS. PHILLIPS: Thank you, Chair. One of the comments
45 that this fellow made was the Federal Subsistence Board adopted
46 the State of Alaska's regulations. The problem with that is
47 the State of Alaska did not recognize tribal entities and
48 organizations. And in the more urban communities, such as
49 Sitka, we have segments of the community which are tribally --
50

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which function as a tribe. And those parts of the community, 39
feel, are -- should be allowed subsistence use.

1 The scenario you presented about communities growing,
2 if we look at Craig, Craig is the fastest growing community in
3 Southeast Alaska. They're liable to lose their subsistence
4 uses because of that growth. But if we were to recognize that
5 the tribal entity within that community then we could be
6 allocating subsistence resources to those peoples that use the
7 subsistence in that area.

8
9 I too have a concern about the different measures and
10 outcomes of agencies that develop the reports. Sitting through
11 out last winter's meeting I felt a certain staff member's
12 personal agenda in his report and it was not recognizing the
13 long time existence of Native peoples in Alaska. So I would
14 encourage a co-management of recognizing tribal entities,
15 including tribal entities in management at the Federal level of
16 making reports.

17
18 And I'd also like to recognize that we are a charter of
19 the Department of the United States Department of Interior and
20 I do believe the Bureau of Indian Affairs is under the
21 Department of Interior and that the roads are there, the
22 network is there for the two entities to work together to
23 insure resource allocation to those subsistence users in
24 communities where subsistence use is questionable.

25
26
27 CHAIRMAN THOMAS: Thank you, Patty. Good discussion
28 and a good overview. I had while this was going on -- one of
29 the things that happened early on was that Kenai was looked at
30 last year and there was a time set that they were going to
31 consider c&t determinations for the Kenai area. The rest of
32 the regions in the state felt that that decision would be
33 significant that it may set a precedence for making those
34 determinations around Alaska and they were quite distressed by
35 that. So the regions got together and appealed to the Federal
36 Board to postpone that action for awhile until more information
37 and a more understandable approach could be established and
38 they chose to do that. That's why we're still at the point
39 that we're at.

40
41 One thing I was thinking was that at this point that
42 the c&t might be premature. One of the reasons is because the
43 laws that we've been subject to have restricted in many areas
44 and they really altered many practices as what people would
45 recognize as customary and tradition. With the advent of the
46 Federal involvement now they're inviting the community to be
47 more involved in this process and regulation become better
48 designed to suit the different regions.

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Perhaps we should wait until we had time to exercise 40
the custom and traditions that we're used to rather than to try
to tell you what we used to do. Because trying to be law
abiding citizens we altered our habits and our ways of doing
things, so the data that is being collected now is only
reflecting the practices that we altered in order to satisfy
the laws of the land. I'm not saying that we agreed with all
the laws of the land. So perhaps we might come up with
something like that to suggest to the Board.

I'm sorry, Vicki.

MS. LeCORNU: I just wanted to comment on community
criteria, you know when that determination will not allow
access by a whole community, you know, I have to say that there
should be some type of sub-community that is allowed as a
traditional and -- customary and traditional user group, that
they have to be addressed somehow. And I can see where some
place like Craig will probably be a minority Native community
soon. It will affect them negatively.

CHAIRMAN THOMAS: Well, before we tar and feather
George. George is the messenger and with your expertise and
involvement with this, George, you know, we can always use some
coaxing of how we could best have the most practical and,
hopefully, the most productive approach to the Board from this
Council. I was just wondering if you might have any guidance
around that area.

MR. SHERROD: Oh, I think that possibly if you would,
you know -- and I don't know how much time you have on the
agenda you have, but if you could think about some of these
critical questions to how long is long term? Do
sub-communities qualify? How much sharing is required before
-- you know, the different eight criteria. And I believe they
should be some place in some of your documentation and I'm not
sure where we have those.

MR. ANDERSON: On the second and third page, I think.

MR. SHERROD: Yeah, on this document they have them.
Maybe you could, you know, deliberate perhaps a little while
and think about what problems you would be confronted with if
you were dealing with the Kakes and so on. And if you have an
answer to that, then forward that to Board at this point saying
that in our deliberations we do feel that community, as it
reads in the eight criteria, as it reads in ANILCA, can be
applied to a socially distinct body. Not necessarily a
geographically isolated body.

CHAIRMAN THOMAS: Now, is all the staff that's here
now, can you stay for the duration of the meeting?

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MR. SHERROD: Yes, I'll be here throughout the duration of the meeting.

CHAIRMAN THOMAS: Okay, because we got other members coming in. Unless the Council advises different I think that's a good idea, I think we'll stay on this topic until we understand it and so where we can feel like our input will be meaningful, so we'll just stay with this. Dolly's got some questions. After we finish a round of questions and response, we'll take a short break.

Dolly.

MS. GARZA: Yes, Mr. Chairman. I guess my recommendation is that this Council possibly work with someone from Forest Service to review the eight criteria to determine if those criteria are the best criteria to be used, to make possible changes those criteria to better reflect our concerns and to look at some of the definitions, such as, the definition of community. Whether or not there is a Native community within what otherwise might be called a community, such as Sitka. And I think if we followed along those lines that we would have information or we would find information based on criteria we're happy with instead of using criteria brought forward by the State of Alaska that many Native groups have not been happy with to begin with. Thank you.

CHAIRMAN THOMAS: Okay. Anyone else? Richard.

MR. DALTON: Yes. When the Federal adopted the State regulatory basis, what particular leverage do we have in there as a customary usage of our own particular areas? Is there any leverage where by we could feel comfortable and live with that Federal adoption of State regulatory basis?

MR. SHERROD: Well, the Federal Government adopted the State's regulations simply because of a matter of timing, they needed to be able to have regulations in place. When they adopted them they also realized that many of them were not satisfactory to rural users. Had there not been a concern that there were erroneous determinations or that they didn't reflect the current situation, the Federal Board would not have directed the staff to commence a process of opening up these determinations for review and trying to decide areas where no determination is made.

One of the problems, management wise -- this hasn't been totally easy for the Federal Board, is that in cases of no

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272-7515

ANCHORAGE, ALASKA 99501

determination, any rural user qualifies. And, for example, the use of rifles on the Dalton Highway Corridor, which opened up.

We had cases where we had numerous people that travel considerable distance to areas where they had not traditionally hunted in the past to take advantage of the opportunity. People that potentially from military bases, for example, because they fell within the -- you know, the way the determination was set up.

There are problems with the way the system is set up and the Federal Board recognizes and we're trying to deal with these. But I think this whole process and the fact that you're meeting here and talking about, you know, the nature of these measures is the Board's concern to try to get it right. I would say that in terms of changing the criteria, and I'm not saying that that wouldn't be a wonderful idea, because some of them are quite vague. That is not part of the Subpart D process and that would not be able to be accomplished prior to the Board's taking up the Kenai c&t thing.

If it is the decision of this body that, in fact, these criteria do not accurately allow an objective determination as to whether or not a community applies or does not apply or qualify or does not qualify, you would also would have to send with that, I would -- you wouldn't have to, but I would advise the concept of sending with it, saying stop the process until we have a suitable set of criteria, if you feel that they're that bad, because short of that, the Kenai determination will be made. I'm not sure when Subpart A will be open again for review. Mr. Knauer could probably have better knowledge than I on that.

MR. DALTON: The last remark I'd like make is when the State and the Federal characterize subsistence, in our Tlingit language we call it haa kli hig (ph), our food. We don't characterize that as a subsistence. It's not our language and it's not our law. We live with the traditional law in our customary usages, our food, because it's got a spiritual meaning in those animals, the tree and the water and the ground we walk on. We respect that.

Abusing of those particular by Tlingit law is against law by any individual. And I mean when they abuse the animals, by that abusement is just reacting -- just like a dog when you have do and you hit him so many times, he'll desert you because he has a feeling, same thing with the animal. And I think this is an important criteria. I don't like the idea of the word subsistence, I like the idea of traditional food. I think the characteristic of this is a political football.

CHAIRMAN THOMAS: Okay. John.

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272-7515

1 MR. VALE: Thank you. I have a comment and then, I
2 guess, a question for you. My comment, first, is that the
3 eight criteria -- in fact, I think it's an excellent suggest
4 that we spend time looking at those and their adequacy and how
5 they should be applied and how they affect Southeast Alaska,
6 it's an extremely important part and how we make our
7 recommendations in the future here.

8 So important and so much information is encompassed in
9 those eight criteria I don't know how we can do that today at
10 this meeting, because I think we need to have elaborate
11 discussions on all eight criteria and that's kind of going to
12 be time consuming. So I would suggest that perhaps it's a
13 subject that we should take up at our next meeting before the
14 Federal Board meets in March and plan ahead of time on
15 discussing those and having all the information necessary to go
16 through those eight criteria.

17
18 Certainly, the main thing is, with regard to us, is how
19 they're applied and how they're used. And that's where I see
20 we come in. So that's my comment.

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25 And the question I have is, you know, last year we were
26 told that the regulation would be up for proposals dealing with
27 fisheries and you mentioned that those studies that were
28 conducted dealt primarily with land mammals and I'm wondering
29 if they dealt with fisheries at all? And the reason I mention
30 this is because, you know, we have fishery resources right now
31 that subsistence users are being denied access to and because
32 the State denied them access to them in their regulations. We
33 have kings and cohos in Southeast; we have steelhead up in the
34 Yakutat area. And I, myself, was looking forward to addressing
35 this area of the regulations so that we can right some of the
36 wrongs that have occurred here in Southeast Alaska. And now
37 after listening to Norm and the litigation involved and now we
38 don't know when fishery regulations are going to be addressed,
39 I'm quite concerned and that's an area that I feel we need to
40 look at and that we can't wait three years for the Supreme
41 Court to rule, I don't believe. And so I'm real concerned
42 about how fisheries are used here and, you know, at some point
43 I'd like to see us address fisheries management here in
44 Southeast Alaska, so I don't know if it's clear in my question
45 there or not, but how are fisheries been considered in these
46 studies and, you know, when do you think we can take up these
47 fisheries issues?

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 MR. SHERROD: One of the last of the eight criteria 44
2 relates to a pattern of use or reliance upon wide diversity of
3 resources, including fish and migratory water fowl and marine
4 mammals. A number of species that are currently not under the
5 management authority of the Board of Subsistence. In
6 conducting the studies the researchers, the research staff,
7 basically has looked at all of the species used.

8 In many cases we've had to rely heavily on
9 documentation relating to the traditional means of storage
10 fish, for example, the smoking, the drying, salting, et cetera.
11 And even though in many cases we may not have much information
12 on the traditional patterns of storing a large mammal, the
13 information brought to bear as to whether the community does is
14 based upon some of these other resources, so, yes, they have
15 been looked at.

16 Maybe I should say that one of the -- even though the
17 determinations have focused on those resources that have
18 continually been the most problematic because of competition
19 with non-local users, the patterns set out in the eight
20 criteria are really not species specific. They deal with a
21 pattern of use and, as I say, one of the key elements of that
22 is a diversity of use.

23 If you only used moose, for example, I would find it
24 highly unlikely that a community whose primary sole harvest was
25 a large ungulate would find itself qualifying for customary and
26 traditional use of that species, because as the eight criteria
27 stand now, they would have to demonstrate a wide variety use.
28 That they would actually live a lifestyle where the economy or
29 a good section of that economy is based on the harvesting of
30 all natural resource as they become available and are needed,
31 not simply the taking of a preferred animals.

32
33 Does that answer your question?
34

35 MR. VALE: Yeah, it does in part. The other half of it
36 was, you know, when can you foresee customary and traditional
37 use determinations being looked at and applied in Southeast.
38

39 MR. SHERROD: I'd like Mr. -- we divided up the State
40 and I don't have a schedule in front of me, I apologize. I
41 didn't really realize I was making this presentation until
42 yesterday afternoon. I think Mr. Howse might be able to better
43 address that question as to when Southeast will be undergoing
44 this process.
45

46
47 MR. HOWSE: Yeah, at this point, John, we're involved
48 in the Kenai study as you understand, I think, with part of the
49 Chugach National Forest involved in that study. And it started
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1 out as the first experiment or first test of how these studie45
2 were going to be put together and we kind of taken, like Dolly
3 said, somewhat of a go slow approach to this whole think and
4 not jumped off immediately in Southeast here to crank up a big
5 team and bunch of studies and spend a bunch of money and find
6 out we're doing it wrong. We're kind of watching a little bit
7 of how it is being done.

8 Another major study that is underway is the one the
9 Park Service is doing, which is the Upper Tanana and they've
10 taken a little different approach to it. And, again, I won't
11 at this point judge whether one is better than the other.
12 We're going to weigh the two, I think, look at their approaches
13 before we decide how we're going to approach a study here in
14 Southeast, for example.

15 Right now it's taken about two years to do one of these
16 studies and it's on a general area basis or a group of
17 communities. Here in Southeast back when we did the TRUCS
18 study it was 32 communities. And using some of ADF&G's figures
19 and costs it real expensive to do these things and it's
20 something that you want to run off and just run out there and
21 start collecting information and find out that you hadn't
22 thought out the criteria or the process very well.

23
24
25 So we took the approach that we thought there should be
26 a process, it should be agreed upon among all of the agencies
27 involved in doing these things, so that when we do come before
28 the Board with a study we're all in agreement that these are
29 the criteria that should be used and this is the process. This
30 summer a Federal Register was produced that does provide that
31 process to the public and that is currently available and I
32 expect the Board should have it, if they don't. I don't know
33 if you've put that in the packet or not, but it's a process for
34 doing customary and traditional use studies and it lays out a
35 schedule and basic time frame and the only priority right now
36 is the '94 and '95 year studies and we're not on that list at
37 this point. We feel that we're committed on getting the Kenai
38 study done and seeing how the rest of it comes out before jump
39 off in Southeast. So I guess we're a little ways away.

40
41 Speaking specifically to the fisheries study, I think
42 that's still another thing that we've got to take care of after
43 we get through with deciding how we're going to handle some of
44 these big game c&t efforts. And again it goes back to the
45 Katie John effort and how much involvement are we going to have
46 in navigable waters and are we going to have to do c&t for all
47 of the waters of the State of Alaska, that's a mammoth, mammoth
48 effort and taking lots of time, lots of money to do. And
49 consequently I don't see that happening until after the Katie
50

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John lawsuit is settled and that's sometime down the road. 46

1 MR. VALE: So if I understand correctly, then, the area
2 regulations that pertain to fisheries won't be available to
3 change until after Katie John and the litigation?

4 MR. HOWSE: I don't believe they will be for any of the
5 agencies.

6
7 MR. VALE: The problem with that whole process is that
8 you have subsistence users who are being denied access to the
9 resource.

10
11 MR. HOWSE: I understand that.

12
13 MR. VALE: And, you know, I find that quite troubling.

14
15 MR. HOWSE: And I understand that the c&t findings that
16 are in the regulations, that are based upon the old State
17 regulations are solely inadequate and so out of date and out of
18 touch with reality that they're not usable hardly. And to fix
19 them is going to be a major, major effort and we're committed
20 to doing that, but not immediately.

21
22 MR. VALE: Okay, thank you.

23
24 MR. HOWSE: We're going to get it done one of these
25 days, not now.

26
27 CHAIRMAN THOMAS: Thank you, Norm. Carol.

28
29
30
31 MR. HOWSE: The other thing that I think everybody here
32 ought to know, at least for Southeast here, we're considering
33 having it contracted. Right now the Fish & Wildlife Service
34 and the Park Service have geared up internally -- in-house to
35 do this work and established people like George and a fairly
36 good size staff of anthropologists, social scientists to do
37 these studies. We're not staffed up here in Southeast to do
38 that and I don't anticipate that we probably will be. We're
39 going through a current reorganization downsizing of people and
40 downsizing of dollars and I suspect that if anything is done
41 we're going to be doing it under contract. Probably with the
42 involvement of ADF&G and the University of Alaska, possibly
43 Tlingit-Haida Central Council or SENSC. There could be other
44 groups that could be involved in some kind of a contracting
45 effort, but I would hope that it would be an integrated effort,
46 not just one agency doing it.

47
48 MR. VALE: The one last comment I guess I have is that
49 there's already been a lot and a lot of studies conducted in
50

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1 Southeast Alaska here, you know, and there's a great deal of 47
2 information from the TRUCS, information to -- you know, all the
3 separate studies done by, you know, the Department of Fish &
4 Game, so I don't know how much more studying you really need
5 here for Southeast Alaska. I think much of that work has
6 already been completed.

7 MR. HOWSE: Yeah, I would have to agree that there is a
8 great deal of study, probably more here in Southeast than
9 anywhere else in the State. We went to a great deal of effort
10 back in the TRUCS Study, but you got to remember that thing is
11 seven years old, it's getting pretty stale. And, you know,
12 data doesn't -- and it was just a snapshot in time and it only
13 covered deer, as far as the only big game species. It really
14 didn't go beyond that, it was really limited. But it did cover
15 all the communities, we did go out and did personal interviews
16 with 1,400 and some odd people in 32 communities here in
17 Southeast, but, again, that thing is seven years old at this
18 point.

19 Most of the ADF&G studies have a time frame that go
20 back into the late '70s or '80s and there's some that are more
21 current, but many of them are in need of redoing. We've come
22 up with new standards, new issues and I would envision that we
23 would be looking some field work that would go along with this.
24 This would be just a literature search, it would have to be
25 something more than that.

26
27 So far I believe the Kenai study and the National Park
28 Service study has been more of a literature type search than an
29 actual going out and collecting hard data in the field with
30 putting people in the communities, but we may take a little bit
31 different approach also.

32
33 CHAIRMAN THOMAS: Carol.

34
35
36 MS. JORGENSEN: Thank you, Mr. Chairman. I appreciated
37 Dolly's question and John's and all of that on the eight
38 criteria. For a little bit of historical trivia, in 1978 when
39 the executive order was being created for the Division of
40 Subsistence, it was Tom Lonner and Denny Kelso, Linda Illana
41 and some of them that were working very hard to put the
42 information into this, so that the division could be created
43 and so that subsistence could be recognized. And in their
44 discussion it took them 15 minutes of really cramming and
45 brainstorming to put together the eight criteria.

46
47 The eight criteria was put together in 15 minutes. So
48 in that sense, you know, and I think given the time frame they
49 did the best they could do. But with that in context, that has
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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 been also a source to look at, you know. I think that they'd48
2 be the first to say that it would need to be expanded on or it
3 would need to be -- it had addressed all of the issues. They
4 were doing the best they could at that time.

5 The other thing is, when we're looking at c&t studies
6 it's very critical to note one of the things you commented on,
7 Mr. Chairman, and that is that studies have been done based on
8 today and, say, the last decade, but in the regulatory process,
9 pre-1958 or so on, with customary and traditional uses the
10 regulatory process was created, a number of things have been
11 left out. Or a number of things have not been identified. And
12 through that regulatory process there are species and things
13 that have been happening that people no longer harvest any more
14 because of the regulation and it's been regulated out.

15 So doing a comprehensive c&t study is real critical and
16 doing it correctly and making sure that we're getting all the
17 information. The Division of Subsistence has spent years
18 developing the network and they've done an excellent job, but
19 we all know that with the regulatory process a lot has been
20 missed in that process because of the regulations and the way
21 traditional peoples used to harvest versus what they're
22 harvesting today.

23
24 I just wanted to point that out because it's always
25 important to know our history and what's been happening in the
26 past and how regulations are created. And as we look at
27 regulation they're not -- you know, unfortunately they come
28 locked in on paper as iron clad and they're not because they're
29 created just as we sit here creating situation today. Thank
30 you.

31
32 CHAIRMAN THOMAS: Thank you.

33
34 MR. HOWSE: Mr. Chairman.

35
36 CHAIRMAN THOMAS: Norm.

37
38 MR. HOWSE: One thing I might add to Carol's comments
39 about the eight criteria, the State did develop some criteria
40 and it went up and down from, I think, six or seven criteria up
41 to 12 at one point and back down to eight is what they finally
42 ended up with. But back in 1978 about the time they were doing
43 that, that became some of the legislative history of ANILCA, of
44 Title VIII, back when ANILCA was created and so some of the
45 material ended up in Title VIII legislative history and became
46 part of Title VIII.

47
48
49 We in the Federal program basically had the State doing
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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 the Title VIII subsistence up through the period until 1989, 40
2 it was about nine years that that criteria was the standard
3 basically for making c&t determinations. In 1989, when the
4 Federal Government had to get back into this program because of
5 McDowell and we established some temporary regulations in 1990.
6 At that point the State's c&t determinations were put into
7 place as the only thing we had at that point, it was just their
8 regulations for seasons and bag limits and their regulations
9 for c&t were basically put into temporary regulations.

10 But we also need to remember that at that point we
11 start taking a fresh look at not only rural, and making all of
12 the rural determination, but also at the c&t standards and
13 criteria. And Dolly's point that we needed to go back and look
14 at that, some of that happened at that point by getting into an
15 environmental impact statement that took a year and half to two
16 years to complete, between 1990 and 1992, and the final
17 regulations were then passed and put into law.

18 And the criteria that you now have are the criteria
19 that came out of that environmental impact statement process
20 that the Secretaries of Interior and Agriculture both signed
21 off on on the Record of Decision as the criteria that would be
22 utilized. And at that point it was put into the regulations as
23 the criteria that we would follow in the future and the same
24 with the rural determinations. And we've already made the
25 rural determinations, those have been completed and we're now
26 left with doing c&t determinations.

27
28
29 And at this point, unless we went back and did a look
30 at the environmental impact statement that was done as back
31 ground material and created those criteria, we -- it would be
32 very difficult, I think, just to arbitrarily change these
33 without having to go back and take a look at the EIS and how
34 that was crafted and all that went into that in a two year
35 process.

36
37 So it not just simply saying, well, we don't like this
38 criteria, let's throw this one out and put a new one in. If we
39 do that we're looking at going back and probably doing a
40 supplemental EIS at this point. So, I'll leave you with that
41 as sort of a little bit of history of how this thing came
42 about. The criteria did come through quite a public process of
43 -- public comment up to the point of 1992.

44
45 CHAIRMAN THOMAS: Thank you. Gabe.

46
47
48 MR. GEORGE: That eight criteria was, like you said,
49 was done in very few minutes. It was done on a break, it was
50

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

done a break between the Boards (ph) because they needed 50
something to measure by. But, again, when you're measuring
something and it's ruled by something that you cannot define
then you're always going to be in a state of flux and always
going to be in the state of somebody challenging the
definition.

The eight criteria was quick look at what was being
used and what they thought should be used and their
interpretation of Federal legislation. Certainly, I think if
you look at the eight criteria and try to address them point by
point, I think you'll probably come up with something somewhat
similar.

If you look at the criteria that should probably be
addressed in a holistic sense and everything. And if you want
to put time lines on and areas and resources and definitions
and things that would stand up in court and stand up any place,
then you have to look at the whole picture and look at the
whole history of resource use and everything and the area. And
you have to either all inclusive or exclusive.

And what I mean by that is there are 375 million acres
in Alaska, if you haven't been using the resource since -- oh,
they hadn't been using the resource since in 1892, you don't
qualify. If you've been using it, you're certainly customary
and traditional. If your heritage and your ancestor have been
using it, you should qualify. And the uses that occur within
those 375 million acres that you've used, certainly you should
be qualified for.

What does that say? It says that there's a definite
number of people in Alaska that have been using the resources
and the questions that they ask is, have you been using them
for more than 10 years; have your neighbor been using for more
than 10 years? Or has someone else come in and affected your
use? Or have you adjusted your use of it? I don't know if
it's relevant or not. The intent of the whole thing was to try
to preserve a way of life and use. And the artificial and
arbitrary rules and regulations and definitions that they
impose that we try to adhere by isn't going to work because it
is arbitrary.

And it is undefinable and it is vague, so how do you
come up with something specific? Well, if you want to make a
cut then you got to make cut by the date, you got to make a cut
by the use over time and the customary and traditional uses and
all of that. And if you're going to make it arbitrary, and
remember everything is arbitrary and everything is relative,
then where are you at; and when do you start making cuts? And

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272-7515

ANCHORAGE, ALASKA 99501

who gave us or anybody a right to make those cuts?

51

CHAIRMAN THOMAS: Answer that one. Good point.

MR. HOWSE: Excellent point.

CHAIRMAN THOMAS: Okay. Patty.

MS. PHILLIPS: I have a recommendation. You're saying that the studies were stale, the TRUCS Studies?

MR. HOWSE: Well, it is now, I think, it's getting that way.

MS. PHILLIPS: Well, having gone through the studies myself and I think the best way to study is by utilizing a local person who has a length of time when he can interview the community. For example, the Harbor Seal Study, they hired a local individual in our community and he targeted the Native community to see what they harvested.

On the TRUCS Studies, they had a boat come in, it was in for two days and you had two days to collect data from the whole community. You don't get accurate data when you're only in a community for two days, but when you have a local individual who can take their time and thoroughly do a study, you get more accurate data.

MR. HOWSE: Yeah, I wouldn't disagree with that at all, Patty, I think that's absolutely correct. The TRUCS Study was a snapshot in time, the best opportunity we had to get as much information that we could. And we utilized as much of the ADF&G information that we could as well, but the actual interviews and so forth were done in a very short period of time and then went through a very exhaustive set of analysis and mapping and so forth, but you're right.

MS. PHILLIPS: I believe the Harbor Seal Study was a cooperative between the U.S. Fish & Wildlife Service and the Alaska Department of Fish & Game, so it was two agencies working together.

MR. HOWSE: Yeah, the TRUCS Study was a cooperative between the University of Alaska, ADF&G and Forest Service. It was a good study, but it's seven years old now and, you know, there's a life of information, it has historical value and, you know, the data is usable, but it's not current and it probably is time to look ahead in the next few years on how to make some of that more current.

MS. PHILLIPS: Also, Mr. Chair, I was wondering when we look at these eight criteria, if we don't look at it as a whole Council -- okay, we would like to get to it sooner than our

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 next meeting, perhaps we could have an audio conference. I've²
2 been on other committees where we've had audio -- never a
3 committee this large, though, where we had audio conferences to
4 focus on one -- well, eight subjects. Or we can do an ad hoc
5 committee to look at the eight criteria, it's just a thought.

6 CHAIRMAN THOMAS: We're going to go into that after we
7 come back from our break.

8 MS. PHILLIPS: Okay.

9 CHAIRMAN THOMAS: George.

10 MR. SHERROD: Mr. Chairman, given the fact that I had
11 limited time to prepare and that I'm talking a lot of from
12 memory and that a lot of what everyone says on this is
13 basically personal opinion or judgment because it doesn't
14 happen. We do have a representative from the Park Service I'd
15 like to -- I think it would be fair if he might be able to
16 correct me where I made errors and shed additional insight on
17 it.

18 CHAIRMAN THOMAS: Right after the break we'll do that.

19 MR. SHERROD: Okay.

20 CHAIRMAN THOMAS: Because the Chair is so ecstatic that
21 we got another Board member here we're going to acknowledge that
22 with a break. We're glad to see you, Mim.

23 MS. ROBINSON: Thank you. Nice to be here, glad I
24 could make it out of Port Alexander.

25 CHAIRMAN THOMAS: I understand, the weather is not
26 really that great. Let's take a 10 minute break. Some people
27 have social commitments this evening, our target for winding up
28 is 4:00 o'clock today.

29 (Off record)

30 (On record)

31 CHAIRMAN THOMAS: Okay. My question is, when we took a
32 10 minute break everybody disbursed, but nobody headed for the
33 coffee pot until I called back to order. I see a qualification
34 coming up. Lonnie. I see you take a breath to qualify.

35 MR. GEORGE: Mr. Chairman, that break was to go to the
36 bathroom, not to get coffee, coffee is during our regular
37 meeting time.

38 CHAIRMAN THOMAS: Okay. Mim, today we -- you're not
39 the only one that came in late, by the way. We started off the
40 day with introducing everybody, including people out there, and
41 is if you wouldn't mind tell us who you are and all about you.

42 MR. VALE: We got a couple of hours, so take your time.

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1007 WEST THIRD AVENUE
272-7515

MR. GEORGE: If you got pictures it would be great.

1 MS. ROBINSON: Well, if you look at this you can see I
2 was in Maine this summer, I got to go see my family. Let's
3 see, I'm from Port Alexander and I've been living there for
4 about 11 years, lived here in Juneau for about seven and a half
5 years. I'm from the east coast originally. I have three
6 children, oldest is 19, youngest is 12. The oldest is getting
7 married. Let's see what else. I went fishing for a while this
8 fall with my husband, I just got back from a month of trolling.
9 I'm spending our wad here in Juneau getting supplies. Just got
10 home and had to leave again. Let's see what else can I tell
11 you. It's nice to be back again to see familiar faces and some
12 new ones and we'll leave it at that.

13
14 CHAIRMAN THOMAS: Thank you, Mim, we're really glad you
15 made it. We were discussing c&t, George gave us a report and
16 an overview. It isn't something that he's been assigned to for
17 a long time, the was pinch hitting for another person, did an
18 admirable job. We've had questions and answers following that
19 and then went to break. And I suggested that when we come back
20 from break to give some more consideration into the c&ts, but
21 before we do that I want to make sure I get the feel of the
22 Council if that's what we want to do at this time. Did you
23 have any questions or comment around the c&ts yourself?

24
25 MS. ROBINSON: Not at this time, I'm still playing
26 catch up here with what you guys were doing, so I'll hold off
27 at this point.

28
29 CHAIRMAN THOMAS: Okay. A lot of questions were asked
30 and they might have paralleled your thoughts in some cases.

31
32 MS. ROBINSON: Probably did.

33
34 CHAIRMAN THOMAS: John said he was going to try to read
35 your mind before you got here and represent you.

36
37 MR. ANDERSON: Mr. Chairman.

38 CHAIRMAN THOMAS: Lonnie.

39
40 MR. ANDERSON: May I make a suggestion?

41
42 CHAIRMAN THOMAS: By all means.

43
44 MR. ANDERSON: Being that Mr. Howse stated that this
45 problem that is facing us is three years or four down the line,
46 I would suggest that we go ahead and do our routine business
47 and give us some time to think about traditional -- customary
48 and traditional topics, so that we can do this when we wind
49 down this session.

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1007 WEST THIRD AVENUE
272-7515

CHAIRMAN THOMAS: Wait until 14 days before they're 54
due?

1 MR. ANDERSON: Something like that.

2
3 CHAIRMAN THOMAS: That's a good suggestion. Anybody
4 else? Dolly.

5
6
7 MS. GARZA: Well, perhaps not till 14 days before, but
8 I would suggest that at our next meeting, the winter meeting, I
9 guess that's what it's called, is that we look at the -- I
10 think you called it the Subpart A of the Kenai study and the
11 portions of the other two studies that look at how they look up
12 the study and what criteria they used, compare that to the
13 eight criteria established in the register and intentions of
14 ANILCA, the 801 Section, to determine if this Council would
15 like to make any recommendations to the Federal Subsistence
16 Board regarding using the eight criteria or the proper process.
17 And I know that I have the material in front of me because
18 Dale came up and pointed it out to me, but it's all in the new
19 packet and so the Council members who are old Council members
20 don't have it in front of them and so I would suggest that we
21 do that at our next meeting.

22
23 CHAIRMAN THOMAS: No objections?

24
25 MR. ANDERSON: No objections.

26
27 CHAIRMAN THOMAS: So ordered. Next meeting.

28
29 MS. PHILLIPS: Bill.

30
31 CHAIRMAN THOMAS: Patty.

32
33 MS. PHILLIPS: I request a copy of the Upper Tanana
34 Report, I only have a copy of the Kenai and I'd like a copy of
35 the Upper Tanana Report also.

36
37 CHAIRMAN THOMAS: We don't have that down here, do we?

38
39 MR. SHERROD: That's still getting ready to be
40 published.

41 MS. PHILLIPS: Oh, I see.

42
43 MR. SHERROD: That's my knowledge and I believe that
44 all Council members are on the mailing list for that, but if
45 not I'm sure that we can put a request into the Park Service to
46 see that that happens.

47 MS. PHILLIPS: Oh, I see.

48
49 MR. SHERROD: Mr. Chairman, I have a couple of
50

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1007 WEST THIRD AVENUE
272-7515

qualifications I'd like to make. Clarifications before we 55
totally depart this subject.

1 CHAIRMAN THOMAS: Okay.

2
3 MR. SHERROD: One of which is I made a couple of
4 statements that, I guess, you could say were inaccurate or
5 taken inaccurately. When I said we adopted -- the Federal
6 system adopted the regulations as temporary regulations, that
7 is true. The process, however, was not adopted, so when we're
8 looking at doing c&t, the c&t process that is currently ongoing
9 is different from that of the State. You're involvement in it
10 is a major difference between that and the State process.

11
12 And the other factor is that we now call them instead
13 of eight criteria what the State has, we call them eight
14 factors and they are slightly different and Ms. Chase was going
15 to try to get copies of both and provide to this body here
16 before we adjourn here today.

17
18 CHAIRMAN THOMAS: Okay. Good. Gabe.

19
20 MR. GEORGE: Yeah, the only other thing I would
21 recommend or add to your statement is that the State looked at
22 the subsistence resource use, I believe, on an individual to
23 individual basis and with some instances on a community basis,
24 but less so in that area, whereas the Feds -- I don't know, how
25 they stand on it, but I know it's not necessarily on an
26 individual by individual basis, but I don't know where -- how
27 would you characterize that, I guess?

28
29
30 MR. SHERROD: Well, the community, basically, is a
31 language used in terms of the eight factors in the c&t process.
32 Now, the Park Service has a mechanism whereby it can address
33 the eligibility to use Park Service land on an individual by
34 individual basis. The questions, as I say, the system works in
35 theory, you establish whether a community is rural or
36 non-rural. If they're non-rural, they're out. You establish
37 whether a community has demonstrated a customary and
38 traditional use pattern of use of a resource, if they have
39 they're in, if not, they're out.

40
41 Within that body of communities that have demonstrated
42 traditional reliance upon certain resources you may have the
43 event in which the resource stops, falls to a point that it
44 will no longer satisfy the subsistence needs. In theory,
45 you've already said, no sports hunting, the only people that
46 can use this are subsistence, qualified subsistence rural
47 users. However, we got more users than we have resources. At
48 that point we become involved in what we call an 804 process in
49 the Federal Government, which mirror a Tier II process of the
50

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1007 WEST THIRD AVENUE
272-7515

ANCHORAGE, ALASKA 99501

1 That is something we haven't got into yet, I mean, it's
2 even less defined than the c&t process and it's potentially in
3 those instances it may be down to a individual by individual
4 basis instead of community basis. So if I have a limited
5 number of resources and two communities vying for that same
6 population of resources, it may not be as clean as saying
7 community A gets it and community B doesn't. It may be that
8 these individuals of community A and these individuals of
9 community B are qualified to take those resources and the other
10 individuals are not until the point that that population has
11 recovered and will allow all qualified subsistence users to
12 take those resources.

13 Does that answer your question, Gabe?

14 MR. GEORGE: (Nods affirmative)

15 CHAIRMAN THOMAS: John.

16
17
18
19 MR. VALE: Just to follow up on that a little bit, the
20 Park Service also has a means of issuing subsistence permits to
21 individuals who live outside the communities if they or their
22 family can show a history of use of the resources, so in
23 addition to what he said, they also have a process where
24 they'll authorized individuals to utilize subsistence
25 resources.

26
27 CHAIRMAN THOMAS: Okay. We will leave the rest of this
28 now until another meeting. Thank you very much, George.
29 Admirable job.

30
31 Okay. To bring Mim up to date agenda wise, nominations
32 and election of officers are postponed till tomorrow for more
33 people to get here. The rest of the agenda has been complete
34 through 7, A, 2. We are now starting on New Business. We got
35 to John V., John Vale. What did you have, John.

36
37
38 MR. VALE: Okay, Mr. Chairman, briefly, I guess, I just
39 wanted to give you a quick report on what the
40 Wrangell/St. Elias Subsistence Commission, what they've been
41 doing over the last year here and before I do it, I guess,
42 first I'd have to say I feel like I owe this Council an apology
43 by not having a report in a more organized fashion and then
44 written for you to read.

45
46 However, I've been, you know, chasing fish around with
47 net control gear and everything else and that's occupied my
48 attention and so I haven't got a report prepared, so I'll do
49 the best I can here just verbally to let you know what we've
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1007 WEST THIRD AVENUE
272-7515

1 The main issue that the resource commission has been
 2 dealing with for the last year or better was the -- defining
 3 the boundaries of a resident zone around the Wrangell/St. Elias
 4 Park. And all the parks in the state that have subsistence
 5 uses authorized in them, all the communities around the parks
 6 are in a resident zone. And some of the parks have defined
 7 those boundaries, other haven't.

8
 9 The Park Service came to the subsistence commission
 10 several years ago and said, we need the boundaries around the
 11 park defined, do it or we'll do it ourselves. So the
 12 commission went through a process of trying to define the
 13 boundaries around the Wrangell/St. Elias Park. And they
 14 basically had two alternatives that they looked at and one
 15 there's about the number of communities -- I'm not sure, about
 16 16 or 17 communities around the park that are on the resident
 17 zone list.

18
 19 And basically they drew up two maps, two groups of
 20 maps. One of them was fairly narrowly defined -- the zones
 21 around the communities, which I think would be fair to describe
 22 the way those communities existed prior to 1980, prior to the
 23 park being established. And in most cases those communities,
 24 the maps of them, were very small, they were just basically
 25 what might be described as city limits on most of those
 26 communities, some of them the zones might be as much as only a
 27 quarter of a mile wide, you know, by several miles long.

28
 29
 30 And so they came up with two groups of maps, one of
 31 them was a small set of maps and the other alternative,
 32 basically, they -- the park is quite large, 12 million acres
 33 and basically they took a 15 mile slough around the perimeter
 34 of the park and said everybody that -- all the communities came
 35 within this, with a few exceptions, like Yakutat, and they said
 36 that everybody that -- all these communities that were within
 37 these 15 mile boundary around the park and the people in it
 38 would qualify as living in the resident zone boundary.

39
 40 And after some public notification and some commission
 41 meetings the final recommendation was to go with the 15 mile
 42 boundary around the park as opposed to the more restrictive
 43 boundaries that were more on a community by community basis.
 44 And to summarize that discussion, I guess, it really came down
 45 having a sort of inclusive type boundary or an exclusive type
 46 boundary which excluded quite a few people.

47
 48
 49 With the more exclusive type boundary, the community
 50

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1007 WEST THIRD AVENUE
 272-7515

boundaries, those people living outside those boundaries, if 58
they could show a history or their family show a history of use
in the park, then the park would give them individual permits
to continue utilizing the park. But other people who couldn't
show a history would then be disqualified and no longer able to
hunt in the park. So that process we just went through and a
recommendation was sent forward to the Secretary of the
Interior.

I kind of wanted to fill you in on the background
there. My best guess is that recommendation is going to be
denied and that we'll be addressing these resident zone
boundaries again in the future. One aspect of that was that
there was apparently no Regional Council review of these
resident zone boundaries. You know, part of the Federal system
is that the Regional Council Advisory Committees and others
should all have an adequate opportunity to review proposals
such as this and these resident zone boundaries never were
reviewed by any of the three Regional Councils that are
affected in the park. This one and the Southcentral Regional
Council and the Eastern Interior Regional Council. So I wanted
to give you the background on that.

With regard to this resident zone for Yakutat, the
Yakutat Advisory Committee looked at those maps and supported
the map that was being proposed. And that was in April of '93,
so we're in general support in Yakutat of the boundaries that
were proposed for the Yakutat area. And so that's about it on
the resident zone issue.

Other issues we'll be dealing with in the coming year
is, as was mentioned by George there, is a customary and
traditional use study for a number of communities up on the
Tanana River and I believe this winter we'll be looking at
making recommendations based on the c&t studies on whether or
not those communities qualify for subsistence in the park. So
I guess I will -- I just received those yesterday in the mail,
so they have been published and they're available. And I have
read them yet, but I will be going through them and looking at
them and going with our commission -- discussing them with our
commission.

On another item of business that the commission has
been looking at is about several years ago we asked the Park
Service and the State to do a study of access in the park on
the modes of transportation used to harvest subsistence
resources, prior to 1980 when it became a park. And the State,
I think, has taken up the bulk of that work and they've been
working on that. I believe they're near a conclusion, I'm not
sure of the exact status of that.

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1007 WEST THIRD AVENUE
272-7515

1 But with regard to that access study, and how it might
2 impact this Regional Council, the one concern I have presently
3 is that my understanding is that parks allows the use of all
4 terrain vehicles and other motorized equipment on roads and
5 existing trails. And for Yakutat and for use of the park areas
6 there are no roads and not existing trails. People use the
7 beaches and the creeks as their roads and existing trails and
8 they operate an all terrain vehicles up these gravel creeks
9 with no damage to the environment. In order to access meadows
10 and what not to get at subsistence resources. And there were
11 no trails specifically, so I'm concerned about the future use
12 of the park by Yakutat residents and their access being
13 restricted because of the lack of roads and existing trails, so
14 that's something we'll have to look at.

15
16 And moving on, I was a little surprised not to see a
17 letter to the Regional Council here. One of the actions we
18 took at our last commission meeting was to draft a letter to go
19 out to each of the Regional Councils seeking cooperation
20 between the Councils and the commission on subsistence issues
21 and to guarantee that we work together more cooperatively on
22 those issues. And I see the letter apparently hasn't arrived
23 and my guess is that somebody dropped the ball there, maybe
24 with the Park Service, and they haven't followed through on
25 that. But we should be receiving a letter at some point
26 seeking a lot closer cooperation and working together between
27 the commissions and the Councils.

28 And that's about it. I just think that we do need to
29 work a lot closer with the commissions in resolving subsistence
30 issues. That's about all I have, so I'm opened to questions.

31
32 CHAIRMAN THOMAS: Good report, John, for winging it,
33 you did all right. Lonnie.

34 MR. ANDERSON: Well, Mr. Chairman, I was -- something
35 came to my mind as John was discussing this. You were saying
36 that you take 4-wheel vehicles up the river beds and said there
37 was no environmental damage, they must be floating on the air.

38
39
40 MR. VALE: Well, most of the creeks and washes in the
41 region are largely dry, so while they have water during
42 flooding conditions, they're dried up washes, the areas that
43 you would, say, take an all terrain vehicle up. You can't take
44 them up any place else because there's too much brush. It's
45 either brush or muskeg or swamp or something or other and so
46 the means of access was through these dried up washes. Some
47 may have water in them, but primarily it's just operating on
48 gravel and small rocks and stuff like that. And then, of
49 course, the beaches, which are primarily sand.

50

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CHAIRMAN THOMAS: I thought the same thing too. I thought you were killing all the spawning grounds.

1 MR. VALE: No.

2
3 MR. ANDERSON: I thought you were using a different
4 terrain vehicle then what we use down in this part of the
5 world. You put a couple of them up a dry creek beds and she'll
6 tear it up.

7
8 MR. VALE: Yeah, I'm not sure exactly what sort of
9 vehicles you're referring to, but primarily, you know, boats
10 and -- you know, all terrain vehicles haven't been around that
11 long, but, you know, they are a primary mode of transportation
12 used to access subsistence resources and they were used before
13 the park was established. And, you know, I think there's a
14 need for their use in order to access resources in the park.

15
16 MR. ANDERSON: No, the point I was making, John, was
17 there was no damage done. Everybody uses 4-wheel terrain
18 vehicles, we know it's no tear up the deal (sic), so that's the
19 point I

20 MR. VALE: Indeed they do damage some types of
21 environment and I think it's wrong for them to be used in those
22 areas, but the key, I think, here is that these dried up washes
23 there are no damage to them and there's a need to continue to
24 use them to access resources.

25
26 CHAIRMAN THOMAS: Patty.

27
28 MS. PHILLIPS: Where is the northwest boundary of the
29 Borough of Yakutat?

30
31 MR. VALE: The northwest boundary, right now it's the
32 141st meridian, which is about halfway between Yakutat Bay and
33 Icy Bay. It's the same longitude that divides Canada and
34 Alaska from the North Slope all the way to the St. Elias range.

35
36 MS. PHILLIPS: And you said there's a 15 mile boundary
37 everywhere except for Yakutat.

38 MR. VALE: Yakutat being on the other side of the bay,
39 some 20 miles away from the park, the boundary doesn't go down
40 that far, this 15 mile boundary.

41
42 MS. PHILLIPS: But the fact that it's a borough, does
43 it affect that?

44
45 MR. VALE: No, it doesn't. The boundary that the
46 Advisory Committee supported and both alternatives had the same
47 boundary for Yakutat, is the same one that's listed presently
48 in the Federal regulations that identifies Yakutat. And
49 basically it's from Yakutat Bay to the Situk River. And so it
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1 encompasses pretty much all the places where people live. So61
2 it's kind of a larger boundary in itself. And there are a
3 couple of communities that are outside that 15 mile boundary
4 also up on the north end of the park, I can't think of their
5 names right off the top of my head, but there are a couple of
6 them that have separate boundaries also.

7 MS. PHILLIPS: Thank you.

8 CHAIRMAN THOMAS: No more questions? Thank you, John.
9 Rather than going into the Information Exchange today, I think
10 we'll bring that up the first thing in the morning. What was
11 intended with Information Exchange, Carol; just what it says?

12 MS. JORGENSEN: Just as it says, Mr. Chairman, that
13 from different communities in areas sometimes the Regional
14 Council has issues to bring forward from communities they'd
15 like to discuss or whatever they'd like to communicate with
16 each other about. So maybe they would like some time to think
17 about, you know, the different issues and note them down this
18 evening and then they can bring them up tomorrow.

19 CHAIRMAN THOMAS: Okay, that'll be your homework for
20 tonight, guys. So curfew is at 7:30 tonight.

21
22
23
24 Before we recess for morning, some times something is
25 said or something happens in the course of a meeting when
26 people say I wish I could this and that. If you have any
27 suggestions, because our agenda is really general in nature and
28 I think it's good that that's the way it is because we can
29 generalize almost into any part of it. I was wondering having
30 discussed so far what we have today, does anybody have anything
31 they would like to add, maybe tomorrow, or maybe go back to or
32 further elaboration on or wish we didn't talk about it or what?

33
34 CHAIRMAN THOMAS: Hearing no objections. John.

35
36 MR. VALE: I'm not exactly sure, Mr. Chairman, what
37 you're asking for.

38
39 CHAIRMAN THOMAS: I'm not either.

40
41 MR. VALE: But there's one issue that is still
42 important in Yakutat and I wanted to bring it to your
43 attention. This information exchange can be a proper time.

44
45 CHAIRMAN THOMAS: That would be appropriate.

46
47 MR. VALE: And that's tomorrow?

48
49 CHAIRMAN THOMAS: Sure. And then we will probably make
50

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1 some agenda adjustments from the exchange tomorrow for 62
2 discussion, that kind of thing. We'll decide what -- you know,
3 everything has a potential for action. I'm trying to kill time
4 because we're not going to take another agenda item and I want
5 to break pretty soon. Patty.

6 MS. PHILLIPS: I was wondering about a positive press
7 release, maybe someone from the staff could summarize out
8 meetings and submit it to the press.

9 CHAIRMAN THOMAS: Does it have to be positive?

10 MS. PHILLIPS: Yeah. Well, last year I heard on the
11 Juneau radio station some negative remarks about our Committee
12 and the decisions as they went further up the ladder and I'd
13 rather see some positive statements.

14 CHAIRMAN THOMAS: Maybe you can get together with Carol
15 on that. Our press secretary. Anything else? You know my
16 initial plan was to go to 7:00 tonight, but Mr. Dalton has a
17 date that has real significance and I didn't want to interfere
18 with that, so he was able to announce that he could be there.
19 Any comments from the audience? Looking forward to see us all
20 again in the morning. Carol.

21 MS. JORGENSEN: Just on another note as a positive
22 note, Mr. Chairman, I would like to share the fact that when
23 the Federal Subsistence Board has met, we made a few minor
24 suggestions, like, you know, these are Directors from the heads
25 of their respective agencies and they have a tendency to wear a
26 suit and tie often, so there was suggestions, like, take the
27 tie off and take the coat off and relax a little bit, which
28 they did do and it made a tremendous impact on everybody, it
29 was kind of a subliminal impact, but we all just kind of felt
30 very relaxed.

31 It was a very positive meeting in the sense that there
32 were many different sources and attorneys and diverse audiences
33 from California to all throughout Alaska. Many different user
34 groups and I think that in the end that the process was
35 extremely citizen's participation process in the sense that
36 everybody got respectively their time and their say. It was
37 respected, even though there were many diverse opinions, and
38 the Federal Board took into consideration everybody's comments
39 and they did a very positive job, so that people who may not
40 have even agreed with the decision went away feeling like they
41 got their voices in there and got heard.

42 And I heard many very good comments after the Board
43 meeting and it made me feel good about this whole process and
44 how it's coming forward. Then in between, some of the meeting
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1 that you attended and I attended, Mr. Chairman, and Gabe 63
2 attended, we had State, we had Federal and we had the Regional
3 Council Chair, Vice Chairs there and staff and the
4 deliberations on these items were extremely time consuming, but
5 very good in the sense that everybody was there tied to do the
6 right thing or the best job they could do.

7 And the meeting, again, we came out feeling --
8 everybody, the State stated it, the Federal Government stated
9 it and staff. People that were involved felt like it was an
10 excellent process. They came in with no agenda, it kind of
11 formed at the meeting and the process, again, was very
12 positive, everybody felt very good about it.

13 So I think as we keep moving forward, as long as we're
14 not -- you know, as long as people understand there are not
15 real locked ironclad agendas or things put forward, that this
16 is their process always, it'll be a positive process. And that
17 doesn't get communicated in the press unfortunately and
18 probably should be, but it's -- as we been through this last
19 year I think that it's been a real dynamic learning experience
20 on how, perhaps, we should all be doing this.

21 So I think that we've made some real strong movement,
22 positive movement, forward for the subsistence users and it's
23 been a real good year. I just wanted to share that because I
24 know that I too had heard the negative press after and it was
25 very -- it was not fair to what had happened because this board
26 and this Regional Council and the Board and the other Regional
27 Councils work very hard -- very dedicated and committed to this
28 and so I just wanted to share that. Thank you.

29
30 CHAIRMAN THOMAS: Sure. We're the only region that can
31 boast having a Native Subsistence Commission within our own
32 region. We mentioned that on many occasions we take time to
33 explain the reason for that and some of the implications of
34 that Commission. This summer was -- they never give you a lot
35 of lead time when they call a meeting. You'll get a call or a
36 telegram or something saying, we're meeting, maybe, 48 hours
37 from now, we need you to be here.

38
39
40
41 And this summer I had a conflict of commitments, Gabe
42 was busy with things going on in his home town and whatever his
43 other activities are and he hemmed and hawed once or twice and
44 said, okay, I'll go and he did and he did a good job. And so
45 it one of these situations where things happen fast, you don't
46 always have a lot of time to do a lot of things, but one of the
47 things we enjoy is the people that are free with their comments
48 at these meetings. We don't feel like we're guessing in our
49 responses, sometime we don't have everything written down, but
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1 we have a good sense of what the attitude of the Council is. 64
2 So this is a pretty impressive region to represent. I just
3 thought the people who don't have the opportunity in seeing
4 that might be interested in knowing that.

5 Patty.

6 MS. PHILLIPS: We all know that subsistence is a
7 political issue and should the State win back their management
8 of subsistence perhaps they will use our regulations that we've
9 implemented instead of us using their regulations.

10 CHAIRMAN THOMAS: Like I mentioned this morning, during
11 our task force on the designated hunter meetings, the State is
12 represented at all those meetings and we had some pretty hard
13 nose meetings with them. We through barbs back and forth, they
14 weren't real friendly to subsistence users and the language
15 that they used in writing their proposals or asking for
16 reconsideration, their analysis were lot less than friendly.

17
18
19 And I made mention of that on several occasions and one
20 gentlemen at one of the last meetings made a public apology for
21 that and explained that the reason -- that the negative
22 connotation wasn't intended for the subsistence users, but for
23 the other commercial groups that participate in this resource
24 gathering under the guise of subsistence. But they don't say
25 that in the regulations, it just looks like it's a real
26 negative for the subsistence user. And so I asked him to try
27 to elaborate more what they're talking about in the future.

28
29
30 And at the last meeting we had, we had kind of a
31 discussion like this before we got through and both of the
32 people from the State said, well, they were just sorry that
33 they never thought of this type of a forum 20 years ago. They
34 were sorry that they never got more into the community 20 years
35 ago. They really like this, they were thankful for the
36 reception that they got from the Federal Boards and Commissions
37 each time and I don't know exactly what all the means, but they
38 did make those expressions. I'm hoping that it's a change in
39 their attitude in and how they do things.

40
41 But anything I can remember from time to time I'll keep
42 you posted with. Vicki

43
44
45 MS. LeCORNU: Mr. Chairman, I just wanted to make a
46 comment on that one statement, commercialization under the
47 guise of subsistence. I'm a commercial user who calls myself a
48 subsistence user because I believe property is available to
49 sell and that's what we've done for our livelihood. For

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1 somebody to say that it's commercialization under the guise of 65
2 under subsistence is wrong, because what, in turn, the State
3 has done is they have given us subsistence under the guise of
4 benevolence and I take offense with their attitudes.

5 CHAIRMAN THOMAS: Okay. The reference I was making to
6 more specifically had to do with commercial guides and charter
7 people and that kind of thing in harvesting the resources.

8 MS. LeCORNU: Um-hum (Affirmative).

9 CHAIRMAN THOMAS: Anybody else? John.

10 MR. FELLER: Yeah, Mr. Chairman, I was going to go back
11 to the c&t, customary and traditional, pertaining to the
12 Stikine River, five miles from Wrangell, goes up into Canada,
13 195 miles to Telegraph Creek there. And I was alarmed last
14 year when Fish & Wildlife personnel, Rob Willis, talked about
15 there was not customary and traditional use of the resources on
16 the river before 1920 and evidently our whole Stikine Tribe
17 never existed as far as Federal records were or anything.

18 I'm encouraged that there's more and more recognition
19 of our elder's history, historic stories of what when on, you
20 know, pertaining to war and how the river was offered to most
21 people, for example, the Kaagwataan could have used it 100 year
22 ago or 150 years ago, but instead they wanted the whole river
23 for themselves, so there was a whole war fought over it.

24
25 And this is totally disregarded or wasn't brought
26 forward, it might have been partially my fault, but -- so our
27 customary and traditional use of that river, at least, goes
28 back that far, when our chief offer use of a lot of berries and
29 moose, et cetera up the river, so I just wanted to make that
30 comment, it's encouraging that our elder's stories are being
31 recognized more and more by the agencies.

32
33 CHAIRMAN THOMAS: I think that's a good point. The
34 more culturally aware we could make the non-Native community, I
35 think the better it'll serve us. If they can find a basket
36 within the last month in Thorn Bay dated back 1,500 years.
37 When you consider those people probably came from the Stikine,
38 in any case, we can go back, at least, 1,500 years, you know.
39 So we can go a long way back with our data. I don't know if
40 our chart will reflect all of that, but we sure can.

41 MS. GARZA: Five thousand years.

42 CHAIRMAN THOMAS: Huh?

43 MS. GARZA: Five thousand years, not 1,500.

44 CHAIRMAN THOMAS: Fifteen hundred.

45 MR. NEWHOUSE: They just dated that, Bill, they thought
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it was 1,500 years, it's 5,000 years.

MR. ANDERSON: Over five.

MR. NEWHOUSE: Over 5,000 years.

CHAIRMAN THOMAS: I'm not going to quibble over 4,000 years. Gabe.

MR. GEORGE: Just one added comment about, you know, when I mentioned 1492 and how reasonable or unreasonable or arbitrary that may sound. I'll have you know that in Southeast Alaska as it pertains to Alaska Native allotments that, at least, on Admiralty, if you weren't using that land prior to 1906 when Tongass was created you didn't qualify. If you weren't an adult and was using that land, exclusive of anybody else, you didn't qualify for a Native allotment.

They didn't tell us that and people weren't there then, so the dates that we set, the time periods that we set are resultive from a lot of different things and I just wanted to mention the using a date, no matter where it is, is arbitrary and the ramifications of it are great. Mostly to our people who have been around here a long time.

In the instance of Native allotments and being able to qualify for one. You had to been -- you been an adult and you had been using it own, exclusive to anybody else, which means you're supposed to not be tribal, not suppose to be able to share resources and live in the same place and -- in other words, it was contrary to everything to, indeed, who we were at the time, but nonetheless was the law. And we felt the ramifications of that law.

So I just wanted to explain the arbitrariness of dates and qualifications and criteria. Thanks.

CHAIRMAN THOMAS: Appreciate that. Anybody else? See you all at 9:00 a.m. sharp. The gavel drops at 0900. Thank you all for being here.

(END OF THE DAY'S PROCEEDINGS)

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