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

VOLUME I

COUNCIL MEMBERS PRESENT:

William C. Thomas, Sr., Chairman
Gabriel D. George, Vice Chairman
Lonnie Anderson, Member
Richard Dalton, Sr., Member
John P. Feller, Member
Dolly Garza, Member
Vicki LeCornu, Member
Patricia A. Phillips, Member
Mim Robinson, Member
John F. Vale, Member
Carol Jorgensen, Coordinator
(On record)

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

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

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

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

CHAIRMAN THOMAS John.

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

CHAIRMAN THOMAS Dolly.

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

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

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

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

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

CHAIRMAN THOMAS Vic.

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

CHAIRMAN THOMAS Richard.

MR. DALTON: My name is Richard Dalton, Senior. My Tlingit name Tee ka taah, Dax' teen taan (ph) from Hoonah.
I've been engaged with different and regulations (sic) since we became a statehood. I have been engaged with the limited entry law when it was first born into the State of Alaska. And full permit (ph) and presently I'm President of the Hoonah Traditional Tribal Council. I filled one year with them and very much concerned on the regulatory basis, as far as State is concerned, and more so in the Federal level.

The fact that I am now a Board member perhaps we will be able to be educated a little bit more where by we can voice our opinion on the regulatory basis for out subsistence users and hunters in our State of Alaska. I appreciate that I can be 0here to represent Southeast Alaska.

CHAIRMAN THOMAS Lonnie.

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

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

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

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

CHAIRMAN THOMAS We're glad to have you here. I want to ask Carol to facilitate the introduction of the staff people. Carol Jorgensen is our coordinator and maybe you can explain the difference between a coordinator and council
MS. JORGENSEN: Thank you, Mr. Chairman. As Bill said, my name is Carol Jorgensen and I'm the Federal Subsistence Regional Advisory Coordinator for Southeast Alaska and there's 10 Regional Councils. I'm the only coordinator that works outside of U.S. Fish & Wildlife, I work for Forest Service, but I work with the other five regional coordinators, so we coordinate it all.

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

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

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

MS. JORGENSEN: Norm.

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

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

MS. JORGENSEN: Um-hum (Affirmative).
MR. HOWSE: We'll welcome him here when he gets here 6 and glad to have him on board as well. This will be a good 7 session, I think. We're looking forward to another productive 8 year, '95-'96 regulation development and you're the stepping 9 stone for a lot of that and it's just right on the edge of that 10 at this point with some new ideas and some new thoughts and I 11 think the staff is prepared to help as much as they can in 12 putting together a good Federal Subsistence Program for the 13 coming year.

With your help and our assistance, I think, working 14 together we should produce some good products, thank you.

MS. JORGENSEN: Geneen.

MS. GRANGER: My name is Geneen Granger and I work in 23 Planning at the regional office for the Forest Service here. I 24 have sort of a new position called social science coordinator 25 and my goal -- part of my goal is, anyway, to ensure that all 26 aspects of subsistence, especially the social and human 27 dimensions part get included in all of our planning efforts.

MS. JORGENSEN: Hank.

MR. NEWHOUSE: I'm Hank Newhouse, I work in the 37 Ketchikan area of the Forest Service. Subsistence is something 38 that is really dear to my heart and I've been actively working 39 in the subsistence area for the last seven years. I think 40 Richard and his people in Hoonah probably were the first people 41 that really touched my heart, probably about six years ago.

MS. JORGENSEN: Dale.

MR. KANEN: My name is Dale Kanen, I'm the Subsistence 49 Program Manager for the Chatham area of the Forest Service 50 here, so I have everything from Port Alexander to Yakutat in 51 terms of National Forest lands and subsistence issues go, so if 52 there are things that you need done or information that you may 53 need that I may have or may be able to get for you in that 54 piece of the world and stuff, get a hold of me and I'll see 55 what I can do.

MS. JORGENSEN: George.

MR. SHERROD: I'm George Sherrod, I'm an anthropologist 59 with the U.S. Fish & Wildlife Service, whose office is in 60 Anchorage, although my office is in Fairbanks now. I've been 61 federally (ph) a couple of years and have done anthropological 62 research since 1977 here in Alaska.

MS. JORGENSEN: Terry.

MR. WILD: My name is Terry Wild, Fish & Wildlife
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.

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

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.

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, 5some of us feel that all the time, that's no longer the main issue, the main issues now is to establish our direction, see 7where 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 2to share that with you folks.

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

Just to give you some background what's happened since
last year. After our meeting to organize in September and into October, we met the last part of September and into the 3rd of October, I think, last year. And we got through we realized that there was a meeting going on with the Federal Subsistence Board in Anchorage, the 26th of October, last year to discuss whether or not we should reconsider the restriction on some hunting in Game Management Unit 4, which is the Hoonah/Sitka area?

MS. JORGENSEN: (Nods affirmative)

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

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

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

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

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

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

MR. WILD: Eighty-three.

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

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

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

MR. NIELSON: Hello, I'm Ray Nielson, I'm here representing Sitka Care of Alaska.
CHAIRMAN THOMAS: Glad to have you, Ray.

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

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

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

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

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

What I wanted also to share was in your packets, for the benefit of the Regional Council members, on the back there you have handouts and the regulation booklets, if you want, for the sake of the audience. In your packet that I put together we have addresses of all the Regional Council members with
their telephone numbers or fax numbers, if any. We have a flowchart of the U.S. Fish & Wildlife, which is the leading agency for subsistence. And we have a packet that was also sent to you, but I wasn't sure that maybe some of you got it or that you would, maybe, bring it, so I put it in your packet.

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

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

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

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

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

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

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

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

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

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

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

John.

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

CHAIRMAN THOMAS: So you'd like to use it as a guide?
MR. VALE: Use it as a guide, yeah.

CHAIRMAN THOMAS: Is that a motion?

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

MR. FELLER: I'll second that motion.
CHAIRMAN THOMAS: We have a motion and second to use 15 the agenda as a guide. Discussion.

MR. ANDERSON: Question.
CHAIRMAN THOMAS: Question has been called. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed same sign.
(No opposing responses)
CHAIRMAN THOMAS: Okay, we'll used the agenda as a guide. That gives us the flexibility to take something into consideration right away without going through a lot of suspension of rules and this kind of thing, parliamentary wise as we go along. John.

MR. VALE: Mr. Chairman, I did have a couple of additions for the agenda to get to at one point.
CHAIRMAN THOMAS: Okay.
MR. VALE: Shall I go ahead on that?
CHAIRMAN THOMAS: Sure.

CHAIRMAN THOMAS: Okay.

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

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

CHAIRMAN THOMAS: How about F under New Business?
MR. VALE: F under New Business, okay.

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

MR. HOWSE: Mr. Chairman.
CHAIRMAN THOMAS: Norm.

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

CHAIRMAN THOMAS: Okay.

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

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

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

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

MR. FELLER: Mr. Chairman.

CHAIRMAN THOMAS: John.

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

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

MR. FELLER: Okay.

CHAIRMAN THOMAS: We declared -- we had -- we got nine now?
MS. JORGENSEN: Eight.

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

MR. FELLER: Thank you, Mr. Chairman.

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

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

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

MS. JORGENSEN: Right.

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

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

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


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

MS. GARZA: Herman.

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

CHAIRMAN THOMAS: Richard.

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

CHAIRMAN THOMAS: Okay.

MR. DALTON: So I make a move.

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

MR. DALTON: Um-hum (Affirmative).

CHAIRMAN THOMAS: Okay, is there a second?

MS. GARZA: Second.

CHAIRMAN THOMAS: Discussion.

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

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

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

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

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

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

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed.

(No opposing responses)

CHAIRMAN THOMAS: Motion carries, so elections will be 61:00 p.m. on Thursday. The Chair will declare a five minute break.

(Off record)
Chairman Thomas: Okay, before we move on to our next agenda item I have an announcement that if anybody here has to make any phone calls to please use the pay phones and not use any of the building office phones. Please use the pay phones. Moving on.....

Mr. Anderson: Mr. Chair, we haven't received any money to afford that yet.

Chairman Thomas: Use a credit card. Report on Federal Subsistence Board Meeting, Mr. Knauer.

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

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

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

Of the proposals specific to Southeast there were about 15 proposals and for the most part the Federal Subsistence Board did follow the recommendations of the Regional Councils. In the one area where there was some difference related to proposals -- two proposals that related to the proxy taking of other species, designated hunter type situation. And in that case the Board for administrative purposes did reject the
proposals, but in essence they also deferred them because the board directed the staff to work with the Regional Councils and the State to form a task force to further study the issue and develop some framework whereby proposals could be generated like all Councils.

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

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

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

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

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

MS. GARZA: May I ask you a question there? On the request from Kake, as well as from Sitka, for one deer,
although it was a short turn around, can those requests be considered ongoing? So that you would know that they would likely want the same one deer next summer and the following summer and thereafter?

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

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

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

MS. GARZA: Okay.

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

MS. GARZA: Okay.

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

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

MR. HOWSE: That's in Southcentral district.

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

And they'll also be looking at king crab situation in Kodiak. There's a difference in size limit between State and
Federal regulation and also a question of moose and caribou on the Severson Peninsula. Those are the items that I currently have identified as being addressed in the November meeting.

Are there any questions?

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

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

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

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

MS. GARZA: Thank you.

CHAIRMAN THOMAS: Any further questions? John.

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

I probably could have resolved these earlier with communications with the Forest Service, but I've been so busy commercial fishing that I haven't had the opportunity, so I'd...
appreciate it if you bear with me just a little bit on this. 23

I read the minutes from the Federal Board meeting on 24
this proposal and I had the impression that all that was 25
authorized in the taking of these moose was for ceremoni- 26
al purposes. And I don't know if that impression is correct or 27
not and, you know, before you answer I guess I'd preface that 28
with saying that, you know, a major part of the proposal was to 29
provide for some community sharing of those moose. And I had 30
the impression that, you know, that really isn't provided for 31
in this action. And so I'm just looking for some clarification 32
as to what is allowed and what's not allowed under this 33
proposal. I hope I'm clear enough on that.

MR. KNAUER: You're clear enough, but my memory is, as 34
I get older, not as clear as your question. As far as sharing, 35
sharing is provided for in these regulations, throughout, not 36
just for those moose, but for any resource. It allows an 37
individual who takes wildlife to share with other individuals.
That is not a question and, therefore, what this particular -- 38
part of the amendment was that it would allow the taking of 39
five moose for ceremonial potlatches and other ceremonial uses.

I don't remember the exact modifications that the 42
Federal Board -- the additional language, I don't have that in 43
front of me. But I can provide you that information after I 44
get back to Anchorage and go through my notes from the Board 45
meeting.

MR. VALE: Okay, I guess you answered in that it 47
provided for ceremonial potlatches and other ceremonial 48
purposes, which is more restrictive than what the proposals 49
sought. And, you know, I'd like you to know that this action 50
was very positively received in Yakutat and people are very 51
appreciative of this, you know, additional means of harvesting, 52
so I don't want to think that, you know, we're disappointed or 53
anything like that.

And just for the Council Members sake, one of the 56
driving forces behind this proposal when it was submitted was 57
simply to allow people to harvest moose and distribute them in 58
the community, not just under a potlatch, but simply to harvest 59
them and distribute moose in the community. And under the just 60
for ceremonial purposes that's seems to be more restrictive.

So I guess I would simply say that I'm hopeful now that 63
when we get into our proxy hunting proposal that that'll be 64
provided for and that area will be provided for under a proxy 65
hunting type system. So, thanks.
MR. FELLER: Mr. Chairman.

CHAIRMAN THOMAS: John.

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

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

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

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

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

The Federal agencies and the State have appealed that to the Ninth Circuit Court of Appeals, the State appealed it
based upon State's rights. They appealed both the who question 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 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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rights to manage its fish and wildlife resources. So it's a 26
continuation of a number of cases, there's -- the Katie John
case is a consolidation of about six or eight cases, Kluti
Kaah, the North Slope Borough and others.

And one other issue that has also come up since that
time is what they call the where two and where three questions.
And these are being submitted as a petition by Eric Smith
representing -- an attorney representing RuralCap and North
Slope Regional Council and several other groups that request
that the Secretaries issue rule making to extent the
jurisdiction off of Federal public lands onto State and private
lands, so that this program would extend, not just to the
Federal public lands, like the parks and refuges and so forth,
but extend all Native lands and all State land throughout the
entire State.

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

And that rule making is currently going out as a
Federal Register notice sometime this coming year to the public
8to comment on that before any rule making is done. So we
9should see that, I would guess, maybe this fall or early winter
0sometime. And from that Judge Holland will end up with all of
1this information back in his court one of these days, hopefully
2sometime after January, and we would get some kind of a ruling
3at that point to, at least, give us some direction of where
4we're headed on the fisheries questions and the jurisdictional
5question and who's going to do it and that sort of thing, but
6until that happens there's no intent on the part of the Board
7to rewrite the fishery regulation and try to outguess what the
8court is going to come up with.

So we end up in a continuation of a little bit of
9muddled mess there as far as fishery regulations that we don't
1have a very good handle on at this point and don't intend to
2try and straighten out until we know what the court is going to
3tell us. I hope that helps a little bit.

MR. FELLER: Oh, that helps a lot, Norm, yeah. That
6was a big question mark. That you for your elaborate answer
7there.

MR. HOWSE: It's still a question for us, too.
MS. LeCORNU: Can I ask him another question? Unrelated? I was just wanting -- I didn't really understand the legal doctrine of reserved water rights. Is that something the State is -- is that a State position or is that a ......

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

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

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

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

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

MS. LeCORNU: Okay.

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

MS. LeCORNU: Thanks.

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

CHAIRMAN THOMAS: Rich.

MR. DALTON: Mr. Chairman, it kind of interest me about reserving water rights because Glacier Bay was pretty heavy case on Greg Brown's. The State took initiative move saying that they had the water right and also submerged land. Now, 2what position would the Federal take in respect to that -- saying that we would have some kind of a restriction there, so that it would be Federal reserve the water right or is it the State?

MR. HOWSE: I think that's something the National Park Service would have to answer, I don't know the answer to that, Richard. That's outside of our area and I don't have an answer.
MR. DALTON: It's a controversy right now and I think it's more or less a political football in Washington D.C. for making these navigable waters to be a reality so that we could justify our travel between to and fro to the areas. It's quite important that something be done from the Federal perspective point of view.

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

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

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

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

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

(Off record)

(On record)

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

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

CHAIRMAN THOMAS: Okay. That's the best background we
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
be inaccurate, there were certainly a number of people, rural residents, that felt that they did not reflect the spirit of the law, I guess you would say, and so the Federal Board directed its staff to commence the process of reviewing customary and traditional use determinations statewide.

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

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

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

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

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

Each of these studies has -- I mean, it's an evolving process, to some degree they had to be tailored on existing information and other local conditions. The primary focus has not been all resources, but the larger mammals. And if everyone's confused I guess at this point I'll try to answer some questions.
CHAIRMAN THOMAS: Dolly.
MS. GARZA: In terms of the studies, are they looking at areas or people; in terms of the determination?

MR. SHERROD: There's been two different approaches, one has been a community based approach, which has been -- there's some alterations, I'm speaking in generalities, that the Park Service has adopted where you look at community and try to ascertain their uses, regardless of the management unit.

The other approach, the one applied in Kenai, was to take the management unit approach, to look at the areas or the people using the area on the Kenai Peninsula and that became the focus of the study.

In the case of the Kenai Peninsula the people living on the Peninsula also became the only ones that were perceived as being qualified to make a claim for customary and traditional subsistence use of the area, so it was fairly clean cut.

Places on the interior road connected systems tend to be a bit more difficult and I think that we may see some modification of the methods used to accommodate sort of the nature of use patterns in these areas.

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

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

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

They are based on existing information. There is, at this point, no current study that is actually going out and collecting new data, short of public review and comments. And
all these reports are subject to publication, public review comment periods and so on. It's one of the reasons why it takes roughly two years or more to actually bring one from the completion of the planning stage to the actual documentation stage, to final determination.

CHAIRMAN THOMAS: John.

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

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

MR. FELLER: In March?

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

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

The eight criteria, of course, are set up, they're part of the Subpart A process. At least the variables the Board is supposed to examine are defined. The question comes up how do you examine them? When, for example, is the customary and traditional sharing; when does that qualify? Is it half the community; is it three quarters of the community? Is it half of what you take; is it 10 percent of what you take to 90 percent of the community? These are the type of questions that haven't been grappled with yet.
MR. ANDERSON: George, I have a question here. You know Ninilchik was denied their moose for their elders and will this show up in their customary and traditional use, say, for the moose for Kenai?

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

MR. ANDERSON: Um-hum (Affirmative).

MR. SHERROD: That I can't say. The evidence has been presented that, in fact, Ninilchik did -- or the member of the community of Ninilchik have customarily and traditionally harvested moose and shared them. I don't think there's anyone that can say that as a Native community they don't meet the eight criteria which were designed to reflect that pattern. I think in Ninilchik's case, and I'm not a policy maker, so I'm speaking simply as an analytical staff -- staffer, I guess. The question is because of Ninilchik's position as sort of an enclave in a larger, primarily new settlement that has derived there since, you know, since the '70s and '60s, can you qualify all of Kenai, for example, or can you qualify Ninilchik, excluding the rest of Kenai? Those are the type of questions, so I think that it's going to be interesting to see how the Board handles that.

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

MR. ANDERSON: How about the Native community?

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

MR. ANDERSON: Well, to me it seems like that there's a little -- I mean, you are denying the village elders there. And I think basically we are trying -- that's one of the reasons we are sitting here today is that they didn't get their fair share before in the -- (indiscernible-cough) supposed to be the savior of all of the customary and traditional uses.
MR. SHERROD: Well, I wasn't present there, I'm not going to defend the actions or attack the actions that they take. I think that if this is a concern and I think that there is the opportunity, because there is a lot of determination haven't been made, that perhaps an option that this Council can do is send a message to the Board that in your mind when the law talks about a community that that community is not simply and organized town, it's not something that has a mayor, that it could be an identifiable sub-unit within a larger socio-political entity. It could be a community in an urban center that meets the rural definitions. Obviously, Anchorage and Juneau and other places would have problems because they've been determined to non-rural. But in those areas where you have large population centers in rural areas and that you have discernible populations, social units, one of the options this Board has or this Council has is to send a message to the Board that in your determination these social units are communities and should be considered. Does that answer your questions, Mr. Anderson?

MR. ANDERSON: Um-hum (Affirmative).

CHAIRMAN THOMAS: Richard.

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

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

MR. SHERROD: I think the intent of making this presentation is not to imply that the use area of Kenai will impact Southeast. I think the question here is, are the measures that are applied by the Board in determining whether Kenai or part of Kenai, the communities on the Kenai Peninsula, have customary and traditional use or eligibility are the same measures that may be applied to areas within the Southeast. And that's where the input -- where the hope is to obtain input from the knowledge of this group.
As Mr. Anderson pointed out, maybe the sub-communities 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 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
debate some of those things, perhaps, and send those opinions or those views to the Board and, hopefully -- I mean, the determination of, yes, a sub-community should apply, if that was a motion that was sent forward. A motion saying -- a resolution saying 50 percent of the community meets the qualification, we think that that's probably adequate to put them over the hump. And say, yes, 50 percent have had long term use, therefore, you know, that community falls in -- that's the type of determinations the Board is going to have to make here in a few months. And it's not that you have to weigh the evidence on Ninilchik or weigh the evidence on Port Graham, it's that perhaps you have insights into where these cut offs should be.

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

In this case, these studies have gone to the point --
here, as I say, they looked at -- if you took a real
restrictive interpretation of what needed to be met that
basically unless 75 percent of the community could demonstrate
0it, zip there out. On the other spectrum, if 25 percent of the
1community could demonstrate it then, zip, they're in. And
2there were three different sets, you know, a medium study, a
3restrictive study and a more liberal interpretation.

And how these communities would fall out -- it simply
7attempted to shoe the Board and the Southeast Council the
8effects of determining -- or they're setting a standard by
9which a community would meet criteria one, two, three, four,
10five and so on down the line. To date no one has actually
11deliberated that and come out with a finding. The finding
12will, in theory, come this spring.

So the studies are fairly comparable, even though there
6has been some modification to deal with the availability of
7data, cultural difference across the State and so on. The
8eight criteria which provide the focus for which the data has
9been reviewed and basically summarized are the same in all the
0studies. And it's part of the regulatory structure. The
1question at hand here or the unknown -- I'm not going to say
2the question. The unknown is how the Board and the different
3Councils are going to make that cut. At what point do you
4decide that, yes, given factor A we've decided that the
5community meets it.

The other question that is an unknown is, do you say,
9well, they've got four out of the eight criteria, do we say,
10well, they made it on four, but they didn't make it on four, do
11we throw it out? Do they have to qualify on five of the eight;
12do they have to qualify on all of them? It's possible that
13each of these cases will be dealt with regionally, that they
14will be dealt with trying to take into consideration the
15history and the culture of the area, the uniqueness of the
16subsistence uses. That what may qualify a community in one
17part of the state will not qualify in another. Or what might
18just be pivotal -- the transmission of knowledge may be pivotal
19in certain parts of the state and other parts of the state
maybe that won't weigh quite as heavily. I think the Board has
the latitude to make those determinations.

CHAIRMAN THOMAS: Gabe.

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

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

But anyway, something to play with I guess.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: Thank you, Chair. One of the comments
5that this fellow made was the Federal Subsistence Board adopted
6the State of Alaska's regulations. The problem with that is
7the State of Alaska did not recognize tribal entities and
8organizations. And in the more urban communities, such as
9Sitka, we have segments of the community which are tribally --
which function as a tribe. And those parts of the community, feel, are -- should be allowed subsistence use.

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

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

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

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

One thing I was thinking was that at this point that the c&t might be premature. One of the reasons is because the laws that we've been subject to have restricted in many areas and they really altered many practices as what people would recognize as customary and tradition. With the advent of the Federal involvement now they're inviting the community to be more involved in this process and regulation become better designed to suit the different regions.
Perhaps we should wait until we had time to exercise 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, 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?
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 8an to look at some of the definitions, such as, the definition of community. Whether or not there is a Native community 0within 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 3criteria we're happy with instead of using criteria brought 4forward by the State of Alaska that many Native groups have not been happy with to begin with. Thank you.


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
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 traveled 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 don 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.

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

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

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

And the question I have is, you know, last year we were told that the regulation would be up for proposals dealing with fisheries and you mentioned that those studies that were conducted dealt primarily with land mammals and I'm wondering if they dealt with fisheries at all? And the reason I mention this is because, you know, we have fishery resources right now that subsistence users are being denied access to and because the State denied them access to them in their regulations. We have kings and cohos in Southeast; we have steelhead up in the Yakutat area. And I, myself, was looking forward to addressing this area of the regulations so that we can right some of the wrongs that have occurred here in Southeast Alaska. And now, after listening to Norm and the litigation involved and now we don't know when fishery regulations are going to be addressed, I'm quite concerned and that's an area that I feel we need to look at and that we can't wait three years for the Supreme Court to rule, I don't believe. And so I'm real concerned about how fisheries are used here and, you know, at some point I'd like to see us address fisheries management here in Southeast Alaska, so I don't know if it's clear in my question there or not, but how are fisheries been considered in these studies and, you know, when do you think we can take up these fisheries issues?
MR. SHERROD: One of the last of the eight criteria relates to a pattern of use or reliance upon wide diversity of resources, including fish and migratory water fowl and marine mammals. A number of species that are currently not under the management authority of the Board of Subsistence. In conducting the studies the researchers, the research staff, basically has looked at all of the species used.

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

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

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

Does that answer your question?

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

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

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

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

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

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

Speaking specifically to the fisheries study, I think that's still another thing that we've got to take care of after we get through with deciding how we're going to handle some of these big game c&t efforts. And again it goes back to the Katie John effort and how much involvement are we going to have in navigable waters and are we going to have to do c&t for all 70 of the waters of the State of Alaska, that's a mammoth, mammoth effort and taking lots of time, lots of money to do. And consequently I don't see that happening until after the Katie
John lawsuit is settled and that's sometime down the road.

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

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

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

MR. HOWSE: I understand that.

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

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

MR. VALE: Okay, thank you.

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

CHAIRMAN THOMAS: Thank you, Norm. Carol.

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

MR. VALE: The one last comment I guess I have is that there's already been a lot and a lot of studies conducted in
Southeast Alaska here, you know, and there's a great deal of information from the TRUCS, information to -- you know, all the separate studies done by, you know, the Department of Fish & Game, so I don't know how much more studying you really need here for Southeast Alaska. I think much of that work has already been completed.

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

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

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

CHAIRMAN THOMAS: Carol.

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

The eight criteria was put together in 15 minutes. So in that sense, you know, and I think given the time frame they did the best they could do. But with that in context, that has...
been also a source to look at, you know. I think that they'd be the first to say that it would need to be expanded on or it would need to be -- it had addressed all of the issues. They were doing the best they could at that time.

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

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

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

CHAIRMAN THOMAS: Thank you.

MR. HOWSE: Mr. Chairman.

CHAIRMAN THOMAS: Norm.

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

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

But we also need to remember that at that point we start taking a fresh look at not only rural, and making all of the rural determination, but also at the c&t standards and criteria. And Dolly's point that we needed to go back and look at that, some of that happened at that point by getting into an environmental impact statement that took a year and half to two 5 years to complete, between 1990 and 1992, and the final regulations were then passed and put into law.

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

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

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

CHAIRMAN THOMAS: Thank you. Gabe.

MR. GEORGE: That eight criteria was, like you said, was done in very few minutes. It was done on a break, it was
done a break between the Boards (ph) because they needed 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
who gave us or anybody a right to make those cuts?

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

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

MS. PHILLIPS: Okay.

CHAIRMAN THOMAS: George.

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

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

MR. SHERROD: Okay.

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

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

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

(Off record)

(On record)

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

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

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

MR. VALE: We got a couple of hours, so take your time.
MR. GEORGE: If you got pictures it would be great.

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

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

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

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

MS. ROBINSON: Probably did.

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

MR. ANDERSON: Mr. Chairman.

CHAIRMAN THOMAS: Lonnie.

MR. ANDERSON: May I make a suggestion?

CHAIRMAN THOMAS: By all means.

MR. ANDERSON: Being that Mr. Howse stated that this problem that is facing us is three years or four down the line, I would suggest that we go ahead and do our routine business and give us some time to think about traditional -- customary and traditional topics, so that we can do this when we wind down this session.
CHAIRMAN THOMAS: Wait until 14 days before they're due?

MR. ANDERSON: Something like that.

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

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

CHAIRMAN THOMAS: No objections?

MR. ANDERSON: No objections.

CHAIRMAN THOMAS: So ordered. Next meeting.

MS. PHILLIPS: Bill.

CHAIRMAN THOMAS: Patty.

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

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

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

MS. PHILLIPS: Oh, I see.

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

MS. PHILLIPS: Oh, I see.

MR. SHERROD: Mr. Chairman, I have a couple of
qualifications I'd like to make. Clarifications before we totally depart this subject.

CHAIRMAN THOMAS: Okay.

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

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


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

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

Within that body of communities that have demonstrated traditional reliance upon certain resources you may have the event in which the resource stops, falls to a point that it will no longer satisfy the subsistence needs. In theory, you've already said, no sports hunting, the only people that can use this are subsistence, qualified subsistence rural users. However, we got more users than we have resources. At that point we become involved in what we call an 804 process in the Federal Government, which mirror a Tier II process of the
That is something we haven't got into yet, I mean, it's even less defined than the c&t process and it's potentially in those instances it may be down to an individual by individual basis instead of community basis. So if I have a limited number of resources and two communities vying for that same population of resources, it may not be as clean as saying community A gets it and community B doesn't. It may be that these individuals of community A and these individuals of community B are qualified to take those resources and the other individuals are not until the point that that population has recovered and will allow all qualified subsistence users to take those resources.

Does that answer your question, Gabe?

MR. GEORGE: (Nods affirmative)

CHAIRMAN THOMAS: John.

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

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

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

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

However, I've been, you know, chasing fish around with net control gear and everything else and that's occupied my attention and so I haven't got a report prepared, so I'll do the best I can here just verbally to let you know what we've
been doing.

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

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

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

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

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

With the more exclusive type boundary, the community
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
1there was apparently no Regional Council review of these
2resident zone boundaries. You know, part of the Federal system
3is that the Regional Council Advisory Committees and others
4should all have an adequate opportunity to review proposals
5such as this and these resident zone boundaries never were
6reviewed by any of the three Regional Councils that are
7affected in the park. This one and the Southcentral Regional
8Council and the Eastern Interior Regional Council. So I wanted
9to give you the background on that.

With regard to this resident zone for Yakutat, the
2Yakutat Advisory Committee looked at those maps and supported
3the map that was being proposed. And that was in April of '93,
4so we're in general support in Yakutat of the boundaries that
5were proposed for the Yakutat area. And so that's about it on
6the resident zone issue.

Other issues we'll be dealing with in the coming year
0is, as was mentioned by George there, is a customary and
1traditional use study for a number of communities up on the
2Tanana River and I believe this winter we'll be looking at
3making recommendations based on the c&t studies on whether or
4not those communities qualify for subsistence in the park. So
5I guess I will -- I just received those yesterday in the mail,
6so they have been published and they're available. And I have
7read them yet, but I will be going through them and looking at
8them and going with our commission -- discussing them with our
9commission.

On another item of business that the commission has
3been looking at is about several years ago we asked the Park
4Service and the State to do a study of access in the park on
5the modes of transportation used to harvest subsistence
6resources, prior to 1980 when it became a park. And the State,
7I think, has taken up the bulk of that work and they've been
8working on that. I believe they're near a conclusion, I'm not
9sure of the exact status of that.
But with regard to that access study, and how it might impact this Regional Council, the one concern I have presently is that my understanding is that parks allows the use of all terrain vehicles and other motorized equipment on roads and existing trails. And for Yakutat and for use of the park areas there are no roads and not existing trails. People use the beaches and the creeks as their roads and existing trails and they operate an all terrain vehicles up these gravel creeks with no damage to the environment. In order to access meadows and what not to get at subsistence resources. And there were no trails specifically, so I'm concerned about the future use of the park by Yakutat residents and their access being restricted because of the lack of roads and existing trails, so that's something we'll have to look at.

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

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

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

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

MR. VALE: Well, most of the creeks and washes in the region are largely dry, so while they have water during flooding conditions, they're dried up washes, the areas that you would, say, take an all terrain vehicle up. You can't take them up any place else because there's too much brush. It's either brush or muskeg or swamp or something or other and so the means of access was through these dried up washes. Some may have water in them, but primarily it's just operating on gravel and small rocks and stuff like that. And then, of course, the beaches, which are primarily sand.
CHAIRMAN THOMAS: I thought the same thing too. I thought you were killing all the spawning grounds.

MR. VALE: No.

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

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

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

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

CHAIRMAN THOMAS: Patty.

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

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

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

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

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

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

MS. PHILLIPS: Thank you.

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

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

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

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


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

CHAIRMAN THOMAS: I'm not either.

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

CHAIRMAN THOMAS: That would be appropriate.

MR. VALE: And that's tomorrow?

CHAIRMAN THOMAS: Sure. And then we will probably make
some agenda adjustments from the exchange tomorrow for discussion, that kind of thing. We'll decide what -- you know, everything has a potential for action. I'm trying to kill time because we're not going to take another agenda item and I want to break pretty soon. Patty.

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

CHAIRMAN THOMAS: Does it have to be positive?

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

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

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

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

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

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

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

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

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

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

Patty.

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

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

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

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

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

MS. LeCORNU: Mr. Chairman, I just wanted to make a comment on that one statement, commercialization under the guise of subsistence. I'm a commercial user who calls myself a subsistence user because I believe property is available to sell and that's what we've done for our livelihood. For
somebody to say that it's commercialization under the guise of subsistence is wrong, because what, in turn, the State has done is they have given us subsistence under the guise of benevolence and I take offense with their attitudes.

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

MS. LeCORNU: Um-hum (Affirmative).


MR. FELLER: Yeah, Mr. Chairman, I was going to go back to the c&t, customary and traditional, pertaining to the Stikine River, five miles from Wrangell, goes up into Canada, 13195 miles to Telegraph Creek there. And I was alarmed last year when Fish & Wildlife personnel, Rob Willis, talked about there was not customary and traditional use of the resources on the river before 1920 and evidently our whole Stikine Tribe never existed as far as Federal records were or anything.

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

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

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

MS. GARZA: Five thousand years.

CHAIRMAN THOMAS: Huh?

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

CHAIRMAN THOMAS: Fifteen hundred.

MR. NEWHOUSE: They just dated that, Bill, they thought
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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CERTIFICATE

UNITED STATES OF AMERICA

STATE OF ALASKA

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 68 contain a full, true and correct Transcript of the **Southeast Regional Subsistence Advisory Council, Volume I**, meeting taken electronically by me on the 5th day of October, 1994, beginning at the hour of 10:00 o'clock a.m. at Centennial Hall, Juneau, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 10th day of October, 1994.

_________________________
Notary Public in and for Alaska
My Commission Expires: 4/17/96