

SOUTHEAST SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING
October 7, 1993
Centennial Hall
Sitka, Alaska

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COUNCIL MEMBERS PRESENT:

- WILLIAM C. THOMAS, SR., CHAIRMAN
- GABRIEL D. GEORGE, VICE CHAIRMAN
- ANN L. LOWE, SECRETARY
- JOHN F. VALE, MEMBER
- HERMAN KITKA, SR., MEMBER
- JOHN P. FELLER, MEMBER
- RICHARD DALTON, SR., MEMBER
- PATRICIA A. PHILLIPS, MEMBER
- MIM ROBINSON, MEMBER
- LONNIE ANDERSON, MEMBER
- MARILYN R. WILSON, MEMBER
- A. MILLIE STEVENS, MEMBER
- ROBERT A. SANDERSON, SR., MEMBER
- Carol Jorgensen, Coordinator

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272-7515

1 MS. JORGENSEN: Good morning. Today we've got
2 quite a bit to cover. We're going to start, first things
3 first, with the nominations and elections of the Chairman, the
4 Vice Chairman and the Secretary. And at that when that's
5 completed, the Chairman will officially take over.

6 Then the next thing on the agenda, before
7 public comment, is to make sure we've covered logistically all
8 the things you feel comfortable about. Like, if there's
9 anything in the charter you want to go over or the regulation
10 process or anything like that.

11 We have on the agenda today, also, a process
12 where we're going to help facilitate how to write a very
13 strong, effective proposal. And Robert Willis will be working
14 with us to do that. And we have public comment, so we have a
15 lot to cover on the agenda today.

16 So we might as well just get started and go
17 right into the process of the nominations. And what I heard
18 last night is when there's nominations and people are running
19 you'd like just a short comment from them to hear where they're
20 coming from as far as what they'd like to see or a little bit
21 of their background or why they want that position. So it's
22 open for nominations for the Chairman. Ann.

23 MS. LOWE: I nominate Gabe George.

24 MS. JORGENSEN: Oh, I thought you had a
25 question there. Okay, Gabe George is nominated.

26 MR. VALE: Nominate Bill Thomas.

27 MS. JORGENSEN: Bill Thomas is nominated.

28 MR. ANDERSON: I ask that the nominations cease
29 for Chairman.

30 MR. VALE: Second that.

31 MS. JORGENSEN: Motion made and seconded that
32 nominations cease. Discussion.

33 MR. DALTON: Question.

34 MS. JORGENSEN: Question has been called for.
35 All in favor say aye.

36 (Ayes respond)

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MS. JORGENSEN: All opposed, same sign.

1 (No responses)

2 MS. JORGENSEN: Motion carries. I guess I'd
3 like to ask the Council, do you want to have separate votes,
4 like we vote on this right now instead of going into
5 nominations for the Vice Chair and nominations for the
6 Secretary.

7 MR. ANDERSON: Madam Chairman, I would
8 recommend that we do the elections for the Chairman at this
9 time.

10
11 MS. JORGENSEN: Okay, that's what we'll do.

12 MS. LOWE: Madam Chair pro tem, I'd also like
13 for us to pass the closed ballot or paper around so we can
14 write down the name then pass it back.

15
16 MS. JORGENSEN: We'll do it.

17 MS. LOWE: Thank you.

18
19 MS. JORGENSEN: I guess I would like, maybe,
20 Ken Thompson and Jim Kurth to be on the ballot -- count the
21 ballots.

22 MS. WILSON: Carol, we want to hear from Bill
23 Thomas.

24
25 MS. JORGENSEN: That's correct, I'm sorry, I'm
26 rushing ahead here. Bill, would you.

27 MR. THOMAS: You don't do it in the order they
28 were nominated?

29
30 MS. JORGENSEN: Actually we do that, okay,
31 Gabe, would you give us a few words here why you would like to
32 be in the position.

33
34 MR. GEORGE: Sure. I'd like to thank you for
35 the nomination. I believe what I bring to the table is a few
36 years -- six and half years of working with subsistence
37 division and traveling throughout Southeast Alaska, going door
38 to door and talking to the people of Southeast. That's not to
39 say that I know what the people are thinking or what they said,
40 but at least I've been out in the field and talking to them.

41
42 I believe I can represent the Regional Council
43 well at the Board meetings. I know it's going to require some
44 time and I'm willing to give that time. I know it's going to
45 require some cooperation with the Vice Chair and the Secretary
46 and I'd be more than happy to work with whoever is nominated as
47 Vice Chair and Secretary. So thank you for your nomination and
48 your time.

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1 MR. THOMAS: Okay. When I first came to the
2 meeting, I told myself that I wasn't going to be too excited
3 about participating in this in the capacity of Chair, but the
4 more information we got, realizing the field of responsibility
5 that's going to be challenged with this job I bring with me 40
6 years of dealing with subsistence, using subsistence,
7 representing subsistence, trying to defend what's left of it,
8 identifying subsistence.

9
10 And I've got a career behind me with the
11 Federal Government, so I feel like I have some sense of some of
12 the challenges and some of the hoops that the Federal
13 Government has a tendency to pose, no matter what you do. And
14 I think I developed a character to deal with those in a
15 progressive way.

16
17
18 Also the guidance of this body is going to
19 require some severe disciplines, severe commitments and severe
20 cooperations. I think I can facilitate that. I've been doing
21 that for a number of years and if we were already established
22 where a relationship had already been effective, both for
23 subsistence users groups and the people that manage it, I
24 probably -- I wouldn't feel like my experience and capability
25 would need to be involved here. But I really feel like I could
26 represent this body very well, given the opportunity, but I
27 would appreciate your support. Thank you.

28
29 MS. JORGENSEN: Thank you. We will now go to
30 voting process. And if my tally (ph) committee would collect
31 the votes. Council, if you'll notice over to my right here we
32 have a Court Reporter that came in and he has been attending
33 other Regional Councils and his name is Mr. Joe Kolasinski.
34 And he would like for the benefit of the record for you maybe
35 stand up or raise your hand and give your name, going around
36 the table, starting with Bob.

37
38 MR. SANDERSON: My name is Robert Sanderson,
39 I'm from Hydaburg, Alaska.

40
41 MR. THOMAS: Bill Thomas, Ketchikan.

42
43 MR. DALTON: Richard Dalton from Hoonah, Alaska
44 MS. ROBINSON: Mim Robinson, Port Alexander.

45
46 MR. FELLER: John Feller, Wrangell.

47
48 MS. LOWE: Ann Lowe, Sitka.

49 MR. KITKA: Herman Kitka, Sitka.

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MS. PHILLIPS: Patricia Phillips, Pelican.

MR. GEORGE: Gabriel George, Angoon.

MR. ANDERSON: Lonnie Anderson, Kake.

MS. STEVENS: Millie Stevens, Craig/Klawock.

MR. VALE: John Vale, Yakutat.

MS. WILSON: Marilyn Wilson, Haines.

COURT REPORTER: Thank you.

MR. HOWSE: Carol, you want to say something about the coffee here.

MS. JORGENSEN: Oh, thank you. You know, last night we were talking and Jim Kurth made a good comment, he says, bureaucracies being as what they are they'll go ahead and may be put \$7 million on some issue and then they won't pay \$10,00 on very important issues. And one of the things that's not covered for us is the tea and the donuts and the coffee and so Dale has been buying us coffee and donuts and tea and cups and things like that this last two morning, so any contribution is very welcome to help him recoup his monies. And I thank Dale for doing that, it makes it for a nicer morning to have our coffee and have a donut and get going.

UNIDENTIFIED VOICE: Cindy Hartman brought in the other stuff, the homemade, the real stuff, the homemade stuff.

MS. JORGENSEN: I'd like to announce that Mr. Bill Thomas is the new Chairman of the Southeast Federal Subsistence Advisory Council, congratulations.

MR. THOMAS: I want to thank all of you.

MS. LOWE: And can we have him take over now and run the rest of the elections?

MS. JORGENSEN: We can do that.

MS. LOWE: Thank you.

MS. JORGENSEN: Bill, it's all yours.

MR. THOMAS: Where do I start. Nominations are now open for Vice Chair.

MR. VALE: Nominate Gabe George.

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MR. THOMAS: Gabe George is nominated. John. 6

MR. VALE: Move to close nominations.

MR. FELLER: Second it.

MR. THOMAS: Moved and seconded to close nominations. Discussion.

UNIDENTIFIED VOICE: Question.

MR. THOMAS: Question was called, ask for unanimous consent. We don't have a Secretary, so it's recorded that we got unanimous consent. One candidate, Gabe, you're it.

MR. GEORGE: Thank you for your support.

MR. THOMAS: I failed to give you an opportunity to make some campaign comments, Gabe, would you like to say something?

MR. GEORGE: No, that's fine.

MR. THOMAS: Nominations are now open for the office of Secretary. John.

MR. VALE: Nominate Ann Lowe.

MR. THOMAS: Ann Lowe is nominated.

MS. PHILLIPS: Nominated Mim Robinson.

MR. THOMAS: Mim Robinson is nominated.

MS. WILSON: I move we close nominations.

MR. THOMAS: Nominations been moved to close.

MR. VALE: Second it.

MR. THOMAS: Moved and seconded. Discussion. All those in favor say aye.

(Ayes respond)

MR. THOMAS: Opposed.

(No responses)

MR. THOMAS: Okay. We vote for two. How about some campaign comments starting with Ann.

MS. LOWE: I'll do whatever I can, you all know how I've taken notes before and what I've done, so my record will stand on its own.

MS. ROBINSON: Well, most of you know how I've done with note, too. Looks like we'll have a Reporter for the

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1 most part, so I'm not exactly sure what the duties would be 7
2 this time, but a little bit different. But, anyway, yeah, I'll
3 put lots of energy into it.

4 (Off record comments -- votes being counted)

5 MR. THOMAS: Our Secretary is Ann Lowe.

6 MS. LOWE: Thank you.

7
8
9 MR. THOMAS: I want to pledge my support and
10 representation of this Council to all the members. Also my
11 best guidance abilities and listening abilities that those that
12 were elected in other office positions. This is a very serious
13 charge we have as members. We have to respect the process that
14 was used in order for use to get here. There was a lot of
15 competition. You all had to submit resumes of yourself,
16 letters of intent, you had to appeal to somebody to be
17 considered for this appointment.

18
19 We all prevailed in that process. That was
20 just a start. The communities that we represent are sitting at
21 home with all of their hopes, all of their best wishes with us,
22 so we're going to represent them.

23
24 I would like for us to be opened-minded as much
25 as we can. We're going to have differences, that's why there's
26 so many of us. I have established means of offering forums for
27 channeling discussion, dialogue, reaching a point. I'm not a
28 bad shepherd, I keep things focused, keep everybody walking the
29 same direction. Can't hear me?

30 Okay, I'll start all over. No, but anyway, I
31 just wanted to share that with you and we need to get through
32 our agenda. It looks kind of deceiving, it's more involved
33 than it looks. We'll move right into our introductions of
34 Council Charter.

35
36 I spoke with Carol about that for just a second
37 and the charter is located in Section 2 of your manual. I
38 think it's something that we'll be able to read as we go along
39 in this process. I don't know that there's anything in there
40 that we need to anticipate changing or finding out. What's the
41 wish of the Council, do you want to take time to review that
42 before a second? Ann.

43
44 MS. LOWE: Bill, do we need to approve an
45 agenda before we go on? So do we need to do that before we
46 read the charter?

47
48 MR. THOMAS: Not necessarily because this being
49 the first meeting. You approve an agenda and then it gets
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1 cumbersome in trying to do anything else with it. If you want
2 to do that we can do that. If that's the wish of the Council,
3 we'll adopt the agenda.

4 MS. LOWE: I so move.

5 MR. THOMAS: It's been moved that we adopt the
6 agenda, is there a second?

7 MS. ROBINSON: I'll second.

8 MR. THOMAS: Moved and seconded. Any
9 discussion. All those in favor of adopting the agenda say aye.

10 (Ayes respond)

11 MR. THOMAS: All right. Opposed.

12 MR. VALE: Nay.

13 MR. THOMAS: Nay, aye -- the ayes have it.
14 Okay, we've adopted the agenda, so what is before you is what
15 we're going to do today. Okay, we've introduced the charter,
16 do anybody want to spend any time on the charter? John.

17 MR. VALE: I haven't reviewed it yet and I'd
18 like that opportunity, but I don't know if we need to do it
19 right at this time.

20 MR. THOMAS: If there's no objection, how about
21 we -- I talked to Carol about it and it's for information,
22 mostly, and it's a pretty routine charter. Charter is a
23 formality, but I don't want to down play it. Ann.

24 MS. LOWE: Can we take about a five or six
25 minute break, because that's all it'll take to read it and
26 those that are unsure or uncertain about it have a chance to
27 read it while we stand at recess for a few minutes.

28 MR. THOMAS: Six minute recess is ordered (ph).
29 Lonnie.

30 MR. ANDERSON: Mr. Chair, what is expected of
31 the Council concerning the charter?

32 MR. THOMAS: Just to have reviewed it and
33 understand it.

34 MR. ANDERSON: Thank you.

35 (Off record comments -- setting up more mics)

36 MR. THOMAS: Need more time. Okay, everybody
37 had a chance to read it. John.

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1 MR. VALE: Yes, Mr. Chairman, the only concern
2 I have here is that Paragraph 4, it says the Council reports to
3 the Federal Subsistence Board or Chair, who is appointed by the
4 Secretary of the Interior with the concurrence of the Secretary
5 of Agriculture. I believe, at times, we will want to report or
6 would make recommendations directly to the Secretary, so I'm
7 wondering if we need some language in there that recognizes
8 that.

9 MR. THOMAS: I don't share that concern. This
10 is some of the checks and balances that the government uses
11 that I mentioned earlier. If the Council wants to offer
12 something different, I'll be glad to facilitate that. John.

13 MR. VALE: If I could follow that up a little
14 bit. I know issues such as protection of habitat are important
15 to many people and I guess I have a little difficulty
16 understanding how the Federal Board will be much help there.
17 Yeah, I see them more as a regulatory body.

18 For example, while the Secretary of Agriculture
19 is responsible for Forest Service activities, this body may, at
20 some point, want to make recommendations to the Secretary of
21 the Interior and get his support for, you know, dealing with
22 the Secretary of Agriculture for protection of habitat. And I
23 guess I kind of have a question in my mind if the Federal Board
24 is the appropriate place to make those recommendations.

25 MR. THOMAS: Well, just -- not to necessarily
26 argue, but I'll give you an idea what you can anticipate if you
27 chose to do that. If we were to short-circuit the system and
28 submit a proposal directly to the Secretary, it would come back
29 to the Board from them and delay it that much longer. They
30 would say the process calls for you to use the Board. Gabe.

31 MR. GEORGE: Yeah, Mr. Chairman, maybe to go
32 one step further. I believe that it was mentioned yesterday
33 that Secretary on his visit up here is considering some
34 proposals or some changes in the way the Board is going to
35 react in the future. And he's doing it personally via petition
36 and I believe that we can make some changes or we can have our
37 input, you know, sent directly to him because he's not asking
38 the Board, as far as I know, he's going to decide whether he's
39 going to look at fish management -- subsistence management of
40 fish in non-navigable waters and all.

41 And I assume that under six of our charter that
42 we can do that. I think we -- the duties of the Council, one
43 says that we can review, evaluate and make recommendations on
44 proposals for regulations, policies -- which I imagine he's
45 going to make a policy that says and management plans and other
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10 matters relating to the subsistence uses of fish and wildlife
11 So that provision, under six, allows us to go directly to him
12 if we know that something is happening. And rather than go
13 through the Board, who may or may not play a part in that
14 decision.

15 At least that's the way I read it. And I think
16 it's an important issue and it's something that we'll have to
17 bring up here sometime today.

18 MR. THOMAS: Okay. What's the wishes of the
19 Council, do you want to offer an alternative or an addition or
20 a revision? John.

21 MR. VALE: Mr. Chairman, I would move in
22 Paragraph 4 be changed that the Council report to the Federal
23 Subsistence Board -- to the Secretary of the Interior and to
24 the Federal Subsistence Board and the rest the same-same.

25 MR. THOMAS: Did you get that? Got that?

26 UNIDENTIFIED VOICE: Second.

27 MR. THOMAS: Moved and seconded, any
28 discussion?

29 MR. FELLER: Question.

30 MR. THOMAS: Question been called. All those
31 in favor say aye.

32 (Ayes respond)

33 MR. THOMAS: All opposed same sign.

34 (No responses)

35 MR. THOMAS: That motion is carried. I don't
36 know that I'd go so far as to pencil (ph) your existing charter
37 because this will be a recommendation from us that this happen.
38 We don't have the authority to change any language in here on
39 our own. Jim Kurth, help.

40 MR. KURTH: The charter is a document that
41 authorizes this group that is signed by the Secretary of the
42 Interior, with the concurrence of the Secretary of Agriculture
43 and it exists now. It's really not something that's likely to
44 change based on today's action at this time. That charter has
45 to be re-approved every two years and I think what would be
46 appropriate as that charter is re-authorized, and I believe the
47 date of that is on the anniversary of the signing of the Alaska
48 National Interest Lands Conservation Act on December 2nd, '94,
49 that recommendations from this Council on what changes should
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be made to that charter would be appropriate.

11

1 So I think the Council might appreciate to get
2 documents to go up through the Secretary of the Interior takes
3 a long time and likely the most effective way is to incorporate
4 your suggestions when it comes up for recharting in about a
5 year from December.

6 MR. THOMAS: But, in any case, it's appropriate
7 to go ahead and offer recommendations at any time.

8 MR. KURTH: You can certainly make
9 recommendations at any time and I think we just have to work
10 with the system to make sure they're followed through in the
11 most timely and effective manner.

12
13 MR. THOMAS: Thank you.

14
15 MR. KURTH: Yes, sir.

16
17 MR. THOMAS: Okay, is the Reporter in a
18 position where he could read back the language that was offered
19 for consideration to change?

20
21 MS. LOWE: I can do that.

22
23 MR. THOMAS: You can do that?

24
25 MS. LOWE: Yes, as the Secretary, I've got some
26 of this stuff down. John Vale moved that Section 4 be amended
27 to include the language that who the Council reports to and
28 that would be to the Secretary of the Interior and the
29 Secretary of Agriculture.

30
31 MS. WILSON: We need to hear, can you speak up,
32 I can't hear you.

33
34 MS. LOWE: Okay. John Vale moved that Section
35 4 be amended to read the Council reports to the Federal
36 Subsistence Board. The Chair is appointed by the Secretary of
37 the Interior, with the concurrence of the Secretary of
38 Agriculture and also to the Secretary of Interior and Secretary
39 of Agriculture. (sic) And that was seconded and motioned
40 carried 11-0-0.

41
42 MR. THOMAS: Thank you, Ann. Okay, so that's
43 what we've done so far. Is there any other consideration
44 dealing with the charter? Hearing none we'll go on with our
45 agenda.

46
47 I have a couple of announcements. Ann reminded
48 me that in this bag, let me confirm -- this is for the Chair or
49 for the Council? Here's some smoked salmon and it is for the
50

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1 MS. LOWE: Yes.

2 MR. THOMAS: And who provided it, is this
3 yours?
4

5 MS. LOWE: That is provided by my whole family,
6 my husband and children and they're anxious that they get a
7 good report back, so eat and enjoy.
8

9 MR. VALE: Mr. Chairman.
10

11
12 MR. THOMAS: Also, it's been requested that we
13 acknowledge people that aren't on this Council that have been
14 gladiators for subsistence for many years. And the obvious one
15 comes to all of our minds is Mark Jacobs, right here in front,
16 Mark, would you stand up and thank you. Mark has a very
17 encouraging history and knowledge about everything that has to
18 do with subsistence. He's offered existing language that's
19 used in today's processes and approaches. A lot of his
20 techniques and ideas have been incorporated both by management
21 and also by people that are pursuing subsistence and
22 subsistence protection.
23

24 Another individual in this room is Ted
25 Borbridge. Ted was an original member of Southeast Native
26 Education, the Southeast Native Subsistence Commission. He's
27 in the audience today. He brought us some smoked fish last
28 night, that fish that was on a plate was compliments of
29 Mr. Borbridge, his modesty is preventing him from hearing all
30 of this. I thank you, Ted. Give Ted a hand.
31

32 Ted and I have the same hearing score. Also
33 Victor Burgess from Hydaburg many of you know. Victor, also,
34 has put a lot of effort, lot of sacrifices for the sake of
35 subsistence. He's another person that lives and breaths and
36 advocates subsistence all the time, so we want to remember
37 people like that.
38

39 And if any other people, I don't have, come to
40 your mind, please take the time to acknowledge them. We want
41 people to feel like we're complimenting them and not competing
42 with them in this process. Appreciate the reminder, Dan.
43

44 The next on our agenda is a draft Federal
45 Subsistence Regional Advisory Operation Manual.
46

47 MS. WILSON: Mr. Chairman.
48

49 MR. THOMAS: Marilyn.
50

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1 MS. WILSON: I have some questions on the
2 charter. On encouraging local participation in the public
3 process here. Do we used the existing Fish and Game -- State
4 Fish and Game Advisory Committee in our communities?
5

6 MR. THOMAS: Where you reading?
7

8 MS. WILSON: That's Number 6.
9

10 MR. THOMAS: Number 6, encourage local and
11 regional participating in the decision making process affecting
12 the taking of fish and wildlife on public lands within the
13 region for subsistence. I saw a hand raise, is there some help
14 on this from technical people? Part of the charter; encourage
15 local and regional participation in the decision making process
16 affecting the taking of fish and wildlife on public lands
17 within the region for subsistence uses.
18

19 Carol will help with that, thank you.
20

21 MS. JORGENSEN: We encourage all, you know,
22 those advisory systems are out there and if they're meeting and
23 they're up and going, then they're a resource to use and would
24 encourage that very much. I know that they're going to want to
25 know what's going on here -- that communication net. That's
26 why it's going to be real important. All the resources we
27 have, there's nothing excluding, you know, we can use
28 everything that's out there.
29

30 There's Traditional Councils, there's City
31 Councils, there's A&B ANS Camps, there's Tlingit and Haida
32 Community Councils. In any way -- effort, whatever outreach
33 effort you can use, you can use it all. Leave no stone
34 unturned because that's the key to this participation -- public
35 participation, making sure that everybody's doing -- that they
36 have a part in the process, that their voices are being heard
37 and that there's some ownership and responsibility in this
38 whole process.
39

40 MR. THOMAS: Thank you, Carol. Okay, Marilyn?
41

42 MS. WILSON: Yes, that's fine.
43

44 MR. THOMAS: Thank you. Did we have it before?
45 Oh, don't look for it, you don't have it.
46

47 MS. JORGENSEN: Mr. Chairman, the draft manual
48 is still being drafted, as I understand, Mr. Bill Knauer has
49 been working on this manual and it should be forthcoming very
50 soon, but there's still some crinks (sic) in it that he's

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working out. So as soon as we get the draft manual we will get it out to you immediately so that you have input on the manual.

It will be in draft because we want your comments and we want your suggestions and ideas. And so that will be forthcoming, is that right, Jim? Am I correct on that?

MR. KURTH: Yes, that's correct. One of the things we're trying very hard to do is to have documents that we feel are complete enough for you to begin working on. We don't want you to review multiple drafts and we just really didn't feel like we had a product that was ready for you to spend time looking on (ph), but we certainly plan on you being a very integral part of approving an Operational Manual for the Council.

From what I understand -- let me just add one thing. You may see us not talking as much today and we're here to help you, but the way we're used to operating now that this discussion belongs to the group, if you have a question of us, if you can direct it to us, otherwise, we're going to try to let you all do your business.

It's not like we're abandoning you as you look to us, unless you ask us a question, we'll try to let you all decide when you want our help.

MR. THOMAS: We appreciate that, we understand that. We thank you for your reminder and thank you for your all being here.

Okay, so we don't have a draft manual. Okay, our agenda calls for a recess for lunch and we've adopted the agenda. In order to change it we've got to have a suspension of the rules.

MS. ROBINSON: Mr. Chair, from yesterday's -- on the agenda, one thing we never finished, that was never done yesterday is the subsistence hunting and fishing regulations. How to change regulations, et cetera. Would it be out of line if, you know, finish something that was never done yesterday? It's still on the agenda.

MR. THOMAS: It would be out of line if you didn't ask for a suspension of the rules. A simple request to suspend the rules will accommodate that.

MS. ROBINSON: Go it, so moved.

MR. FELLER: Second.

MR. THOMAS: Okay, a request for suspension of the rules has been requested.

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15 MR. THOMAS: Hearing no objection so ordered.
Okay, Mim, would you guide us through on that because I'm not following exactly

1
2 MS. ROBINSON: It's on the first page of the
3 agenda.

4
5 MR. THOMAS: Okay. Identification of regional
6 issues?

7
8 MS. ROBINSON: Under the 9:00 o'clock section,
9 Subsistence Hunting and Fishing Regulations. How to change
10 regulations, role of the Regional Advisory Council and
11 regulatory processes. What are requests for reconsideration,
12 special actions.

13 MR. THOMAS: Okay, that -- you want

14
15 MS. ROBINSON: I don't know what the staff had
16 in mind with that, but I just know that we never did anything
17 with it.

18 MR. THOMAS: I see.

19
20 MS. ROBINSON: I think we

21
22 MR. THOMAS: We weren't able to because of the
23 way it was designed. It's a good point.

24
25 MR. WILLIS: Mr. Chair.

26
27 MR. THOMAS: Yes.

28 MR. WILLIS: It's my program where I would
29 normally make a presentation to the group on how to put
30 together proposals.

31
32 MR. VALE: Can't hear you, can you speak up?

33 MR. WILLIS: Sorry, John, I was just advising
34 the Chair that that was my end of this program where I would
35 normally make a presentation to the group concerning what needs
36 to be done (indiscernible).

37
38 MS. STEVENS: Can we have that at this time,
39 Mr. Chair?

40
41 MR. THOMAS: We certainly can.

42
43 MR. ANDERSON: Mr. Chairman, down at 1:00 p.m.
44 we have development of regulations and proposal, is that -- are
45 we duplicating?

46
47 MR. THOMAS: Well, are you going to guide us on
48 how we can do this or we going to do some actual developing?
49
50

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16
1 process and the kind of information that's needed and then if
2 you so choose to develop some proposals today, that is, if you
3 have an issue that you're all in agreement to -- and you have
4 the information available to you, to write a proposal you can
5 certainly do that today.

6 This first meeting was visualized as an
7 organizational meeting where everybody came to me with the
8 process and it was our hope, then, that you would develop
9 methods of communicating between meeting because obviously you
10 can't do all of your work with two meetings a year.

11 And to also solicit input from your
12 constituents in your communities and develop proposals from
13 that information. And also to help them in submitting
14 proposals, not only to you, but also to us, to the Board, and
15 so forth.

16
17 MR. THOMAS: Okay. I appreciate your doing
18 that and I appreciate Lonnie's remark because I think we should
19 not go any further without reminding you folks that this is an
20 action packed Council. That when it says develop it, we're
21 thinking development, see, but if we're going through a process
22 of familiarization at this point, I would be glad to do that,
23 we need to do that.

24
25 But see the development suggests that we do
26 something and we're ready to do that. Whether it's right or
27 wrong we're going to do that, see? But given the opportunity
28 of your taking us through what's anticipated and giving us some
29 dialogue will be very beneficial.

30
31 I didn't mean to challenge the development of
32 regulation proposal, I just thought I'd explain some because
33 when I said we're action packed, everybody here is used to
34 those kinds of things on the agenda and everything is taken
35 very literally. Nothing is very suggestive to us.

36
37 MR. WILLIS: I understand.

38
39 MR. THOMAS: Thank you. If you would proceed.

40
41 MS. LOWE: Mr. Chair, would you have repeat his
42 name, again, please?

43
44 MR. WILLIS: My name's Rob Willis, I'm a
45 wildlife biologist with the U.S. Fish and Wildlife Service
46 Subsistence Management office in Anchorage. A big part of my
47 job is to review the proposals that come in the office and make
48 recommendations to the staff media (ph) and through them to the
49 Federal Subsistence Board on the impact that this proposed
50

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1 The Board demands a great deal of information
2 before they will make a decision on changing a regulation and
3 for this reason a form was developed for the proposal and for
4 your use, which you have in your books and I also have extra
5 copies in the room. It looks like this, I think the ones in
6 your book may be a different color.

7
8 This says at the top: Instruction for
9 Completing a Proposal Form. And there are two or three pages
10 in the back and -- just one page, I guess, and the proposal
11 form and attached to that are a couple of sample proposals from
12 previous years.

13
14 The biggest thing you need to be aware of when
15 you're submitting a proposal is to be as specific as possible
16 as to exactly what you want changed within the regulation. We
17 get several proposals every year which say something like we
18 think the deer season should be longer, period. Well, that
19 doesn't give us a whole lot to work with.

20
21
22 So taking that as an example, the questions
23 that need to be asked are: if you think the deer season needs
24 to be longer; how much longer? A month, a week, 10 days and so
25 forth. Does it need to be extended on the late season end or
26 on the early season end? Does it need to be moved entirely?
27 Is there some reason that a particular hunting season doesn't
28 correspond with your customary and traditional harvest times?
29 Perhaps there's a problem with preserving meat at certain times
30 of the year in a particular unit.

31
32 So this is the kind of information that we
33 really need. It isn't enough just to say that something needs
34 to be changed, we need to know specifically what needs to be
35 changed; to what extent it needs to be changed. And also why
36 it should be changed.

37
38 Just to run through the instructions a little
39 bit. You need to quote the regulation that you want changed,
40 specifically. And then you need to rewrite the regulation the
41 way you think it should read. We need to know why you think
42 this needs to be changed. And then, most importantly from my
43 standpoint, as the wildlife biologist reviewing these, what
44 impact will this change have on the wildlife resources that
45 we're all concerned with.

46
47 From the cultural standpoint, these proposals
48 are also reviewed by our Social Sciences people. They need to
49 know how this change will affect subsistence use within the
50

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community. And also how it will affect any other user groups18
who may be involved.

1
2 On top of this any other additional information
3 that you might have would be most appreciated. As I said, the
4 subsistence -- the Federal Subsistence Board demands a
5 tremendous amount of information before they'll make a
6 decision. And if this information is not available, rather
7 than make an error, they will typically not deal with the
8 particular issue. It will never make it to the table, so to
9 speak. As Norm said yesterday, once something is on the table
10 it will be dealt with.

11
12
13 But if there's insufficient information and
14 we're unable to contact the people who initially submitted the
15 proposal and obtain the information that we need then it's just
16 impossible to evaluate the impacts. In some cases we read the
17 proposal and we can't really tell what it is that the person
18 who submitted the proposal really wants. Sometimes they will
19 confuse Federal regulations and State regulations. And that's
20 very easy to do, I've become confused myself. We have two
21 books full of regulations now that we have to deal with.

22
23
24 Part of your job, as we see it, is to work with
25 the people in your communities who want to submit proposals or
26 changes to the regulations. Use this form, take these forms
27 with you and get them filled out, work with the people to get
28 the information to go on these forms and also always use the
29 local talent that's available to you in the form of Forest
30 Service biologist, Park Service.

31
32 The Fish and Wildlife Service doesn't have
33 anyone in the Southeast Region, but I'm available to you in the
34 Anchorage office. I encourage you to contact these local
35 people because as most of them spoke yesterday said they're
36 here and they're perfectly willing to help you. They can
37 provide you with a lot of background information.

38
39
40 They can also guide you and perhaps point out
41 some problems with a proposal that you might not be aware of.
42 So you can always -- you can contact me directly in Anchorage
43 and I'll give everyone a business card before I leave, but as I
44 say, your local people should be your first contact because
45 that's where I'm going to go when someone contacts me with a
46 question.

47
48 I cover all of Southeast Alaska, South Central
49 Alaska, Kodiak and the Aleutians. Obviously, I can't be an
50

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expert on everything within that area. And I lean heavily on
the local biologist to supply information to me.

1 Millie, are you trying to ask a question?

2
3 MS. STEVENS: No.

4
5 MR. WILLIS: Okay. Your hand was moving over
6 there, I couldn't tell if you were trying to get it up. This
7 might be a good point for questions if anybody has one.

8 MR. THOMAS: All right. Did you guys have a
9 chance to follow along in your book and do you have any
10 questions with the process? Patti.

11
12 MS. PHILLIPS: They asked for what existing
13 regulation and so you have to give the exact little, you know.

14
15 MR. WILLIS: Yes, you do.

16
17 MS. PHILLIPS: So how do you title it? I mean,
18 'cause it's a whole lot of little sections here so you want?

19
20 MR. WILLIS: Well, where it says, what
21 regulation do you want changed, you write in the entire
22 regulation which will start with a number usually.

23 MS. PHILLIPS: Okay.

24
25 MR. WILLIS: I don't have the regulation book
26 handy.

27
28 MS. PHILLIPS: You got A, B, then you got Roman
29 numerals, then you got

30
31 MR. WILLIS: Are you looking at the Federal
32 Register?

33 MS. PHILLIPS: Yes.

34
35 MR. WILLIS: The easiest way to do this is to
36 use (ph) what we call the Handy Dan book, you know, the one
37 that has the picture on the cover.

38 MS. PHILLIPS: Oh, the big book?

39
40 MR. WILLIS: Right, the one that Gabe has next
41 to you there. That's the one that most people work with. This
42 one.

43 MS. PHILLIPS: We are asked to comment on the
44 proposed rules? So how do we go about it? It wouldn't be in
45 the big rule book because it's a proposed rule. And I have
46 comment on that, so it would be in the big book because it's a
47 proposed rule. See what I mean?

48 MR. WILLIS: I see what you mean, I don't quite
49 know how to answer your question. I might have to get some
50

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comments from Jim on the proposed rule.

20

1 MR. THOMAS: Where you at, Patti?

2 MS. PHILLIPS: I'm wondering -- what I'm
3 wondering is I would like to comment on a proposed rule, how
4 would you fill out a proposal form for a proposed rule?

5 MR. WILLIS: Jim, can you comment on that?

6 MR. KURTH: Sure. The way our system works is
7 the proposed rule actually is published in the Federal
8 Register. I believe you all have that in front of you.

9
10 MS. PHILLIPS: Right.

11
12 MR. KURTH: Now, generally what we do is start
13 with the last years regulation, we publish them again in total,
14 as a proposed rule asking for changes. In the proposed rule,
15 however, there generally are a few modifications that we're
16 proposing on our own. Most of them are technical corrections,
17 administrative things, sometimes they're resource that's
18 used (ph) and they're outlined in that Federal Register
19 proposal what are actually different from the preceding year.
20 And I think that's described in the materials that you have.

21
22
23 There are some proposed changes this year. I
24 can go into detail if you want. The most important one is that
25 this year's proposed rule does not contain any fishing
26 regulations because we're proposing to change the regulatory
27 year for fishing to start and coincide with the calendar year
28 rather than changing fishing regulations right in the middle of
29 the summer.

30
31
32 So that's a big difference, they'll be a new
33 proposed rule on fishing regulations coming out sometime over
34 the next few months. There some changes in definitions of fur
35 animals, fur bearers, things like that. If you want to look at
36 those, you know, a few things that are proposed as changes, we
37 can go into detail on those, but by and large, the seasons and
38 the bag limits that are in that Federal Register proposed rule
39 are very, very similar, in most cases identical, to what's in
40 the popular version of the regulations.

41
42 MS. PHILLIPS: So I have to go to the big book
43 to find -- excuse me.

44 MR. THOMAS: What -- I kind of following along,
45 too, Patti. What is it you'd like to do again?

46
47 MS. PHILLIPS: Well, I'm trying to figure out
48 how to title the -- how to give the numbers. They want number,
49 unit

50

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1 MR. KURTH: This is an area where Carol can be
2 of great assistance to you. If you know, for example, that you
3 would like to change a particular deer season in a particular
4 unit and Council can tell us that, Carol would be more than
5 happy to facilitate whether in Section CB 2 or all those
6 numbers. Don't let that be a stumbling block, we can help you,
7 you know, find the correct section in the proposed rule and
8 work with you there.

9 I think what's important is to review the
10 seasons, the bag limits, the methods and means that are
11 authorized and see whether or not there are problems in those
12 regulations that you would like to propose a change to. And
13 then we could work with you to get it in the right format.

14 MR. THOMAS: But I think Patti is really,
15 sincerely interested in understanding that process. And the
16 best -- I've tried this myself, Patti, and the instructions I
17 got from -- mine had to do with fisheries for -- I was trying
18 to offer a proposal to include set netting in a drift net area.
19 And so I was instructed to find that reg in the book, identify
20 it by number and then the title and then so that whoever got
21 that proposal could make reference to what I would like to
22 change. And then use the same number, same title with
23 different language. Is that kind of what you're asking?

24 MS. PHILLIPS: Right. And it's not in this
25 book.

26 MR. KURTH: That's correct. To get those
27 numbers you do have to go to the actual regulation.

28 MS. PHILLIPS: Okay.

29
30 MR. THOMAS: Mim

31
32
33 MS. ROBINSON: From looking at the samples in
34 our notebook here, there's two different types. One of them
35 was not accepted by the Subsistence Board, but there are --
36 looks like there's two different ways of filling out these
37 forms. One uses the numbers out of the proposed regulation
38 book. The other one uses the wording that's used in this
39 picture book here.

40
41 Another concern I got would be is when I look
42 at this proposed regulation, you know, from the Federal
43 Register, I have absolutely no idea what has been changed;
44 what's been added; what's been deleted and that has always
45 irked me with the Federal Register. When I see that it makes
46 me just want to throw it in the garbage because people don't
47 have time to read through the whole thing.

48
49
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1 It would be so much nicer if there was brackets
2 and underlining just like any other -- I mean, that's a
3 traditional method of showing people what's different. And if
4 we need to do a proposal to have that changed, make a
5 recommendation or if maybe Jim can speak to that and tell us
6 why that's not done. Maybe there's a regulation that prohibits
7 that from happening. Let's stump the people as much as we can.
8 But maybe Jim can say something about that?

9 MR. KURTH: Actually it's not as bad as it
10 seems once you kind of understand the Federal Register a little
11 bit. God forbid that you do, I mean, I don't want to turn you
12 all in to bureaucrats. But the way Federal regulations are
13 drafted you'll see in the front section of the Federal Register
14 document what we commonly call the Preamble and that's a bunch
15 of discussion that precedes the actual proposed regulation.

16 And in the proposed rule you'll see there on
17 the second column that starts with: supplementary information.
18 If you work your way down you'll see a few bold (ph) type
19 statements. Those are the things that are proposed in this
20 rule that are different than last year. Those are the only
21 things different.

22 And that discussion that precede is basically
23 tries to describe the essence of what this proposal would be
24 changing in the regulation.

25 MS. ROBINSON: That's very useful, but I can
26 see that brackets and underlining would be even more useful.
27 Anything that clarifies an issues is beneficial to
28 communication. So would it be helpful if the Council made a
29 recommendation. Who would we make the recommendation to; the
30 Secretary? I mean, how do you go about changing something like
31 this?

32 MR. KURTH: When you're talking about the
33 Federal Register, I don't mean to be overly bureaucratic, but
34 this document is used to publish and notice the entire nation
35 on everything the government does. And they got rules and
36 formats that I wouldn't say are impossible to change, but I'd
37 run like a bandit in the other direction than try to change it.
38 I mean, they really -- because of the multitude of different
39 offices that this document goes to, to actually change formats
40 is an awfully difficult thing to do.

41 MR. THOMAS: Ann.

42 MS. LOWE: Well, that may be the case, but in
43 this case we're talking about direct help for the Council
44

45
46
47
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1 members, so when you prepare out Register and send it to us, 23
2 would prefer that you do what Mim is suggesting because that is
3 a big help. For years and years we have been accustomed to how
4 that works, there's no reason why you can't do it specifically
5 for us at our request or staff help. And I think that's
6 something -- I mean, I would assume all we have to do is
7 indicate to you that that's what we wish and that's what will
8 happen for us.

9 I don't know about the rest of the public out
10 there, but I know for us, we're all busy, we'd like to have
11 some history, we'd like to have some background, we'd like to
12 see what it was like before because may be it's better, may be
13 it's not, but if you'll do that, like the State will do when
14 they come out with some of their regs, they underline and they
15 put -- we have a clear understanding of where it was and where
16 that proposal is trying to take it. And it may or may not be
17 good, but that helps us a lot and that's what Mim, I think, is
18 trying to point out.

19 And I think as a Council -- you've indicated to
20 us over and over you don't want to make us bureaucrats, so
21 we'll hang for that and request that kind of thing for Council
22 members on their Registers in their packet, whatever.

23
24
25 MR. KURTH: What we can do, if you want it --
26 after you get the first one you may decide you don't want it,
27 is we can't change how the Federal Register publishes their
28 document, but internally, often times, we'll take a computer
29 generated copy of last year's regulations, the computer will do
30 a red line, strike out, of the changes. And, you know, we use
31 that internally for drafting regulations, but when you printout
32 those double spaced copies this, what appears to be a lengthy
33 Federal Register document will grow to about, you know, an inch
34 thick. If you want that, we can share that with you. I mean,
35 you know, we have that kind of in-house document.

36 MR. THOMAS: You know, these are outstanding
37 points that are being discussed here. Everybody here has been
38 told, at some point in their life, well, you have to write it
39 so the government will understand what you're trying to say.
40 So we're asking for the same courtesy.

41 MR. KURTH: Right.

42
43 MR. THOMAS: See, communications has to be a
44 two-way dialogue and so in order for them to make it like so we
45 can understand it, if we don't understand it it's really of no
46 worth for them to provide that to us. So I think what they're
47 asking is very valid and if there's some way, internally, you
48 can facilitate enhancing our ability to identify and
49 understand, I think that's what we're asking.

50

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1 MR. KURTH: I just want to assure you that when
2 you have things that you want changed -- you know, the format
3 will not be a barrier. We'll assure you we'll help you to get
4 it in the format -- I can't imagine this Council ever having a
5 proposal for change denied because it wasn't in the right
6 format. We'll make sure before it gets to the Board that those
7 we'll overcome (ph).

8 If you want redline and strike outs, other
9 copies of this stuff, we can generate that for you. I think
10 may be we just felt utility (ph) is pretty marginal because it
11 becomes a very cumbersome document to work with.

12
13 MR. THOMAS: Richard.

14
15
16 MR. DALTON: It appears to me that if we do any
17 changing in this proposed regulation what, I guess, the Board
18 would first (ph) to hear is something that can be workable and
19 something that we can all live with. In order to do that, we
20 have to identify a proposed regulation and where it should be
21 changed then the communication will probably be forthcoming in
22 the future. Then we understand each other, what we're talking
23 about.

24
25 I think it's important that we do recommend
26 certain proposals in order to change it so that it could be
27 workable, livable. Thank you.

28
29 MR. THOMAS: John.

30
31 MR. VALE: Mr. Chairman, I have to apologize to
32 you and the rest of the members, but I've lost track and I
33 don't understand where we're at and I was wondering if maybe we
34 could get a two minutes break so Ann or somebody could clarify
35 it for me?

36 MR. THOMAS: Well, I think I'll charge Mim with
37 the clarification part of it. And if she can draft Ann into
38 swearing to her statement, I think we could do that, so, Mim,
39 if you would be so kind.

40
41 MS. ROBINSON: Well, we were on the agenda.

42
43 MR. VALE: I mean specifically on what we were
44 talking about.

45
46 MS. ROBINSON: With this particular thing?

47
48 MR. VALE: Yeah, what the problem is in the
49 language there. I'm lost there.

50

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1 MS. ROBINSON: Okay. When I read through here
2 and I did read the Preamble and it does say things like, these
3 are the kind of changes that are being dealt with in here. It
4 doesn't say where in here those changes occur. At least,
5 sometimes it rather hard to find in all the muddle. The
6 outline system that is used in the Federal Register I find very
7 confusing, it's taken me years to learn how to work with these
8 things.
9

10 So what I am asking for is a Federal Register
11 that makes it easier for a person to use it. And I have found
12 over the years that the system that the State uses of brackets
13 and underlining -- words in brackets are the ones that are
14 being deleted, those that underlined -- words underlined are
15 one being added. If that were used in the Federal Register it
16 would make it so much easier to know what is being changed and
17 how. If we can actually change the Federal Register, I think
18 that would be marvelous, can you imagine the impact this
19 Council could have on the nation? You know, I mean, why not go
20 for it.
21

22 But, I mean, if we just want to just drop the
23 ball, you know, not make history then we can just work on our
24 own Alaska federal utility and get them to change how they deal
25 with the local citizens. I just think it would be great to be
26 able to understand what I'm reading, easily, quickly. You
27 know, we're all busy people and anything to make it easier is
28 beneficial.
29

30 Does that help?
31

32 MR. VALE: Thank you, yes.
33

34 MR. THOMAS: Carol has some help for us on that
35 too.
36

37
38 MS. JORGENSEN: Oh, I agree with you, Mim, if
39 we could make history, that would be super because this is a
40 battle for all of us and, I think, including working with the
41 regulations. Are you talking to, more, about, you know, here
42 we have it outlined and lifted from the Federal Register, the
43 proposed Federal regulation changes that U.S. Fish and Wildlife
44 had put out. And they pulled it out of the summary and that's
45 what this blue sheet is.
46

47 MR. THOMAS: Section 5.
48

49 MS. JORGENSEN: Yeah, Section 5, it's right in
50 front there. You would like something more than that?

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MS. ROBINSON: Yes.

1 MS. JORGENSEN: Okay.

2
3 MS. ROBINSON: I wish I had a copy of the State
4 proposals. A chalkboard. I'll pick something out of the
5 Register. Well, let say if we're using Federal Subsistence
6 Board -- let's say if you want to change what Federal
7 Subsistence Board is called and we want to just call it
8 Subsistence Board. Somebody makes a proposal to do that. When
9 the proposal come out you would have the word Federal in
10 brackets then you would have Subsistence Board afterwards.

11
12 Okay, let's say you wanted to add a word.
13 Let's say you wanted to call it National Subsistence or let's
14 say Alaskan Subsistence Board. So we would be taking out
15 Federal, so you'd have that in brackets, then you'd be adding
16 Alaska, so you'd have that underlined, and then you'd have
17 Subsistence Board in regular writing.

18
19 So that means when I'm looking through here, I
20 would see -- if I saw brackets I'd say, ah, that's something
21 that's being deleted. If I see something underline I say, ah,
22 that's something that's being added. If I don't see any of
23 those I know nothing as been changed in that particular
24 regulation.

25
26 MR. THOMAS: Thank you, Mim, that might be a
27 bit practical for the people were dealing with. But I think it
28 makes good sense and I appreciate

29
30 MS. ROBINSON: It's a common system.

31
32 MS. LOWE: Yeah.

33
34 MR. THOMAS: your illustration. Ann.

35
36 MS. LOWE: I got a question while we're doing
37 the questioning on this. Looking at the examples and so forth,
38 I see reasons for change, effective proposal stuff, which is
39 essentially how the State sets up there -- so did you draw it
40 from the State, basically?

41
42 MR. WILLIS: Right.

43
44 MS. LOWE: Right. Okay. I noticed that most
45 of the statements done and so forth are real short or
46 abbreviated, I mean, there's not any real explanation except on
47 the one example that you guys got quite lengthy on. Is this
48 going to be acceptable in this form without any supporting
49 evidence? I mean, you're going to take it from the public that
50

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way, but it's not going to come out of the Council this way? 27

1 MR. WILLIS: I'm glad you asked that, Ann,
2 because I didn't pick this example. And if I had been picking
3 one I would have picked one that had a much more lengthy
4 discussion. You're right, I don't like that particular
5 example. I think it's very short on information. We think
6 this; we like that; you know, this really doesn't give the
7 Board anything to work with, doesn't give us anything to work
8 with either.

9
10 MS. LOWE: And, basically, the Council when
11 they do their's, they're not going to abbreviate their stuff,
12 they're going to have a body of evidence that goes with it.

13
14
15 MR. WILLIS: The more information that you can
16 give us, and through us the Board, to work with the better off
17 you'll be. The Petersburg/Wrangell Stikine moose business was
18 a good example. There was, when people started sending in,
19 there was a lot of background to include both communities in
20 that moose hunt. And on the other hand, Gish (ph), you
21 probably weren't at the Board meeting -- the Kenai Peninsula
22 customary and traditional use came up and the opposite is true
23 there.

24
25 There was a request for a -- I mean, hunt down
26 there, but there was simply no documentation available, other
27 than one or two people who really did not represent the
28 majority of their community even, saying we need to do this or
29 our ancestors did this in the past with no supporting
30 documentation whatever, and that failed.

31
32 MR. THOMAS: Now, I need to get one thing clear
33 here. In our reporting to the Board, that'll be done -- the
34 majority of that will be done in the form of proposals, is that
35 correct? Recommendations? There's not much reason to talk to
36 them if we don't have something to recommend.

37
38 MR. WILLIS: You can develop proposals on your
39 own, either individually or as a group, you can assist the
40 members of your community in developing their proposals. All
41 the proposals will be put together in a book and you will be
42 given that book of all the proposals within the State of
43 Alaska. You'll be given that November the 10th and you'll have
44 the opportunity to comment, to develop your own recommendations
45 on those proposals.

46
47 MR. THOMAS: Okay.

48
49 MR. WILLIS: And you also, later in the years,
50

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when our staff has completed its analysis of these same 28 proposals, we will give you, at least, a preliminary draft -- we're usually working right up to the last minute when the staff committee of the Board meets, but we will give you, at least, a preliminary draft of our assessment of those proposals. So you'll have that to look at as well as the proposals, themselves, in order to come up with your own recommendation.

MR. THOMAS: So as far as submitting proposals, then, that'll be done, what, on an individual nature?

MR. WILLIS: It can be done individually, it could be done as a group. If this group agrees on a proposal to a regulation change that they would like to see implemented, they can draft a proposal and recommend it themselves. And the recommendation of a Council will carry more weight than those submitted by an individual.

MR. THOMAS: Okay.

MS. PHILLIPS: Then you'll go to great lengths, if regulation numbers, with parenthesis and alphabets and Roman numerals are questionable, you'll go to great lengths to try to figure out just exactly what that person is trying to, you know, trying to get at?

MR. WILLIS: Yes.

MS. PHILLIPS: Good.

MR. WILLIS: That eats up a lot of time, which is everybody's time is limited and that's one reason we encourage everybody to be very specific about which regulation they want changed and why they think it needs to be changed, so that we don't have to try to run down the author by telephone, maybe -- you know, who may not even have a telephone to try to find out what they really meant, which regulation they really want to change. We do that, you know, we have to do that every year, but we hope through the Council that we'll be able to eliminate some of that.

MR. THOMAS: I think -- Mim, you had your arm up too, yeah.

MS. ROBINSON: Yeah, I'd like to make a motion and first I'd like to refer to everyone to Page 46679 in the proposed regulations. The one that's got the letter in the front of it. 46679, it's towards the front. In fact, it basically the second page there. The lower right hand side, under Conformance With Statutory and Regulatory Authorities.

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1 MS. LOWE: Wait just a minute, Mim. What
2 section?

3 MS. ROBINSON: It's under the section entitled:
4 Conformance With Statutory and Regulatory Authorities,
5 Paperwork Reduction Act.

6 MS. LOWE: Right.

7
8 MS. ROBINSON: Everyone sort of getting there.
9 It's the next page over from the Preamble. Okay, what I've
10 got highlighted is in the last paragraph, about the middle of
11 the paragraph it starts with the word: "Direct". "Direct
12 comments on the burden estimate or any other aspect of this
13 form to: Information Collection Officer", et cetera.

14
15 What I'd like to do is make a motion, and I've
16 got it written out for you, Ann, here.

17
18 MS. LOWE: Oh, thank you.

19
20 MS. ROBINSON: I move that the Council write a
21 letter to the Information Collection Officer in Washington
22 which requests that all future Federal Registers contain
23 brackets and underlining to show changes in the Registers.

24
25 MR. DALTON: I second the motion.

26
27 MR. THOMAS: Moved and seconded, discussion.

28 MS. LOWE: Who second it?

29
30 MR. THOMAS: Richard.

31
32 MS. PHILLIPS: Can she read back that again,
33 the motion?

34
35 MR. GEORGE: Can you identify the column and
36 paragraph, too again, if you would?

37
38
39
40 MS. LOWE: We're on 46679 and it's in Section 5
41 of your manuals and it's in the Register in the proposed that
42 reads, 36CFR, Part 242 and the section that we're looking at is
43 under Paperwork Reduction Act, which is the last section in
44 46679, in the middle of the paragraph, last paragraph. Mim
45 brought our attention to the words: "Direct comments on the
46 burden estimate or any other aspect of this form to:" and then
47 it gives an address and Mim's motion is that Council write a
48 letter to the Information Collection Officer in Washington
49 which would request that all future Federal Registers contain

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brackets and underlining to show changes in the Registers. 30

1 And that's seconded by Richard Dalton. The
2 Secretary needs to ask for clarification on the motion. Will
3 you identify what the brackets will mean and what the
4 underlining will mean in your motion?

5 MS. ROBINSON: Brackets would mean -- would
6 identify words that are being deleted, underlining would
7 identify words being added.

8 MS. LOWE: Thank you, Mr. Chair.

9
10 MR. THOMAS: Any discussion?

11
12 MR. FELLER: Call for the question.

13 MS. PHILLIPS: That would be in proposed rules
14 to the Federal Register, her motion? Or would that be in

15
16 MR. THOMAS: Would you talk in your mic,
17 please?

18 MS. PHILLIPS: Her motion pertains to proposed
19 rules? I'm trying to clarify this. Is that proposed rules?

20
21 MS. ROBINSON: Yes.

22
23 MS. PHILLIPS: Okay.

24
25 MR. THOMAS: Any more discussion. Good motion,
26 good discussion.

27
28 MR. FELLER: Question is called for.

29
30 MR. THOMAS: Question is called for. All those
31 in favor, signify by raising your right hand. Everybody's
32 sure. Those not so sure, same sign. Motion carries.

33 MS. LOWE: Bill, I didn't see your hand up, so
34 you voted aye?

35
36 MR. THOMAS: I'm a tie breaker.

37
38 MS. LOWE: You're a tie breaker.

39
40 MR. THOMAS: I hate politics. Yeah, I'm not so
41 sure. That was really an outstanding motion and it's a good
42 point. I like the way it was referenced and took a relatively
43 short time to draft it, good job.

44
45 MS. ROBINSON: Thank you.

46
47 MR. THOMAS: Anything else on these proposals
48 discussions in light of review?

49
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MS. WILSON: Mr. Chairman.

31

MR. THOMAS: Marilyn.

MS. WILSON: I move we have a dried fish break.

MR. THOMAS: A dried fish break has been requested, so ordered. During the break I would like to ask Norm Howse to introduce Bob Schroeder. Do you have to bring someone up from the back?

(Off record)

(On record)

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MR. THOMAS: Okay, during our break I had a note to make introductions, but I wasn't informed to all what was really needed to be implied. During the course of those introductions, we were reminded that members from the State Department of Fish and Game are in attendance here, they're technical support is offered and we intend to use that when it is available and to recruit it when it isn't available. We appreciate them being there.

Also, obviously, the staff from the Federal people are here to do the same thing. Bob Schroeder was introduced by name during our break and I was reminded that he does have some things to share with us and I'd like to give him that opportunity to do so at this point. Rob, if you would.

MR. SCHROEDER: Thank you, Bill, I would just like to speak very briefly about some of the data sources that are available and since many of you have worked with the Department on gathering a lot of the subsistence information in Southeast, please excuse me if I make mistakes and leave out a project in which you were most involved.

As I said when I introduced myself yesterday, the Division Subsistence has been conducting research in Southeast since about 1980. Our data, along with that of other agencies, provides the main -- a main resource for informing the Council on regulatory proposals and our data is passed to Forest Service and Fish and Wildlife Service. So when they review management situations you may wonder they're getting their conclusion or what sources of data they're using. Quite frequently for subsistence they're using the data that comes from our reports and surveys.

Just briefly going over the data sources that are available to you as a Council, the Division has done a

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1 number of in depth community reports. Those cover Yakutat, 32
2 Hoonah, Klukwan, Angoon, Tenakee Springs, Klawock and we have
3 one coming out of Hydaburg fairly soon. We've also done work
4 in Sitka, some what lengthy research in Sitka. We've done
5 numerous survey project throughout Southeast, mainly in the mid
6 '80's to late '80's.

7 These provide some of the numbers when people
8 are talking about how much fish and wildlife is used.
9 Frequently those surveys are things that are referred to. Very
10 recently we've been looking at species accounts (ph). We've
11 talked to people, for example, about brown bear hunting and
12 written up everything we could find out about brown bear
13 hunting.

14 A couple of recent projects included talking to
15 marine mammal hunters, you know, marine mammals at the present
16 time are outside the purview of the Council since marine
17 mammals are not managed by Fish and Wildlife Service. However,
18 that project gave us the opportunity to interview all of the
19 seal hunters in Southeast that we could identify. And we'll be
20 doing another round to that project to this coming year.

21 This past year we also have been tracking deer
22 harvest in the northern end, specifically, Hoonah, Tenakee and
23 Angoon to try to improve some data sources for those
24 communities.

25 One very interesting project which serves to
26 document subsistence use as well as Native knowledge of land
27 and resources has been a project with people in Hoonah and
28 Richard Dalton also helped us with this project and I'll pass
29 around two maps that we have. This is a map of the Glacier Bay
30 area and we worked with elders in Hoonah to record the Tlingit
31 place names in Glacier Bay. And this helps document the use of
32 that area.

33 Some time in the coming year I hope to develop
34 a proposal wherein a Native group or a Native organization
35 would take a role in completing this work throughout Southeast
36 Alaska. With the Chair's permission, I'd like to pass this
37 around.

38 Another map which is based not on interviews
39 with people, but on literature sources includes some of the
40 Tlingit place names that have been recorded in the different
41 studies that have been done in Southeast Alaska since about
42 1890, I think, is the first source. Our database has literally
43 thousands of names in it at this time. And we hope to have the
44 opportunity to work some more on this project next summer (ph).

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1 It could well be that some of the names on he~~re~~
2 are not correctly spelled and if so, I -- these are the way we
3 found them in the literature and we apologize for any errors
4 that may be contained therein.

5
6 MS. LOWE: Can I ask a question about that one,
7 Bob?

8 MR. SCHROEDER: Yes.

9 MS. LOWE: That is the identification of the
10 areas used by certain families? The bays (ph) and things and
11 then the names attached to them?

12 MR. SCHROEDER: This is strictly recorded
13 Tlingit place names based on interviews with people and by
14 getting down the names that -- the traditional names and
15 places.

16
17 Ann, you might have also been thinking about
18 something that I should have mentioned, which is major work on
19 mapping where people hunt and fish in Southeast Alaska. A good
20 deal of our work over the last decade had been to produce maps
21 that come a little bit closer to representing where hunting and
22 fishing activities take place.

23 On the State's side, as you're well aware of,
24 there is great interest in showing where subsistence uses took
25 place. At this time we're not clear whether the Federal
26 Government will be pursuing that avenue as well.

27
28
29 One major piece of work that will taking place
30 and will be under the Council's purview in the coming year or
31 two will be make customary and traditional use determinations.
32 Many of you were involved in the State's system and realize
33 that the existing listing of customary and traditional uses was
34 kind of a working solution reached in 1989 and really hasn't
35 been updated since then and probably needs to be reviewed at
36 some length.

37
38 So rather than take a whole lot of time, if
39 anyone has questions about our data sources, please give them
40 to me and I just stand ready to help in any way that we're able
41 to do so under the current State and Federal cooperation.

42
43 MR. THOMAS: Ann.

44 MS. LOWE: Just one more question. This is
45 real interesting, the names and stuff, how do you plan to use
46 that? I mean, why are you developing this and how do you plan
47 to use it?

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1 MR. SCHROEDER: The reason we were doing it -34
2 this has been kind of an extra project. We've been doing
3 because it's been very important to subsistence users and the
4 documentation behind the names typically shows that the areas
5 that were named were sites of camps, hunting and fishing
6 activities. They're part of understanding what use the land
7 has been made in Southeast Alaska.

8 MS. LOWE: Would it be helpful, also, if
9 underneath the names you say what them mean in English?

10 MR. SCHROEDER: In the first map we did, we put
11 that on and then when we consulted with Hoonah elders we found
12 two things. One, is we can get a lot more names on it if we
13 put only the Tlingit. And second, the feeling in Hoonah was
14 that the Tlingit names should be prominent and in our support
15 documentation we have the English translations of the
16 background material.

17 MR. THOMAS: I forgot to remind the Council
18 that we're going to have a crash course on Tlingit right after
19 lunch. So there won't be a need for English translations I
20 think.

21 MS. LOWE: Well, in the mean time, before I
22 learn all this, maybe on the back of the map we could put those
23 names, prominent name in big black print and right under it in
24 little bitty parenthesis so that you don't insult anybody,
25 English, so that those of us that are not real good at reading
26 that and don't, maybe, know the area real well can identify and
27 go, oh, yeah, that means this, so that would be real helpful.

28 MR. SCHROEDER: Thanks for the suggestion, Ann.
29 And with respect to the Glacier Bay map we're hoping to be
30 able to do a really good printing job. We're looking for
31 funding for that and the flip side would include a translation
32 and also a brief description of the Tlingit history of that
33 area. History and use of that area.

34 MR. THOMAS: Carol has some offerings on this
35 too and I'll get to you, Vic.

36 MS. JORGENSEN: One of the things when the
37 Division of Subsistence started this and was showing it to us I
38 shared the maps with some of the people out there and it was
39 like new information comes forward like you'd never believe.
40 You know, it's always been in the English names, there's enough
41 maps out there with lots and lots of English names. So
42 usually someone who's not in the language knows where what is
43 and so on, but your suggestion, I think, is appropriate, Ann.

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But see what happens, it's like magic, you know, there used to be all this clan land, nobody owned the land because nobody felt, you know, there was the clan ownership of the places and there was these management systems in place. Certain clans had management over certain rivers. I mean, they took care of escapement patterns, they took care of all of these things that now is western -- you know, Fish and Game, Fish and Wildlife and other do.

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But the information that stated flowing after they saw the names it was related to clan names, it's related to the land, it's related to the -- we find the resources and the names of resources and information that we never found before. And so it's an exciting project that I'm real happy that the Division of Subsistence is doing and I think in the Chatham area, Nels Larson (ph) is going to be working along with Fish and Game. From at Nels has been telling me and also Sitka Tribes of Alaska to eventually start developing, perhaps, an atlas of the Southeast area.

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And even though it's initiated by the Chatham it will be all of Southeast. That's the hope anyway, I don't think anything is signed on the dotted lines, but they're in the talking process now. Which I think will be an added resource to all of us for the people out there. You know, we got lots of information with the English name and so on and some of the elders want to share that traditional knowledge and I think it's going to benefit the biologist greatly.

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Thank you, Mr. Chairman.

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MR. SCHROEDER: Just following up on what Carol was saying. The Tlingit frequently refer to something that occurs in a place or a characteristic of a place. If you think of the official names of the areas that are near your communities, they frequently deal with the history of exploration or the history who funded the exploration or who was an admiral at that particular time, which is all real interesting stuff, but it doesn't tell you where moose are or where a particularly good place to fish might be or where there's a tide rip (ph), which are all things you maybe find in the Tlingit names.

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MR. THOMAS: Richard has some offering.

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MR. DALTON: Thank you, Mr. Chairman. Just a matter of introductory

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MR. JACOBS: Can't hear you.

36

1 MR. DALTON: Bill Thomas is Kogwantaan (ph)
2 like myself, so that makes him a brother to me. I guess he
3 knows that much.

4 MR. THOMAS: Yeah.

5
6
7 MR. DALTON: I'll tell you when it comes to
8 Glacier Bay township, the feeling of Hoonah is they have not
9 abandoned Glacier Bay. So the true Tlingit name that you see
10 on that chart is an identity (Tlingit). They have never
11 abandoned Glacier Bay, they have never been saying that they're
12 never come back to Glacier Bay.

13
14 But the Park Service did say that Hoonah had
15 abandoned it under ANILCA. So reason of identity of that
16 particular area, there's four clans in Hoonah that's still
17 alive today that can identify by Tlingit culture.

18
19 Mrs. Houston, Mrs. Lonnie Houston put up a very
20 documented history in Tlingit language and that took them about
21 110 years to translate it into English terminology so that it
22 could be readable. And George Felton, Senior had told a
23 perfect history of Glacier Bay, why Glacier Bay was like it is
24 in those days.

25
26
27 Before Ice Age they called it S'egeiyi (ph)
28 that's what we called Glacier Bay then. There was no ice there
29 and then after the Ice Age, they called it Glacier Bay. So
30 under the terms of this particular area -- it goes back even
31 before the glacier was there. The historical names that you
32 see here is a true identity of Chookaneidl, Wooshkeetnan,
33 Kaagwantaan and T'akdeintaan. And I think that our Tlingit
34 language has never been written, but it's now coming to terms
35 where we can write these.

36
37
38 It took us 15 years to get my father's history
39 in Glacier Bay and the one that was -- come (ph) down from here
40 and went to interior and explore. Haaistech (ph), his name.
41 We got a catalogue of that, it took 15 years to get from
42 Tlingit to English terminology. We tried to find the words
43 that would fit those words that you see. I'm sure that Bob and
44 his friends have tried tell it, even tried to find Tlingit
45 terminology in putting the words together. It's not easy, but
46 I think it's a historical matter that this thing here can
47 people understand and live with it. Okay.

48
49 MR. THOMAS: Thank you, Richard. Yeah, I'd
50

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just as soon they talk with a scholar (ph) in Tlingit language
on this. Bob.

1 MR. SANDERSON: Yeah, I'm from Hydaburg, you
2 know, we have much the same thing in a coastal management plan
3 that we put together a number of years ago in Hydaburg. The
4 boundaries that you have on this map are not quite correct. It
5 could be -- you know, with some changes, it would be correct.

6
7
8 But we have the Haida name for most of these
9 places. I kept all my field notes and we could easily furnish
10 that. But that study had been undertaken, I believe the
11 Department is still doing something like that 'cause I had
12 worked with them several times in trying to mark out
13 subsistence areas.

14
15 MR. THOMAS: Thank you, Bob. Does anybody else
16 have

17
18 MR. KITKA: One of the names is missing off of
19 there. One of the biggest settlements that the Tlingits had at
20 Gustavus is K'aaknoow (ph). I don't see the name on there.
21 It's in our history. We're the first large winter settlement
22 that was established by the Tlingits.

23 MR. SCHROEDER: Thank you, Mr. Kitka. This
24 particular map is just covering Glacier Bay area, so people did
25 give us K'aaknoow, it simply doesn't occur on that map. I just
26 point out that this is one area where it's very difficult to
27 pretend to be an expert.

28
29 The Division work has been pretty much
30 facilitating getting some products done, but we obviously rely
31 completely on people in the communities to help us with getting
32 names down. And I know that quite a few people in this room
33 has done a good deal on places in your areas, including Mr.
34 Sanderson, who helped out a great deal on the major atlas of
35 historical sites in Southeast Alaska some years ago, which
36 stands as the best reference source to existing sites,
37 archeological sites in Southeast.

38
39 And I hope everyone is real interested and that
40 working collectively we figure out a way to get this piece of
41 work completed in Southeast.

42
43 MR. THOMAS: Ann.

44
45 MS. LOWE: I just want to ask about one little
46 piece of research I heard you were doing and that was on the --
47 what you found out when you were doing your deer survey
48 research versus the mail-in form that the State had been using
49 as a base -- for a data basis for how many deer were actually
50

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taken. Can you kind of give us a -- that was on the north end, right, that you were taking?

1 MR. SCHROEDER: Sure. I could give a little
2 overview here and if I miss some things, then Carol might want
3 to jump in.
4
5

6 Just sort of stepping back a little bit. What
7 we're moving toward with all of this space is much more precise
8 management of wildlife species and greater demands for exact
9 data on who does what where. And I think this is one area
10 where experienced subsistence users and wildlife managers may
11 feel a similar frustration because I hear the same thing from
12 both sides, which is really unusual to hear these people --
13 people who are often pitted on different sides of a question
14 agree.
15

16 But the basic thing is that modern management
17 doesn't include a great deal of room for your personal
18 experience. Modern management demands a lot of measurement and
19 it demands decisions that are made based on, so called, hard
20 data, quantitative data.
21

22 In Southeast Alaska a major source of data of
23 where deer are harvested by which communities comes from a
24 mail-out survey which is sent to a sample of people who get
25 deer tags. And this mail-out -- I think three reminders,
26 original mail-out and two reminders be sent and then the
27 calculations are -- all harvests are based on this mail-out
28 survey.
29

30 Overall in the region, it appears that it works
31 reasonably well. This mail-out survey hasn't worked well in
32 some communities where reporting is not very good. Where
33 people don't participate in a mail-out survey or perhaps don't
34 get hunting tags.
35

36 This last year we were looking at deer harvest
37 in Angoon, Hoonah and Tenakee to see if we could get a better
38 handle on the harvest in those communities. And it looks like
39 the harvest for -- in Angoon, in particular, came out to be
40 significantly higher than the mail-out survey. And both Fish
41 and Game and Fish and Wildlife Service and Forest Service
42 biologists are trying to figure out what's going on here and
43 using those data.
44

45 There's one other research project that I
46 didn't mention that also relates to this question of deer
47 harvest. One thing that the Division has found out
48 consistently in doing survey work through confiscating is that
49 in every community where we were there are some hunters and
50

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fishers who harvest a lot of fish and game and end up feeding39
many other people.

1 Now, it's kind of interesting that this holds
2 in both the Inuit, Inupiq, Athabascans, Tlingit, Haida areas,
3 so this needs to be something that's just -- what happens is a
4 subsistence characteristic.

5
6 In Southeast, what happens is that these
7 community harvesters end up supplying a lot of other people
8 with the food that they use. Perhaps in an earlier era these
9 would be hunters that would be supplying a house that had many
10 people in it. Right now people live in individual houses, but
11 that pattern of supplying others and sharing food continues.

12
13 Now, this relates to deer harvest in other and
14 other data because at the present time the harvesters are doing
15 a good deal of hunting and fishing, in what we'll call non-
16 legal area. In other words, to get enough deer to supply five
17 or six households with deer, it probably puts you outside the
18 boundaries set by harvest tickets and regulations at this time.

19
20 This is one reason why a mail-out survey may
21 not work well in some communities that have a lot of that type
22 harvesters. Namely, a person is not going to report what they
23 actually did if what they did doesn't match up with
24 regulations. But we -- this coming year we hope to spend some
25 time looking at old data and also interviewing some of the
26 community harvesters to see if we can better understand what
27 that pattern of harvesting is and how it fits in in the small
28 communities.

29
30 MR. THOMAS: Any further questions?

31
32 MR. FELLER: Yeah, Mr. Chairman.

33
34 MR. THOMAS: John.

35
36
37 MR. FELLER: My name is John Feller and I have
38 a question for Rob or maybe just a comment. I see on this
39 overall map of Southeast there's a area down in Clarence
40 Straights where the Stikine area meets with Kaigani Haida and
41 I'd just like to make a correction on that for the record. My
42 grandfather was one of the lieutenants Chief Shakes (ph) in his
43 village. One of his gathering areas was in Thorne Bay. And I
44 see this is up more towards Luck Point, the lines between the
45 Stikine tribe and the Haida tribe. I think it might be more
46 correct if it was farther south, maybe from Thorn Bay across to
47 Ship Island on the other shore.

48
49 MR. THOMAS: We're going to set a lot of
50

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boundary districts during lunch so bring your best armaments.40
John.

1 MR. FELLER: I know this is probably taken out
2 of the Smithsonian sources.

3 MR. SCHROEDER: Right, John. I think you're
4 probably familiar with the original from the 1946 documents.
5 We knew it was risky to put those lines on there, but we've
6 gotten some other calls as well. There's also a group called
7 the Tseetzau (ph) down your way that isn't represented there.

8
9 MR. THOMAS: Mim.

10
11 MS. ROBINSON: Yeah, Bob, I also just when you
12 were talking about hunters that hunt for other families and
13 stuff. I, just for the record, would like to say that it
14 happens in non Native communities also. I think it's just
15 human nature. I think it's just people looking out for the
16 elderly in the communities or friends that can't get out and I
17 just wanted to make that clear.

18
19 MR. THOMAS: That's a good point. Thank you,
20 Mim. Any further questions of Rob? Are you going to be here
21 for the duration, Rob? You got to take off?

22
23 MR. SCHROEDER: I'll be here until the close of
24 the day, today.

25
26 MR. THOMAS: Thank you for sharing all of that
27 and I want to thank you for the attention you paid to the
28 pronunciation in that and it's something that I fail to do. I
29 thought you done a good job with that. Thanks a lot.

30
31 MR. DALTON: Mr. Chairman.

32
33 MR. THOMAS: John -- Rich.

34
35 MR. DALTON: When they come to Hoonah you
36 didn't know they'd be Tlingit before they leave.

37
38
39 MR. THOMAS: I'm learning that. As an extended
40 courtesy -- this hasn't be rehearsed, I don't know how well I'm
41 going to do with it. Mark Jacobs is here, you're going to find
42 Mark in all of these forums, whether he's a member or not.
43 He's interested there, he always has valuable information to
44 share, he's another person we can consider a resource in some
45 of the areas we're going to have to deal with and if Mark has
46 the courage at this time, I'd like to give him the mic for a
47 little bit to share some wisdom with us. Do you want to do
48 that, Mark?

49
50

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1 MR. JACOBS: My turn? Thank you, Mr. Chairma#1
2 First of all I'd like to congratulate the Advisory Subsistence
3 Board. I don't call you Council, if I called you the Council,
4 according to Indian way of determining what a council is, it
5 would mean that you're the absolute authority and don't have to
6 answer to the Federal Subsistence Board. That's the way I
7 interpret the language here.

8 Now, I'd like to request that when I'm present
9 that you talk into your mic. I have almost a total lost of
10 hearing. I don't know why I'm still in leadership, maybe it's
11 because I like to speak up and say my piece. I do a lot of
12 homework.

13 There are a number of things that I am very
14 unsatisfied with as far as our relationship with the State of
15 Alaska is concerned. I'm also very displeased about the
16 shameful treatment of the Indian people as far as Glacier Bay
17 is concerned. They bring across (ph) that the ANILCA act said
18 we abandoned Glacier Bay. Now, there's reference made to
19 K'aaknoon.

20 Now, you're drawing a boundary line around
21 Glacier Bay only. K'aaknoon is in Icy Straights, it's part of
22 that people that come from that area. All I have is some very
23 bitter contentions is navigable waters. Why is it that the
24 State of Alaska takes jurisdiction over navigable waters
25 because it's Federal law. And that it applies only to
26 subsistence, absolutely nothing else.

27 The State of Alaska does not have its own Coast
28 Guard, they don't manage a buoy system, they don't draw
29 regulations for navigation. They have no jurisdiction over
30 Federal lands.

31 To get back to my talk here now. Glacier Bay
32 is very sacred land to the people in that area. Because of the
33 two old woman were covered by the advancing glacier. They
34 refused to moved. Our Indian expressions cannot be translated
35 into the English language. When you express some deep
36 feelings, when they refused to move (Speaking Indian).

37 Am I going to meander in and out of my uncle's
38 houses again? Let me die in my uncle's house. They covered
39 those women with valuable regalia at a funeral service before
40 they died. For that reason Glacier Bay is a very sacred piece
41 of real estate in the Indian custom.

42 Even though we are part of the ecosystem, the
43 regulations is excluding and attempting to exclude subsistence
44 and commercial, but I understand sport fishing is allowed, is
45 that right? Okay, I take you to get rid of tourism. The
46

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1 protection of Glacier Bay and all the natural resources, 42
2 including our forests, is probably very commendable in light of
3 the world population explosion. But there is a trend in the
4 United State Government in implementing some of these ideas
5 that are proposed for Federal Regulations.

6 Some of these is superseding the Constitution
7 of the United States Government. Do you realize the trend that
8 we're living under? A gradual eating away of a freedom as we
9 know it. While the rest of the world is discarding such a
10 system. There is a turmoil right now in this world.

11 I thought this hearing here was going to be
12 limited only to the Board instructions and that the proposals
13 to changing the regulations, the deadline is already past.
14 Unless I can assume that right now that we're going to be
15 making new proposals for the coming -- coming years.

16 I did have a short statement prepared, I didn't
17 have time to type it. I'll start out by saying my name is Mark
18 Jacobs, Jr., Post Office Box 625, Sitka, Alaska. I represent
19 the following organizations on subsistence matters in Sitka and
20 in Southeast Alaska.

21 I am Vice President of Southeast Native
22 Subsistence Commission. I am also fifth Vice President and
23 also executive committee member of the Central Council of
24 Tlingit Haida Tribes of Alaska. I'm a Subsistence Committee
25 member of the Alaska Native Brotherhood and Local Camp. I am
26 also the Subsistence Representative for Sitka on the State Fish
27 and Game Advisory Board.

28 Being advisory doesn't mean that anything that
29 we suggest will be the final, it goes to the State Board. And
30 there are other organizations that I represent. I would like
31 to put a lot of emphasis on Southeast Alaska residents and
32 Natives, especially, on their uses of subsistence resources as
33 from marine life and sea weeds.

34 Subsistence harvesting has never been the cause
35 of any Fish and Game resource depletion. And, for instance, I
36 have -- depletion is mostly from commercial exploitation. We
37 are subsistence fishing and hunting people. Far too much
38 emphasis and privileges are extended to sportsman. The State
39 Fish and Game regulations and regulations proposals reflect
40 this attitude.

41 Without Native rights subsistence protection
42 and other priorities would not have been mandated of the State
43 of Alaska in the ANILCA act, the Alaska National Interest Land
44 Conservation Act.

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I would like to see Federal control over marine resources to protect subsistence harvesting and this would mean jurisdiction over all navigable waters of the State of Alaska.

An example is the Marine Mammal Moratorium Act that allows coastal Natives of Alaska to continue use and take.

As long as the State of Alaska is out of compliance with ANILCA mandates, any proposals to the Federal Fish and Wildlife Subsistence Board for suggested changes in U.S. Fish and Wildlife Service regulations should not be -- should not receive any consideration. That is as long as they're out of compliance.

I realize the Federal Subsistence Board is relying a great deal on Alaska's biological information. The State of Alaska has received a lot of information from a among Native people and from people like myself.

I question the authority on biological information. When they started to exploit the sea cucumber resources, when they knew nothing about how fast or what a mature or recycle of their own species. They also could not answer whether or not they knew the sea cucumber adds to the nutrition of other marine life.

Now that Sitka Sound is clean out from sea cucumbers, how long will it take for the resource to reclaim itself? It was not known. As a result we entered into a lawsuit against the State of Alaska for lack of adequate biological information before they started exploiting this resource. When they saw the hand written on the wall, they quickly shut down that fishery and gradually they began to open areas.

As you know in the proposals of people wanting open the sea cucumber fishery to be open on Sunday. Why Sunday, why not a weekday? Because that's just like Hoonah (ph) Island the last opening two years ago completely shut down because of doctors and dentists were participating in this fishery. So forget about saving (ph) resources -- Sunday openings, I mean.

There so much we can talk about and so much we could write about. I would like to make another comment on the ANILCA and also the Alaska Native Claims Settlement Act. The Tlingit and Haida land claim suit was a trespass suit. Tongass National Forest created by executive order was trespass. Glacier Bay National Park creation was trespass. And giving them Annette Island to Indians across the border was trespass. The creation of townsite was trespass. All mining claims was trespass. All trap sites were trespass. The land was not for sale. It was a trespass suit.

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1 The Alaska Native Claims Settlement Act did not
 2 deal with the Tribal Government. The Tribal Government of
 3 Alaska did not have treaties with the United States Government
 4 so they felt that they could do anything with the Native people
 5 in Alaska. If you take a look at the existing treaties with
 6 the Indian people you'll find that it is stained with of the
 7 (indiscernible) of the Indian chiefs.

8 Treaty is nothing but a compromise. Keep that
 9 in your mind. It hurts deeply when you know some of these
 10 things. I lived with it all my life, I fought in the World War
 11 III in some of the toughest battles in the South Pacific. And I
 12 came home and I was told that I could get land out in Halibut
 13 Point. When I applied for it I couldn't get it. They referred
 14 me to the Alaska Native Services, which is a Bureau of Indian
 15 Affairs.

16
 17 The Bureau of Indian Affairs says we have no
 18 jurisdiction over BLM lands. I referred that back to BLM and
 19 BLM says we want to if the Bureau wanted a trust status or fee
 20 simple. What was I fighting for? Why did I risk my life? I'd
 21 gladly do it again for the United States Government, the best
 22 government on the face of the earth that can give land back to
 23 the Japanese that we took back and yet take some of our lands
 24 away from us.

25
 26 Maybe that's (ph) kind of a tough statement,
 27 but I can get pretty devastating in some of these hearings.
 28 I'm sorry I have a total loss of hearing, I'm working on this
 29 kind of handicap now to what the Veteran's Administration has
 30 asked me to do so. They claim it was not service connected,
 31 but one battle station (ph) can verify that I did that.

32 But thank you for your time, thank you for
 33 allowing me to speak here. I'm sorry that I can't hear all of
 34 you, I can't follow completely what you are saying or what the
 35 discussion is, so I'll have to kind of catch up when the
 36 material comes out. Thank you.

37 MR. THOMAS: Thank you very much, Mark. Mark,
 38 it's a criteria that you can't hear very good to be on
 39 Subsistence Advisory Councils, so you're in the right company.
 40 I can't hear either, that's why I'm here.

41
 42 I'll ask the Court Reporter to move that to the
 43 public hearing portion of our public hearing because that was
 44 going to be testimony for this afternoon.

45
 46 MR. DALTON: Mr. Chairman.

47 MR. THOMAS: Richard.

48
 49 MR. DALTON: Yes, I'd just like to get Mark
 50

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Jacobs statement and get it typed out and have copies so we c45
have -- each Council member can have it.

1 MR. THOMAS: Can we have a copy of your
2 comments, Mark?

3 MR. JACOBS: What?

4
5 MR. THOMAS: Can we have a copy of your
6 comments?

7
8 MR. JACOBS: The major portion of my statement
9 was verbal from what's in my mind. What this here is is just a
10 short

11
12 MR. THOMAS: It was requested that we get a
13 copy of that so each member can review some of the thoughts
14 that you wrote down.

15 MR. JACOBS: I can write it down and send it to
16 you.

17
18 MR. THOMAS: Okay.

19
20
21 MR. JACOBS: Yeah, there's so many things that
22 comes to mind, like, the protection of whales, nobody to
23 monitor -- one is allowed to go closer than 100 feet, the other
24 has to stay 200 feet away. What if there's two less than 100
25 feet, which one is guilty. They wouldn't tell me, nobody out
26 there to monitor it. Things like that just exist all the time.
27 You got a bunch of foolish people that tells us how to live
28 and are changing the face of the United States Government.

29
30 MR. THOMAS: We're going to be using you as
31 time goes on, Mark, we appreciate your being here. And we all
32 respect your remarks. Ann.

33
34 MS. LOWE: Mr. Chairman. Bill, I will get a
35 verbatim from our Court Reporter and we'll make that available
36 to the membership of Mark's comments and I knew -- he did tell
37 me ahead of time that he written out statements and I have his
38 written statement here in hand and will combine that with his
39 comments and get them to the membership.

40
41 MR. THOMAS: Thank you. So we'll all have a
42 copy of that, that will become part of our record from the
43 Council.

44
45 MR. JACOBS: What is your deadline?

46 MR. THOMAS: On your proposals? November 1,
47 isn't it?

48
49 MR. SANDERSON: November 1.

50

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MR. THOMAS: November 1. John.

1 MR. VALE: Just for clarification,
2 Mr. Chairman, November 1 is the deadline for submitting new
3 proposals, is that correct?

4 MR. THOMAS: I understand it's November 1st.

5
6 MS. LOWE: Mr. Chair, I make a motion that we
7 recess for lunch until 1:00 -- 1:15, when are we due back?

8
9 MR. THOMAS: Hearing no objection, so ordered,
10 1:15 reconvene.

11
12 (Off record)

13 (On record)

14
15 MR. THOMAS: Call the meeting back to order.
16 All those who would like to testify there's a sign-up sheet in
17 the back of the room so we're going to enter into our public
18 comment portion of our agenda. When the speakers that are here
19 have had the opportunity to testify and there's time on our
20 agenda we'll deal appointment to the Wrangell/St. Elias
21 Advisory and we'll get into our regional issue identification.

22
23
24 As people appear to testify we'll interrupt
25 whatever we're doing to list to public comment. Is that
26 agreeable, understandable, debatable. Hearing no objection,
27 that's what we'll do. We have one name for public comment.
28 I'm happy to see Wanda Culp from the Hoonah Traditional Tribal
29 Council and she would like at this time to address the Council.
30 The topic of her testimony is Tribal Partnerships with Federal
31 and State Government. Wanda, you can use this mic here if you
32 like -- that table.

33
34 MS. CULP: Thank you, Bill, and congratulations
35 on your Chairmanship.

36 MR. THOMAS: Thank you.

37
38 MS. CULP: I'll first of all read the letter of
39 authorization to the Federal Subsistence Board from the
40 Traditional Tribal Council of Elders. This is written
41 authorization for Wilbur James, Sr., Wanda Culp, Mary Rudolph
42 and Amy Marvin to represent the Traditional Tribal Council of
43 Elders at the Federal Subsistence Regional meeting in Sitka to
44 advance our tribal proposal. Sincerely, Richard Sheakley,
45 President, Frank Wright, Jr. Secretary.

46 They couldn't be here today because of other
47 prior meetings and Amy Marvin wasn't able to make it, she's got
48 some business to do in Juneau, but the proposal we're advancing
49 to the Federal Subsistence Board is from the president and
50

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secretary, who are the signers and it says:

47

1 We, the Elders of the Huna Traditional Tribal Council
2 respectfully request that our solutions and tribal plan be
3 incorporated into the Regional Advisory Council Operations
4 Manual. We also request that our position statement on your
5 Subsistence Management Regulations - the Taking of Wildlife -
6 Subpart D be incorporated into your regulation process.

7 Please bear with us as we stray from the universal structure
8 you are trained to conform to, and introduce a new structure
9 that, hopefully, will be more refreshing.

10
11 We will address three specific problems and propose three
12 specific, yet general, solutions.

13
14
15 PROBLEM NO. 1., we're addressing. The current federal and
16 state regulations are not only cumbersome but a nightmare to
17 try to figure out. On top of that both laws contradict each
18 other. for example, in our particular case, the Federal
19 Subsistence Board proposed rule so rudely slams the door in our
20 face as far as customary and traditional usage is concerned.
21 And a quote from the regulations.

22
23 " (v) In the following areas, the taking of wildlife for
24 subsistence uses is prohibited or restricted on public
25 lands:

26 (A) Public lands within Glacier Bay National Park are
27 closed to all taking of wildlife for subsistence
28 purposes."

29
30
31 How absolutely cold, unwelcoming--and wrong! The State of
32 Alaska claims jurisdictional responsibility to the waters of
33 Glacier Bay and gives us permits to go into our traditional
34 homeland to harvest certain species of fish, in limited
35 quantity, of course. The National Park Service and
36 environmentalists and conservation groups advocate that our
37 presence in Glacier Bay National Park is a threat. How the
38 world has come to such a decision is far beyond our
39 comprehension and we believe is in opposition to the very
40 intent of Congress in the formulation of ANILCA.

41 PROBLEM NO. 2. The following is the reality of our situation
42 today, briefly:

43
44 The Forest Service professes habitat protection as well
45 as customary and traditional usage, as they plot 352 new timber
46 sales within our Traditional Usage Area. Past injunctions and
47 court actions have proven ineffective. No mechanism for rights
48 protection exists. The Forest Service is a growing federal
49 force in Hoonah, complete with enforcement capability to arrest
50

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1 The National Park Service continuously tries to shut us
2 out of Glacier Bay, but we will not allow it. Our history is
3 on our side, they can't get past that. The National Park
4 Service also utilizes enforcement of their rules as they
5 violate all existing traditional laws. Again, no existing
6 rights protection.

7 The Bureau of Land Management holds the responsibility
8 of addressing the Native Allotment claims. Three generations
9 later, this has not been resolved. There is private land in
10 Glacier Bay owned by our tribal members and their rights must
11 be recognized as surely as those private landowners in
12 Gustavus, whose boundaries are completely surrounded by
13 National Park boundaries.

14
15
16
17 The Fish and Wildlife Service holds jurisdictional
18 responsibility of the Marine Mammal Protection Act. We all
19 know that this act exempts Coastal Alaska Natives from the
20 Marine Mammal Moratorium. The Marine Mammal Protection Act is
21 recognized in the 1984 Glacier Bay General Management Plan in
22 the "Compliance" Section. Because the Glacier Bay General
23 Management Plan does not clearly specify just how they comply
24 with the Marine Mammal Protection Act, the Fish and Wildlife
25 Service has remained silent on the Greg Brown Seal Hunter case
26 now in federal court under the defense of the Marine Mammal
27 Protection act.. Where is the rights protection here?

28
29 And, where is the Bureau of Indian Affairs in all of
30 this? Just what exactly is the definition of "Rights
31 Protection?" Why is Bureau of Indian Affairs not responsible
32 to us as a tribe? Why don't they answer our letters? Are we
33 that unimportant in this process?

34
35
36
37 Finally, the United States Coast Guard is YET ANOTHER
38 enforcement element we have to contend with between the
39 International Halibut Commission and the National Park Service.
40 The National Park Service called the Coast Guard into Glacier
41 Bay last November., exactly one month after Greg Brown had been
42 cited for harvesting a seal, to board the Tlingit fishing
43 vessel in search of dead seal. All they found was fresh king
44 salmon in slush ice. The Tlingit-owned commercial fishing
45 vessel was weather-bound in Bartlett Cove, right in front of
46 the park administrator's government-furnished home for 1-1/2
47 days. We are not strangers, our presence is age-old and
48 documented in the Glacier Bay archives yet the administrator
49 would not give us the respect of simply inquiring directly
50

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their concerns. To treat us like suspicious intruders is 49
wrong. We refuse to become strangers in our own midst.

1
2 PROBLEM NO. 3. Both the federal and state regulations are
3 built from the outside in. Both governments utilize the
4 commission or board form of authority, both usually consist of
5 recognized membership unrepresentative of the customary and
6 traditional users of the resources. Neither government has
7 been able to appropriately address all the users of the
8 resources. Special interest groups hold strong influence the
9 decision-making process. As a tribe, our voice is not heard.

10

11

12

13

14

15 Vigorous federal and state enforcement is being
16 exercised across Alaska against all indigenous people. In our
17 traditional usage area, we have two subsistence hunters who
18 were cited last fall by the Forest Service and the State of
19 Alaska on "subsistence" violations. This means these two
20 hunters had to go to both federal and state courts on the same
21 charges, both courts fined the hunters and took their rights to
22 hunt away for one year. There is simply no Due Process being
23 exercised in the development and enforcement of rules and
24 regulations affecting customary and traditional users of the
25 land and water. The State of Alaska provides magistrates and
26 troopers to the villages but no legal representation is
27 available locally. Both the National Park Service and the
28 Forest Service is digging their roots in deeper into our
29 Traditional Usage Area without any regard to our presence, and
30 historic usage and knowledge which is the product of centuries
31 of observation and tested methods. In order for one Native-
32 based entity to effectively address subsistence, well over a
33 dozen agencies, commissions and boards need to be addressed.
34 This is totally inefficient.

35

36

37 SOLUTION NO. 1. Design a regulation booklet that is reduced to
38 REGIONAL printing. This booklet should include SUB-REGIONAL
39 PLANS within the regional plan. The sub-regional boundaries
40 will be the ancient TRADITIONAL USAGE AREAS of the customary
41 and traditional users of the land and waters. This is a TRIBAL
42 RESPONSIBILITY which we are prepared to govern. The TRIBAL
43 VOICE is institutionalized into the federal and state systems
44 with our plan.

45

46

47 The STATE OF ALASKA LAWS, jurisdiction, and
48 responsibilities should be clearly mapped out in the regulation
49 booklet, within each region and sub-region, or Traditional
50 Usage Area.

49

50

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Our plan effectively utilizes the federal government's responsibility to cultural preservation and customary and traditional usage protection by requiring a cooperating management plan that accommodates the TRIBAL and STATE plans.

RESULT: This would eliminate the mass confusion suffered by all concerned now amongst the individual, local, tribal, state and federal concerns.

SOLUTION NO. 2. Regional and sub-Regional Planning. Customary and Traditional Traditional Usage Areas will be officially recognized by the Federal Subsistence Board within each Regional Plan.

IMMEDIATE Tribal concerns would be directly and appropriately addressed with the:

National Park Service closure of Glacier Bay to the Huna Tlingits.

Forest Service Eight Fathom Bite Environmental Statement Harvest Plan, preliminary tribal involvement.

The Fish and Wildlife Service effective administration of the Marine Mammal Protection Act with sub-regional planning.

The Bureau of Land Management to address all pending and deeded Native Allotment land rights.

The Bureau of Indian Affairs it is time to define just what RIGHTS PROTECTION means to us.

We need you to help us install the tribal form of rights protection into the Federal Subsistence Board system.

We need to address enforcement issues in a united way, utilizing all resources available to resolve customary and traditional issues. This would result in sound management policies with enforcement as a tool for management, rather than a major function.

SOLUTION NO. 3. Wildlife management regulations developed from the inside out, actively involving local control in the problem-solving decision-making. Each Traditional Usage Area would develop a plan that would allow each community within the sub-region to begin the process of rule-making.

LONG TERM Tribal concerns is that our Tlingit and Alaska Native identity and values be entrenched securely within our great, great grandchildren.

It is this great concern that compels us to now introduce the Huna Traditional Tribal of Elder's H.R. 704 SUBSTITUTE to the Glacier Bay Bill before Congress today. We

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1 have used Don Young's H.R. 704 and Frank Murkowski's Senate 51
2 Bill 291 Glacier Bay bill as the vehicle to advance our
3 concerns as a traditional tribal government. Our Substitute
4 Bill has already been presented to President Clinton along with
5 our plea for a PARDON for Roger Ozzena and 13 other walrus
6 hunters immediate release from federal penitentiarys across
7 America. The Fish and Wildlife Service has convicted 20% of
8 Little Diomedes's male population this summer for harvesting
9 food for their families. Our Substitute Bill has also been
10 disseminated throughout Congress and appropriate federal
11 agencies, Secretary of Interior, Bruce Babbitt's office, it was
12 presented Congress and appropriate federal agencies. It was
13 presented to Ada Deer personally, to Alaska Legislators and
14 their private entities, as well as conservation and
15 environmental groups. And now we formally present it to the
16 Federal Subsistence Board here today.

17 In conclusion, we would like to say that simply put,
18 our Substitute Bill introduces a new partnership relationship
19 amongst the tribal, federal and state governments in Alaska.
20 The introduction of traditional values into the whole entire
21 system is the missing link. This system would enable
22 traditional values and laws to clear up the numerous "gray
23 areas" that cloud the issues that directly affect the customary
24 and traditional users of the resources. The partnership we
25 advocate is one of balance. Our traditions require balance, as
26 does Mother Nature. Tribal ways are an intricate part of the
27 eco-system and the cumulative impacts being experienced within
28 our Traditional Usage Area that we intervene to protect our
29 culture and way of life in the best way we can. Our
30 partnership concept will close the enormous cracks that we as
31 Alaska Native people fall into daily, seasonally and annually
32 since ANSCA.

33
34 RESULT: This plan would eliminate over-regulation which has
35 jammed both federal and state court systems and has literally
36 made outlaws out of ALL Alaska Natives who persist in honoring
37 traditional laws. Local enforcement usage within a Traditional
38 Usage Areas would be developed for resource protection by the
39 users themselves. This would allow each community to develop
40 an enforcement plan that is appropriate to the problems unique
41 to them. This allows local need to dictate the amount and type
42 of enforcement to plan for.

43
44
45 LEGAL ADVOCACY located within each sub-region who is
46 knowledgeable in tribal laws with access to federal and state
47 expertise, to represent users who are arrested or cited by
48 federal, state or tribal officials. Each TRIBE in Alaska
49 should have an agent called Officer of the Court who does the
50

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needed research; who gathers facts that the judge will need to make a sound decision. Each Sub-region will establish a TRIBAL COURT SYSTEM to officially enter into culturally-related cases.

1
2 RESULT: DUE PROCESS will enter into this system, the balance
3 of justice will be exercised to the fullest for the first time
4 in legislative history. The courts will be relieved of the
5 current over-burden of subsistence-related case-loads that has
6 so constipated the present judicial system. Sound and balanced
7 decision-making tools will be utilized to the utmost.
8 In the name of sound management and economics, we offer our
9 plan to you. Richard Sheakley, President, Frank Wright, Jr.
10 Secretary.

11
12 And attached to this is a copy of the proposed
13 Substitute Bill H.R. 704 and S. 291 along with the statements
14 from the elder council that supported the bill in front of the
15 committees and subcommittees in Congress this spring.

16
17 MR. THOMAS: We appreciate that. Can a copy of
18 the be made for the Council?

19
20 MS. CULP: This is yours if you want it.

21
22 MR. THOMAS: Thank you, Wanda. The testimony
23 you just gave is really supporting much of the comments we
24 heard so far. And in our attempt to organize, even yesterday
25 and into the evening, so it's an issue that is shared and
26 becoming more understanding by more people. Hopefully this
27 forum will be of great value in finding some resolve with that.
28 Does anybody have any questions in reference to
29 these comments? Marilyn.

30
31 MS. WILSON: I would like to see us have a copy
32 of this testimony, each one of us.

33 MR. THOMAS: We'll do that. A copy will be
34 furnished to each member. Were there any others that signed up
35 to testify? Jumbo, did you -- we have a sign-up sheet in the
36 back, but you can come on up.

37
38 MR. JAMES: I did.

39
40 MR. THOMAS: Oh, you did, nobody brought it up,
41 huh?

42
43 MR. JAMES: Good afternoon and thank you for
44 the opportunity to present my testimony -- statements. Much of
45 what

46
47 COURT REPORTER: Excuse me, sir, could you
48 state your name, please, for the record?

49
50

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1 MR. JAMES: My name is Wilbur Willis James, 53
2 Senior. My Tlingit name is Shaida Haaickth (ph), I am the
3 oldest surviving Chookaneidl male member presently living in
4 Hoonah. My ancestral home is Chookan Heeni (ph) in Glacier
5 Bay. And I spent the first eight years of my life in Glacier
6 Bay.

7 COURT REPORTER: Thank you.

8 MR. JAMES: This sounds kind of strong, but I
9 assure you it is not intended to be. We go back to our
10 citizenship

11 MS. PHILLIPS: Would you speak into the mic?

12 MR. JAMES: We go back to 1924 when all Alaskan
13 Tlingit, Haida, Tsimshian were declared citizen of their own
14 land. And it goes to the promises of the Federal Government.
15 In 1925 a delegation arrived from Washington, D.C. with then
16 head of the Bureau of Indian Affairs from Juneau and they told
17 our elders what President Calvin Coolidge wished to do.

18
19
20 Basically, it was President Coolidge's wish
21 that Glacier Bay be declared a National Monument because of the
22 rape (ph) of the resources, the unregulated -- the whole
23 country was in turmoil because there not much money to be made.
24 And we were assured then by these representatives from
25 Washington, D.C. that our rights of hunting, food gathering and
26 fishing would always be protected. So we had a meeting with
27 our elders and the Kaagwantaan, T'skdelntaan, Wooshkeetaan, and
28 the Chookaneidl people all agreed -- we agreed to this.

29
30 And then after this the trouble started. The
31 trouble started many years before that. But I understand the
32 many problems this Board is faced with, but you can imagine how
33 we feel. I use the word I because I am the Chookaneidl word,
34 the original owners of Glacier Bay through marriage, three
35 other clans came in. And in recent years two more tribes, six
36 tribes altogether.

37
38
39
40 I have never abandoned or surrendered any part
41 of Glacier Bay. If so, please show me signed terms of my
42 surrender or proof of my abandonment of Glacier Bay. Gustavus
43 was originally surveyed in 1909 for the Hoonah Tlingit. Each
44 family -- the head of each household was given 160 acres, the
45 wives 80 acres, each child 60 acres. When this was done at the
46 same time missionaries and the teachers, which were federal
47 employees came to Gustavus and informed us that we have to move
48 to Hoonah because of schools being constructed. And our folks
49 were desirous of teaching our children the English language.

50

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1 So the Hoonah people left Gustavus and moved to
2 Hoonah for the wintered (ph) year to have their children
3 educated. And in four months time greedy people -- caucasian
4 people were screaming about us given this land in Glacier Bay,
5 so it was declared abandonment. What the caucasian community
6 people didn't understand that Hoonah -- you go to Skagway -- I
7 mean, you go to Haines, Klukwan, Yakutat, Angoon, Kake,
8 anywhere, Hydaburg. They say Hydaburgkwaan (ph),
9 Sitkakwaan (ph), Yakutatkwaan (ph), but in Hoonah we have at as
10 yik (ph) an honorable title that the other Southeastern
11 communities gave to Hoonah. You do not address the Hoonah
12 Native Hoonahkwaan, you say Hoonaharoo (ph), this is a mark of
13 distinction given to us.

14 A very loose translation of this signifies that
15 Hoonah was our winter camp. When Glacier Bay would get too
16 rough and the weather so severe we'd move to our winter camp.
17 Hoonah in itself means protection from the north wind. Our
18 summer homes were scattered all over Glacier Bay. There was
19 several clan houses and several locations which Richard Dalton
20 is very well aware.

21
22
23 And there's on thing that came out in a recent
24 trial in which I attended as a witness for the defendant. The
25 young fellow there -- please don't take this wrong, it not in
26 an adversarial manner I present this. During the trial the
27 Federal Prosecutor when I was on the witness stand showed me
28 two copies of a presidential proclamation, one by Calvin
29 Coolidge and one by Franklin Delano Roosevelt in 1939. And it
30 said on there -- the negative parts is all he showed me, he did
31 not show me the proclamations in their entirety.

32
33
34 It said, shall not be defaced, removed,
35 destroyed, lived in or lived upon any National Park or
36 Monument. And I asked Judge Singleton to instruct the Federal
37 Prosecuting Attorney to repeat that. And then I also repeated
38 it the way I heard it from him. And then I asked him, please
39 explain to me why an all white community which is really Hoonah
40 Tlingit land, given the townsite in 1955, an area completely
41 enclosed by park land and park waters, a private killing field.
42 They brag about harvesting 12 moose this last year.

43
44
45 Anything that comes into that right (ph) land,
46 if you'll look at a chart you'll see exactly what I mean.
47 That's why there's so much opposition to the idea that we can't
48 hunt. My personal idea is to -- under the Marine Mammal
49 Protection Act since my wife sews, I brought her skins, I tan
50

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skins, I still do. I want the right to hunt marine mammals, 55
gather food and fish all on what's referred to as under
subsistence what I claim as customary and traditional use.

1
2 That's very basic. I know it's not a matter of
3 starving to death, it's my cultural identity. What am I if I
4 don't live my culture? If I am not my culture? If I don't
5 exercise the things I've been taught and pass this on to my
6 children?

7
8
9 You see, I hear the -- I just recently heard
10 the President of the United States say about the favorite
11 trading status is China because it was the most populous nation
12 on earth. Because of their actions in restricting their people
13 and violating so many human rights, the restrict favorite
14 trading status with the United States. How about us, the
15 Tlingit? We're a minority, we want human dignity. We want our
16 rights, we want to be fairly. Thank you.

17
18 MR. THOMAS: Thank you. Appreciate your
19 sharing that with us. Is there anybody else in the audience
20 that would like to comment at this time? Again thanks

21 MS. LOWE: Mr. Chairman, I request that if he
22 has something written down he would turn it in for the Council.

23
24 MR. THOMAS: Did you have your written comments
25 with you? Was any of them written that you brought with you?

26 MR. JAMES: (Shake head negatively)

27
28 MR. THOMAS: Okay, we'll transcribe from the
29 recording, thank you.

30
31 MR. JAMES: One thing I wanted to read and I
32 forgot.

33
34 MR. THOMAS: Okay.

35
36 MR. JAMES: Now this is "Keeper of the
37 Treasures" compiled and written by the National Park Service in
38 1990. At that time James M. Ridenour was the Director.

39
40 "Keeper of the Treasures" concludes that Indian
41 tribes must have an opportunity to participate fully in the
42 natural, historic preservation programs, but on terms that
43 respect their cultural values, traditions and sovereignty.

44
45 And that's very crucial, our traditions and our
46 cultural sovereignty. The National Park Service did, in fact,
47 recognize our sovereignty and he states:

48
49 We, of the National Park Service welcome the
50

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1 opportunity to broaden our perspectives on preservations issu⁵⁶
2 and look forward to working with all Indian (ph) tribes to
3 implement their recommendations contained in "Keepers of the
4 Treasures". Thank you. This is by the Park Service.

5 MR. THOMAS: Thank you. Richard.

6 MR. DALTON: Is there anything that this Board
7 wish to satisfy the testimony at this time. To me it's a very
8 sound testimonies that I'm hearing. And it seems to me that's
9 what we're here for is to make some sort of a reply so that
10 they could be satisfied. If there is anything from this Board,
11 I think we should try to emphasis to satisfy their testimonies.

12 I know that I have attended several other
13 hearings in different categories in the State of the Union, in
14 Anchorage and in Fairbanks. Every time that we have anything
15 like this, the Board has to respond in order to justify certain
16 amount of satisfaction in order to make a person feel good and
17 travel such long ways in order that we hear their testimonies.

18
19
20 MR. THOMAS: It's a good point, Richard. When
21 Wanda concluded her remarks on Glacier Bay, I mentioned that we
22 hope to be an advocate in this forum that we have to bring to a
23 resolve some of those conditions that they're sharing with us.
24 And we're going to have to learn the process a little more.
25 We can assure them that we're -- we agree with what we hear, by
26 all means we agree. It's not a new issues. Today is not the
27 first time I heard it.

28
29
30 We do respect the fact that you took the time
31 to come to Sitka to present that testimony to us. We thank you
32 for the confidence that you're displaying in the efforts of
33 this Council. It's going to have to be a joint effort, we're
34 going to need your continued support, we're going to stay on
35 top of it the best we can. We going to convey and support
36 those positions and help -- hopefully, be of some help in
37 coming to a resolve that will not appear to be in a continued
38 violation.

39
40 Nobody agrees that the situation out there is
41 not right. Nobody said it's right. We all agree that it needs
42 to be changed. Exactly what it's going to take to do that, I
43 think remains to be seen. The reason that we all expressed
44 interest in serving on this Council was to represent the
45 concerns of the subsistence users. No greater subsistence
46 issue or area before us in Southeast Alaska than Glacier Bay.
47 And to the best of my knowledge you have, if
48 not all, a major support from this Council. Again, I want to
49 thank you for taking the time to share that with us.

50

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I see Mark jockeying he head around, you got some more, Mark?

MR. JACOBS: For the record this is Mark Jacobs, Jr. again. Seems I can't say enough in one sitting. The original subsistence law in Alaska, 1970 enact (ph) offered by Al Adams was what we embraced as Native and non-Native alike. ANB wrote a proficient paper that this was a very good law acceptable to all. As it turned out the sports fishermen began to treat it as only Native law.

I agree and like I stated earlier that the only reason that we have ANILCA law protecting the Native rights and that's because of Native rights exist today. I find the State of Alaska is out of compliance when the Supreme Court issues in McDowell's (ph) decision. It took the State of Alaska out of compliance. The Legislator began to hustle to see what can be done in amending the Constitution of the State of Alaska.

I'd like to remind the group that the Constitution of the State of Alaska is the supreme law of Alaska. And there is only certain methods that can be used to amend that. I've raised assumption (ph) many times why Article 12, Section 12 is not utilized in McDowell's decision.

Article 12, Section 12 says that the State of Alaska and its people, and I emphasize the word forever, disclaim any right or title to any land including fishing that is claimed by the Indian, Eskimo and Aleut. I know that it was argued against me in that this did not include hunting because we had one Native sitting on the Constitutional Convention who was Senator Frank Boratovic (ph). But I want to assure you he had to answer in 1959 to the ANB Convention held in Yakutat. And that was the action of an Indian (ph) attorney at that particular time to question him on why the hunting rights was not included.

The ANSCA act is illegal. No other human being would accept this legal. It's so full of ambiguities. When it began to be implemented even the authors rejected its contents. It comes to a point where the Federal Government can live with its own act. The reason ANSCA became law is because the Secretary of Interior, Udall, imposed a land freeze. With all the oil sitting on the North Slope, it had to flow. And we had the backing of those big money oil companies to give the ANSCA, whether it was legal or not, pushed through Congress.

The embraced the Alaska Federation of Natives as though they were dealing with the Alaska Tribal Traditional

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1 Governments. I can talk about a great deal on tribal 58
2 sovereignties. I had a lot of input and a lot of study on that
3 point.

4 But the oil was flowed. (sic) The reason I
5 call the ANSCA legislation illegal is because the United States
6 was one of the greatest authors of the United Nations charter.
7 The United Nation's charter ruled that colonialism would be
8 eliminated from the globe of this earth. No long parliament of
9 the British Government brag about the sun does not set on their
10 flag.

11 When the Alaska Statehood Act became law they
12 tried to justify that they dealt with colonialism, that was not
13 the case. They did not address the indigenous people. And
14 therefore the ANILCA gave us opportunity to get into that
15 particular amendment to the ANSCA act to protect Native rights.

16
17 AFN call themselves a federation, but those of
18 you that are political scientist or political students --
19 students of political science will know that they are not a
20 federation. They're not even a confederacy. They are simply a
21 handful of self appointed lobbyist that the United States
22 Government, the Department of Interior and various other
23 departments embrace as though they were dealing with Tribal
24 Government in order to get that oil to flow.

25
26
27 I get very bitter, at times, over some of the
28 way these things have taken place. When the Indian Self
29 Determination Act was passed during the Nixon administration it
30 was a milestone act for use to run our own programs, make our
31 own decisions and recognize our tribal sovereignty, to set our
32 own goals and our own protection. When that act became law the
33 Department of the Interior sent our circulars, letters, to all
34 the Native organizations in Alaska to put in a bid to be
35 recognized as a tribal government.

36
37 In that letter that I received they said the
38 IRA Councils would not be recognized because they owed millions
39 of dollars to the Federal Government. A week later they saw
40 the hand written on the wall, that the Bureau of Indian Affairs
41 needed an organization to keep under the heavy thumb of their
42 utility. They sent out another circular and said that the IRA
43 Councils would be recognized as a tribal government

44
45
46 Now, the seat of our tribal government as we
47 know it today, the Tlingit and Haida organization, the IRA
48 Councils, the Traditional Councils. I speak of the IRAs and
49 the Tlingit and Haida organizations as a federal creation as
50

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1 opposed to Traditional Councils, who are the real sovereign 59
2 people that have exercised their own cultures, their own
3 language, their own way of living, the way they raise their
4 children. And how they rub shoulders, how they made war, how
5 they made peace, how they hold their Pot Latches, how they
6 transfer their properties. All of these things are
7 manifestations, let me emphasis again, manifestations of
8 sovereignty. You cannot legislate sovereignty. You cannot lay
9 a finger on it, where sovereignty lies.

10 Take the United States, for example. Like one
11 bureaucrat I asked, where does sovereignty lie within the
12 United States? He said, I guess it's in the Constitution. But
13 who interprets the Constitution, the Supreme Court Judges.
14 We'll then who appoints the Supreme Court Judges? The
15 President. Okay, then who confirms those appointments? Now,
16 to go through this process where does sovereignty lie. In the
17 people. Tribal sovereignty lies within your clan and tribe.

18
19 The United Nations charter protects that right.
20 That the reason we have the Indian Self Determination Act.
21 Tribal sovereignty is a free (ph) thing. They've argued that
22 we have only limited sovereignty and that we have only internal
23 sovereignty. Who in the world are they talking about? When
24 you have to fly to Washington, D.C. and talk about Glacier Bay,
25 that's external sovereignty. Well, what about limited
26 sovereignty?

27
28
29 What happened to the absolute sovereigns,
30 Hitler? What happen to the Russian government? Are they
31 absolute sovereigns? There is no absolute sovereign on the
32 face of this earth. Don't let the Federal Government tell you
33 that tribal sovereignty is limited. We possess that right as
34 human beings, as part of the human families of this world. So
35 I say that we hold the upper hand, we are special citizens of
36 the United States. They call us second class citizens, but
37 when you thing about all these things we find that we are super
38 citizens of this country.

39
40
41 MR. THOMAS: Thank you, Mark. I've neglected
42 to acknowledge a recommendation that was included in Wanda
43 Culp's presentation. All those will serve as a guidance for
44 consideration. Some time we'll get a description of what some
45 of the concerns are and when we think that we've reached a
46 result to recommend, some time our thoughts (ph) aren't in the
47 exact places. The people brought them to us are sharing, so
48 those of you that offer testimony if you had time to consider a
49 recommendation for change, have the courage to include that and
50

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if you don't, that's okay, we understand that, so we'll work 60 with you through this process.

1 Was there anybody else in the audience that
2 would like to comment? Wanda.

3
4 MS. LOWE: Mr. Chairman, Ted Borbridge has not
5 testified yet and he's a new face.

6 MR. THOMAS: Wanda, do you have a follow up?

7
8 MS. CULP: Just a quick comment, Mr. Chairman,
9 thank you. About what occurred here with Mr. Jacobs talking
10 about probably to stress the importance of the tribal form of
11 government in with the state and federal. Recently there was a
12 few of us that represented the Tribal Council at the park
13 archives in Glacier Bay and it is just like a flashback back in
14 classroom again when you begin hearing -- seeing someone else's
15 interpretation of your history.

16
17 The point we want to make in our -- including
18 the tribal government into the whole process is because we are
19 a living culture and we still remember things and we don't want
20 to see our history and archives interpreted by someone who was
21 there for a couple of hours and talked to our elders, then make
22 a prejudgment on what they heard after they had been welcomed
23 into our homes.

24
25 So it's very important that we become part of
26 the process, so that no more prejudgments about our culture and
27 our way of life happens. And we can assure that we'll always
28 be properly presented and represented.

29
30 MR. THOMAS: Another good point, thank you.
31 Mr. Borbridge. A thousand apologies for passing you up, Ted.

32 MR. BORBRIDGE: I accept your apology, sir.
33 I'm sorry I was a little late.

34
35 Good afternoon, ladies and gentlemen. I would
36 first like to introduce myself. My name is Ted Borbridge, I'm
37 currently reside in 110 Park Circle here in Sitka, Alaska. I
38 would like to take this time to congratulate each one of you
39 for your appoint to, which may be questionable, prestigious
40 position on the Federal Advisory Subsistence Board.

41
42 My testimony is quite short and in lies in
43 support of Mark Jacobs, Jr. and as you know he does represent a
44 number of organizations here locally and in Southeast. And he
45 does have full support of those organizations he does
46 represent.

47
48 The primary issue I would perceive to be a
49 major concern seems to be the secondary position that
50

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1 subsistence is playing to commercial and sports fishing and 61
2 hunting. It has been shown that in a number of studies that
3 the total harvest for either fish or game has been not more
4 than one percent of the total harvest of these species for
5 subsistence purposes. And yet the taking of subsistence of
6 these species has, and continues to be, severely restricted in
7 favor of sports and commercial commercialization.

8 Subsistence is not an item that can legislate
9 it or regulate it to a point of non existence. To do so is to
10 deny people the lifestyle that they have enjoyed time and
11 memorial. And as Thomas Paine has said, give me liberty or
12 give me death. And I would say to you, give me subsistence or
13 give me death.

14 Again, I would like to thank you for the
15 opportunity to present my views and like Mr. Thomas has
16 mentioned a little bit earlier if we do have recommendations,
17 we would like to have them brought forth. Maybe before the
18 time expires I may have some. Thank you.

19
20 MR. THOMAS: Thank you very much, Ted. John.

21
22 MR. VALE: Mr. Chair, if you'd bear with me a
23 little bit. I'd like to ask Mr. Jacobs a question.

24
25 MR. THOMAS: His hearing is really severely
26 impaired so you just about got to chew on a mic.

27
28 MR. VALE: My friend, Victor Burgess, from
29 Hydaburg has talked to me many times about subsistence and
30 ANILCA and treaties with the United Nations. One point he made
31 with me once, and I'd just like to get your thoughts on this,
32 is he told me that the United States had signed treaties in the
33 United Nations that the aboriginal rights of the indigenous
34 people cannot be taken away without a vote of those indigenous
35 people. And that has never occurred here in Alaska, not in
36 ANSCA or anything else. And I just wanted to get your thoughts
37 about that.

38
39 MR. JACOBS: Yeah, I agree with that. I think
40 we can go back to the Spanish Government. When the first canon
41 law were being interpreted on the status of the Europeans
42 coming and taking Indian lands it was agreed to protect these
43 explorers that if they dealt with the original people or the
44 occupants that they had understanding and agreement that they
45 were okay -- then it was okay for Europeans to occupy the
46 Indian land. You probably know the fact that we did not build
47 fences nor did we establish no trespassing signs.

48
49
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So what the courts used is use and occupancy.⁶²
What the Federal Government and State used we call checker
boarding. When they begin to ask you what area did you use?
1 How long did you use? What did you take from there? They
2 confine you to that area, the rest is surplus. But we claimed
3 everything as far as you can see. The Tlingit and Haida were a
4 seafaring people. We traded up and down the coast. A question
5 arise in my mind. Why does trade mean something else for a
6 white man and violation for Indian people?

7 So I agree that the treaties, if there's any
8 sign -- the United States outlawed treaties with the Indian
9 people, so they could go ahead and help themselves to it. The
10 last treaty, I think, was in 1878 or somewhere around that
11 time. For that reason Alaska Natives did not have any
12 treaties. They relied on a Russian treaty.

13
14 The Russian Government has not rights
15 whatsoever to sell to the United States all of the territory of
16 Alaska which they did not occupy, conquer or set up a
17 government except with in the stockade in Sitka area. I know
18 in Yakutat they did not plant their roots, they were run off.
19 The same thing with Old Sitka. Out there now is a tourist
20 attraction and a site that Russian fought and tried to own for
21 only 18 months.

22
23 This kind of thing, you know, you look at it
24 why is a temporary culture get so much emphasis and original
25 people do not get any kind of credit for the establishment of
26 Alaska, but we're getting there, I assure you that. Thank you.

27
28
29 MR. THOMAS: Thank you, Mark. For those of you
30 in the audience and staff that may not have had the opportunity
31 hear this particular testimony before, where these people
32 testify and for those of you that have and for members on the
33 Council, subsistence is more intregal into the people that
34 express a desire to participate in this process. And it's not
35 without emotion.

36
37 I don't know whether there's virtue in
38 emotional containment or not. There's times when we all wish
39 we could be like Gabe, but I don't know that any of these
40 strong comments are pointed individually at anybody with any
41 intentions to embarrass or injure. I don't think that's the
42 case. If it is the case -- if I discover it to be the case,
43 I'll try to have a little bit of guidance around that.

44
45
46
47 But this is our first day of doing this, it's
48 not going to be our last day of doing this. Every time anybody
49 that's a subsistence user or represents our version of
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1 customary and tradition, you'll find the same representation, 63
2 the same excitement, the same disappointment, the same
3 frustration in dealing with this. And it's going to be a bath
4 of frustration when they Board starts receiving communications
5 from other regions of the State. It's going to be like they
6 never heard before because people are placing more confidence
7 in this process. Everybody is thankful that the process is
8 here. We have high hopes for it, we really hope that it'll be
9 something that'll be recognized as a good faith effort on the
10 Federal Government to hear people at this level for these
11 concerns. Ann.

12 MS. LOWE: I'd like to get some clarification
13 from Wanda, if I could?

14 MR. THOMAS: Sure thing.

15 MS. LOWE: Wanda, as I see here, the papers
16 that you turned in, these are position papers that were
17 developed and when you were testifying, did you have statements
18 in there that you made that were not in these papers? Because
19 there's a couple of things I remember you saying and I haven't
20 been able to find them in your testimony. So was there further
21 comments that were -- besides these position papers that you
22 made?
23

24 MS. CULP: Everything that I said the last time
25 I was up there was coming off the documents there.

26 MS. LOWE: Okay.

27 MR. THOMAS: Subject to be added to at anytime,
28 huh, Wanda?

29 MS. LOWE: There was a -- I was concerned about
30 a statement you made about arresting people for practicing
31 subsistence uses in two areas and I can't find it.

32 MR. THOMAS: Wanda, are you going to be here
33 for the afternoon?

34 MS. CULP: Yes, I leave tomorrow morning.

35 MR. THOMAS: Here at the meeting?

36 MS. CULP: Uh-huh (affirmative).

37 MR. THOMAS: Okay, let's wait until we take a
38 break and they you get with Wanda and work that out. Is that
39 okay, Wanda?

40 MS. CULP: Fine.

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MR. THOMAS: Okay. Was there anybody else for public comment at this time? Yes, please come forward.

MS. RUDOLPH: My name is Mary Rudolph. I didn't put a paper for comment, I wasn't planning on making a comment but -- I'm Chookaneidl from Glacier Bay, descendant of Glacier Bay. My mother is 81 years of age, she's (indiscernible). We went to the sun (ph) symposium not too long ago and we had four generations of my mother, myself, my daughter, my grandchildren.

This was the first time in Glacier Bay and this is my first time in many years. And as we descended into Glacier Bay to listen to the elders talking, coming home, seeing their homeland and for the first time share some history with us. They told us sad (ph) stories, they told of the weather, the told of fending for food. This was something I can share with my grandchildren because they didn't know about it.

They knew they were descendants of Glacier Bay, but never had seen it. And for them to come there and actually see something that was part of their history -- and the youngest one is four and the excitement they felt, the way they felt during the time we were there. They were so excitable to actually hear the elders talk of the -- their way of life during the time they stayed there, the things they shared, the food.

And we made another trip back to Glacier Bay and stayed with a person over there and one of the things he shared with me was nagoon berries and it was a very little bag. And the first time I thought about it, the first thing I did was open it and smell the aroma of the berries. And I took that little bag home to my mother because she'd been asking me to get some of them berries and I took some wild strawberries from Glacier Bay. The joy she felt during the time when I gave her the stuff that we brought home from Glacier is something I don't think I could ever relate to anybody because she was so happy about it.

And to have to deal with all of this utility on something that you hear your elders talk to that was so fendful (ph) for them. And to be deprived of things you think that's part of your life and shouldn't be able to dealing with the rules and regulations and trying to tell you family or your grandchildren, the descendants of your tribe that this is where you came from. This is what we lost, but I feel in my heart every day and we never did give up that right to this.

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1 And to let them know and share the things that
2 we did during the time when the elders talked about the things
3 that they did over there and where they went, the freedom, the
4 road from Glacier Bay to Hoonah, walking (ph) from Dundas Bay
5 to Hoonah in 14 hours. My mother shared another story where
6 her sister and her would go on a boat from another area and for
7 us it's like driving in a car, another place for them to jump
8 on a skiff was nothing, you'd row from one place to another.

9 But just to share all the beautiful things with
10ous that we came here, you know, for them to realize that was
11part of their life and for them to feel good about it just
12seemed like a glimpse of a dream that seemed so far away from
13us at times and become more of a reality today. And I think of
14our fishermen that are being deprived of fishing in there.

15
16
17 I heard on the radio not too long ago the news
18of our fishermen not having -- having their name on a list on
19the way of losing their permits and stuff to IRS because
20they're unable to funds (ph) and all those things that are
21coming up against us. Like I was telling Wanda, here with me,
22that seems like we go over one obstacle, we think we've passed
23over one and there's another one. We go over that one and
24there's a bigger one there with more rules, more regulations.

25
26
27 We've talked to so many people. I've felt
28their pain and a lot -- and I think a lot of disappointments,
29but through it we still see they're still -- we talk to someone
30and they offer us a little light and then we realize we're not
31then only one. That's one of the conversations I had with
32Carol today. To have her input on the other people that are
33here and some hurt that we're going through. It makes me
34realize we need to really band together and we really need to
35fight to find out where position and how you feel.

36
37
38 And just being a descendent of Glacier Bay and
39trying to make that a reality. One of the elders that spoke at
40the senior citizen when we went up to talk to, she said this
41was something I gave up on years ago. I think she's about 83.
42 She said now it's just like a dream coming true and for me I
43can laugh again. And she said, hopefully, I still be laughing
44when I die because I want to make that a reality. And she was
45speaking to us in Tlingit when we were talking to her. So the
46pain is there for our elders, pain is there for all of us.

47
48 I didn't really come up with a bunch of papers
49to read to you from -- I just wanted to make that comment.

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Thank you.

66

1 MR. THOMAS: Thank you very much, Pauline.
2 Historical accounts like that are invaluable in making cases
3 and presentation and trying to convince people in power (ph).
4 That's another point I wanted to make. Nobody in this country
5 needs to qualify themselves (sic) for anything, like the Indian
6 people. But we've done it and we're good at it. And this
7 won't be an exception. So we're always busy at qualifying. I
8 saw Richard jockeying around, do you want to say something,
9 Richard.

10
11
12 MR. DALTON: Mr. Chairman, I'm very happy to
13 hear the testimonies, it's something good, it's a reality. A
14 person speaking out there's something there that's going to be
15 helpful to this Board making recommendation to Congress. As we
16 listened to the Park Service last night we heard that it's not
17 the park rangers or the superintendent's fault that they have
18 had this law, it was done in Congress. And the Congress
19 litigation is something that is supported and enforced by the
20 park rangers in the National Park in Glacier Bay.

21
22 So your input as your statements and your
23 recommendations is going to be very fruitful. This is putting
24 shells into our armory in order for us to try to promote
25 something to the Secretary of Interior, Babbitt, and see what
26 we can do in order to justify the testimonies and just the
27 feelings of Glacier Bay concept.

28
29
30 I don't like the idea of our people being
31 criminalized for taking a seal for payoff party, which is a
32 spiritual meaning to the concept of our payoff party. And it's
33 utilized for the traditional -- customary and traditional uses.
34 And it is not taken just to abuse the predator, so it gives me
35 an encouragement to try to satisfy the people that testified in
36 behalf of Glacier Bay.

37
38 MR. THOMAS: Thank you, Richard. Any comments
39 from anybody else on the Council? Patti.

40
41 MS. PHILLIPS: (Tlingit) for your testimony. I
42 would like to share with the Council, with our Advisory
43 Council, that the ramifications of our position is immense.
44 We're having some real challenges with our youth of today.
45 Coming from a remote rural community, my children and my
46 friend's children looking out for them. Who are they? They're
47 looking at me to who they are. And with the way of life
48 disappearing it's hard to show them just exactly who I am.

49
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1 My grandmother came for a subsistence way of 67
2 life, she tried to share that with me. But her sense of self
3 esteem was diminished by manifest destiny. She was ashamed to
4 show me what I would like to know today. So this is me (ph)
5 the ramifications of our positions here if we can begin to
6 solve the problems of subsistence we would begin to solve the
7 problems of our children's society.

8 We have suicide problems, drug and alcohol
9 problems. Our people are incarcerated in prisons. If we can
10 begin to solve our problems of subsistence way of life, we can
11 begin to solve other problems too. So I just wanted to share
12 that with you.

13 MR. THOMAS: Thank you, Patti. That's so true
14 and I don't think you're going to find anybody to dispute that.
15 We're talking heart and soul and that's where everything is at.

16 If there isn't any further comment at this
17 time, we'll go back to our agenda, but before that we'll take a
18 39 second break. Just enough for the Chairman to make a round
19 trip.

20 (Off record)

21 (On record)

22
23 MR. THOMAS: Do we have any other people for
24 any comments? I see Wilbur raising his hand. Wilbur.

25
26 MR. JAMES: I was just made aware of the idea
27 that we can shoot sea gulls now. I know that for years you
28 could not shoot them. But they do become a nuisance, Sitka's a
29 good example, fish canneries or whatever, operating cold
30 storages. And I'd like to make a suggest that the Hoonah
31 Tlingits go into Bristol Bay and harvest eggs. That's part of
32 our tradition, that's part of our food.

33
34 And we know how to harvest the seagull eggs.
35 The first day you pick one, the second day you'll find two, the
36 next third and fourth days you'll find three. After the fourth
37 day you don't pick three, they're already turned into chicks.
38 That's a good population control

39
40 That came out during the trial too, where
41 someone was destroying eggs on all the egg islands within
42 Glacier Bay and outside. I know them all, I know where
43 everyone of them are. And I saw it for myself that the eggs
44 were, in fact, destroyed. Instead of doing that let us harvest
45 it, we know how to use it.

46
47 I asked Mr. Federal Prosecutor why they were
48 being destroyed, he didn't know. So I told him, I said, I
49 imagine that they're being destroyed because I can imagine what
50

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1 a tourist would feel like if they go up to a glacier and 68
2 they're taking pictures and that flying little garbage can
3 happens to defecate on the tourists, that would be a no-no.

4 And another, since you folks are open to
5 recommendations. I was thinking if funding could be found that
6 the National Park Service could take the true Native people,
7 young people, that we could teach their culture to, like from
8 my part in Glacier Bay. And teach these young children or
9 young teenagers summertime jobs, how to interpret various
10 points of interest and various things that had happened in
11 Glacier Bay.

12 I know that there's a very big interest -- I
13 came over on the big ferry the other day. I happen to be
14 wearing this and I had all kind of tourist all round my neck,
15 they wouldn't give me a minute's peace. I went to get a cup of
16 coffee, they kept asking me all kinds of questions. I'm sure
17 there would be a lot of interest in that group and good
18 employment for some of our young people. Beside letting them
19 make a little money for school in the summer months they could
20 also learn their own history. That's my recommendation if
21 money could be found.

22 MR. THOMAS: Thank you, we'll take all of that
23 into consideration. Okay, now everybody that's testified so
24 far has an opportunity to do so twice. What I would like to do
25 now is as new people come in that haven't had the opportunity
26 to give them the opportunity. When they're not here we're
27 going to get into the rest of our agenda.

28
29
30 Having been in the audience myself I know how
31 easy it is to kibitz and get in discussions where you go, oh, I
32 thought of something, which is very healthy. So we'll honor
33 all of that, but I would also ask you to consider that we take
34 a little opportunity to get some more of our agenda. Public
35 comments will continue again this evening. And sometimes our
36 agenda items don't take up as much time as we've scheduled them
37 for. So if you'll just bear with us, we'll get into our
38 regional issue identification at this time. Ann.

39
40 MS. LOWE: Bill, does it take a motion to close
41 public testimony at this time?

42
43 MR. THOMAS: No, no it doesn't. The period is
44 still open.

45 MS. LOWE: And what time will public testimony
46 be open tonight?

47
48 MR. THOMAS: It scheduled to begin at 7:00.
49 Okay, I would like to work down the table from either end,
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either at Hydaburg end or Haines end. And we have Southeast 69 stretched out pretty good except we got Millie in the wrong place. She should be over here and Richard should be up there.

MR. ANDERSON: The good-looking guys are on this end.

MR. THOMAS: Oh, the good-looking guys are down there. Wilbur, I was going to tell you the reason the tourists were all over you on the ferry is because of your being a sex symbol, so you have to put up with that, see.

Marilyn, did you have issues from your region you'd like to bring up here? Or would you like to wait and present them later or how would you like to do that?

MS. WILSON: I'm trying to absorb so much here and I do have some things that I would like to bring up, but I would rather wait till a little bit later.

MR. THOMAS: We'll do that. We'll start on one end and if you would rather pass when your turn comes we'll honor that, but please remind me of where we're at when we come back, okay? I don't want to pass over anybody so -- and I don't want nobody to pass out either so we're going to have to compromise. John.

MR. VALE: Thank you, Mr. Chairman. There is one overriding issue that is of concern to the folks in Yakutat and I came here to get as much information regarding this issue so that we can fully understand why things are the way they are right now.

And the issue is the navigable waters and the fact that the Federal Government is not extending their authority in the navigable waters. People in Yakutat receive 90 percent or better of their subsistence resources out of the marine environment. And without Federal protection -- I guess people are really uncomfortable because they feel that the best protection for subsistence use is coming on the federal level right now.

And the one issue that was communicated to me before leaving is that the navigable waters be -- I'd like to pose an example to you of how we're being affected at the present time. The use of steelhead in the Situk River has always been a customary and traditional resource to the people of Yakutat. Presently the State does not allow subsistence harvesting of steelhead. They allow them to be kept if taken incidentally while targeting other species. But not allowed to go harvest steelhead, per se.

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1 This is a real problem. They're the anadromous
2 fish to return in the spring. They are highly appreciated. I
3 can't say that they're used extensively, but they are desired
4 and appreciated and have historically been used. Right now the
5 State prohibits targeting them. And because they're in
6 navigable waters and the Federal Government is not extending
7 their authority in the navigable waters, you know, we have no
8 recourse on federal level.

9 So I guess I'm trying to understand why the
10 Federal Government is not in navigable waters. I've read
11 through ANILCA and the Congressional record and it's clear to
12 me that Congress intended fisheries to receive protection.
13 Yet, except for very isolated examples those protection are not
14 being received.

15 I guess what I would like is a solicitor's
16 opinion as to why that authority is not being extended to
17 navigable waters. And I guess that's the one piece of
18 information that, I think, would be real helpful to me to
19 understand that part of it.

20
21 MR. THOMAS: So you'd like the Federal
22 Government to testify why they don't have jurisdiction under
23 the waters? Is that would you'd like?

24
25 MR. VALE: Yeah. And in specifically as
26 possible, in that I would like to hear some discussion as to
27 what Congress's intent was when, you know, Title 8 was created.

28 MR. THOMAS: Is that something that staff might
29 be armed with today? Jim.

30
31 MR. KURTH: What I'll attempt to do is explain
32 why that policy is there. Obviously there's a difference of
33 opinion and many people disagree with that, and I'm not here to
34 say whether it's right policy or legal, but I'll explain to you
35 why this was made and how this was made.

36
37
38 ANILCA, as you know, is a lands bill, it deals
39 with public lands in Alaska. And in ANILCA it talks about
40 federal public lands being the land, waters, and interest
41 therein, title to which is in the United States. When a state
42 is admitted to the union at the time of statehood unless the
43 lands and waters have been withdrawn for a specific federal
44 purpose, the title to the bottoms underlying navigable waters
45 and submerged lands below the high water and such areas like
46 that. At the time of statehood the title to those lands passes
47 to the State of Alaska.

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1 When the program was first begun, Federal 71
2 Subsistence Program, the legal analysis and the policy decision
3 was made that because those lands underlying navigable water
4 belong to the State of Alaska that those navigable waters were
5 the jurisdiction of the State of Alaska. And therefore they
6 did not fall within the definition of federal public lands
7 contained within ANILCA and the jurisdiction of Title 8 did not
8 apply to those lands.

9 People disagree about that. That's really the
10 crux of the matter of the Katie John (ph) case that's before
11 the District Court right now. There's an argument in State
12 Court that we don't even have the jurisdiction that we claim on
13 the waters within the State and the matter has been before the
14 District Court for a couple of years now.

15 The issue is also before the Secretary, as I
16 mentioned before. In a petition for rule making that several
17 Native groups under the banner of the American Native Lifestyle
18 have presented to the Secretary asking him to review that
19 original legal interpretation and that policy decision to
20 implement that determination.

21 The contention, basically, is that that was a
22 narrow construction of what was federal public lands. The
23 statute speaks to lands, waters and interests therein and the
24 petitioners believe that there's a sufficient body of case law
25 to support interpretation that, yes, in fact, the United States
26 has interest in those waters and that it's not just simply a
27 matter of deep title ownership of those submerged lands. But
28 based on that original legal policy about who had title to the
29 land under navigable waters, that's what appears this call (ph)
30 was made. And that's what's being challenged in court and then
31 challenged in the petition for rule making to the Secretary.

32 MR. VALE: Do you anticipate the Secretary
33 responding in the near future?

34 MR. KURTH: Yes.

35 MR. VALE: Okay, thanks.

36 MR. KURTH: He made remarks when he spoke to
37 the AFN leadership in Dillingham that indicated to them that he
38 planned on making that decision on their petition that he had
39 read it thoroughly before, that he was impressed by the legal
40 analysis and led them to believe that sometime, perhaps even by
41 the end of this month, he may make a decision. I don't claim
42 to have any insights into the Secretary's decision-making
43 process at this time.

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MR. VALE: I look forward to seeing that information when it's available. Thanks.

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1 MR. THOMAS: Thank you. I see a couple of
2 people in the audience that would like to respond, but because
3 of the possible involvement this would have I don't want to
4 jeopardize our opportunity to go through the Council in
5 identifying our issues from our areas.

6 What I would ask you to do is to keep this --
7 make notes of what's going on and later on when we ask for
8 public comments again, please take advantage of that. I don't
9 mean to be rude, but I think a streamlined system that we need
10 to use today. I'd appreciate your cooperation. Thank you.

11

12 Is that all you had, John?

13

14 MR. VALE: Just one more thing. A piece of
15 information for the Council. In Yakutat, you know, customary
16 and traditional determinations have been made on some species,
17 but not on all species that are utilized by the residents. And
18 in the future here, in the coming years, we'll be looking to
19 have c and t determination made on a number of species, bears
20 and mountain goats and so on and so forth. And I just --

21

22 MR. THOMAS: What kind of determination?

23

24 MR. VALE:

25 Council aware that we will be coming forward with proposals in
26 the future to do that.

27

28 MR. THOMAS: What kind of determinations did
29 you say?

30

31

32 MR. VALE: Customary and traditional use
33 determinations for some species of animals. No determinations
34 have been made as of yet on whether they are customarily and
35 traditionally used. And the feeling is that, you know, a
36 determination will be good and important and we've been waiting
37 for the Regional Council system to come on line before
38 submitting any proposals, so as to guarantee that they receive
39 Regional Council review. So I just wanted to point out to the
40 Council members that there will be some proposals in the future
41 asking for c and t determinations on some species, such as
42 bears.

43

44 MR. THOMAS: Okay. Anything else?

45

46 MR. VALE: That's all, thank you.

47

48 MR. THOMAS: Millie.

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MS. STEVENS: Thank you, Mr. Chairman. My name is Millie Stevens, I represent the Craig/Klawock area. I've heard it time and again, and I'm going to say it once again, our subsistence use -- the bulk of our subsistence use comes from the water. The issues from our area are water related. I had mentioned last night, I don't know how many of you were here, to my knowledge, traditionally, we never sought bear for subsistence use. We do shoot deer, we don't have moose or caribou or goat down on our island.

What I'm going to do is just read some of my notes from the meeting that I had the other night with the Craig/Klawock people. One of the things that I understand now after being here, but it was brought to my attention and I'm going to share it with you. A gentleman from Klawock was opposed to a commercial fisherman serving on a Subsistence Board. And after giving it a little bit of thought a lot of our commercial fishermen also use subsistence food, so that doesn't really make any sense to me. I wish I had thought about it when this gentleman brought that point up.

In the Klawock area, an area that's identified by 3B, is a subsistence area and yet sea cucumber are being taken out of there commercially. The bulk of the commercial people that are taking sea cucumber happen to be non-Native and I don't know if that's a coincidence as to why there is no control there or not. But it seems as though when we go out for our subsistence foods, we have to get a subsistence permit for our salmon. We have to get a subsistence permit for harvesting our herring eggs. And I, personally, don't have a problem with that, but I do have a problem with certain things that are controlled and things that should be controlled are not controlled.

The same goes with the abalone. I remember as a child we used to be able to go out and get abalone and then it was commercialized. Now, if you're not a diver you can't get abalone. And the same thing happened in the abalone beds that happening to the sea cucumber, is areas that were designated for subsistence use, the commercial people went in there and cleaned them out.

Another big item in our area because in our area they're doing the pound fishing and that is really, really a sore subject. They really monitor the kelp and yet for the last six years people have been coming in and taking tons upon tons upon tons of kelp and transplanting it to Cordova Bay and where -- Cordova -- Cordova Bay is down by Hydaburg, Cordova and different areas.

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1 Another concern, something we've heard, is that
2 pretty soon we're going to have to have a permit to pick
3 seaweed. I have not seen this in black and white yet, but it's
4 really been -- it's the latest thing, you know, everyone has
5 heard that we're only going to be allowed three pounds of
6 seaweed and I'm thinking three pounds of seaweed, how am I
7 going to stretch three pounds of seaweed throughout the whole
8 year.

9 A lot of our elders aren't capable of getting
10 out and getting a lot of our subsistence foods, so a lot of the
11 younger people go out and they share with the elders. And we
12 do a lot of trading. From the Haines area, they don't get
13 black seaweed up there so we trade for the hooligan oil, that's
14 just as an example. And that's a real concern of ours.

15
16
17 I know when they commercialize seaweed in the
18 Petersburg area the Japanese came in and they did not pick the
19 seaweed the way we traditionally pick it. When we pick it it
20 comes back the next season. When the Japanese come in there
21 they come in and the scrape the rocks and the seaweed does not
22 come back. So that's another concern, we don't want to see
23 that, we don't want to see it commercialized. But if it is
24 commercialized we want it done properly so the seaweed comes
25 back the next years.

26
27 And that's all I have for right now, thank you.
28 MR. THOMAS: Thank you, Millie. Marilyn.

29
30 MS. WILSON: I might as well get mine out of
31 the way because I don't have that much. We're mostly state
32 land up there and our rivers are controlled by the State. This
33 summer our fisheries in the Chilkat River below Klukwan was
34 open July for one week -- I mean, in June for one week. And
35 they were supposed to open it July 15th, but they extended the
36 closure.

37
38
39 And during all these times the river sometimes
40 is too high anyway for anybody to fish in there and Klukwan
41 area is a reserve and they're considered federal. The State
42 Fish and Game did not shut them off from fishing up that way.
43 And that, I thought, was supposed to be navigable waters, but
44 the State still let them fish up there. I don't know why that
45 is, but I'm real glad they did.

46
47 And all the goats that we hunt are across the
48 bay from Haines, they're all the way up to Skagway and, you
49 know, it's very mountainous there. And I think just the outer
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1 edge of these mountains belong to the State, I don't know why75
2 it's not part of the Tongass, but we're restricted in that area
3 for goat hunting too.

4 On the matter of deer hunting, we can get deer
5 on Sullivan Island and that's further down near -- past
6 Seduction Point, halfway to Juneau, I guess you'd call it. And
7 I think that's on federal land. This is what I'm trying to
8 learn right now, what federal lands we have around our area, so
9 I just wanted to bring that up from my area.

10 And I think that's a good question I think I
11 have on this State Fish and Game leaving the Klukwan area open
12 for fishing.

13
14 MR. THOMAS: Thank you, Marilyn. Is that some
15 information, maybe, that could be identified specifically in
16 the Haines and Lynn Canal area for their benefit of
17 interpretation of what federal -- what different lands are
18 there. We'll see if we can get you that before you leave here,
19 Marilyn. Thank you. John.

20
21 MR. VALE: Marilyn, is there a commercial
22 fishery going on about the time (ph) the subsistence fishery
23 was closed?

24 MS. WILSON: Yes, there was.

25
26 MR. THOMAS: Lonnie. John.

27
28 MR. VALE: I just wanted to get that straight.
29 That certainly doesn't seem appropriate that subsistence has a
30 priority based on State and Federal laws. I don't know how you
31 can shut down subsistence and have a commercial fishery
32 ongoing, it's not right.

33
34 MR. THOMAS: You're right. Lonnie.

35
36 MR. ANDERSON: I yield a question to Millie
37 first.

38
39 MS. STEVENS: Thank you, Lonnie. One of the
40 things I forgot to bring up is -- and the only thing we can
41 deal with here is deer hunting and I forgot that.

42
43
44 One of the concerns we have has to do with the
45 logging. We understand that Elevenmile is going to get logged
46 and that's a traditional fishing and hunting area. And we have
47 great concerns in that area. Also the Control Lake, there used
48 to be an awful lot of deer out on Control Lake. And like I
49 mentioned last night, we do get a lot of hunters that come out
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to island, so I'm not sure if that has caused the depletion in our deer population or if it's because of the habitat.

1
2 There's been an awful lot of logging out on our
3 island and I don't recall who had made mention last night, I
4 think it was someone from Sitka, talked about logging and
5 stated that they didn't areas near the fish streams to be
6 logged off. And that is also one of our concerns and that did
7 happen in the Control Lake area, they logged out that area and
8 there aren't near as many fish coming up that stream that used
9 to come up that stream. And the same thing with the hunting,
10 there aren't that many deer there. Thank you.

11
12 MR. THOMAS: Thank you. I talked to somebody
13 that was down from Juneau that was on contract to do some work
14 for EIS on the project you're talking about. There were two
15 areas they were considering and the one at the peninsula, that
16 included Elevenmile and the area around Control Lake. And it
17 sounded like they were looking for a either/or location.

18
19
20 Now, I'm not giving you the accurate
21 information, but I'm telling you what impression I got from
22 that. And if there's somebody from staff that recognizes me
23 leading them up the wrong creek, somebody correct me. But the
24 testimony they got from Prince of Wales all discouraged them
25 from considering logging on that peninsula, Elevenmile up to
26 Nossuk and Staney Creek because of its subsistence
27 accessibility and usability.

28
29 The area around Control Lake, the fishing (ph)
30 point wasn't mentioned to me, but the consensus that they came
31 back with was since the lake was so close to the road system
32 that by virtue of the road system there that impact was going
33 to be on that deer population in any case.

34
35 But I was comfortable and I hope I wasn't led
36 astray that the area around Elevenmile wouldn't be considered
37 for logging.

38
39 MS. STEVENS: Well, that's good to know, thank
40 you.

41
42 MR. THOMAS: Bob.

43
44
45 MR. SANDERSON: Yes, I listened to what Millie
46 had to say about Elevenmile. Now, that's just a very short
47 distance away from Staney Creek. They've already had some very
48 massive die offs of salmon this year. The whole north end of
49 the island, Prince of Wales Island, where the long term timber
50

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contracts were let, they had very large die offs, sometimes 77
several hundred thousand salmons to a system.

1 And I've gone to the Forest Service and,
2 basically, they say this, that you can't prove this by us this
3 has always happened, you know. But you go down our end at
4 Hydaburg where it hasn't really been logged. In much smaller
5 systems you don't see that. A person could go there right now
6 and see that. You know, it kind of makes you sick to look at
7 it.

8
9 I know the Forest Service was running around
10 trying to plant cottonwood in the area where they just
11 completely stripped the cover. But I quite familiar with that
12 area there and, you know, I just came from there.

13
14 MR. THOMAS: Thank you, Bob. Lonnie.

15
16
17 MR. SANDERSON: Thank you, Mr. Chairman. My
18 name is Lonnie Anderson, I represent the Kake area. Our
19 primary concern is the habitat preservation for fish and game.
20 We have a habit of clear cutting. The Forest Service they go
21 into habitat areas, clear cut right down -- leave 100 strip in
22 the stream areas, but we all know that the deer and game that
23 hang around those areas that readily accessible for the two-
24 legged predators to come in and take them right out. For
25 instance, one of the islands that we depend upon the season was
26 closed in '74, we finally get a two year opening this year.

27
28 The other concern my constituents have is the
29 complete clear cutting. I think the proposal has been drafted
30 to see and asked in habitat subsistence areas that areas would
31 not be clear cut. And maybe sections -- you know, not stock
32 log it all together but sections be left specifically for our
33 habitat preservations -- subsistence habitat area.

34
35 The other one, of course, is the buffer zones
36 that Forest Service feels are really being generous by 100 or
37 300 feet. A lot of the areas are subject to extreme strong
38 southeastern winds and then in the latter part of the
39 wintertime north winds come back and blow the other side down.

40 It has been recommended that we institute a
41 proposal that, maybe, the minimum buffer zone be a half a mile
42 in subsistence areas. And those are the concerns that come out
43 of my area right now that these areas are not being preserved
44 for subsistence use.

45 I think that -- at this time we have a lot of
46 other concerns, but that would be the State in navigable
47 waters, subsistence crab things and that needs to be taken up
48 under another issue. Thank you, Mr. Chairman.

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MR. THOMAS: Thank you, Lonnie. But you know78 that's where our biggest spruce is, right along the creek, a lot of money in those trees. Gabe.

MR. GEORGE: My name is Gabriel George. I have some concerns that not only relate to the Angoon area, but I think to the subsistence management of our resources altogether. Having worked with Fish and Game, having interviewed people throughout Southeast and Yakutat and all the -- and talked to them on a one to one basis there are ways that biologist and state managers and, I assume, now federal managers manage our resources. And that's by -- on individual bag limits, basically, a western style of managing resources.

And I think that in terms of us being a Subsistence Regional Council and giving advice to how things can be managed this would be an opportunity for us to look at how best -- you know, how best to manage for our truly subsistence hunters and fishermen. And how the things are moved throughout the community and, as you heard, through inner communities.

And, basically, what I'm trying to say is that whether it's a two deer bag limit, whether it's a six deer bag limit, it does not meet reality. It meet reality in terms of quantitative information by calculator, by extrapolating the information, by seeing, you know, what best guesses are, but that's all it is, it doesn't talk about the people that are using those resources.

I know like when my father -- my father was born in 1889 and he lived to a good ripe old age and in his later years and most of his life he depended upon resources of the land. And the laws hindered him from obtaining some of those resources. The closures on king crab when they're available, the -- in his inability to get out and when I wasn't there going to school, there was no way for him to go get deer and that was his life, you know, that wasn't something that was incidental to his way of life.

So what I'm trying to say is that the -- like I mentioned before, that when the State came up with their rules and regulations and their bag limits and methods and means of harvest and all, it did not address the Tlingit way of life. And somehow we're going to have to sit down and come up with recommendations. I certainly have ideas, having sat through it for many years and talked to different people, and I'll be preparing something for the Regional Council.

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1 The other thing that has been brought up and
2 it's indeed important is control over the waters that we obtain
3 the majority of our subsistence resources. And if the Federal
4 Government is sincere in passing legislation and their intent
5 is to protect the subsistence resources then I think we need to
6 push that to the limit and come up with specific
7 recommendations to the Secretary on the importance of our
8 subsistence from the sea.

9 At any rate, thank you.

10
11 MR. THOMAS: Thank you, Gabe. Good
12 representations. Patti.

13
14 MS. PHILLIPS: Patricia Phillips, Pelican. My
15 areas of concern are questionable activity as far as
16 enforcement goes. They are customary and traditional to us and
17 yet in the eyes of the system they're illegal. So I have -- I
18 reluctantly state what my concerns are.

19
20
21
22 In the proposed rules there an addition to
23 regulation to prohibit taking of, as they put it, ungulates
24 from motor driven vehicles. Title 8, Section 8-11 requires the
25 Secretary to provide reasonable access to subsistence resources
26 by rural residents. Subsistence users can use motor boats.
27 Another part of the regulation says, allows the taking of
28 wildlife from a motor vehicle -- from a motor driven boat, if
29 the motor has been completely shut off and the boat's progress
30 and the motor's power had been ceased. Yet there's specific
31 regulations in here, in the proposed rules, which would make
32 that -- which would make a person unable to do that. If
33 we get a sudden influx of enforcement in our area all fingers
34 are going to be pointed at me, but this is a customary and
35 traditional practice to get deer in this manner.

36
37
38
39 Another concern that I have is when we go to
40 get our subsistence sockeye. We have five in my family, I have
41 -- that's just my husband and I and three friends and we have a
42 large extended family. Twenty-five sockeye in one day is all
43 we're allowed to get. When we go out to get sockeye it is not
44 just for me and my family, for my immediate family. There are
45 many seniors, there are many people who are unable to get out
46 to live that way of life that we take our fish to. So I
47 question the use of the bag limit, 25 fish per day, I mean, if
48 I could take someone else's permit or if we could just admit
49 that people get fish for other people. That's just another
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concern that I have.

80

1 And then on the Glacier Bay issue I feel like a
2 regulatory impacted analysis should be made. A major rule is
3 required -- a regulatory impact analysis is required when it's
4 likely to result in an annual effect on the economy of a
5 million dollars or more. I don't think a price tag can be put
6 on our subsistence uses. Has there been a regulatory impact
7 analysis on the subsistence use of Glacier Bay?

8 Those are three areas of concerns that I'd like
9 to start with.

10
11
12 MR. THOMAS: Those are good areas, Patti. I
13 agree with those. I get sockeyes myself and when you go get
14 your permit they say well, if your permit doesn't allow you to
15 get as many fish as you need contact our office and we'll
16 authorize more, which case they do. But I agree, why can't we
17 get an initial amount because all of us have a history of using
18 this fish so we know how many we need. And so rather than be
19 subject to a set amount for need -- you know, everybody's needs
20 vary.

21
22
23 In Ketchikan we're very fortunate we're allowed
24 75 fish a family. They're big fish and it's plenty for my
25 uses. A lot of people that fish around here are happy with 12,
26 some are happy with 20, but in my case 75 is getting to be too
27 much because I'm getting to lazy to work on them. But other
28 than that, I agree with what you're saying. You should be able
29 to get what you need so long as that amount is not going to
30 jeopardize the strength of the run. But I agree with you and
31 hopefully we'll be able to address that.

32
33 Thank you. Herman, do you have any issues on
34 Sitka area? Issues on Sitka area.

35
36 MR. KITKA: My concern is for the elderly.
37 They get permits and sometimes they're not able to go out and
38 get the fish they need. And also the younger families, some of
39 them they have four or five children and they only allowed 25
40 fish. And when wife asks for another permit, they tell them
41 that they can't take it all at one time, they have to take it
42 another day by the husband. I don't know where the regulation
43 came up from, but it restricted a lot of the young fellows that
44 were working. They only have time off on weekends.

45
46
47 And my other concern is that Forest Service
48 trying to take the areas they left which is cover for the deer.
49 Years ago we used to trap up in Slocum Arm with my dad and we
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1 build a place where we dried seal skins and we rendered out 81
2 seal oil. And we covered our wood and when it snowed heavy
3 those deer were using the cover. So I know that the old growth
4 forest is a cover for those deer. That's how they survived in
5 the Peril Straights.

6 I'm very concerned if they take the old growth
7 forest that it will be hard on the deer and if we do a lot of
8 us know they won't have any cover. Even though nature prepared
9 them, but from the body heat the snow penetrates down into the
10 skin. I seen them shaking from being cold out in the open
11 areas where it's clear cut. And the lucky ones they migrate to
12 the old growth that are left.

13
14 And I also wish that they would leave at least
15 300 feet along the shore for cover for those deer instead of
16 clear cutting all the way to the ocean. These things I'd like
17 to see to preserve our deer population. I know I depend on
18 deer hunting. I'm very fortunate that I'm still able. I'm 79
19 years old and I still go out and get my subsistence food. But
20 most of the elderly they're not able. They should be allowed
21 to get their subsistence food by other younger relatives, this
22 I'd really like to see.

23
24 And my other concern is the Federal using the
25 State Fish and Game regulations. I recommend that the Board
26 take home all the regulations and study them. Next meeting I'd
27 like to see some changes that will completely Federal
28 regulations -- to me our subsistence needs. I know the State
29 has been chopping off on my subsistence right along and I don't
30 agree with the regulations that the Federal adopt from the
31 State. We should have our own set of them. That's all I have.

32
33 MR. THOMAS: Those are good point, Herman,
34 thank you. In reference to the accessibility or the elders
35 able to get their subsistence fish. In Ketchikan, I thought it
36 might be statewide, but in Ketchikan there are some young
37 people that go get sockeyes and they get fish for residents of
38 the Pioneer's Home and other places and generally it's
39 difficult for them to get their own permit, the person that's
40 going to be getting the fish for them can be designated by the
41 person getting the fish to bring back.

42
43 And that's being allowed, but I don't know if
44 anybody's asked for that in Sitka, but it's certainly a usable
45 provision in Ketchikan. If not, we want to get the word out
46 and make sure that people are more encouraged to be able to get
47 some of their subsistence anyway. That's a very good point.

48 Ann, did you have anything to add?
49
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1 MS. LOWE: Ann Lowe, Sitka resident, Southeast
2 representative on subsistence fishing. I was informed that all
3 of us are Southeast representatives, so I think that if you've
4 been saying where you're from I put Angoon resident, Kake
5 resident, and the Southeast representative for subsistence
6 down, so I've been informed about it I want to make sure I
7 brought that forward.

8 I'm also a member of the Fish and Game Advisory
9 Committee here in Sitka and we've been meeting this past week.
10 That's where I get a feel a lot of times for what my community
11 thinks and feels about what's happening around them with the
12 fish and game issues. Presently, the State is about to review
13 there subsistence in Southeast, we have a big fat proposal book
14 that we've been going through looking at it, they approach it
15 totally different.

16
17 But the concerns that have been making
18 themselves know to us is the fact that Sitka did not get
19 customary and traditional uses on the fisheries of shellfish or
20 most of the sea life around us. We did get herring and
21 sockeye. We do have customary and traditional uses on of these
22 and that is a major concern to use and we have proposals that
23 were deferred and will be back up again and we'll be fighting
24 that at that level. But it is interesting to note that the
25 Federal Government had a decision coming pretty soon and maybe
26 that arena will change for us.

27
28 The other issue that came to the surface a lot
29 in these meetings is concern about deer habitat.

30
31 MR. THOMAS: That was shellfish and what else
32 did you say?

33 MS. LOWE: All of the sea life, basically all
34 we got was herring and sockeye.

35
36 As we looked as a committee, as we looked at
37 the various areas around us that are slated for the five year
38 rotational plans and harvests and so forth, the one thing that
39 started to surface for us, we've been participating in for a
40 long time with the Forest Service. As they come up with each
41 plan we'd go and talk and look at the areas and make
42 suggestions.

43
44 But the feeling that seems to have emerged to
45 me, and it seems to be an issue here that seems quite critical,
46 is habitat for deer population. And we're not talking about
47 just isolated areas, we're beginning to see accumulative
48 habitat deprivation. And that means it really easy to look at
49 little bitty areas and say, well, that doesn't look too bad,
50

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1 And then about a year later we get another five
2 year rotational plan and that's over here in Hoonah Sound and
3 so it's all disjointed and we don't really see an overall
4 effect and we're beginning to notice things happening and
5 there's been quite a bit of concern out there about those
6 valley areas that are left there are stream (ph) producers,
7 that are habitat for the deer and in our case the deer are our
8 main concern around Sitka because that's one of the things we
9 have a c and t use on.

10

11

12

13 What concerns us now -- it never seems to
14 bother you too much when it's way off over there, but when it
15 gets in your back yard then it gets to be a little bit more
16 disconcerting. And some of these plans are a lot closer to
17 home and so we have subsistence users who generally don't like
18 to travel much further than 25 miles, and that's going pretty
19 far, who harvest deer. And then if you log way out here and
20 then you start to get in closer, we're beginning to say, okay,
21 we're not going to be able to go out further and if they push
22 out outward and they're coming in here where do, where are we
23 going?

24

25

26

27 And so as we look at some of these effects
28 people are saying, hey, whoa, we need to stop and take a better
29 look at this. Also residents are saying it's not worth the
30 trade off that's happening here now in Sitka, you know, the
31 pulp mill has gone down, so subsistence is definitely probably
32 taking more of a front seat in people's minds as they look at
33 this.

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1 the numbers of deer are available go down. So it's all tied 84
2 in; it's very important to us at this point, so we'll probably
3 addressing that issue a little further down the line.
4

5 MR. THOMAS: Thank you, Ann. John.

6 MR. FELLER: Thank you, Mr. Chairman. I'm John
7 Feller, I represent Wrangell area and Central Southeast, I
8 guess. I only had time to touch base with a few Wrangell
9 hunters. First I'd like to say that I'm glad that the bigger
10 towns in Southeast are represented here on this Board, such as
11 Ketchikan and Sitka because there's a lot of subsistence users
12 in these towns and they need the representation.
13

14 And I'll get back to my main concern, it's been
15 mentioned several times here, the Stikine River moose hunt and
16 that's in Unit 1B. That been the season's peak (ph), September
17 15th to October 15th for years and years, I think, since 1970.
18 The kill has fluctuated up and down, in '72 it was down to
19 about eight animals, eight bulls. And I know that we didn't
20 get a chance to get a lot of our facts together so that's why I
21 didn't bring forward a proposal at this time to try to change
22 the regulation.
23

24 And a lot of hunters are up the river right now
25 so I couldn't really get an overall picture, but this issue, I
26 don't know it's been resolved and I don't know if we want to
27 change it or not. We contend that the moose are migrating all
28 the time in the summer, even out on the outer island they might
29 even run into some elk out there on Zarembo or Etolin Island.
30

31 And there's a lot of noise problem on the river
32 as far as aircraft and hovercraft that goes up to Johnny
33 Mountain (sic), it goes up almost everyday packing freight,
34 bringing ore back down. It's probably -- young animals, calves
35 that are used to the noise they'd stay there maybe, they're
36 raised around it and not be afraid of the noise, but otherwise
37 it could force them migrate out of the area through the valleys
38 or whatever.
39

40 This will continue to be a big concern of
41 everybody on the river and we in Wrangell, we consider it our
42 river that we have traditional cultural use of that area. And
43 even though the anthropologists haven't found any sites or
44 villages we know there was villages up there. My grandfather
45 was in the Telegraph Creek area, I know I bring that up quite a
46 bit, but there's evidence of that. And he had traditional use
47 of the Clearwater Creek for king salmon and that was testified
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to me Herb Albert (ph) one of our elders just recently passed85
away.

1 We're constantly losing our elders in Wrangell
2 and I suppose that's everywhere also. I can see the great need
3 to get these regulations in while they're still alive so we can
4 get the customary and traditional use patterns and methods of
5 taking the resource.

6
7 Other concerns are hooligan on the lower river
8 and there's an island named Hooligan Island above Point
9

10 Rossie (ph) and I think there's quite a bit a people that want
11 to commercialize hooligan. There's two runs there, usually the
12 first one isn't too good and the second a little better, but
13 they generally they smoke that hooligan. I took pictures of
14 people that were out there, I had my cousin do it and there's a
15 few Natives, but mostly non-Natives harvest that and possibly
16 freeze it -- mostly freeze it. And lately there's been some
17 showing up in commercial smokery (sic) and being sold to the
18 public. I don't know I never talk to anybody at home about
19 this too much, but it's a concern.

20
21 I just have one other thing, it was about the
22 logging. I was aware of the Star Fish Project over Heida (ph)
23 Bay, I think that's the name of it and I had a chance to put in
24 public testimony, King Court (ph) asked me to come up and I
25 didn't see any reason to as there wasn't that many deer in that
26 area. We hadn't hunted through there in years.

27
28
29 We're aware there was marten there, fur bearing
30 and not too many trappers in that area anymore, so -- but I
31 wasn't -- on Deer Island, it's part of our unit. Unit 3 is
32 Wrangell area and when we were running by there fishing, I
33 noticed there was a logging operation going on there. A road
34 was run through and even though it wasn't very good deer
35 hunting island, I think it was Major Island (ph) but I heard
36 several people talk about that the way they were cutting all
37 the trees off whole island, so I thought I would bring that
38 forward.

39 So that's pretty much my concerns at this time,
40 Mr. Chairman, thank you.

41
42 MR. THOMAS: Thank you, John. We're listing
43 those on the board up here so that we can go back and take a
44 look at them and see kind of where we're at and there's shared
45 concerns here and we want to identify those and give each one
46 of these an equal amount of effort. Mim.

47
48
49 MS. ROBINSON: I'm Mim Robinson, I represent
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1 the Port Alexander area. Port Alexander is the area that I 86
2 know best and that's about the only town down there. There's a
3 few other small areas that have a few people living there.
4 Port Alexander is surrounded by the Tongass National Forest and
5 no logging has occurred on lower Baranof, therefore, the
6 habitat has been largely untouched.

7 Shellfish impacts are also minimal in the area.
8 What happens -- but let me just say this. What happens to a
9 community in another area could some day have some
10 ramifications on what happens to Port Alexander residents. So
11 we are concerned about what's happening in other areas,
12 especially when it comes to fishing.

13 So, you know, if there are logging practices
14 that are having adverse impact on the salmon spawning then we
15 are very much concerned about it. When we hear about people
16 that are trying to subsist in a traditional area, like Glacier
17 Bay, we have strong feelings about that too. We have our
18 traditional areas that we hunt and fish and we would be
19 outraged if someone said we couldn't go there anymore. So
20 we're concerned about that that gets dealt with properly and
21 the traditional practices are respected.

22 We're concerned about preserving our own
23 personal use and subsistence lifestyle, it's very important to
24 us. Commercial fishing, trolling, which is basically what Port
25 Alexander depends upon is not a way to get rich and, therefore,
26 we really do depend on the resources around us. And it's a
27 very important part of our life and our existence. It gets us
28 through the winter, so we're very interested in preserving that
29 land, basically, being left alone and let us do what we've been
30 doing for a long time down there.

31 Also, another thing that we've been concerned
32 about is the Endangered Species Act and I've been sitting here
33 trying to think how this Council could deal with that and I'm
34 not real sure that I've come up with any kind of answer. The
35 Endangered Species Act is also up for re-authorization and it
36 has affected our community with commercial fishing and as some
37 of you may or may not be aware of, trollers had to give up 10
38 days this summer because of the Snake River fall chinook. And
39 it was very questionable, I think it was outrageous that we had
40 to do that, but I'm -- if there's some way that the Council
41 could look at this issue and see if it they can deal with it.

42 I don't know if -- how it could affect
43 subsistence use in Alaska. And it's just maybe something we
44 can talk about at the February meeting, maybe have someone
45

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1 knowledgeable about this act along with re-authorization and 87
2 how it's being rewritten. What's happening with the hydro
3 electric dams on the west coast. See what environmental groups
4 are doing in Alaska concerning the ESA and see if that's going
5 to be affecting any subsistence use of fish and wildlife in
6 Alaska. Those are the kind of questions that I have and I
7 think that's all I've got.

8 MR. THOMAS: Those are good points. It's
9 interesting that you mentioned the Endangered Species Act
10 because whatever happens to that particular issue, endangered
11 species would have adverse affect on subsistence, good point,
12 we need to monitor that.

13 MS. ROBINSON: Uh-huh (affirmative).

14 MR. THOMAS: Richard.

15 MR. DALTON: Thank you, Mr. Chairman. My name
16 is Richard Dalton, Sr. and I'm from Hoonah, representing
17 Hoonah. I'd like to go to the board and show the criticism
18 that I have as far as State Fish and Game is concerned. I'll
19 go back as far as territorial days under regulatory basis. It
20 seems to me like that is what we're faced with for a long, long
21 time and we have to live with this regulatory basis and some
22 way down the line we're held accountable for it.

23
24
25 As you can see I drafted up over at Village
26 Point. In territorial days they used to have what they called
27 fish traps and at that time all fish traps, no matter where it
28 was at, especially sockeyes or coho creeks, humpie and dog
29 salmon creeks that depleted our salmon creeks because it was
30 allowed over looking some violations to the cannery operators.
31 And I'm going to demonstrate the type of law at that time we
32 were living with.

33
34 We made a set over here on the Washington with
35 my father, George Dalton, Sr., and we caught lots of fish.
36 Enough fish to maybe load two seine boats. And my uncle was
37 operating the Tlingit Second, we loaded that and then the Fish
38 and Game was in this particular area and we drifted in here,
39 the two boats were loaded down.

40
41 This is Mr. Skutter (ph) in commission at the
42 time and the Fish and Game came up to us and arrested us. No
43 identification that we made a set inside this particular line,
44 this is the line that you're not supposed to make set in here,
45 but you can make sets like this over here on the outside of 500
46 yards.

47
48 So when they arrested us, my uncle and my dad
49 to Mr. Skutter as they gave him a citation, he wanted him to
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report to Juneau, to court, we will. However, he says, we want you to go to arrest that trap. And they asked, why? He's fishing inside the marker, within this marker here and this Fish and Game marker. And when the Fish and Game Department realized that there was a violation done by this trap -- for about 20 years this place was depleted with humpies and dog salmon until Alaska Native Brotherhood went on the record to abolish traps.

And when they abolished the traps it took another 10 years before we started sighting humpies and dog salmon in this river. As it was, when they realized what this marker was saying and this spiller was running from the trap line inside that line, both the 500 yard line and inside this marker, the came back to my father and told him you don't have to report to Juneau, give me the citation I'll tear it up.

People living today, I'm one of them, that can testify to the kind of laws that we were living with. In fact, we have a picture to back up that statement. For the next time we see -- instead of the spiller that looked over here, they moved the fish marker right here. Now, is that a justified law that we need to live with? I don't understand sometimes the statutes of the law and the interpretation, there's so much fine print. And that line came like this and they moved this line a little bit further back, like this.

So that was my criticism and I thank the Great Spirit for giving us the privilege of the Alaska Native Brotherhood and Alaska Native Sisterhood to assemble in a convention and abolish traps where by we were able to make our fishery come back alive in that particular river. That's not the only river that was depleted, sockeye rivers, dog salmons rivers and silver salmon.

I stood behind the podium here 1976 when they were talking about the foreign fleet doing the damage out here in the Gulf of Alaska. When the 12 mile limit was enacted. And when that was enacted they were trying to alleviate a triangular regulation with the State -- this is the State of Alaska now. And I said, no. I came as an alternate, I did not come here as a delegate in the Republican party, but all of a sudden I got elected to be the Chairman on promoting the 200 mile limit.

At that time I recommend right here at this podium, 1976, to the majority of people that I wanted that line to go out as far as your eyes can see. And then beyond that it disappears. So ultimately they were talking about anadromous area, like what that line is saying. I say, no, I don't

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1 First you talk about triangular then
2 anadromous, so I recommended bilateral and they settled for 200
3 mile limit and I was invited to Geneva Conference in Paris to
4 enforce what I was saying at that time. Unfortunately nobody
5 sponsored to go there. However, Senator Stevens, bless his
6 heart, he initiated that. That's why 200 mile limit was
7 formed. That's why we're able to get some bottom fisheries
8 back alive, like the black cod and the gray cod and the
9 halibuts.

10
11 But regulation is still encrunching (sic) us,
12 it's still not where it's supposed to be. We're still hurting
13 by State regulations. No matter how many times we go before
14 the State Board of Fish and Game, they don't listen to us.
15 They don't initiate to adopt something there that we can live
16 with. So it kind of disturbed me that we could live that kind
17 of law as far as the State and Board of Fish and Game
18 regulatory basis is concerned.

19
20 Now halibut fishing is a 24 hour opening and
21 then limited entry, we have to face with limited entry.
22 Subsistence was still down on the bottom line. That's a tough
23 law, believe me. Even in the limited entry the subsistence
24 user, customary, traditional subsistence users were still on
25 the bottom line. We want to see this come up like this so that
26 we can have a prioritized situation as far as subsistence use
27 is concerned.

28
29
30
31 I think it's a biological standard of
32 understanding of this kind of law that we have been living
33 with. And it makes me feel uncomfortable. Now, I'm
34 criticizing the State Board of Fish and Game, how they regulate
35 us. Hoonah was a million dollar treat (ph) considered in
36 Indian Island. They closed Indian Islands for 21 years, saying
37 that it was going to be experimentation and when they closed
38 Indian Island the fish is still depleted. What's happening to
39 the fisheries? They played around with that fishery like
40 taking 300 million eggs from Neka Bay in Hoonah sports fishery
41 and transplant them to Snettisham. And when they transplanted
42 that at Snettisham 300 eggs (sic) it did not mature, it did not
43 grow, it became a fingerling, but when it start to wash out it
44 died out.

45
46
47 So that way the fed division is in criticism,
48 they did the same thing over there, they did the same thing
49 over in Hoonah. Now, who is at fault of depletion of fisheries
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resources? That's a bad news to us. We're having a hard tim⁰
trying to even just ask the Board of Fish and Game if we could
get what little fish we can to utilize in our own consumption
because that's the way our Tlingit people and Haida people have
survived for thousands of years. Because that is what was
required for their consumption. And that is what the Great
Spirit had given us to use.

Now a few years back they passed a law to the
aches (ph) just a few people make slings (ph) out of it.
Japanese given the privilege of taking tons and tons of sac roe
from Sitka, Craig and Ketchikan area and up north. Something
is wrong with this particular law. And we're not getting the
benefit of all those things. Those were considered indigenous
peoples food.

And all of a sudden we find a depletion of
herrings, which the salmon depends on for their food so that it
can survive. This summer up the Heine (ph) the dry run we had
a lot of fish died there, but we couldn't go over there and
take what we can. The regulations says no. And that's sad
because it died off in salt water without laying their eggs up
in the river, they couldn't get up to their laying pound (ph).

So who is responsible for the depletion of our
resources that we depend on? I'm talking about people that
uses the subsistence, the customary traditional subsistence
users. But now we are now engaged in such fashion as to where
we can voice our opinion and we'll be able to maybe give them a
shot so that we can regulate some of these particular things.

And the sea cucumbers, I don't blame anybody, I
have never used it, but still I feel sympathetic for people
that uses it. And there are others that I would like say
something about, but I don't like to take too much time. Thank
you.

MR. THOMAS: Thank you, Richard. We're going
to take time, at some point, to elaborate more on these and I
don't want to deprive anybody of time needed as long as we have
time. I'm going to jump into the rotation state because I'm
next in the line-up of how we're seated.

Representing Ketchikan and Saxman, the concerns
are pretty general and very much support what I've heard
already. The big concern down there is habitat protection. We
don't -- our subsistence efforts are somewhat limited to
sockeye and some clams and we've learned that we can't compete
with the commercial divers for cucumbers and abalone. We've
already lost those waters.

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1 The subsistence resource protection is another
2 important issue, I think everybody shares that one. That can
3 only happen through the priority implementation. Also people
4 that do use subsistence of any degree at all can't support the
5 concept of being in competition with other user groups.

6 Subsistence was the first use of any natural
7 resource. Everything else came later, I don't care what it is
8 or what it was, it came later. Subsistence has never been
9 second to anything and it still shouldn't. Subsistence is a
10 need, it's a basic need. Our interpretation of subsistence and
11 the English speaking interpretation of subsistence might not
12 always be the same, but the need is the same.

13 I think we're going to spend a lot of time and
14 energy on interpretation. I want to suggest that we come to a
15 resolve on the language that's used in these ambiguous areas.
16 You know the three terms subsistence, rural and customary and
17 tradition have been very acceptable part of our vocabulary ever
18 since English has reached this land. But when it got past
19 Prince Rupert and past Dawson City and into Alaska it doesn't
20 apply anymore, it means something different. I'm not sure why
21 and neither does anybody else.

22
23
24 Subsistence isn't a threat, the subsistence
25 use, itself, does not pose a threat. You're going to
26 confronted, well, what about these people that take thousands
27 of tons of herring eggs or thousands of tons of this or illegal
28 logging. That's not subsistence in its true sense. And we're
29 letting a number of people that don't even make a difference, a
30 percentage in census, have that much of an adverse affect on
31 us.

32
33
34 So I -- subsistence is not being regarded like
35 it needs to be. For one thing some people have the notion that
36 we need to remain in a permanent state in order to use
37 subsistence. They treat subsistence like it's some commodity
38 that's becoming obsolete very soon. We could demonstrate it
39 another way. There's a lot of people depending on our ability
40 to do that.

41
42 But, like I said earlier, we're going to have
43 to us language that Uncle Sam can relate to. He doesn't have
44 to use the same language that we can relate to, the important
45 thing is that we relate to him. So those are in general terms
46 and I think management is a big disconcern. Some people
47 maintain that subsistence doesn't need managing. And it its
48 truest sense it doesn't, because all it does is satisfy a need.

49
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So with that I will ask Bob Sanderson to conclude our sharing of issues from our areas. Bob.

92

1 MR. SANDERSON: Thank you, Mr. Chairman. I
2 have several real concerns here, you know, and some of them
3 have been related by others. One of the most important things
4 as far as I'm concerned is extending federal control of
5 subsistence navigable waters. It's quite obvious, you know,
6 we've had several issues here that related to this.

7
8
9 One of them, of course, expounded on already is
10 abalone. At the time I think we were the center of abundance
11 of the whole state. It was nothing to go out and get a tub
12 full of abalone by just walking around the rocks and picking
13 them up. I remember times when all down the beach where
14 someone would be making fires and boiling the abalone and
15 taking it out freezing it or jarring it or whatever.

16
17
18 But the commercial fishery division they opened
19 up the fishery and took a quarter of a million pounds of
20 abalone a year, which to me comes up to about a half a million
21 to 700,000 abalone. After several years, and I figured it took
22 them maybe 2 million abalone, and it's gotten worse and worse
23 and worse. And this year, I made a census in Hydaburg and I
24 think we took around 300 abalone for the whole community.
25 That's what one family would get in the past and we have over
26 100 families.

27
28 My opinion right now is that the resource is
29 down to about five percent of its former level. And some
30 people don't even go out -- most people don't even go out
31 anymore because it does not pay to burn up 15 gallons of gas to
32 get five abalone. And that fishery should be shut down, it's
33 been mismanaged. I don't understand why they're still doing
34 it.

35
36 I've talked to people in Craig and Klawock and
37 the last time I talked to Frank Woods, he said he got just one.
38 The other day I talked to Warren Peale (ph), he got three.
39 You know, and you're running 25 or 30 miles to get this
40 resource here. It's barren. I called Carl Rose here about it
41 a couple of years ago when we had an argument about the sea
42 cucumber. I invited him to come down, I'll take him out and he
43 won't find enough to eat. And go 30 or 40 miles to all the
44 areas we identified as ANSCA areas.

45
46
47 Now, getting back to the sea cucumber, that's
48 really a sore point with me. The Subsistence Division of the
49 State came down a couple or three years ago and the idea was to
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1 look at areas that we traditionally use for subsistence on sea
2 cucumber. And I know -- I hosted them and they had good ideas
3 on this one here and I think their heart was in the right
4 place.

5 I took them out, we went and made density
6 counts, took them all over the place there, took some up for
7 samples, looked at the composition, the color, you know, the
8 size, whatever. And these areas that we finally settled on as
9 the areas that we mostly use was some of these shallow areas
10 that are to the west of Hydaburg and to the south in the lee
11 side of certain islands here.

12 And, by golly, about that same time the
13 Tlingit/Haida was suing the Department over the sea cucumber
14 and they did come out with regulations. That is the first
15 place they opened for commercial fishing. And whatever the
16 Subsistence Division said, you know, it seemed like down -- I
17 don't know, it wasn't even considered.

18 And there are many things like this that have
19 happened. And that's why I have made this note about the
20 importance of extending Federal control to navigable waters
21 here. We're not going to get relief as long as that Fish and
22 Game Board is dominated by commercial and sport fishing
23 interests.

24
25
26 There's many cases -- over 25 years I've tried
27 to get relief on that -- two other items, I got nothing. Now
28 that goes back, also, to herring eggs on kelp. Now, that's a
29 resource that is a Native resource and always has been as far
30 back as I can remember. I remember the boat loads of herring
31 eggs being taken over to Ketchikan and Metlakatla. I can even
32 name the boats, maybe I was five or six years old. And that
33 continued for a long time. And that is sold not only for
34 barter, but for cash.

35
36
37 And it was extended, you know, later on as --
38 it was the Native people that developed commercial fishery, you
39 know, the selling of the eggs, but that's just an extension of
40 what they did before, they always did sell eggs. And it
41 continued for a number of years until Fish and Game shut it
42 down, instituted limited entry, stripped us of the resource and
43 gave it to a bait fishery based out of Petersburg and
44 eliminated and probably put 800 people out of work. I mean,
45 those 800 people, Hydaburg, Craig, Klawock, that is a very
46 important source of off season income. And it has been
47 fruitless to try to resolve this problem here.

48
49 I've tried it, you know, the Legislature,
50

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1 almost everyone I talked to has mentioned this. You folks have
2 a tough problem down there and, then at the end, have you gone
3 to the Board. They just run us in circles every year, I'm
4 trying it again. But I'm coming back to this, traditional and
5 customary use, that was our resource. And they claim that
6 there is all kinds of herring in Southeastern Alaska, that the
7 resource is in good hands. And why do they come there?
8 There's other places they can go to.

9
10 There is a -- and one on subsistence of salmon.
11 We've had some very unpleasant dealing with the Enforcement
12 Division of the Fish and Game, that basically is the Public
13 Safety Division. It's not the Subsistence Division that has
14 that authority. And I can name about three instances where
15 they carried enforcement to a ridiculous extremes. One, I
16 remember we got involved in it, where a party was picked up for
17 having two spawned out salmon in his possession he picked off
18 the beach to put into a crab pot. And he was charged with
19 molesting salmon, these were dead salmon, all marked up with
20 fungus.

21 While we're trying to digest this one, another
22 fellow was picked up for having a chicken halibut he caught
23 trolling that come up dead and he was cooking it Craig and
24 frying it. And I guess they spotted him doing that, he was
25 arrested on the spot and the took the pan full of fried halibut
26 for evidence. The man lost the rest of his season and spent
27 \$2,000.00 in legal fees to boot.

28
29
30 Well, we go into it too and we spent \$19,000.00
31 trying to fight that cases (sic). About that time the
32 Department really backed up and by the time they made public
33 statements it sounded like we were all criminal. And I guess
34 they were hoping that they'd plea bargain, but we didn't do it.
35 But they just kind of broke us at the end, 'cause we tried to
36 cover the legal fees on cases like this.

37
38 Recently we had a run-in where a boat went out
39 to Hetta Creek, which was having record high levels of sockeye
40 by the way, and they got a couple of hundred fish to take to
41 the elderly people. And got into a real miserable
42 confrontation with the arresting officer and, again, it broke
43 them and they all had to plea bargain. Something that never
44 should have happened.

45
46 We've had millions of salmon down in that area,
47 these are record high runs. We have a sockeye system at Hetta
48 that's having runs that approach that of the past, it was the
49 largest single producer south of Chilkat at one time. And to
50

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say, here, get 25 fish, and we're the largest users of sockeye⁰⁵ of all the subsistence users in Southeast Alaska at that time.

1 The issues of customary and traditional use
2 here I think what the Huna Tribal Council has put right here
3 says it all, it says it better than I can as to the issues on
4 that. Halibut, I recall as we were younger that everybody used
5 halibut. I, myself, I remember being in March out at the
6 Tokeen Village (ph) where there was two elderly couples were
7 processing 30 halibut for drying and I could see the rack from
8 about 2 miles away.

9
10

11

12 Now, the Fish and Game Board comes up with
13 this, you can have one hook and get all the halibut you need.
14 And anybody that makes a regulation like that should go out in
15 the wintertime and try to find out how to do this. You're
16 required to sit over your boat with the boat over the hook
17 here, we didn't do that with Indian hooks. We always just set
18 a skate and let it sit overnight because the halibut are much
19 scarcer in the winter. Just kind of something where they kind
20 of design a regulation so that it's not worth the trouble to go
21 out, rather you just want to go to the store and buy the fish,
22 I guess.

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Habitat problems, you see it all over the island right now, the whole north end of the island. Fish dead all over the place, hundreds of thousands of some systems. Some systems are completely gone. And no one says much about it, you know. I guess they tell me they'd dearly like to say something, some of the commercial fishing people, you know, that have the jurisdiction over the management of those fisheries. I guess they can't say it, it has to come from up in the top probably as far as the Governor's office where, I guess, a conflict between logging and tier cutting and that of commercial fishing. But all anybody has to do is go down there and look at what's happening.

And then go down to the south end where there has not been logging, there has been some die off, but not to that extent. I think that's about all I have to say right now. Thank you.

MR. THOMAS: Thank you, Bob. We'll take a little time to digest some of what we heard, shared at this table. While we're digesting I'd like staff to take us through the process -- our recommendation to the Wrangell/St. Elias. Who will do that?

MS. JORGENSEN: Clarence Summers. Section 808 under ANILCA.

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MR. THOMAS: You want to go ahead and do that96

1 MR. SUMMERS: Mr. Chairman, Council, my name is
2 Clarence Summers, I work with the National Park Service. One
3 of your agenda items is appointment to a seat on the
4 Wrangell/St. Elias Subsistence Resource Commission. At this
5 time John Vale is serving in a position appointed by the South
6 Central Regional Council Program when it was managed by the
7 State of Alaska.

8
9 MR. VALE: Southeast Regional Council.
10

11
12 MR. SUMMERS: Excuse me, the Southeast Regional
13 Council Program, that's correct. We've sent a letter to the
14 coordinator identifying the role and function of Park Service
15 Commission. This authority comes from Section 808 of ANILCA.
16 Commission were established to develop a hunting plan and to
17 make recommendations on subsistence hunting to the Secretary of
18 Interior.

19
20 The Commissions most recently sent a number of
21 recommendations dealing with access, eligibility, seasons and
22 bag limits, study proposals directly to the Secretary in the
23 form of recommendations.
24

25
26 On the Commissions there are nine members,
27 three appointed by the Secretary of Interior, three appointed
28 by the Governor and three appointed by Regional Councils. As I
29 stated yesterday, the Regional Council boundaries divide the
30 National Park area, Wrangell/St. Elias. Under the new
31 reorganization for the Regional Council, let's see, Eastern
32 Interior appoints one member, South Central Regional Council
33 appoints one member and Southeast. Still having a problem
34 working out the 10 Regional Council boundaries having worked
35 with six State boundaries, so bear with me.
36

37 MR. THOMAS: Are the boundaries statewide in
38 the judicial districts, is that what it is? Are they judicial
39 districts, is that how they determine their boundaries?
40

41 MR. SUMMERS: Well, I think the representatives
42 here from U.S. Fish and Wildlife, in other words, if you look
43 in your notebooks I think the current boundaries for the
44 regions are in your notebooks.
45

46 MR. THOMAS: We haven't had time to look at our
47 notebook, yet, we've been busy working.

48 MR. SUMMERS: Well, I think, your boundary
49 hasn't changed for Southeast.
50

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MR. THOMAS: We didn't know we had boundaries.

1 MR. SUMMERS: Oh, you have boundaries in your
2 -- the explanation, I'll allow Fish and Wildlife Service to
3 explain that part of the map.
4

5 MR. THOMAS: What is the typical geographic
6 representation on that Board?
7

8 MR. SUMMERS: It's a mix. At this point in
9 time, let me run through the membership. Just recently at the
10 South Central meeting Fred Johns was appointed at -- Fred John,
11 Jr. was appointed to the Commission. He resides in the Copper
12 River area.
13

14 MR. THOMAS: That's Glenallen, isn't it?

15 MR. SUMMERS: That's correct.
16

17 MR. THOMAS: Yeah.
18
19
20

21 MR. SUMMERS: Another member resides -- that's
22 Doc Taylor, he resides in the Glenallen area. Paul Claus is
23 from the Chitna area. Ray Sensmeier appointed by the Secretary
24 of the interior resides in Yakutat, so at this point in time
25 there are two representatives from the Yakutat area on the
26 Commission. Don Horrell serves on the Commission, he's from
27 the Glenallen area. Let's see, Lorraine Titus serves on the
28 Commission, she from Northway.
29

30 MS. LOWE: Clarence, when is John's position
31 up; when do we need to reappoint the Southeast representative?
32

33 MR. SUMMERS: His term is up, I think, at this
34 time.
35

36 MS. LOWE: He ends this year?
37

38 MR. SUMMERS: Yeah. The appointments are for
39 three years. This program functions under the Federal Advisory
40 Committee Act, there's a requirement that there be a charter,
41 very similar to the charter that this organization -- this
42 Council functions under. And the charter is good for two
43 years, the term of appointment is a three year term.
44

45
46 I'd like to address the Regional Council
47 appointees. They were appointed under the program as managed
48 by the State of Alaska prior to 1990 Federal assumption. The
49 State Regional Councils had the authority to make these
50

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1 appointments and, Dick, you were a member of the Regional 98
2 Council at that time. After 1990 there was a review, I think,
3 the Regional Council was put on notice, a letter notifying the
4 Regional Council members of Federal assumption and their
5 relationship under the -- at least their relationship to the
6 Federal program.

7 A number of the members have continued to
8 serve. Our charters unlike yours were amended. Our charter
9 like yours has a two year life. We amended our charters to
10 allow all members to continue to serve until the appointing
11 source takes action. And so the Regional Council appointees
12 have continued to serve up until -- well, they'll continue to
13 serve until the appointing source takes action. And so there's
14 a round of Federal Regional Council meetings occurring now and
15 a number of them with this appointment authority are taking
16 action to either reappoint members or making new appointments
17 in some cases.

18
19
20 There's a requirement in the charter to
21 consider a person -- well, the requirement for appointment, the
22 appointee must be a Federal Regional Council or serve on a
23 Local Advisory Committee. There's also an additional
24 requirement for that person to be eligible for subsistence uses
25 within the Park. Yakutat is a resident zoned community for
26 Wrangell/St. Elias. Resident zoned communities have been
27 identified in regulation and they -- a simple explanation is,
28 if you were a resident of one of these communities,
29 Wrangell/St. Elias has 18, you're automatically eligible to
30 engage in subsistence. If you reside outside of one, there's a
31 requirement that you get a special permit from the
32 superintendent. And that's all in Park Service regulation
33 36CFR.

34
35 MS. LOWE: Mr. Chairman, I make a nomination --
36 I would like to make a motion to nominate John Vale to fill
37 this position again for this Council.

38
39 MR. THOMAS: John Vale has been nominated.

40 MR. GEORGE: I'll second it.

41
42 MR. THOMAS: Nominations don't require a
43 second.

44
45 MS. LOWE: Mr. Chair, I made this into a
46 motion, indicating to Chair that I see any other name put
47 forward, but rather the motion to have John reappointed. I
48 might have used that word nomination a little off there.

49
50

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MR. DALTON: What was the nomination?

99

MR. THOMAS: Pardon me?

MR. DALTON: What was the nomination?

1
2
3
4 MR. THOMAS: Before we do this. I don't have
5 any problem with that, but I do want to give the Council a
6 chance to participate and if I see no real desire to
7 participate then the name of John Vale will be the name of our
8 appointment. But if anybody even looks real anxious,
9 anticipates, you're going to get drafted in a competitive (sic)
10 so I'm going to interpret whatever expressions I see.

11
12 Boy look at that, looks like the Canary Island
13 Stones. John, you're acceptance speech.

14 MR. VALE: Mr. Chairman, at some point I'd be
15 happy to outline for the Council, you know, in my opinion, how
16 things have been going for this Subsistence Commission.

17
18 MR. THOMAS: You know, before you do that I
19 have question. How many communities are within that resident
20 zone?

21
22 MR. SUMMERS: Mr. Chairman, there are 18
23 communities that are identified as resident zones for
24 Wrangell/St. Elias National Park.

25
26 MR. THOMAS: Okay. That was my only curiosity.

27
28 MS. LOWE: Who seconded it? Did you second it?
29 MR. GEORGE: (Nods affirmatively)

30
31 MR. THOMAS: Okay, so the Council expressed
32 their wish to appoint John Vale and hearing no objection the
33 Chair will appoint John Vale to another term on that board.
34 You have about 23 minutes for your acceptance speech.

35
36 MR. VALE: Thank you, Mr. Chairman, Council
37 members. I'm pleased to be a part of the Subsistence
38 Commission and look forward to continue working with them.

39
40 A brief summary of, you know, how things have
41 been going with the Commission. You know, in my opinion we've
42 accomplished very little in the time that I've been a part of
43 the Commission and I would liken the reasons to that -- I would
44 compare it to, maybe, the past State Regional Council system
45 where maybe all the Council or Commission members were not that
46 subsistence oriented. I think we spent a great deal of our
47 time dealing with issues that are not truly subsistence issues.

48 As an example, aircraft access to the Park,
49 wolf control, landing and shooting the wolves, issues like that

50

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1 that, you know, are really not relevant to true subsistence 100
2 hunters. So, I guess, in my opinion I feel like we've been
3 spinning our wheels on that Commission and accomplishing very
4 little.

5 The only item that comes to mind that we have
6 accomplished is for years and years and years, I think six or
7 seven years, the Commission has been attempting to get the
8 community of Northway added to the resident zone. The
9 community of Northway is an 85 percent Native community and
10 we've received nothing but rejections from the Secretary. And
11 I'm happy to say, finally, we've got some positive feedback
12 from the Secretary and while they haven't been put on the
13 resident zone yet it looks like we're finally getting some
14 where with Northway.

15 But I would like to say that I've been looking
16 forward to the establishment of the Federal Regional Council
17 systems in the hopes that the new Regional Councils would be
18 more -- would appoint people that are more subsistence oriented
19 and, indeed, that's been the case. And so I'm really looking
20 forward to participating with the Commission in the coming
21 years. And I really feel like, now, with a few new faces there
22 we'll be able to get somewhere.

23
24
25 And just one last thing for those of your who
26 might be interested. In Section 2, in the back of it is a map
27 that shows the State and the different Regional Council
28 districts. And the Wrangell/St. Elias Park for your
29 information is the purple area just north and west of Yakutat,
30 so I just wanted to let you know about that for your own
31 information. That's all I have.

32
33 MR. THOMAS: Thank you, John. Congratulations
34 and we're going to use your community up there as a beacon for
35 how we do business, so don't spin your wheels anymore.

36
37 Everybody here has multiple responsibilities to
38 the community on a volunteer basis and I want to recognize that
39 and acknowledge that. Nobody here has all the time in the
40 world to be here. You're here because we all recognize the
41 importance and I'm looking forward to learning more about this
42 activity that John has just been reappointed to as we pursue
43 matters of this Council.

44
45 Let me take a breather and look at my agenda
46 and see where we're at. Okay, we've made the appointment,
47 we're on day two, we've satisfied the 1:00 p.m., the regional
48 uses. Now the development of regulation proposal, to my
49 understanding, is just more clarification on the process, is
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1 MS. LOWE: No, Mr. Chair. After we've done all
2 our identification of our concerns and our issues -- we've
3 already been instructed on how we can develop proposals. I
4 believe this is intended for us to take advantage of developing
5 our own proposals, if we so wish as a Council, at this time.
6 So I guess

7
8 MR. THOMAS: That was my interpretation, but
9 I've been advised that development was probably as loose as
10 some other terms I've heard today, so. Maybe somebody can
11 offer some guidance. Anybody want to take ownership to that?
12 Do we want to develop proposals, was that the intent? Ken.

13 MR. THOMPSON: I guess I would ask the Council
14 if you have any further questions about the process. There are
15 a few of us left here who could comment.

16 MR. THOMAS: John.
17
18

19 MR. VALE: I have a question. I guess my
20 question is, I gather from what I've heard so far that our next
21 meeting is going to be in February and that the Federal Board
22 is going to meet in April. The deadline for submitting
23 proposals is November 1st. So, I guess, my question is, if
24 there's anything -- kind of issue that we want to get at if we
25 don't submit a proposal then we'll be subject to, you know,
26 just addressing proposals that are submitted by other groups
27 and people.
28

29 And there may be some area, I guess I'm
30 suggestion, that we'll want to look at, like, transferable
31 permits, an issue that Gabe had raised during his statement.
32 I'm not saying that we should or shouldn't, I'm just suggestion
33 that we might want to consider that.
34

35
36 The question I have is, I guess, that if we
37 meet in February, you know, as I understand it according to the
38 Federal Advisory Committee Act, we won't be able to make any
39 substantive changes to proposals without them being publicly
40 noticed and that requires some time for them to get the Federal
41 Register and then there's a public comment period. And, I
42 guess, if we're meeting in February there may be a problem with
43 the time frame between then and April to having the public
44 comment period.
45

46 MR. THOMAS: John, I would probably not discuss
47 the meeting in February, at this time, we haven't got to it on
48 our agenda yet and I haven't heard that discussion. I'm sure
49 it's occurred, but I haven't heard it. So let's wait until we
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get to that point on the agenda.

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1 MR. VALE: Okay. I was just pointing that out
2 because I wanted the Council members to, maybe, realize that,
3 you know, there's very little that we'll be able to do on any
4 particular issues, you know, unless a proposal is submitted
5 before November 1.

6 MR. THOMAS: Do you have a recommendation,
7 John?

8 MR. VALE: No, not presently.

9 MR. THOMAS: Okay. Ann.

10
11
12
13
14 MS. LOWE: He hit on a point that I tried to
15 make sure I got clarified yesterday when I was talking to
16 Mr. Willis. As you recall, I asked Mr. Willis if we got
17 proposal book put in front of us and we saw proposals that we
18 liked the essence of, but we didn't like some part of it or the
19 way it was stated or maybe wanted to change one end of the
20 date, could we, at that time, amend that proposal and have it
21 go forward from there or do you have to go back to the public
22 process. And he indicated that we could amend, we could change
23 any proposal that came before us.

24
25 So, John, we do have the ability to do that,
26 it's almost like what used to happen where we see a proposal
27 and it opened the door for addressing that issue maybe in a
28 different way or whatever.

29
30 What this time is now, that's due the
31 10th (sic), is our own proposals that we might want to generate
32 at this time to see in that book. Maybe we don't trust that
33 some private individual is going to get in our concern. Or
34 maybe we'd like to have the support of the Council on it and so
35 today or tonight we would create our own proposals.

36
37
38 And that is what I'm getting concerned about
39 now. We have been taken through the process of how to develop
40 them and I would just like to make a suggestion, Mr. Chair,
41 that we ask the staff members that know how to develop
42 proposals to be here to help us tonight when we develop our own
43 in case we run into numbers, not knowing what section numbers
44 to pull out or something like that. Carol is here, she kind of
45 knows that, but we might have people who are a little more into
46 the number system available to us tonight.

47
48 I, myself, would like to indicate that there's
49 a couple that I want to present and have the Council work on
50

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tonight after our dinner break that's down on the schedule here so that's would I'd like to suggest that, maybe, we consider.

1 MR. THOMAS: Okay.

2
3 MR. THOMPSON: Mr. Chairman.

4
5 MR. THOMAS: Ken.

6 MR. THOMPSON: I trust all of you realize, but
7 there is a calendar of events for the '94/'95 regulation
8 process, it's in your folder and maybe that would help answer
9 some of the -- certainly how the process would work between now
10 and next July.

11 MS. JORGENSEN: Mr. Chairman, it's in our
12 Section 3.

13
14 MR. THOMAS: Was that you, Carol?

15
16 MS. JORGENSEN: It's in Section 3 of your
17 booklet.

18
19
20 MR. THOMAS: I just found it. And usually by
21 the time I find it everybody has already read it. Okay. Well,
22 we'll do that, we'll demonstrate our understanding of that
23 agenda item. We are breaking in five minutes for dinner. I
24 would suggest that to kind of help things along, if you have a
25 chance during the dinner break or if you've already done it jot
26 down some of your thoughts that you'd like included in that for
27 to give us a place to start and let us collectively fine tune
28 it and all share in the pride of developing a proposal. Is
29 that agreeable with everybody?

30
31 (Members nod affirmatively and Patti gives a thumbs up)

32 MR. THOMAS: All right, got a thumbs up on that
33 one. Since you guys are so cooperative with that, we'll break
34 now for dinner. So we'll be back at 7:00 p.m. and get the word
35 out to the public that public comments -- we'll take public
36 comments till 10:30 in the morning.

37 (Off record)

38 (On record)

39
40 (Mr. Gabriel George was absent from the evening
41 session)

42 MR. THOMAS: I got 7:00 o'clock schedule, my
43 clock says almost 7:00 o'clock.

44
45 MR. ANDERSON: Mr. Chairman, is this Tlingit
46 time or white man time?

47 MR. THOMAS: This is WWB.

48
49 MR. ANDERSON: WWB, very good.

50

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1 MR. THOMAS: Okay, we broke for dinner with the
2 idea of coming back and creating a proposal. I was informed
3 during dinner break that the proposals that has a November 1
4 deadline is going to be limited to bag limit and seasons. So
5 with that in mind I thought we'd be advised.

6
7 However, there is nothing to restrict us from
8 designing a proposal for other schedules, but I just wanted you
9 to know that. You probably already did. Ann, she's shaking
10 her head and I'm not going to let her get away with it because
11 she's been two block ahead of me all day. Ann, you had your
12 hand up?

13 MS. LOWE: Yes, sir. Mr. Chair, I have a
14 proposal that I would like to work on and I'll give you the
15 gist of how it is. I had not -- I've asked staff to stay here
16 because they had indicated that they would be more than happy
17 to help us find the right numbers and stuff to put in our
18 proposal and that kind of stuff.

19
20 MR. THOMAS: I heard that.

21 MS. LOWE: And definitely we need it -- I'm
22 going to need it. I'll lay it out to the Council and ask their
23 support for that and maybe we can work on it and see how we can
24 shake it out. One of the things

25
26 MR. VALE: Ann, could you scoot that mic a
27 little closer?

28
29 MS. LOWE: Okay. One of the things that we've
30 identified here by some of the Council members was concern for
31 the elderly and others who could not get out and hunt on their
32 own. And I'll identify why I think, in Sitka, I thought about
33 generating this proposal after hearing a lot of discussion on
34 it.

35
36 Many years ago I had -- at a Fish and Game
37 meeting, I would say, maybe 15, maybe 12 years ago, we had a
38 whole bunch of elderly from the Native villages come to our
39 Fish and Game Advisory Committee and tell us that they had not
40 been being supplied by deer meat and fishery (sic) and so
41 forth. And talking about how they enjoyed and how they would
42 like to have us somehow or another have a regulation which
43 would allow someone else to hunt for them by proxy.

44
45 At the time the only thing that the State
46 allowed by proxy was for a blind person. I contacted Senator
47 Grusendorf's office at that time and asked him to research what
48 abuses could happen if we had such proxies for more than blind
49 people and so forth. And they did some research and, as you
50

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know, now there is some law that allows for proxy hunt for 105
those that can't get it on their own.

1 Well, that doesn't address the subsistence
2 user, per se, and it certainly isn't addressed in the Federal
3 regulations yet. They've adopted their regulations in entirety
4 from what the State is accustomed to, what the laws had
5 accustomed to. And thinking about this proposal, and I
6 mentioned to you earlier that in Sitka that we are a rural
7 community. Every citizen in this community is a subsistence
8 user. That may gall some people, but that's the truth.
9

10
11 A lot of folks in our community did have some
12 trouble understanding that. And they still considered that
13 some how or another they were going to be deprived from the
14 deer they needed if we reduced the sports hunting season in any
15 way. And after some time, here, explaining, going to a lot of
16 meetings it became -- and Sitka's Sportsman Association, it
17 became clear to them that they were protected no matter what
18 happens to the sports season. That they were protected under
19 subsistence because we were all subsistence users.
20

21 So presently Sitka has a four deer limit
22 subsistence season. Other user groups have been set aside.
23 When the resource becomes a biological problem and there's
24 reductions that need to be made, those reductions will be taken
25 by the subsistence users in Sitka because that's where we're
26 at.
27

28 It crossed my mind that one of the ways to
29 address the problems of sharing and what's really being taken
30 and so forth, is to have a transferable permit. And by that I
31 mean that every citizen in this community, every citizen can
32 hunt for deer if they're old enough to, if they can hold a gun
33 and shoot.
34

35 And the management scheme, Dale has some
36 information that can help me here, the management scheme is
37 such that we talk about the deer populations and what they can
38 handle and hunting pressures and everything. The biologists
39 have taken into consideration the possibility of who -- what is
40 the largest number of deer that can be harvested.
41

42 If you have a population of 2,000 hunters
43 you're going to have to try to figure out how you can supply
44 2,000 hunters four deer each, otherwise you cut the deer
45 population -- the deer amounts that they can take to three or
46 two or one or whatever you felt it could sustain, you know.
47

48 So with that in mind we presently have four
49 deer and I would like to change the wording and it's -- in the
50

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Federal Register it's 22953, it where that section is that's106 called license to permit charter tags -- harvested tags and reports.

1 MR. HOWSE: Ann.

2
3 MR. THOMAS: Ann.

4
5 MR. HOWSE: Before you go too far
6 (indiscernible)

7
8 MS. LOWE: Okay, would you please.

9
10 MR. HOWSE: The area that you're looking at is
11 in Subpart A.

12
13 MS. LOWE: Okay, which is?

14
15 COURT REPORTER: Excuse me.

16 MS. LOWE: Okay, that's why we need this stack
17 here to make sure that I'm in the right place.

18
19 MR. HOWSE: I'm Norm Howse, Federal Subsistence
20 Board staff. What you're looking at is Subpart A and I'm not
21 sure everybody has got A. Carol, were they provided?

22
23 MS. JORGENSEN: (Nods affirmatively)

24
25 MR. HOWSE: Okay.

26 MS. JORGENSEN: It's behind Section 8.

27
28 MR. HOWSE: There's two parts here, Subparts A,
29 B and C, which are one set of regulations and then there's a
30 Subpart D. D is the '94/'95 proposals for seasons and bag
31 limits.

32
33 MS. LOWE: Okay.

34
35
36 MR. HOWSE: Subpart A, B and C stuff are all
37 the other parts of the program. It's the program development
38 and how the Board set -- how the Councils are set up, the c and
39 t portion and rural and all those sorts of things. In the is
40 the eligibility with amendment process. It already exists in
41 A, but to be able to change A we have to go out with a new
42 proposal. But it's not part of the package on Subpart D that's
43 under consideration.

44
45 MS. LOWE: Okay, so Subpart D is the only one
46 that's under consideration?

47 MR. HOWSE: That's your seasons and bag limits.

48
49 MS. LOWE: Okay.

50

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1 MR. HOWSE: There are a number of changes that
2 got to be made somewhere down the line to A, B and C, including
3 c and t determinations, for example. And the Board is looking
4 at all of those various changes of which permitting process is
5 one. And I support what you're after, I think that's -- you're
6 right on target, but it probably won't get done through
7 permitting process, period.

8 MS. LOWE: Okay.

9
10 MR. HOWSE: I encourage you to go ahead and get
11 your thought together, get your proposal together that the
12 Board can then begin to work with, but I wouldn't expect in
13 April that they would pass it.

14
15 MS. LOWE: In other words, you're saying in
16 this Subpart D there is really no avenue to address this at
17 this time.

18
19 MR. HOWSE: I don't think so at this point.
20 That can be looked at a little further. It is in the Subpart A
21 provision where that exists.

22
23 MS. LOWE: Okay. That helps clarify that (ph).
24 I was trying to find a way to get that in there so you could
25 comment on it.

26 MR. HOWSE: Well, I know we got at problem with
27 a proxy situation going right now with the State and it needs
28 to get straighten out there's no doubt about it in my mind.
29 Mim.

30
31 MS. ROBINSON: Yeah, I have a question for you.
32 Is this -- Subparts A, B and C, are those on a regular cycle?

33
34 MR. HOWSE: No. No.

35
36 MS. ROBINSON: So when

37
38 MR. HOWSE: You've got to go all the way back
39 to the Secretary -- those are the Secretary only (ph) ...

40
41 MS. ROBINSON: The Secretary is the only one
42 that can change anything in this?

43
44 MR. HOWSE: Those are not Board regulations,
45 the Secretary is the one that changes those.

46 MS. ROBINSON: So we address this booklet, this
47 Register, we could address by writing a letter to the
48 Secretary.

49
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MR. HOWSE: You could submit it through the 108 Board and then Board, then, would have to prepare a proposal and then that would have to go out.

MS. ROBINSON: So what you're saying is that the Board won't change it, the Secretary of the Department will change it?

MR. HOWSE: Right. And what we'll try to do is a whole block of things all at one time, rather than one at a time.

MS. ROBINSON: I see, okay.

MR. HOWSE: If we've (ph) already identified it

MS. ROBINSON: So we wouldn't be wasting our time, right, by going ahead and coming up with something?

MR. HOWSE: No, it just probably won't get done in this cycle.

MS. ROBINSON: In this cycle, right.

MR. HOWSE: But it's worth working on it 'cause it's one of our (indiscernible), it's one that I encourage you to pursue.

MS. ROBINSON: Okay, we would be a little ahead of schedule in the cycle, but it would still be something that when we get there it would be addressed?

MR. HOWSE: We were talking about next spring when we would be getting a package together that would then go out to the Federal -- let out to the public for the 60 day review and so forth.

MS. ROBINSON: Okay.

MR. HOWSE: It's another one of those to do jobs that's coming up. And it will include a lot of other things besides this (ph).

MS. LOWE: Okay, here's the question I need to ask. Since I've indicated here a desire to look at these transferable permits as a way of addressing supplying people who can't get out or the elderly or whatever. And I'm also addressing this problem of actually taking more than they're reporting and so forth, that's what I'm trying to get. I want to get a handle on the numbers that are really being taken and a handle on how to show that they're being given to others.

Then since I've indicated that, can then the staff get some information together to see if that is really a

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1 biological sound way to do things and stuff that they can 109
2 present or mail to me so I can, you know, go further on this
3 thing. I mean, is there stuff there that I need for pursuing
4 that?

5 MR. HOWSE: I think probably the way to do this
6 is to put your ideas down in the form of a recommendation to
7 that Board, and we can go ahead and (ph) look into the
8 permitting process that we're currently looking into anyway and
9 give them your thought on how you would like to see this
10 develop.

11 MS. LOWE: Okay, instead of making a proposal
12 now, what you're suggesting is that we just write a letter or
13 make a recommendation or a motion (ph) or something?
14

15 MR. HOWSE: In other words, indicate that you'd
16 like to see a proposal developed along this line -- you are an
17 active Council member (ph) and let the staff actually put that
18 together for you. Because we've got to look at it ourselves
19 and if you don't we will. We're going to come back anyway with
20 a proposal, I think. I would suggest that that would probably
21 be the easiest vehicle. But it might not deal with the numbers
22 specifically that you're talking about (ph), that's a lot of
23 requirement (ph), I think, but just the process of doing a
24 proxy type permit you know, something like what the State has,
25 I'm not sure what

26 MS. LOWE: Is that really going to have to wait
27 until after you go through c and t?
28

29 MR. HOWSE: No, no, c and t is going to stretch
30 out for a number of years.
31

32 MS. LOWE: Okay.
33

34 MR. HOWSE: It starts this coming year, this
35 coming fall, at one point -- it's really like a 10 year job
36 (ph) to get through them all.
37

38 MS. LOWE: Bill, I need a few minutes to gather
39 my thought here and see how

40 MR. THOMAS: Don't look bewildered at me now.
41 Millie.
42

43 MS. LOWE: I'm going to yield the floor while I
44 think about this.
45

46 MS. STEVENS: I have a question of Norm.
47
48
49
50

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1 MR. HOWSE: Hang on just a minute, I've got
2 another opinion up here. Let me get Sue up here, she might
3 have another thought.

4 MR. THOMAS: While staff is having a conference
5 we'll recess for about two minutes while staff caucus here.

6 MS. DETWILES: As I mentioned yesterday, my
7 name is Sue Detwiles and I work for the Fish and Wildlife
8 Service office in Anchorage. And for questions about
9 designating other hunters to take a bag limit for another
10 hunter there is a mechanism for doing that which we haven't
11 worked out all the details on yet. It's kind of a new system
12 that the Board is authorized to implement, but there is that
13 avenue that you might want to pursue.

14 And in Section 6F of Subpart A, which basically
15 gives the Board to implement alternative harvest reporting
16 subsistence.

17
18 MS. LOWE: What page? Give us the number at
19 the top, Sue.

20
21 (Indiscernible -- simultaneous answers)

22
23 MS. LOWE: Subpart?

24 MR. HOWSE: Six F on page 22953.

25
26 MS. LOWE: All right, that's where I was at.

27
28 MS. DETWILES: Ann, you can read it for
29 yourself, but I can paraphrase it for you. It says: the
30 Agency provides the Board to authorize a community or an area
31 whereby a qualified subsistence user can designate another
32 qualified subsistence user to take fish and wildlife on his or
33 her behalf.

34
35 And, like I said, that's something that is new
36 to the Federal Subsistence Program and we haven't worked out
37 all the guidelines to use it yet, but there are three cases so
38 far where the Board has implemented this system. There's a
39 situation in Kaktovik where Kaktovick residents can harvest
40 sheep. One Kaktovik sheep hunter can harvest another person's
41 bag limit if they have a designated hunter.

42 The same situation is true for moose in Unit
43 25D West. And the third situation is for the taking of caribou
44 up in Unit 18, which is out in the Yukon-Kuskokwim Delta.

45 MS. LOWE: Okay, so -- let me try to get myself
46 straight. If I was to take a proposal form -- now is this
47 Subpart D or is this Subpart A?

48
49 MS. DETWILES: It's in -- the mechanism is in
50

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Subpart A, that just gives the Board the authority to do that

MS. LOWE: Okay.

MR. HOWSE: Ann, I guess what I was trying to get across (indiscernible) what's here is working.

MS. LOWE: I'm sorry I couldn't hear, my brain is not attached to my eyes I guess. I couldn't see you so I couldn't hear you.

MR. HOWSE: What I was trying to get across is Subpart A is already out and it would take another proposal package to change all of that which is going to take a lot of time.

MS. LOWE: Okay. Right.

MR. HOWSE: What's in here, if it's usable it may be possible to get some kind of change done. You would want to put this in your (indiscernible), but the change to Subpart A or B is going to be a major effort.

MS. LOWE: Right, okay.

MS. STEVENS: Norm, some of the elders have been talking about this form that they're to fill out. I guess it's okay for residents of, like, our closest area would be Ketchikan. Okay, we have an elder that was going to hunt for another elder and she would have had to physically take her hunting license and her tags in to Ketchikan. She's also a disabled elder and it was too much of a hardship for her to have to try to get to town. He couldn't take it in for her, she physically had to do that. And there has to be an easier way for elders that live in the outlying areas.

MR. HOWSE: I agree. What you're talking about is the State system that just came into being this year. Jim Farrell (ph) will help on this, but they are issuing proxy permits, the State is, not the Federal, they're issuing proxy permits where another hunter can hunt for somebody that's either over 65 or blind or disabled. And they go through some kind of a form that affirms that situation, I guess. Along with that they have to have the person's hunting license and tags and whatever of whoever the designated hunter is. And the designated hunter has to have a license as I understand it.

I would think that the Federal Government could adopt something that would work and probably what you're suggesting it would have to go all the way back in or

MS. STEVENS: We do have a Fish and Game

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officer out on the island, but she was told that he didn't do
that sort of thing, that she had to go to town to do that. And
it was too much of a hardship for her to have to do that.

MR. HOWSE: For the benefit of the State, I
think, this is a brand new program on the State's part. This
is the first year of Legislature for the State employees. I
think they're probably going through the throws of trying to
figure this out themselves and who is going to do it and how
it's going to be done.

When I talked to Ken Titus over in Juneau he
saying, boy, they were just getting into it at that point,
trying to figure out -- well, how it was going to work and what
their mechanism was going to be and that was just a matter of
weeks ago that he and I spoke. I can sympathize with them a
little bit on them trying to figure out all the nuts and bolts.
Jim.

JIM (UNIDENTIFIED): I think you've essentially
covered it.

MR. THOMAS: Thank you. What's the wish of the
Council, do we still want to tackle a proposal? Want to submit
a recommendation in another form? Mim.

MS. ROBINSON: Yes, I have a question. In this
book, under general provisions on Page 112. Where is that
dealt with in the proposed regulations? Is it in the proposed
regulations or is general provisions something that's in
Subparts A, B and C?

MR. HOWSE: I don't know, Mim, I'd have to look
here, but I think what you're back into is back, I think, about
Page 10. I'm not sure -- I really doubt if it's in here that's
what I was looking for.

MS. ROBINSON: Oh, okay. Do you understand
what I'm looking for?

MR. HOWSE: You bet.

MS. ROBINSON: I'm looking for a general area
in the book

MR. HOWSE: I looked in here and I doubt if
it's in here.

MS. ROBINSON: So there's not

MR. HOWSE: This covers the Subpart D, season
and bag limit type regulations rather than the -- probably be
in the regulations (indiscernible)

MS. ROBINSON: Is there a general provisions

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area for game?

113

1 MR. HOWSE: Yes, it's up on Page 10.

2 MS. ROBINSON: What, 110?

3 MR. HOWSE: Ten.

4 MS. ROBINSON: Page 10.

5 MR. HOWSE: Way up there. You were back in
6 fish -- fishing (ph).

7 MS. ROBINSON: Yeah.

8 MR. HOWSE: And don't forget this is the
9 current year.

10 MS. ROBINSON: Yeah, this is what we're using
11 right now, right. Is general provisions in the proposed
12 regulations?

13 MR. HOWSE: What this is is a condensed version
14 of what's in the Federal Register. And a lot of things that
15 weren't put in there thinking they wouldn't be necessary for
16 everybody to deal with and that's probably why it's not here
17 there I'd guess. I don't see in there, so. Let me ask Sue if
18 she'd like to.

19 MS. DETWILES: The general provisions deal with
20 methods and means pretty much in taking wildlife. And that's
21 also part of Subpart D. In Subpart D, including methods and
22 means and seasons and bag limits. And the general -- the
23 provision that authorizes designated hunt -- the use of
24 designated hunter permits or community bag limits which are in
25 Section 6. I -- if they're in here, I haven't seen them in
26 this part.

27 MR. THOMAS: On Page 12, the individual bag
28 limits has got two sentences. The second one reads: wildlife
29 taken by designated hunter for another person counts toward the
30 individual bag limit for the person for whom the wildlife was
31 taken. I just wanted to show you I could read.

32 MS. LOWE: Mr. Chair.

33 MR. THOMAS: Ann.

34 MS. LOWE: I need to ask another question here.
35 Can I take harvest limits, in the season section, and where --
36 under harvest limits, this is 46687, proposed rules. Could I,
37 for instance, use this as a vehicle to introduce that thought

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1 where it says -- gives the definition of all drainages, say, 114
2 Unit 4, all drainages of Baranof Island extending north, et
3 cetera, et cetera. 4 deer, however, antlerless deer may be
4 taken from such and such. Public lands are closed to the
5 taking of deer by persons who are not residents.

6 Can I insert in there 4 deer, by a permit

7 MR. HOWSE: You might try to utilize the Unit 4
8 in Subpart D and whatever you want to recommend any change to
9 that and insert some language that would reference then,
10 Subpart A, 6F too and fill in what language you'd like here as
11 far as a qualified subsistence user, where you designate for
12 another qualified subsistence user. You're going to have to
13 utilize that section and maybe up to -- develop something
14 around that that doesn't destroy that part of the regulation.

15 MS. LOWE: Okay, I got it.

16 MR. HOWSE: In other words, if somebody from
17 Juneau could not be considered a qualified subsistence user for
18 somebody in Sitka. Or somebody from Ketchikan for somebody in
19 Craig.

20 MS. LOWE: Right, okay.

21 MR. DALTON: Is that from one area to another
22 area, like (indiscernible -- simultaneous speech).

23 MR. HOWSE: (indiscernible - simultaneous
24 speech) qualified subsistence user in his rural resident and
25 would have c and t for that species in that area. We'd have to
26 total up (ph) and see what species we're talking about, what
27 the c and t is in that area and would have to be a qualified
28 individual substituting for another qualified individual.

29 MR. DALTON: I have another question. Where it
30 just said that wildlife taken by a designated hunter for
31 another person counts for the individual bag limit for the
32 person for whom the wildlife taken. In other words, if I went
33 hunting for somebody, it goes against my

34 MS. ROBINSON: No, it goes

35 (Indiscernible - simultaneous speech)

36 MR. DALTON: Well, you know, it's kind of
37 tricky to understand that. One word can throw you off track.
38 We need to understand this language. Thank you.

39 MR. THOMAS: Mim.

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1 MS. ROBINSON: Yeah, I'm a little bit confused
2 about what you're trying to do here, Ann. From what I read in
3 here, someone can already be a designated hunter, so what is it
4 that you're trying to change or add or whatever? Can you
5 clarify that when you're done writing?

6 MR. HOWSE: Let me just throw one more thing
7 before -- that might clear it up. Up in 6F, itself, the Board
8 may implement harvest reporting systems over permits systems
9 where -- that is the idea there that these are item specific or
10 case by case specific.

11 MS. ROBINSON: Okay, so there's nothing
12 general about it.

13
14
15 MR. HOWSE: Now, there's some differences of
16 interpretations among the staff members, I'll tell you that, on
17 the Board of what that means. Some of us think it's more
18 generous, some of us think it's very case specific, so even in
19 our own group we haven't come to grips with this. We're doing
20 it. I, personally, think the State proxy system is a permit
21 system that can be utilized. And, you know, it doesn't have to
22 be a case by case situation, but there's about four other
23 people on the staff that, I think, disagree with me. So we're
24 not in total agreement and we're going to have to sit down as a
25 group and wade through this proposal in light (ph) of it I
26 think.

27
28 MS. ROBINSON: So, Ann, can you talk yet?

29
30 MS. LOWE: Okay.

31
32 MS. ROBINSON: So, if you wanted to change
33 Subparts A, B, C, you know, this section -- what is it that you
34 want to change in there?

35
36 MS. LOWE: What I want to do -- I guess I need
37 to ask another question. This statement on Page 12 is already
38 applicable in that

39
40 MS. ROBINSON: In a general way.

41
42 (Indiscernible - simultaneous speaking)

43
44 MS. LOWE: By a specific area and that's what I
45 was trying to figure out. Okay. So what I would I would do if
46 I wanted to apply and try to get a record set for using it or
47 whatever is I would pick out in the Sitka area, Game Unit 4,
48 the definition of what that Unit is and write this down here
49 and then it gives the boundaries and then it says /4 deer, that
50

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means how many can be taken in that area, insert a description
or wording to the effect that these will be taken by
transferable -- by a transferable permit system, reference
Section 6, Subsection F.?

MR. KUHN: I would use the words, designated
hunter, because this is what they have.

MS. LOWE: Okay, what I had written is 4 deer
taken by qualified subsistence user may designate another
qualified subsistence user to take fish and wildlife on his or
-- all right.

MR. KUHN: Yeah, stick with that language.
That would be something that is actually an addition if you
want to think of it that way. So that it allows other people
to not -- just designated people.

MS. LOWE: Right, and then you would go with
the rest of the definition here of however, antlerless deer may
only be taken from September to ta da ta.

MR. HOWSE: We're probably driving the Reporter
crazy at this point.

MS. LOWE: You don't like ta da ta da?

MR. HOWSE: That was Ron Kuhn by the way.

MS. PHILLIPS: Mr. Chair.
MR. THOMAS: Patti.

MS. PHILLIPS: Ann, this is a concern of not
only that one unit that you're talking about.

MS. LOWE: This is true, this something we'd
like to see everywhere, but what they're saying is that the
avenue or the vehicle that of getting this on the floor is
through specific areas. So, like, we would have to make a
proposal up for Unit 4 here, then Unit 4 here, then Unit 3
here.

MS. PHILLIPS: Right.

MR. ANDERSON: No, no.

MS. LOWE: No?

MR. ANDERSON: No, no, no. You can do a
blanket.

MR. GEORGE: Unit 1 through 4, no.

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MR. ANDERSON: No?

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MR. GEORGE: No.

1 MR. ANDERSON: I refer to Dale, back there, he
2 has his hand up.

3
4 (Indiscernible -- simultaneous speaking)

5
6 MS. LOWE: He's getting instructions from

7
8 MR. ANDERSON: From the Southeast

9
10 UNIDENTIFIED VOICE: You can say in GM Units 1
11 through 6 if you wanted to

12
13 MR. ANDERSON: Or 1 through 19 or whatever.

14
15 UNIDENTIFIED VOICE: but you don't (ph)
16 have to address a specific GMU, you could say GMUs 1 though
17 whatever covers it.

18
19 MS. LOWE: So, I could get -- I would have to
20 leave out -- if I wanted to address all of Southeast, though, I
21 could mention the number of deer.

22
23 UNIDENTIFIED VOICE: But you don't need to,
24 just say that it'll go on to your transferrable permit (ph).

25
26
27 MR. KUHN: Let me add one little thing here and
28 that is the purpose for designated hunters or community harvest
29 hunters are to allow people to harvest as they customarily and
30 traditionally would have done. So in a small community that
31 have traditional governments, for example, they may choose to
32 have community harvest limits. And track that harvest limits
33 using their own traditional governments and distribute the
34 harvest as they would normally do.

35
36 Whereas in a large community like Sitka has
37 quite a diverse population you might choose to have a
38 designated hunter system to allow for the elderly and the
39 disabled to be able to participate in the harvest as well.

40
41 MS. LOWE: I think in our case a community
42 harvest would be real hard to do.

43
44 MS. PHILLIPS: I think a designated hunter
45 would be the way to go in our community.

46
47 MS. LOWE: Yeah.

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49
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1 MR. KUHN: The reason you can say, you know, 118
2 it's a good use (ph) is if you look at all deer throughout
3 Southeast and say all communities want this one thing, that's
4 possible to do that, but the Board will be looking at these on
5 a case by case basis. And you can make a proposal that would
6 cover all -- everything like Dale is saying, but the Board's
7 going to evaluate those rather specifically on community by
8 community hunt by hunt basis. And like Robert said, you get a
9 very vague proposal that covers every animal in Southeast
10 Alaska and it may not meet with success.

11 MR. HOWSE: Let me show you an example here.
12 It's on Page -- Subpart D, seasons and bag limits, it's on Page
13 146705 in your book, the back page, essentially on the inside of
14 the back page.

15 MS. LOWE: Say again.

16
17 MR. HOWSE: 46705. Okay, and look on that
18 page, 46705, look on the left hand column and this deals with
19 25D West, moose. And if you look down about the middle of that
20 column it says, 25D boundary one antlered bull by the Federal
21 registration permit. Alternate permits, like designated
22 hunters are available to qualified applicants who reside in
23 either Bridge Creek or Stevens Village. Now, it's very
24 specific that situation and it allows for alternative permits
25 for those people.

26 MS. LOWE: Okay.

27
28 MR. HOWSE: But it doesn't cover everybody that
29 hunts in that unit.

30
31 MS. LOWE: Okay, that's -- I think that's --
32 looking at what you brought up and the issues and stuff, I
33 think that that's what I really want do to is proffer one
34 specifically and then if the Council wants to take and run with
35 it in specific areas then, then we'll do one for that and that
36 way the biological concerns and all that stuff can be addressed
37 in each area that they're going to deal with, right?

38
39 MR. HOWSE: And that's what staff is going to
40 be very careful to look at, not only the biological
41 information, but also the social information that -- are we
42 cutting out somebody that really does have a customary and
43 traditional use. They'd have to be qualified rural users,
44 they'd have to be qualified c and t users to be a designated
45 alternate.

46 MS. LOWE: Okay, Mr. Chair, I have a fairly
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1 clear idea now of what I want to take on this proposal (ph) and
2 in order for me to finish up the written work on it I would
3 need a little time to recess away or whatever. And if the rest
4 of the Council has some concerns that they need to address
5 maybe we should see what they want to address, too, and then
6 maybe we could take a little recess in committees or something
7 and develop the wording that we need to with staff help. And
8 then come back and present a motion to the whole Council. If
9 that would be acceptable?

10 MR. THOMAS: Well, before get to that Mim has
11 got some comments she wants to share.

12 MS. ROBINSON: Yeah, I also thought an
13 interesting area to look at was the back page of the proposed
14 regulations. We just looked at 05, if you just turn it back to
15 306 in the middle column, in the middle of the middle column, it
16 says a couple of interesting things.

17 One it says, except for residents of the City
18 of Kaktovik, so it's a very particular name there, then --
19 let's see, which provides for taking ta da ta da ta da, by
20 designated hunter, procedures for Federal permit issuance and
21 community reporting will be mutually developed by Kaktovik and
22 Federal representatives prior to the season opening.

23 So those are two different ways of dealing with
24 it for individual communities and this Council could do
25 something general for the units in our region and then either
26 come up with community specific regulation proposals or let the
27 people go home and submit some proposals from their own
28 communities, if that community so desires. Just thought I
29 would throw that out.

30 MR. HOWSE: I think, Mim, you've touched on an
31 important point here. This is another way, this is the
32 community harvest sort of concept, rather than the individual
33 alternative permit.

34 MS. ROBINSON: Right, because I know Patti said
35 something

36 MR. HOWSE: This is allowing the entire
37 community to basically harvest on an agreed upon strategy with
38 that community. So many permits will be issued, the community
39 will figure out who is going to have those permits, who's going
40 to harvest and their going to help report, so it's going to be
41 controlled. And this is sort of a test case to find out if
42 that's really going to work very well.

43 You know, we're just kind of stepping into some
44 new waters as well. We're not out to destroy the biological
45

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1 population of anything out there, so. There's some real 120
2 concern that that could easily happen unless we can get a
3 handle (ph) on it. Just by offering a community harvest that
4 goes haywire, but as Bill pointed out earlier, that's probably
5 not going to happen and I hope it doesn't. The intent in there
6 is to allow for some new systems that might be more in tuned
7 with customary and traditional uses.

8 MR. THOMAS: Okay. Now that you're the wiser.
9 Do you still want to pursue a proposal?

10 MS. LOWE: (Nod affirmatively)

11 MR. THOMAS: Okay, so you're looking for some
12 committee people to work with you?

13 MS. LOWE: Yeah, anybody that would like to do
14 that would be

15 MR. THOMAS: I think Mr. Sanderson would be
16 delighted to work with you. He's involved in a lot of that
17 kind of technical stuff so. And you'll be asking a staff
18 person to help you with it as well?

19 MS. LOWE: Yes, sir.

20 MR. THOMAS: How many would you like on your
21 committee?

22 MS. LOWE: Whoever wants to help is fine. I'm
23 looking for a proposal form right this minute and I keep
24 looking through and I can't find one.

25 MR. THOMAS: Mim.

26 MS. ROBINSON: Ann suggestion of going ahead
27 and seeing whatever proposals might be out there, if there some
28 other regulation changes sounds good. And then there's
29 probably going to be more of this -- having to work on proposal
30 language and maybe see how many more we get and then break up
31 into committees. Seems like that would be a good use of our
32 limited time.

33 MR. THOMAS: Okay. I'm not sure I understand
34 everything. Other coming from where?

35 MS. ROBINSON: There may be -- Ann is the only
36 one that brought up anything for this Council to make a
37 proposal on. There may be someone else that -- Ann had two --
38 another concern too. Plus there might be some other people
39 that might want to

40 MR. THOMAS: Okay.

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MS. ROBINSON: It sounds like that will

1 MR. THOMAS: Richard, did you have one too?
2

3 MR. DALTON: Yes, Mr. Chairman. I guess when
4 you come from Hoonah the biggest concern is Glacier Bay. And I
5 think now there's legislation in Congress that we need to
6 address in this group. Perhaps a formal letter would be
7 feasible right now to support that legislation that's is done
8 by Murkowski and Don Young. And perhaps we can put it into a
9 motion to draft a letter and when we get ourselves together
10 with our departments we can put it into language. I'd like to
11 make a motion to that effect.
12

13 MR. THOMAS: Did you hear the motion, is there
14 a second on it.
15

16 MR. ANDERSON: Mr. Chairman, I second Richard
17 Dalton's motion.

18 MR. THOMAS: Any discussion?
19

20 MS. LOWE: May I hear the motion, please,
21 stated again?
22

23 MR. THOMAS: The motion was to submit a letter
24 from this Council to the people in Congress that are pursuing
25 the proposed changes in Glacier Bay that will address the needs
26 or some of the needs of that community, Hoonah, in particular.
27

28 MR. ANDERSON: Mr. Chairman.
29

30 MR. THOMAS: Is that close, Richard?
31

32 MR. DALTON: Yeah, including Bruce Babbitt.

33 MR. ANDERSON: Mr. Chairman.
34

35 MR. THOMAS: Following that we'll go to
36 Secretary Babbitt as well.
37

38 MR. ANDERSON: Secretary of Agriculture and
39 Secretary of Interior urging them to support Representative
40 Young's bill in the House and Senator Murkowski's bill in the
41 Senate related to the Glacier Bay

42 MS. LOWE: Can we have the bill numbers or
43 names, please?
44

45 MR. ANDERSON: We don't have the bill numbers
46 or something.
47

48 MS. LOWE: Yeah, we do, somebody gave them to
49 us.
50

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MR. THOMAS: We do. Clarence.

1 MS. CULP: Mr. Chairman.

2
3 MR. THOMAS: Wanda.

4
5 MS. LOWE: In fact, there's something
6 somewhere.

7 MS. CULP: That's H.R. 704 and S. 291, I
8 believe. If you look in that proposal from the Huna
9 Traditional Tribal Council they're on the Substitute Bill right
10 on the top, those numbers. And I wanted to know what this
11 motion does to the Huna Traditional Tribal Council Substitute
12 Bill that we have submitted to Congress on both the Don Young
13 and Murkowski bill. So if this Board supports what's already
14 in place in Congress than that would kind of ace out our
15 efforts.

16 MR. THOMAS: That's the decision we're going to
17 have to make. And those are one of the conditions that we're
18 going to be confronted with and we're going to deal with it as
19 Council. So

20
21 MS. LOWE: Mr. Chair.

22
23 MR. THOMAS: it's important that we all
24 understand the ramifications. Ann.

25
26 MS. LOWE: I got this motion made. Submit a
27 letter from this Council to officials in Congress, Secretary of
28 the Interior, Secretary of Agriculture urging them to support
29 H.R. 704 and S. 291. Is that the way the motion is meant to
30 be?

31 MR. THOMAS: (Nods affirmatively)

32
33 MS. LOWE: Okay.

34
35 MR. THOMAS: Yeah, I think you listed the
36 intent of the motion, the language might not be exactly that,
37 but -- is there any more discussion around that? John.

38
39 MR. VALE: Mr. Chairman, just some
40 clarification. I gather the results of this motion is the
41 authorizing of, maybe, the Chair and Secretary to draft a
42 letter up and send it in?

43
44 MR. THOMAS: That's correct.

45
46 MR. VALE: Okay.

47
48 MR. ANDERSON: Mr. Chairman, that would be with
49 the help of Carol and her expertise.

50

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1 MR. THOMAS: I'm not telling you how I'm doing
2 it, I'm doing it. I want all the credit for it, especially if
3 it turns out good. Yes, Carol will be involved. Marilyn.

4 MS. WILSON: Mr. Chair, I didn't really
5 understand what they meant by if we pass this motion it would
6 hurt their efforts.

7 MR. THOMAS: No, she didn't say hurt, it would
8 negate it. Apparently there's two bills in it. There's one
9 bill that's already in and then a substitute bill was offered.
10 The only information I have is the one that went in first, I
11 never heard of a substitute bill till now, but this is all the
12 information we have. That's why we're doing it as a Council.

13 So the motion is to send a letter of
14 endorsement supporting the first bill that was submitted. Mim.

15
16 MS. ROBINSON: From what I can see here, it
17 looks like there is a proposed substitute. Is that correct,
18 Wanda? They're proposing a substitute for the bills that are
19 in the House and Senate?

20
21 MS. CULP: For clarification

22
23 MS. WILSON: Can you speak into the mic,
24 please?

25
26 MS. CULP: Thank you. Yes, the Traditional
27 Tribal Council of Elders from the beginning of this Congress,
28 this year, has submitted a substitute to both of those bills,
29 which is actually introduced in the partnership element which
30 would include the Tribal Governments in any decision making and
31 that's what the bill is all about, to introduce the Tribal
32 Government into any of this business with Glacier Bay.

33
34
35 Because the bill -- that's the bills that are
36 sitting in front of Congress right is are also proposing an
37 additional 106 tour boats into Glacier Bay, and if anyone is
38 there during the summer you'll see sometimes more than 20 tour
39 boats, not only the main major big tour boats, but all the way
40 down in size. And there will be 20 plus in any one day's time,
41 so that leaves quite a pollution in the air. And you can see
42 it hovering over Glacier Bay as you can in Juneau when there's
43 a lot of smoke in the vicinity.

44
45
46 So this is why we're concerned because the
47 Glacier Bay bills instead of resolving problems they're going
48 to create more problems. They're not resolving any problems,
49 especially for the local people, the bills that are in right

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1 now. And I would suggest a real close study of those two bills
2 are because we've had to look at them very carefully in order
3 to craft this substitute that we offered to Congress. And the
4 Native American Rights Fund is helping us bring this forward
5 since the beginning of this Congress. And that's the bill
6 that's included in our packet.

7 MR. THOMAS: Thank you, Wanda. Mim.

8 MS. ROBINSON: Wanda, don't go yet. I had a
9 couple of thoughts here. First of all, I haven't had a chance
10 to review the packet from you so I'm not very familiar, other
11 than what you spoke of today. Second, I haven't read the
12 original bills, so I don't know how it compares -- you know,
13 the changes that you made up and what you just spoke to. Also,
14 two other questions. One is, do you know when Congress is
15 expecting to act on the bills that are in? I'll let you answer
16 that first.

17 MS. CULP: They're hoping to get it out of the
18 house real soon and into the Senate and then they'll begin that
19 series of committee/subcommittee hearings under the Senate.

20 MR. THOMAS: Okay, wait a minute. Let's either
21 vote this motion in or let's defeat it. I'm not going stray
22 from the rules of meetings of conduct. Action items belong to
23 members of the Council, when they're comparing other language
24 to the one that is before us, I think will end in confusion.
25 If you're not happy with what you think you'll be voting on
26 then defeat it. Because I can see I got people that want to
27 involve themselves in the discussion and I'm not going to allow
28 that to happen while we got a motion on the floor. Ann.

29 MS. LOWE: Mr. Chair, is it proper to suggest
30 an amendment to the motion? The amendment would be to
31 substitute the wording urging them to support the proposed
32 substitution.

33 MR. THOMAS: What would it mean? What would it
34 mean? I mean, we'll be sending a letter endorsing some act
35 already taken in and then we're going to offer something else?

36 MS. LOWE: What I'm suggesting is the motion
37 now reads urging them to support H.R. 704 and S. 291 and what I
38 was thinking in my mind was to amend that. Rather than
39 supporting those two bills that we support this substitution
40 bill offered by the Tribal Council.

41 MR. THOMAS: Well, we got a motion before us
42 now doing other ways.

43 MS. LOWE: Well, I'm talking about a motion to
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amend this motion.

125

1 MR. THOMAS: That would be out of order. What
2 I suggest is that we either approve or deny this motion and
3 offer another motion in place of it, a substitute motion.

4 MR. DALTON: Mr. Chairman.

5 MR. THOMAS: Richard.

6 MR. DALTON: It seems to me like we can make a
7 motion on this one -- I mean, vote on this motion and then
8 support the substitute after. We can make a motion.

9 MR. THOMAS: There's a lot of things we can do,
10 but we want to look intelligent while we're doing it.

11 MR. DALTON: Right.

12 MR. THOMAS: And I have some fears about being
13 harmful -- doing more harm than good if we don't make the right
14 choice. There's times when that's going to happen, but we have
15 to be careful. Marilyn then John.

16 MS. LOWE: Point of order, Mr. Chairman, you
17 can make a motion to amend a motion on the floor.

18 MR. THOMAS: I understand that.

19 MS. LOWE: And that's what I was fixing to try
20 to offer because the discussion that I've heard around this
21 motion was that was some concern that H.R. 704 and S. 291 would
22 not really address the problems that Hoonah people are trying
23 to address in Glacier Bay because it has things in it that are
24 contrary to their best need, to their welfare. And it is the
25 one that is being proffered by the Tribal Council is the one
26 that best meets their need. And it's the one that they're
27 planning or that has already been presented to substitute
28 H.R. 704 and S. 201.

29 And I was trying to get us out of the quagmire
30 by making a motion to amend that last sentence so that we would
31 rather be saying that we support this than H.R. 704 and S. 291.
32 And that's what my motion is about, substituting the Tribal
33 Council Substitute for H.R. 704 and S. 291 on Hoonah customary
34 land traditional uses in Glacier Bay.

35 MR. THOMAS: Chair recognizes you Marilyn.

36 MS. WILSON: Did she make a motion?

37 MS. LOWE: Yeah.

38 MR. THOMAS: Yeah.

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MS. LOWE: A very lengthy long one, I don't 126
even know if I can write it.

1 MS. WILSON: I guess for discussion sake -- I
2 hate to second it, but I will. I think we just should have
3 voted the other one down and made a new motion because this is
4 thoroughly confusing. I don't like amendments when it gets to
5 -- we should have just voted it down. So now we have to vote,
6 yes, on the second amendment, I mean this amendment and then
7 vote, no, on the original motion.

8
9 MS. LOWE: If you amend this motion you can
10 vote, yes, all the way through.

11 MS. WILSON: Oh.

12 MR. DALTON: Call for question.

13 MR. THOMAS: Chair calls for the question.
14
15
16
17 John.

18 MR. VALE: The question, then, is on the motion
19
20 to amend?

21 MR. THOMAS: The question is to cease
22
23 discussion.

24 MS. LOWE: Can't call from you to call for the
25 question to cease debate (sic).

26 MR. THOMAS: John.

27
28
29
30 MR. VALE: Mr. Chairman, for the record, I'm
31 going to have to vote, no, on the motion because while I heard
32 some things that I like in the form of testimony I haven't had
33 an opportunity to read the substitute nor the original bill and
34 I'm not comfortable at voting on them until I fully understand
35 what's in there.

36
37 MS. LOWE: Mr. Chair, we could also take a
38 short recess so members could read this. It's not very long, I
39 read it here in just three minutes, so.

40 MS. WILSON: But the original is not here.

41 MR. VALE: We don't have the original.

42
43
44 MR. THOMAS: Okay, we're not going to recess
45 while we got an action item. All those in favor signify by
46 saying aye.

47
48 (No responses)

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(Aye respond)

1
2 MR. THOMAS: Okay, that was defeated. Okay,
3 now to offer something a little more understandable forget the
4 first motion offer the amendment.

5
6 MS. LOWE: Call for the question on the
7 original motion.

8 MS. ROBINSON: Now we're going to the original
9 motion.

10
11 MR. THOMAS: Okay. The question on the
12 original motion. Question was called for, all those in favor
13 say aye.

14
15 (No responses)

16
17 MR. THOMAS: Opposed, no.
18 (Aye and no respond)

19
20 MR. THOMAS: Okay that would be

21
22 MS. LOWE: Can we have a show of hands, I
23 didn't hear voices.

24
25 MS. ROBINSON: I'm not sure what we're voting
26 on.

27
28 MS. LOWE: The main motion is on the floor to
29 submit a letter from this Council to official in Congress,
30 Secretary of Interior, Secretary of Agriculture urging them to
31 support H.R. 704 and S. 291. That's the main motion.

32
33 MR. DALTON: Mr. Chairman.

34
35 MR. THOMAS: Richard.

36
37
38 MR. DALTON: I see no reason to make a motion
39 on the second amendment and then make -- and still make the
40 first motion, because that's parliamentary procedure and the
41 way it sounds to me like it just stepping down on the toe of
42 that motions. And I cannot appreciate it because I think were
43 looking at two target areas and still if we put our language
44 into this particular letter it'll probably be explanatory
45 enough for the legislation.

46
47 MR. THOMAS: Whatever the wish of the Council
48 is. Mim.

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1 MS. ROBINSON: I was thinking I could probably
2 support the motion that's on the floor from what I've heard of
3 the bills sounds like it would work for now. We will be
4 meeting again later or, if necessary, it sounds like maybe we
5 could even do a teleconference if it were urgent enough. And
6 then in the meantime we'd have time to study this and maybe the
7 Council could come up with another letter saying we've reviewed
8 the facts and we like what Huna Tribal Council has come up with
9 and, you know. Does that make sense?

10 MR. THOMAS: Yeah, yeah, it makes sense.

11 MS. LOWE: Mr. Chair, we still do not have an
12 accurate vote on the main motion and I need to see a show of
13 hands so I can write down what's happened.

14 MR. THOMAS: All those in favor raise your
15 hand.

16 (In favor hands raised)

17 MR. THOMAS: All those opposed, raise your
18 hand.

19 (Opposition hands raised)

20 MS. LOWE: It failed, Mr. Chair, the vote was
21 seven against and five for and no abstentions. I mean, six,
22 excuse me, six and seven is 13. There was a

23 MS. ROBINSON: Gabe's not here.

24 MS. LOWE: Oh, okay, no wonder it's five/seven.
25 Five voted in favor of it and seven voted against it and there
26 was no abstentions.

27 MR. THOMAS: Okay.

28 MR. HOWSE: Mr. Chair, I'd like to offer a
29 suggestion

30 MR. THOMAS: Okay.

31 MR. HOWSE: to get that done.

32 MR. THOMAS: Okay. Yeah, we don't have an
33 action item on the floor now.

34 MR. HOWSE: This is just a suggestion to the
35 entire group. It's something that came out of the South
36 Central Advisory Committee, their Council, when they first met.
37 Our solicitor, Gavin Frost was there and that Council was
38 trying to do something similar to what you were just doing in
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writing letters to the Secretary of the Interior, to the
Secretary of Agriculture, the Congressional delegation and so
forth. And he suggested, this is from our attorney, he
suggested it would probably be more effective if you wrote a
letter to the Federal Subsistence Board Chair, who is an
Assistant Secretary and the Interior representative.

Our Board has to respond to your in some way,
okay. And has to do something. They have to either say, no,
we're not going to do that or they have to go ahead and pass
that letter on to the appropriate people because you asked for
it to be done. If you send a letter directly to the Secretary
of Interior or Agriculture or whoever, they, in turn, will send
it back to each agency, the Forest Service or the Park Service
to answer.

Now, that may not do what you want done. It
may be more effective of sending the letter to the Board asking
them to forward it on. That way you would have a Board Chair
who is -- it's an interim part (ph) right now, but it's an
Assistant Special Assistant to the Secretary of Interior, as
forwarding that letter on. (sic) That's just a suggestion,
some way that he thought you may be more effective as Councils.
This happened to be the South Central, but I think it would
apply to this case here as well.

MR. THOMAS: I don't think we're going to get a
request to write an easier letter. Richard first.

MR. DALTON: Yes. Are you saying that if we
send that directly to the Board, that it'll expedite faster to
Congress and then if we address to Congress it would slow us
down and it would have to come back to you people?

MR. HOWSE: No necessarily the Congress, but
the Secretary of the Interior or Agriculture. They, then, will
go back to the individual agency involved. In this case,
you're talking about Glacier Bay, they'll go back to the Park
Service specifically, but they wouldn't talk to anybody else
probably.

MR. THOMAS: Ann.

MS. LOWE: Mr. Chair, I'd like to proffer a
motion that we submit letters to the Subsistence Board and
members of Congress supporting the customary and traditional
use of Glacier Bay by the -- what do you want to call
yourselves, the Tribal Council of Hoonah?

MR. DALTON: Customary and Traditional Tribal
Council.

MS. LOWE: Okay.

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MR. VALE: How about Alaska Natives.

1 MS. LOWE: Alaska Native?

2 MS. ROBINSON: Yeah, I'd make it more general.

3
4 MR. DALTON: I second the motion.

5
6 MR. JACOBS: Mr. Chairman, may I add my two
7 cents?

8
9 MR. THOMAS: We're back with an action item, a
10 motion has been made. We're back on an action, Mark, and I
11 hate to vary from that.

12 MR. JACOBS: I question you procedures.

13
14 MR. THOMAS: I don't doubt that.

15
16 MR. VALE: Can we hear the motion back, please?

17 MS. LOWE: I'm trying to get it in some kind of
18 readable form here.

19
20 MR. THOMAS: Mim.

21
22 MS. ROBINSON: While she writing. The one
23 thing that flashes through my mind, coming from the perspective
24 where I come from, is what about the non Natives subsistence
25 users? We've left them out.

26
27 MR. THOMAS: Ann is directing traffic, you guys
28 come up with the language.

29
30 MS. ROBINSON: Well, at this point I'd have to
31 amend the motion.

32 MR. DALTON: I'd like to respond to that
33 question.

34
35 MR. THOMAS: Okay.

36
37
38 MR. DALTON: When Glacier Bay made a ruling
39 several years ago, I think, the park ranger and the
40 superintendent at that time was named Schmidt. And he made a
41 ruling that only Huna could go to Glacier Bay and use it for
42 subsistence. Only Huna, that was declared a statement and was
43 recognized. We didn't make that particular ruling as we are
44 now. Now we have a little bit more leverage.

45
46 However, we had to live with criticism from
47 other people because of the National Monument making the law,
48 we did not make that law or make any amendments or make any
49 statements to it. Because that particular law was hard to live
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1 It didn't make any difference if you were white
2 or Tlingit or Haida. Specifically, Huna, and if you were
3 married to Hoonah you could go with me, see? That's the way
4 they had the law.

5 MS. ROBINSON: Uh-huh (affirmative).

6
7 MS. LOWE: Mr. Chair, the motion is going to
8 need some help here. Submit letters from this Council to the
9 Federal Subsistence Board and appropriate members of Congress
10 urging that the customary and traditional subsistence users of
11 Glacier -- be allowed to use Glacier Bay. But I didn't get the
12 -- while the discussion was going and I didn't get the gist
13 of

14
15 MR. THOMAS: The language for the motion won't
16 be -- the language of the letter is not going to be in the
17 motion anyway. The letter is going to be written, the intent
18 of the motion is what we need to understand and act on.

19
20 MR. JACOBS: Mr. Chairman, may I interrupt?
21
22 Your agenda on the bottom of the page has wording that says:
23 agenda the second day should be considered flexible depending
24 on the amount of public comments received. The length of
25 deliberations on issues and proposed among Council members the
26 evening meeting shall be desirable to be available to people
27 who could not attend during the day. The coordinating working
28 Council will decide on the final agenda.

29
30 I don't want to be at the mercy of these people
31 that are running the show here and I question the procedures.

32
33 MR. THOMAS: We have followed the guidelines of
34 the agenda. We've been offering flexibility. Flexibility
35 ceases when we have an action item to deal with. Once we
36 dispose of that we will make room for comments again.

37
38 MR. JACOBS: And the proper procedures would be
39 before you take a vote that you give opportunity to the public.

40
41 MR. THOMAS: That opportunity has come. Ann.

42
43 MS. LOWE: Submit letters from this Council to
44 the Federal Subsistence Board and appropriate members of
45 Congress urging that the customary and traditional users be
46 allowed to continue to use Glacier Bay. Is that good enough?
47 It was seconded by Richard.

48 MR. THOMAS: Any further discussion? All those
49 in favor signify by raising their hand.

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(In favor hands raised)

1 MR. THOMAS: All those opposed.
2

3 (None raised -- passed unanimously)
4

5 MR. THOMAS: Okay, we all write a letter. Now
6 that there aren't any actions items on the floor comments will
7 be heard. I made a ruling earlier, I said people that hadn't
8 had a chance to comment would have that opportunity and once
9 they have done that then the privilege would come back.
10

11 I would appreciate for our members that are
12 participating to regard and respect the efforts of this Council
13 as well. We need to demonstrate and exercise a mutual consent,
14 respect and flexibility. With that the Chair recognizes Wanda
15 Culp.
16

17 MS. CULP: Thank you, Mr. Chairman. Probably a
18 little bit more clarification on our intent on the substitute
19 to H.R. 704 and S. 291. The main thrust of the proposal is the
20 active involvement of the Tribal Council into the process the
21 Federal Government has imposed on us. And in this process what
22 we're proposing, the Huna Traditional Tribal Council is just
23 focusing on the traditional usage area of the Huna people.
24

25 And within this traditional usage area I
26 believe there's three municipal governments to consider and our
27 proposal does not eliminate any non-Native usage or
28 consideration. The main point is -- what we're concerned of
29 our traditional usage area every action taken on within that
30 area. And certainly the Tribal Government is capable of
31 working with municipalities and the other users like Russ Davis
32 who doesn't have a formal municipality, but certainly have
33 people who care and use the resources too. So that is
34 considered in there, it is not our intent to eliminated anyone.
35

36
37 MR. THOMAS: To insure the best proper
38 representation of correspondence like this, the Chair will off
39 Ms. Culp or anybody else from Hoonah to advise Carol Jorgensen,
40 who will probably facilitate the language and the routing of
41 that letter to make sure that it meets every intent and
42 everything you want it to do. So if you would do that or
43 whoever else you might have available to put this together, we
44 want it to be the best document we can provide.
45

46 MS. LOWE: I'd like to throw in here, I intend
47 to be an active secretary and I'm going to be working on all
48 these correspondence as the secretary.
49

50 MS. CULP: That's a big job.

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MR. THOMAS: John, you look like your posturing over there.

MR. VALE: No, Mr. Chairman, there's a couple of issues I'd like to see us address, but I don't want to get to them before, you know, the floor is clear and so I don't know if it's appropriate at this time.

I'll go ahead and call me out of order if you think I'm not appropriate. I've been listening to the public testimony today and the issues that were identified by all the Council members here. There's two issues that I heard that seemed to be, you know, pretty well carried around the room.

One the issue dealing with navigable waters and the concerns expressed by management fisheries throughout the Southeast Alaska here. And I would suggest that a letter be offered to the Secretary of the Interior to extent Federal authority over navigable waters in the State. And I would suggest that since he's already been asked to do that by other groups in the State that would be a very opportune time for that letter to be constructed to demonstrate that it's an issue of great concern across the State and especially Southeast Alaska here.

And when we get away from that issue, also, I have another suggestion, a direction for the Council to take with regard to habitat protection.

MR. THOMAS: Regarding another letter?

MR. VALE: No. I'll elaborate right now on that. What I was going to suggest since habitat protection was a main issue with the body here is that at our next meeting that we ask the Forest Service to bring information to us, possibly a report on the Tongass Land Management Plan. And the revision, the implementation of the Tongass Timber Reform Act and the efforts on pack fish, efforts on fisheries and habitat protection. Possibly even reports from the individual districts as to what efforts they're making to protect habitat. I'd like to see the Forest Service maybe give those reports to us at our next meeting so that we could address habitat protection.

MR. THOMAS: In order for us to ask for something like that, we'll have to do that in the form of correspondence to whomever in the Forest Service rather than expect them to interpret what you just said. So we'll need to do that by correspondence as well. I don't know -- if there's any objection to that then we won't, if there's no objection -- objection, Ann?

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MS. LOWE: I've lost track here for a second
Are we talking about a letter to the Secretary of Interior and
the Federal authority or are we talking about

MR. THOMAS: He mentioned that perhaps we might
send a letter to the Department of Interior asking them to
extend the authority of navigable waters. Is that your

MS. LOWE: That's what I was phrasing. Okay,
then I do need to address in that -- Herman and I were just now
discussing that and at this time we could not support such a
motion or such a letter because we do not have a clear picture
from our community -- we do not have a clear cut direction from
our community to do such a thing.

Every one in our community is a subsistence
user by the law and this community tends to be very
hecklers (ph) and political and interesting in that way. And
we do not have a clear picture and we feel that most of the
Sitkans here have indicated to us that they prefer the State
get their act together and do what's right. We don't know if
they will, they probably won't, but we still got a process that
we're going to go through with the Board of Fish here in Sitka,
customary and traditional rights on fish and shellfish, and we
would have to pursue that avenue until we've been slapped in
the face again or whatever it's going to take. So we could not
support that at this time because we do not have a clear
mandate from the people in our community to do that.

MR. THOMAS: Mim.

MS. ROBINSON: I would basically ditto that, I
don't -- maybe, John, you could help clarify for me why, you
know, getting a little dense here (ph), but what is the
advantage of having the Federal Government administering our
fisheries? Including -- that would be subsistence, right, it
wouldn't be getting into the commercial part of it, right?

MR. VALE: Well, the advantage, Mim, is first,
yes, you'd have a process ongoing with the State and many of
our concerns may be addressed and resolved during that process.
And maybe we should wait for that before taking any such
action as the letter as I suggested. And that's why I didn't
offer a motion, I wanted to get the thoughts of the Council
members so that we didn't, you know, go through some needless
problems here.

But to answer your question. The advantage is
that today we heard from Council members on varieties of
fisheries resources, sea cucumbers, abalone, bag limits on
fish, steelhead in Yakutat, so on and so forth. Almost

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universally concerns were registered over State management of fishery resources.

1
2 And, of course, the advantage is, should
3 Federal jurisdiction be extended into navigable waters that we
4 would get the protections under ANILCA extended into those
5 waters which in my eyes are much better than we're seeing from
6 the State. So I think it would be a positive thing, but I'm
7 not going to offer a motion unless, you know, I have a feeling
8 that that's generally supported by the Council members. So I
9 guess we'll need to hear from other members in order to get a
10 motion and if we don't then we won't.

11
12 MR. THOMAS: Yeah, and it sounds like other
13 people in other communities need to be more familiar with the
14 existing impact and the improved impact anticipated from that
15 kind of an adjustment, so it'll probably be something that
16 we'll be dealing with down the road.

17
18 MR. VALE: Okay, well I guess we're going to
19 get the response from the Secretary anyway, whether or not we
20 send him a letter. We have been told that he is going to
21 respond to that issues, so maybe that is not necessary.

22
23 MR. THOMAS: Okay. Mim.

24
25
26 MS. ROBINSON: I'd also like to throw out that
27 it might be idealistic to think that one bureaucracy is better
28 than another, but they're all bureaucracies and they're all
29 going to be covering (ph) something. Plus the Federal
30 Government would have to set up a fisheries thing, more than
31 they've got now, to take over navigable waters. Just think how
32 long that would take. It's just -- oh, I don't know. It might
33 be better to work with the system we have and emphasize
34 subsistence at the Board of Fish meetings this winter. Get
35 their minds off of sport fishing.

36 MR. VALE: I guess I'm not sure I agree with
37 that, but we don't need to debate that for sure.

38
39 MR. THOMAS: Okay. Is the horse dead enough
40 for now?

41 MR. VALE: Yeah. The other half of this is the
42 information from the Forest Service regarding habitat
43 protections. A report on the Tongass Land Management Plan and
44 the Tongass Timber Reform Act and what efforts are being made
45 to protect habitats important to subsistence.

46
47 I think that's, you know, another important
48 issues that we talked about here and, you know, maybe at our
49 next meeting the Forest Service could present us with some
50

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1 reports on those processes. Also there's another process 136
2 ongoing called pack fish, where Forest Service is talking about
3 habitat protections for our fisheries resources which, you
4 know, we do have many fisheries resources that are on Forest
5 Service public lands.

6 Also, I would suggest that maybe some of the
7 districts might have more precise plans on how they would like
8 to protect subsistence habitats. And I don't know what
9 information is there, I'm sure the Forest Service would, if we
10 ask them for this in a general form, would supply us with what
11 we need.

12 MR. THOMAS: Let me offer a suggestion. With
13 the issues that were identified from various regions or areas,
14 how about we take that from the minutes. Anticipating the
15 minutes being distributed in a relatively short time, pick that
16 section out where we've identified issues in different areas
17 and from the record bring that to the attention of Local
18 Advisory groups, local groups that are interested and concerned
19 about subsistence get their input around that, have them submit
20 proposals from their end. What do you think of that idea?

21 MR. VALE: I guess, Mr. Chairman, while that
22 process might be helpful I'm not sure that in the absence of
23 these reports that we'll have necessary information for us to,
24 you know, to carry on a good discussion on this topic. One of
25 our charges in 805 is to comment -- and also in our charter, is
26 to comment on policies, management plans. And in order for us
27 to do that adequately we need the proper information to
28 understand what these management plans do.

29 So while the advice and consultation of the
30 Advisory Committees and other interested groups would be
31 helpful, what I would expect that if when our meeting is
32 advertised and that this information is going to be presented
33 that maybe some of those groups will, of course, be aware of it
34 and will be here and would support us in that process.

35 MR. THOMAS: I'm assuming, then, that you don't
36 quite endorse my idea, so I'm open to an alternative. Ann.

37 MS. LOWE: If I'm understanding where John is
38 coming from directly there are some what you call five year
39 plans out there that are happening, like the Northwest Baranof
40 five year timber sale, two year, da ta da, timber sale and so
41 on down the line.

42 MR. VALE: Exactly.

43 MS. LOWE: And what he would like to have you
44 do the next time we see your lovely faces is to have a
45 presentation of that information so that we as a Council can
46

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comment on your draft and say what we like or not say, is that
correct, John?

MR. VALE: That's basically it.

MS. LOWE: That's what I thought.

MR. THOMAS: Thank you.

MR. VALE: Just so we can look and say, you know, what are you doing here to protect these habitats? And maybe identify after we get that information areas like Clarence had identified that are important for cover of deer and then maybe, you know, offer them our input on what places need protection.

MR. VALE: I think I'll rely on Ann to do some deciphering, you guys know each other pretty good. And I have to admit I wasn't able to make that out of what I heard and I appreciate your clarification. Any more comments, discussion? Marilyn.

MS. WILSON: When you people come back to give us this information on forests, timber cuts and so forth, are we going to be looking through those big blue notebooks?

MR. THOMAS: That's what you asked for. Just kidding.

MR. HOWSE: Mr. Chair, those books that you referred to like that are about like that now, so. That shouldn't be a problem, I think we could probably arrange to get that sort of information to you. Have somebody at the next meeting to explain some of it. It would be helpful if we knew a little more specifics, exactly what it was, having a letter to Mike Barton probably requesting that and that would take care of it I'm sure.

The pack fish thing is currently in negotiation, they're trying to work out some of that information now, so it's very current. There are reports on the Tongass Land -- Tongass Timber Reform Act so there's some current information out on that as well, so we can probably get that to you before your next meeting if you'd like.

The individual timber sale, EIS is what you're referring to. Some are draft state, some are final, some are just getting started. I think through the scoping process there's various levels of different planning efforts, but we can certainly get people there, I think, to talk to those. It would be nice to know which one, there's probably several out there that I'm not familiar with.

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1 MS. LOWE: I would say this Council -- one of
2 our real important responsibilities here is this Council to
3 respond to those EIS's and those -- because in those you're
4 supposed to be doing an environmental impact statement on deer
5 habitat and subsistence uses and whether it's significant or
6 not significant. And that's our field of expertise, so.

7 MR. HOWSE: Yeah, and don't forget that on each
8 one of those there are what's call the 810 public hearings and
9 public notice, public hearings is part of that 810 evaluation
10 of findings process that you're referring to.

11 MS. LOWE: Right.

12 MR. HOWSE: And that's part tied into
13 NEPA (ph), National Environmental Policy Act process, so it's a
14 little bit different than your charge, I think, of looking just
15 at subsistence and seasons and bag limits, so we moved off into
16 another area of environmental (ph) planning where you're
17 dealing with Glacier Bay plan or a Park Service or a Timber
18 plan or a Forest Service or a Refuge plan or Fish and Wildlife
19 Service. Those are more agency specific and the 810 process is
20 a good vehicle for bringing it out (ph), so.

21 MS. LOWE: Yeah. Thank you.

22 MR. HOWSE: And from the Forest Service, we'd
23 be more than happy to try to share whatever information we got,
24 we'd certainly do that, but that's going to take away, also,
25 from some of your time. You're going to get a very critical
26 period in February, probably a fairly lengthy meeting going
27 through a fairly large proposal booklet.

28 MR. THOMAS: Could you mail a set to each
29 member.

30 MR. HOWSE: Marilyn doesn't want one.

31 MR. THOMAS: The hour is getting late, you guys
32 are all looking so beautiful to me, but you know you guys are
33 in all better shape than I am. There's still -- I want to
34 allow more time for public comment and we should probably set a
35 time when we should wind things up here. It's been a pretty
36 strenuous two days, there's a lot of curves that we've
37 experienced, emotionally, practical, some not so practical, but
38 in my estimation we're off to a good start. So keep that in
39 mind. Ann.

40 MS. LOWE: Mr. Chair, could we call just about
41 a few minute recess so I can get together with these guys and
42

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get this proposal written so that -- it's getting late and I'd
get it before this Council and we have to time to discuss it.

1 MR. THOMAS: What guys?

2
3 MS. LOWE: Whoever you appointed on my
4 committee.

5
6 MR. THOMAS: Oh, I appointed Robert and, who,
7 Patricia?

8
9 MS. PHILLIPS: No, I want to make a comment. I
10 want to make a comment here.

11 MR. THOMAS: Okay, Mim and Robert will help
12 Ann.

13
14 MS. LOWE: You've got a regulation you want to
15 do, too, don't you.

16 MS. PHILLIPS: I do, it's already all written
17 out.

18
19 MR. THOMAS: What?

20
21 MS. PHILLIPS: This isn't concerning your
22 committee. This is concerning a proposal I would like to bring
23 to the Board.

24
25 MR. THOMAS: Okay.

26 MS. PHILLIPS: It's already all written out.
27 Can I bring it to you?

28
29 MR. THOMAS: Yeah.

30
31 MS. PHILLIPS: Page 46686, Subpart D, .25, K,
32 24, iii, A. That's what I was asking about.

33
34 MS. ROBINSON: Want to read those numbers and
35 letters again?

36 MS. PHILLIPS: Page 46686.

37
38 MS. ROBINSON: Wait, wait, wait, 46686, got
39 that.

40
41 MS. PHILLIPS: Subpart D,

42
43 MS. ROBINSON: What letter B or D?

44
45 MS. LOWE: B I think she said.

46 MS. ROBINSON: B as in baby.

47
48 MS. PHILLIPS: D.

49
50

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MS. ROBINSON: D as in daddy. Okay. 140
MS. PHILLIPS: K, 4, iii, A.

1 MS. ROBINSON: It's this one, that's it.
2

3 MS. PHILLIPS: Concerning Unit 4 under -- I
4 want -- the regulation reads under A, boats may not be used to
5 take ungulates, bears, wolves or wolverine except for persons
6 certified as disabled. I would like to see the regulation
7 changed to delete ungulate because a deer is an ungulate, isn't
8 it.
9

10 MR. THOMAS: Taste like it.

11 MS. PHILLIPS: That's what I thought. It reads
12 basically the same, but delete ungulate.
13

14 MR. THOMAS: I agree.
15

16 MS. PHILLIPS: And I already have a proposal
17 form all filled out.
18

19 MR. THOMAS: Yeah, you're right. The term
20 ungulate, as I read earlier, I think an ungulate has split
21 hoofs. If I'm even close, I think that all it used to be, so I
22 agree with the language you're offering. Mim.
23

24 MS. ROBINSON: I was just wondering what else,
25 what, besides deer -- oh, here it is under definitions.
26 Ungulate means any species of hoofed mammal, including deer,
27 caribou, moose, mountain goat, dall sheep and musk oxen.
28 That's under the definition section.
29

30 MS. LOWE: Make a motion to fix it.
31

32 MS. PHILLIPS: I make a motion to delete
33 ungulate in Subpart D, .25, K, 4, iii, A.
34

35 MR. KITKA: Second.
36

37 MR. THOMAS: I'm so impressed I can't deal with
38 the action. You've heard the motion, is there a second?
39

40 MS. LOWE: Herman.
41

42 MR. THOMAS: Oh, Herman seconded it? Any
43 discussion? John.
44

45 MR. VALE: I want to muddy the waters a little
46 bit but, you know, I'm in support of the motions, but if you're
47 in a boat you're in navigable waters and under State
48 jurisdiction.
49

50 MR. THOMAS: Any more discussion? Ann.

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1 MS. LOWE: The funny thing is they adopted this
2 thing, but Southeast is the only place in the State where this
3 is a regulation. Everywhere else in the State you can hunt
4 from a boat, anything.

5 MR. THOMAS: Nobody else can pronounce it.

6 MS. LOWE: Except you.

7 MR. THOMAS: That's true. I think it's a good
8 motion.

9
10 MS. LOWE: I even know it is navigable waters,
11 John, we can clean up this reg right here for the Federal
12 people and then we can work on the State, but right now we
13 can

14
15 MR. THOMAS: The motion was to delete a word,
16 we're speaking either in favor of or against deleting the word
17 ungulate. Any more discussion?

18
19 MS. PHILLIPS: It could be changed in other
20 units too, but I just chose this unit because it is the unit I
21 come from and it a practice that occurs now, so I cannot -- I'm
22 sure it does happen in other units, but -- no.

23
24 MR. THOMAS: I stop my engine dead before I
25 shoot anything. I can't believe you're asking for a change.
26 Any more discussion?

27 MS. LOWE: Call for the question.

28
29 MR. THOMAS: Don't make proposals and then feel
30 guilty about it. Make a proposal and feel good about it, so we
31 can feel good with you. Okay, any more discussion?

32 MS. LOWE: Call for the question.

33
34 MR. THOMAS: Question is called for. All those
35 in favor of deleting ungulate signify by being sure.

36
37 (The sures raise their hands)

38
39 MR. THOMAS: All those opposed not so sure.

40
41 (No hands raised)

42 MR. THOMAS: Okay, that motion passes.

43
44 MR. HOWSE: Mr. Chair, one comment.

45
46 MR. THOMAS: Okay.

47 MR. HOWSE: Something that -- a suggestion
48 again. When you're up to working on regulations like this, be
49 sure you go back and look some of the definitions like you did
50

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on ungulates. Look at the definition on take as well. 142

1 MS. PHILLIPS: I outlined that in my additional
2 information.

3 MR. HOWSE: Okay, because that basically says
4 to pursue, to hunt, to shoot, you know, it goes on. It isn't
5 the transportation of the deer, it's the actually shooting of
6 the deer.

7
8 MS. PHILLIPS: He knows.
9

10
11 MR. HOWSE: Okay. Now the other point you need
12 to be sure you're aware of is that boat probably, as John
13 points out, is out in the water and you're shooting at deer on
14 the beach, which is probably State land, it's under State
15 regulations. Changing it here in the Federal regs may not
16 change anything, so as long as you recognize those sorts of
17 things that are little problems.

18
19 I understand what you're saying and what you're
20 doing, but be sure, you know, the State is going to enforce
21 their regulation if somebody shoots from a boat.
22

23 MR. THOMAS: The motto we got here is we'll
24 take on the White House first and the Governor's mansion
25 second. Okay, the committee that is under the -- with the
26 direction of Ann Lowe are dismissed, that is Robert Sanderson
27 and Mim.
28

29 MS. LOWE: And staff.
30

31 MR. THOMAS: What's the wish, do you want to
32 take a break? Do you want to hear public comment? What's the
33 wish?
34

35 MS. WILSON: Mr. Chair.

36 MR. THOMAS: Marilyn.
37

38 MS. WILSON: Maybe we could take a break, but
39 it's getting fairly late. It seems like we should keep talking
40 if we need to take something else up. Right now I'd like to
41 make a motion to send all the minutes of this meeting to the
42 SENSC, the Southeast Natives Subsistence Commission, to the
43 Chairman.
44

45 MR. THOMAS: Hearing no objection, so ordered.

46 MS. ROBINSON: What are you doing?
47

48 MR. THOMAS: We're sending a copy of our
49 minutes to SENSC. Ask me who SENSC is.
50

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MS. ROBINSON: Southeast

1 MR. THOMAS: Southeast Natives Subsistence
2 Commission.
3

4 MR. ANDERSON: Mr. Chairman, while the
5 committee is muddling the water over there it might be a good
6 time to continue taking comments from the public.
7

8 MR. THOMAS: Any objection to that? Okay,
9 while the committee is out with their project of language if
10 there is any public comment that would like to be expressed at
11 this time we invite you to take advantage of this time. Greg.
12 State your name for the record, please.
13

14 MR. WILSON: Good evening, my name is Greg
15 Wilson, I work for a Sitka tribe, I'm the coordinator for the
16 Subsistence Food Program, which was initiated this year. I'd
17 like to make some comments, some concerns and offer you some
18 information.
19

20 A little while ago you were talking about
21 providing for elders food. Well, the program I started does
22 the very thing. We adopted a program that comes underneath the
23 General Assistance and Social Service department, my budget
24 comes out of there. We get Native foods by boat (ph) which is
25 part of this program to take our enrollment to teach them how
26 to identify, gather, prepare, put up and we also disperse the
27 food too.
28

29
30 Our Tribal enrollment plus 21 other agencies
31 and groups in Sitka besides ourselves. And we have the foods
32 in spring, summer, fall and winter. It's a year around
33 program, we always have something to get. Besides what we
34 gather we get donations from Sitka Sound, SBC, other commercial
35 fishermen, other subsistence users, sport fishermen. And what
36 we get from the commercial fishermen donated to my program I
37 have been authorized to offer them receipt, a tax deductible
38 receipt as long as it's sellable portion of their sellable
39 product.
40

41
42 Again, if you take out members of enrollment in
43 Sitka Tribe where approximately 2,900 enrolled of which 2,000
44 are Siatica (ph) plus anyone that lives here without any
45 community or tribal group in Alaska or from down south. It is
46 a very diversified program. We take them out and teach them to
47 provide, not just for the elders, they come first, and we
48 provide for anyone that's in need. Besides the 21 other groups
49 and agencies we provide for individuals in need.
50

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1 Now that includes native groups, hospital,
2 churches, pioneer home, senior center, Raven's way, other fish
3 camps, Broad Point (ph), Soda Jackson (ph), Fire Department.
4 The food is for them to disperse whichever way they want. As
5 long as I get a receipt stating that they got that product from
6 me. And I've got quite a stack right now. So the food goes
7 quite a ways in the community, not just to the Natives, but
8 white people too. I can't name all the people that get it.
9 They get the foods and lot of groups, like young kids, Steven
10 Unity, they take the food and raise money for donations.

11
12 And I'd like to say that on behalf of my
13 program that the subsistence part to me is part of life. It's
14 a lifestyle may of us would like, the ways of going out and
15 gathering food and the ones that are not tied up by the money
16 look at that as the way of life in your lifestyle. To me
17 subsistence is our grandfathered rights. That's why our
18 ancestors settled here in the first place.

19
20 And I recognize the customary and traditional
21 ways of our elders and our ancestors, identifying a practicing
22 the ways of the old through participation, sharing and passing
23 on to those people and others. To me subsistence is life
24 sustaining since time memorial. We are modern Natives now, we
25 are practicing the ways of the old with modern times and modern
26 technology, just like the white man we are advanced.

27 I do not like to see the whites develop this
28 place at the expense of our people to enhance commercial
29 fisheries. Many of our people do have commercial permit to
30 raise money. You take away that permit, you still need that
31 food for our bellies.

32
33
34 I have learned from the old, I still learn, I
35 practice or I make it a point to share with others the
36 importance of technology and our customary and traditional
37 ways. And the subsistence program shows you that. That's why
38 subsistence is important to me. It's not secondary, I don't
39 have another job or fishing and use subsistence as something to
40 fall back on, it is my job, I created the job to pass on what I
41 learned from the elders. And one day it'll all be there and
42 I'll want someone to take care of me when I get to that point.
43 And to me we are just Natives exercising our in born inherent
44 right to be Native gatherers which I want to pass on. That is
45 my comments.

46
47
48 MR. THOMAS: Appreciate that. I think it's a
49 good description of a good positive way of using the resource
50

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1 and benefiting people that otherwise would not be able to enjoy
2 that, specifically the elders and I'm sure each has heard your
3 respect and appreciate what you're doing what your organization
4 is doing. And I think the effort that you put to get other
5 people to participate in their donations and using them, the
6 different uses are to be commended. And thank you for sharing
7 that with us. Wilbur.

8 MR. JAMES: Yeah, good evening. We just wanted
9 to invite Carol Jorgensen into Hoonah to hear some of our
10 concerns. And depending on how long this going to be open I'd
11 like to run to my daughter's house and get a piece of paper, a
12 document or a piece of paper concerning the recent bill that's
13 before Congress concerning Glacier Bay usages. This to any
14 Native is a very damaging bill. And I've got documented proof
15 of the false statements and out right lies in it. It's
16 documented and I'd love the opportunity to run home, get it,
17 bring it here and read it to the Board.

18 MR. THOMAS: Yeah, I'm not sure. We may be
19 here that long, we may not be. But in any case the action we
20 took didn't regard that particular legislation. To the best of
21 my knowledge, we're supporting the one that came for the
22 Traditional Tribal Elders of Huna instead of the first one, so
23 to the best of my knowledge we were offering endorsement of the
24 one that was asking for a substitute bill. Is that what you
25 understood? Were you here when that happened?

26 MR. JAMES: No, I wasn't, I just got here a few
27 minutes ago.

28 MR. THOMAS: Okay, that was expressed to us how
29 lit was damaging. We are endorsing action from the Huna
30 Traditional Tribal Elders and Wanda Culp was invited to work
31 with Carol on the language of the letter that we're going to
32 send. Is that agreeable?

33 MR. JAMES: Yeah.

34 MR. THOMAS: Okay.

35 MR. JAMES: Okay, thank you.

36 MR. THOMAS: Thank you. Is there anyone else
37 who would like to offer public comment at this time? Mark.

38 MR. JACOBS: I don't know if you want to listen
39 to me anymore. I'm reminded of the way I've been treated with
40 the Alaska Department of Fish and Game hearings. It seems like
41 when I get to the witness table the recording system goes on
42 the blink. It even happened when we had our first Federal
43 subsistence meeting just before the Federal take over. They
44

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1 had a video camera going all day long. I had my turn at 10:30
2 at night and, believe it or not, I'm on my way to the witness
3 table, they picked up their video equipment and walked out.

4 I think I have some important things to say
5 because I have some deep feelings and I probably been involved
6 longer than most, except Mr. Kitka and probably Lonnie
7 Anderson. I know what I've been through in a lot of these
8 regulations. Right now it provides for elderly, it looks like
9 I'm in good physical condition, but I have to be very careful.

10 I just decided from what happened the day
11 before yesterday that it's not advisable for me to be out
12 alone. Because I had an attack and I had no other help. I had
13 a flare gun and if that Coast Guard helicopter came over for a
14 third or fourth time interfering with my beach combing and
15 shooting from the boat if I had to. I was going to use a flare
16 gun to get help.

17 I have been retired now for seven years, going
18 on eight years and I depend on subsistence way of life. And I
19 believe the State regulations says that you can shoot from a
20 boat as long as the boat is beached. In other areas, the boat
21 has quit moving from mechanical propulsion. I think there is a
22 provision for me to go ahead and do my hunting from a boat
23 because it's not advisable that I go in the woods.

24 Because this helicopter was harassing me I
25 decided to get off the boat and go and hunt a little bit in the
26 woods. I went about 100 yards and had an attack (ph), just
27 about had to crawl back to the boat. And I was going to use my
28 flare gun to get some help because I thought I was down to my
29 last day on earth. I've had a lot of these problems. I've
30 been all cut up inside and had cancer operations and I've had
31 various other gall bladder removed and so on. I'm on constant
32 medication and if I miss that I'm in trouble.

33 The regulation says blind. Well, I think I'm
34 just as bad off as any of those old timers that have to use two
35 crutches and so on. Because when I have an attack I don't have
36 any more strength left in my legs. I speak in favor of
37 adequate provisions for a person like myself. In another month
38 I'll be 70 years old, I'm on my last leg.

39 As mentioned in the discussion here tonight, I
40 think you should have a set of procedures like the State has
41 that you could follow and allow for public input. Because
42 sometimes through the discussions it opens up another thought
43 that is very important. I don't want to say too much more, but
44

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I hope I expressed my own problem as far as being able to provide food for my own family, the table. 147

I wish you'd use -- see I have hearing problems, but navigable waters is meant to be navigable waters. The Forest Service offers you mailing lists of their scoping, their EIS reports, all the glossaries are in it. It takes a lot of home work to remain on top of that and it is hard to understand and I recommend you have someone from the department in those particular areas.

MR. THOMAS: Thank you very much, Mark. As I've mentioned before, Mark represents a lot of wisdom and is generous to share them and we appreciate that. Did I see a hand up? Ann.

MS. LOWE: Mr. Chair, I'd like to make a motion that the Council support a proposal to change the wording in the Federal Register under harvest limits and open seasons under Unit 4. The wording would read as follows: all drainages of Baranof Island extending north of the divide from North Point of Kasnyku Bay southwest to North Cape of Whale Bay, and all drainages on Chichagof Island draining into Peril Straights, Hoonah Sound, and Salisbury Sound east of Point Leo, and all offshore island including Kruzof, Biorka and Catherine -- 4 deer, however, antlerless deer may be taken only from September 15th to December 31st. A qualified subsistence user of Sitka may designate another qualified subsistence user of Sitka to take fish and wildlife on his or her behalf. Public lands are closed to the taking of deer by persons who are not residents of Unit 4, Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, or Wrangell.

And why I would like to see this regulation changed is to address the need to supply those unable to hunt due to age or other handicaps. Also to have a clear picture of the deer harvest actually being taken.

And at this time I don't know how this will affect the wildlife populations. I would hope the staff would find that out for me. And how it would the change affect subsistence users, it will enhance their ability to share harvest more effectively and efficiently. And that is the proposal I'd like to have us support.

MR. THOMAS: Okay, that was a motion?

MS. LOWE: Yes, sir.

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MR. THOMAS: Do we need a second?

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MS. LOWE: Yes, sir.

MS. ROBINSON: I'll second it.

MR. THOMAS: It's been moved and seconded,
discussion. Pat.

MS. PHILLIPS: I would like to ditto that
proposal to Unit 4.

MS. ROBINSON: This is Unit 4.

MS. PHILLIPS: For the Chichagof Island.

MS. LOWE: May I respond?

MR. THOMAS: Yeah.

MS. LOWE: Okay. The reason we chose just one
specific thing here is because we were advised that the Board
would look at it in a specific way and more likely we would see
that change than if we got too broad, so that if we wanted that
change then we should take each unit, like Patti's unit, and
make a separate proposal. We were hoping that this would be a
test case to see how this is going to fly, but if Patti wishes
to have that for the rest of Game Unit 4 we should take her
area and make a separate proposal with the same wording and the
same reasons, but submit them as two separate areas, two
distinct areas.

MR. THOMAS: Okay, the motion was read and the
comment that was offered did not pertain the support or non
support of the motion, so the comment at this point was out of
order. And any discussion as to support or to defeat the
motion that's before you. Chair entertains a call for the
question.

MS. ROBINSON: Call for the question.

MR. THOMAS: The question is called for. All
those in favor of the proposal signify by saying aye.

(Ayes respond)

MR. THOMAS: Those opposed, nay.

(No responses)

MR. THOMAS: The motion is carried. Does
Patricia like to offer a similar proposal specifying language a
different area?

MS. PHILLIPS: So moved.

MS. LOWE: Second.

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John. MR. THOMAS: Moved and seconded, discussion.

MR. VALE: Well, as I understand

MR. THOMAS: For or against the motion?

MR. ANDERSON: Clarification.

MR. VALE: Clarification, I guess. As I understand the motion then will want -- as I understand the way you said it, you want what's left of Unit 4 for the residents of Pelican, is that right? I'm trying

MR. THOMAS: It's at Chichagof, right? Ann, help us out.

MS. LOWE: Okay. What Patti would like to do is insert the same wording after the date there, September 15th to January 31st and insert the words that I just -- lost.

MR. THOMAS: It's duplicate language except for the area.

MS. LOWE: What the heck did I do with it? I had it, folks, just a second I lost it. Insert the words, a qualified subsistence user may designate another subsistence user to take fish and wildlife on his or her behalf. Right there in the one that identifies all drainages of Chichagof Island -- that top one right there. Just doing the same thing except picking out another specific area to do it in.

MR. THOMAS: Right, it's a duplicate proposal.

John.

MR. VALE: The area is specific to where residents of Pelican are hunting then.

MS. PHILLIPS: It won't say Pelican in it.

MR. THOMAS: Chichagof Island. Any more discussion?

MR. DALTON: Question.

MR. THOMAS: Question is called for. All those in favor signify by saying aye.

(Ayes respond)

MR. THOMAS: Opposed, nay.

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1 MR. THOMAS: That motion carries. John.
2 MR. VALE: Question for Richard. Would not the
3 residents of Hoonah want the similar amendment (ph)?
4 MS. PHILLIPS: It would be covered by the
5 motion we just passed.
6 MR. VALE: Oh, okay.
7
8 MS. LOWE: The only one left in Unit 4 that's
9 not covered by that wording, John, would be Tenakee Springs
10 area.
11 MR. VALE: Well, we could amend that proposal
12 next February or something like that if we need to.
13
14 MS. LOWE: Right.
15
16 MR. ANDERSON: Why not now?
17
18 MR. THOMAS: What did you say, John?
19
20 MR. VALE: Never mind.
21 MR. ANDERSON: Mr. Chairman, may I address the
22 Chair?
23
24 MR. THOMAS: Lonnie.
25
26 MR. ANDERSON: I see that we've amended the
27 motions to include several areas and yet we have not included,
28 say for instance, Tenakee and that area there. I'm sure that
29 if they had proper representation here that they would have
30 requested the same type of amendment inclusion.
31 MR. THOMAS: We're a responsible lot of guys,
32 so what -- do you want to go for it?
33
34 MR. ANDERSON: Go for it, so moved.
35
36 MR. HOWSE: Mr. Chairman.
37
38 MR. THOMAS: Yes.
39
40
41
42 MR. HOWSE: Just to help clarify a little bit.
43 The communities that have what is called customary and
44 traditional use and they're in Unit 4, it's Admiralty, Baranof
45 and Chichagof is all the residents of Unit 4 plus Kake,
46 Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port
47 Protection and Wrangell. So you need to think through all of
48 that when you set the Sitka side that you've left out a whole
49 bunch of other folks or, in your case, this part of unit (ph)
50

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1 or Hoonah, everybody else is out, you know, as far as having 15
2 alternative permit process. It just that as long as you try to
3 put it in your proposal (ph) so -- other residents, Tenakee,
4 Angoon, Port Alexander, I guess they didn't want to get
5 involved here. There are a lot of other candidates that are
6 currently eligible, including Kake, would no longer -- or would
7 not be eligible for the alternative permit.

8 MR. THOMAS: I think we're just exercising our
9 confidence in our test case.

10 MS. LOWE: Right.

11 MR. ANDERSON: Mr. Chair, I make a motion that
12 we include the Kake, Angoon and the other areas that have been
13 deleted.

14 MR. THOMAS: Same language as the previous two?

15 MR. ANDERSON: Same language.

16 MS. LOWE: Which one is that, this one right
17 here? Lonnie, this one right here?

18 MR. ANDERSON: Yes.

19 MS. LOWE: Okay.

20 MS. JORGENSEN: As we move along here and we're
21 talking about various communities, I just want to throw in,
22 again, to remind as a point of order that we are area wide
23 throughout Southeast. And we must be putting our heads
24 together with the other communities, like, I'll toss them off,
25 but I won't, you know, I won't say all the communities. I
26 mean, there's like Elephant Cove, there's Tenakee, there's all
27 of these other communities that we also might want to be
28 thinking about. We're speaking to specific things, Hoonah and
29 Glacier Bay and all of that and that's good, but we need to be
30 -- trying to put into our heads and thinking what might be
31 going on in some of these other communities, affecting them.

32 MS. LOWE: Mr. Chair, we don't have a second on
33 Lonnie's motion.

34 MR. FELLER: I'll second that motion.

35 MR. THOMAS: Okay, before we go further
36 discussion, I feel incumbent to remind you that a concern was
37 brought to me from people in the area saying that the areas
38 that we're addressing now are satisfactory the way they are and
39 would really wish that we would leave them alone.

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1 I'm offering this as advisement and I would
2 yield to you guys instruction. Lonnie's motion has been
3 seconded.

4 MS. ROBINSON: What was the motion again?

5 MR. THOMAS: The motion was the same as the
6 first two to include other locations. Ann, could you define
7 those?

8
9
10 MS. LOWE: Mr. Chair, this last one that we
11 proffered here to change that wording both of them are
12 significantly different than we did on the first one. On the
13 first one we specifically limited it to Sitka residents, okay?
14 On the second one, that wording was given to everyone who uses
15 the Unit 4 described above. On the third one, that's what
16 Lonnie is proffering now, is that every subsistence user in
17 Game Unit 4 would have designated hunter status. Everyone,
18 Kake, Wrangell, Petersburg, Haines, Gustavus, Port Protection
19 or Wrangell, Pt. Baker, and so forth.

20
21 That's a little bit different than what we
22 proffered for our test case. And this is just to clarify the
23 motion that was made. I'm not speaking to or for against it,
24 just to clarify what was made.

25
26 MR. THOMAS: Appreciate that. I want to remind
27 us to be careful because we're kind of moving along like a
28 Gatling gun and I'm not sure we have front site to use with our
29 bead. John.

30
31 MR. VALE: I just wanted to know if those
32 communities are all in Unit 4, Ann.

33
34 MS. LOWE: No, wait a minute, they're not all
35 in there.

36
37 MR. VALE: And do they all have c and t on
38 deer?

39
40 MS. LOWE: Mr. Chairman, the ones I read below,
41 Kake, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection
42 or Wrangell are not in Game Unit 4. They have joint c and t.

43
44 MR. HOWSE: But they do have c and t.

45
46 MS. LOWE: Yes, they have joint c and t, but
47 they are not in that game unit they're south (ph).

48
49 MR. VALE: Okay.

50

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MR. THOMAS: Mark.

MR. JACOBS: Mr. Chairman.

1
2 MS. LOWE: Mr. Chairman, we have a motion on
3 the floor (indiscernible -- simultaneous speech).
4
5

6 MR. JACOBS: I wish you'd leave this section
7 alone. It does provide the same privileges as Unit 4 to these
8 communities that are listed, same privileges. I would say
9 don't fool with it. I think it's very liberal. I think it
10 supplies with enough deer and I have a family. Just so happens
11 I have to depend on people like Dale Stevens and other able-
12 bodied hunters.
13

14 Would you allow me to make comments on a
15 similar regulation on disabled that the State provides. The
16 Legislature provided for disabled and the blind proxy
17 hunting

18
19 MS. LOWE: Point of order, Mr. Chair. We have
20 a motion on the floor, it's seconded and we need to address
21 voting on that motion by the Council members.
22

23 MR. THOMAS: The Chair is making this exception
24 because we lost track of the motion, we go comments coming now,
25 we were stumbling over the things and I don't want to portray
26 off like doing that. If we're going to be doing something,
27 let's do it and so, Mark, continue. You can continue.
28

29 MR. JACOBS: Yeah, the State proxy hunting was
30 provided by the Legislature and then it got into the hands of
31 conceptual acrobats. By limiting the proxy to one person and a
32 certain number of days and that's it. I think the State
33 Legislature intended for the entire season. Thank you.
34

35
36 MR. THOMAS: Thank you, Mark. The reason I
37 allowed that is because in my observation that there are
38 positions of people that live here that use this that are
39 affected by it that have fear of some jeopardy that's suggested
40 by this action. And if that turned out to be the case I don't
41 want to be a party to that. We need to be very deliberate and
42 have a good sense for us to anticipate wild actions that we do
43 because we're going to be responsible. We're going to maintain
44 responsibility for those.
45

46 There's still discussion on the motion. We've tripped
47 over it for so long the Chair would request that the motion be
48 read.
49

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1 MS. LOWE: Okay. The motion is to add the same
2 wording that used in the previous motions which is, a qualified
3 subsistence user may designate another qualified subsistence
4 user to take fish and wildlife on his or her behalf, which would
5 be inserted after the wording September 15th to January 31st.

6 MR. THOMAS: Is there further discussion on the
7 motion? Ann.

8 MS. LOWE: Mr. Chair, I'm not going to be able
9 to support this one. It's not specific enough, it grants a
10 designated status to some communities that are not even in Game
11 Unit 4. And I would rather see how this first one flies, what
12 kind of affects it going to have on the wildlife populations
13 after the biologists have a chance to look at it and see how
14 the thing is going to work before I am willing to make it so
15 liberal and broad everywhere else. I'm just real uncomfortable
16 with doing that since they're not in our game unit. And if
17 they want to proffer such a thing down in their game unit and
18 they're site specific, that's okay, so I don't think I'm going
19 to be able to support this one on these basis, it leaves me
20 somewhat nervous.

21 MR. THOMAS: Thank you. Marilyn.

22
23 MS. WILSON: Mr. Chairman, I'm thoroughly
24 confused and I don't really know what we're trying to do here.
25 And I think we shouldn't be jumping into this without really
26 knowing what we're doing because this will be far reaching into
27 the future what we do here tonight, so I'm voting against this.

28
29 MR. THOMAS: Any more discussion?

30
31 MS. LOWE: Call for the question.

32
33 MR. THOMAS: The question has been called for.
34 All those in favor of the motion signify by raising your hand.

35
36 (In favored hands raised)

37 MR. THOMAS: All those opposed raise your hand.

38
39 (Opposition hands raised)

40
41 MR. THOMAS: The motion is defeated.

42
43 MS. ROBINSON: Mr. Chair.

44
45 MR. THOMAS: Mim.

46 MS. LOWE: Any abstains, Mr. Chair? I didn't
47 see everyone's hand up.

48
49 MR. THOMAS: No abstentions it was defeated.
50

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1 MS. ROBINSON: Yeah, I was -- I got confused on
2 the -- when Patti was doing here thing there. I didn't realize
3 -- I was confused as to which part she was looking at and I
4 didn't realize that she was dealing with an area that went all
5 the way done to the lower Baranof, or at least I think it does,
6 I'm not real positive. I need some clarification. This is for
7 the one that Patti did and also I think on that language, I
8 didn't even remember voting on it.

9 First of all what was the language that
10 included -- how did that read, for Patti's?

11 MS. LOWE: Just what I previously read for this
12 one.

13 MS. ROBINSON: Yeah, but the alternate thing,
14 but what area did it set; Chichagof Island only?

15 MS. LOWE: No, it all drainages of Chichagof
16 Island and that whole description there which goes down --
17 which is your area, circumvents and comes back around the other
18 side there to south west to North Cape of Wale Bay. That's the
19 rest of Game Unit 4 where Sitka is. You recall how we made
20 those little

21 MS. ROBINSON: So Port Alexander did get in on
22 that one?

23 MS. LOWE: See there's the map right there, the
24 dark area.

25 MS. ROBINSON: So could you show -- could I see
26 that, Norm?

27 MR. THOMAS: Okay, actually that action item
28 was disposed of and you're welcome to look at the map, but it's
29 no longer under consideration.

30 MS. ROBINSON: Just point it out to me.

31 MR. HOWSE: I'll just describe it. There's
32 three areas, there's the -- one area includes West Chichagof,
33 South Baranof (ph) off of that, that's one unit. The other is
34 the Peril Straight north toward the Baranof, (indiscernible) I
35 was talking about. the other is the northeast Chichagof area
36 around Hoonah, Tenakee, that area. Those are the three areas.

37 MS. ROBINSON: So the one that Patti did is the
38 one that jumps, right?

39 MR. HOWSE: It also goes down there to
40 (indiscernible -- simultaneous speech)

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MS. ROBINSON: and all of that. 156

1 described here. All right?
2

3 MS. ROBINSON: Okay.
4

5 MR. HOWSE: Anybody want to take a look at this
6 map?
7

8 MR. THOMAS: I'm afraid to. We have to start
9 winding up because I told the people out in front we'd be out
10 of here by 10:30 in the morning. Is there further public
11 comment from the audience at this time? What's the wish of the
12 Council?
13

14 MS. LOWE: To establish our next meeting.
15

16 MR. THOMAS: Okay, let's talk other meetings.
17 We had lunch, I was threatening my bother, Richard, that we're
18 going to meet in Hoonah. And instead of discouraging him, he
19 got all excited and said that's a good idea. So I want to
20 throw that out for your consideration.
21

22 MS. JORGENSEN: These are the dates that --
23 either this one, which is the preferable, probably the best
24 one.
25

26 MR. THOMAS: That would be best for me too.
27 Okay, the suggested dates to start with are January 31st, or
28 February

29 MS. JORGENSEN: No, through this week.
30

31 MR. THOMAS: A whole week of meetings?
32

33 MS. JORGENSEN: No, just two days, but that's
34 in between that time, 31, first, second, third, fourth,
35 whichever in that week or

36 MR. THOMAS: Does anybody have a calendar?
37 Ann?
38

39 MS. LOWE: The seventh, did she say, Mr. Chair?
40

41 MR. THOMAS: The 31st through the seventh.
42

43 MS. JORGENSEN: Through the fourth.
44

45 MR. THOMAS: Through the fourth.
46

47 MS. LOWE: The 31st of December

48 MR. THOMAS: Is on a Monday.
49

50 MS. LOWE: No, the 31st of December of 1993 is
on a Friday.

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MR. THOMAS: No, we're talking January.

1 MS. LOWE: Oh, January, okay. A Monday through
2 Monday, a week of meetings?
3

4 MR. THOMAS: A window in that period. A
5 schedule within that window of January 31st through February
6 4th.
7

8 MS. LOWE: That's some window, that's a week.
9

10 MR. THOMAS: Or February 28th through March
11 14th. Personally, I have conflicts after the January 31st
12 window.
13

14 MR. DALTON: February to March?
15

16 MS. JORGENSEN: Fourth.
17

18 MR. DALTON: Fourth.
19

20 MS. LOWE: What's wrong with the 21st week of
21 February?
22

23 MR. THOMAS: I have a conflict with the State
24 on University. In either case, if it's okay with everybody
25 else, outside of me, because we got a Vice Chairman and if I'm
26 not there he can handle it.
27

28 MS. LOWE: How about the -- what is the -- does
29 your office have problems with other -- why are you given us
30 these particular windows? I guess I should ask that question.
31

32 MS. JORGENSEN: To provide for certain staff
33 that could be here those would be windows. You can set any
34 date that you so desire.
35

36 MR. VALE: Mr. Chairman, I move that we leave
37 that date up to the Chair.
38

39 MR. FELLER: Any time is fine for me.
40

41 MS. LOWE: Mr. Chair, I would like to have a
42 more defined time. I have a lot of schedules I have to keep.
43

44 MR. THOMAS: The call of the Chair is pretty
45 defined.
46

47 MS. LOWE: Can you give us a date?
48

49 MR. THOMAS: I can't handle that many the same
50 evening, but -- what you guy's druthers? Would you like to

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1 meet during the course of the middle of the week so you can 158
2 travel on a Friday? I'm used to working on Friday and Saturday
3 myself, but whatever you guys want to do.
4

5
6 MS. LOWE: I'd like to start in the beginning
7 of the week, like be here on a Monday and get started Monday
8 morning.
9

10 MR. THOMAS: Monday morning?

11 MS. LOWE: Yeah, on Monday morning.

12 MR. THOMAS: So that would be January 31st and
13 February 1st, anticipating a two day meeting. Okay?
14

15 MR. DALTON: January 31st through the first?

16 MS. ROBINSON: Where is it going to be, do we
17 know yet?
18

19 MS. JORGENSEN: That's again

20 MS. ROBINSON: Because what I was thinking if
21 we need to travel on the ferry, like if it were going to be in
22 Hoonah, we might want to work it around the ferry schedule.
23

24 MS. JORGENSEN: Mr. Chairman, this is again
25 something that's open to the Council. You might want to think
26 about an area that doesn't have a representative to provide,
27 you now, input from the community -- I mean, it's up to the
28 Council completely, you might want to think of Petersburg or
29 any other place in Southeast. It doesn't have to be in Sitka
30 all the time.
31

32 MR. DALTON: Mr. Chairman.

33 MR. THOMAS: Richard.

34 MR. DALTON: Yeah, I feel that if we float this
35 particular meetings into village areas where it is a customary
36 use of traditional subsistence food, I think we'd have a little
37 be more input in those various areas and then the next time
38 maybe we'll float it to another area where they would feel
39 comfortable. Naturally we would expect a little bit more input
40 from that specific area. And that was the thought that I had.
41
42

43 MR. THOMAS: Okay. Ann.
44
45

46 MS. LOWE: Mr. Chair, due to a lot of things
47 involved here everyone is represented here is from an area that
48 has subsistence users, so -- I mean, it's not to pick on
49
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anybody, but I would suggest that we meet where staff is going to have proper equipment available, we're going to have proper equipment available. There's going to be housing a plenty for that many people coming in. There's going to be a more centralized way of getting to a certain place for residents from all over Southeast. And it seems like a good place might be John's home territory, like Wrangell.

We have all have been somewhat gun shy about Petersburg, but we're not adverse to that. Good things have not happened to us as a subsistence people before, but we're not adverse to that location, but I would think that it would be best if we did meet in a community that we had good transportation facilities to get in and out of, we had facilities for people to stay in, because we might have a lot more public input at that time because we're going to have definite proposals to deal with. We need to have housing for the public and so we need to think of a place that can afford that kind of traffic and, you know, that kind of influx into the community that we would be.

There will be a lot of staff present and so I think John -- I heard him say we were welcomed at Wrangell, but it was kind of a whisper. I kind of wondering if that was true.

MR. THOMAS: The Chair was thinking San Diego.

MS. ROBINSON: Second the motion.

MR. THOMAS: Millie.

MR. ANDERSON: Mr. Chairman, Millie has a statement to make.

MS. STEVENS: Yeah, I feel, you know, that in January and February Legislature is in session and I think that would be a good time to be in the Juneau area. Wrangell is pretty hard to get in and out of unless you -- you know, with me, I also have a busy schedule, so I can't afford to take the extra time to take a ferry. So I'm thinking about time wise.

MR. THOMAS: I have just a little boat and in regards to accessibility in adverse weather Wrangell looks real good compared to Juneau in the wintertime. It took me three days to get to Seattle trying to get to Juneau, but that's just an editorial. Lonnie, didn't you have your hand up? Lonnie? No, you didn't? Pat.

MR. ANDERSON: Mr. Chairman, if I had to vote I'd vote on Juneau. It seems to be centrally located. The people coming from Anchorage would be there, the ferry system

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could be a feeder to the area.

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MR. THOMAS: To where?

MR. ANDERSON: Juneau.

MR. THOMAS: Juneau. Patti.

MS. PHILLIPS: In February in Pelican it's hard to get anywhere. But it's harder to get to Sitka than it is to Juneau. Often times we have to fly to Juneau to get to Sitka because our flights can't make it through the pass. So I would have to go through Juneau anyway no matter where the meeting was at that time of the year.

MR. THOMAS: Mim.

MS. ROBINSON: Yeah, Juneau, I think, might not be a bad idea. Millie's point about the Legislature being in session, it might be that there's some hot bill on subsistence that we might all go lobby for or against. And also there would be people there doing their own lobbying that -- you know, this is their one trip out during the winter and if the Subsistence Council is meeting there, they'll be able to attend that meeting too.

MR. THOMAS: Okay. Thank you.

MS. ROBINSON: And it doesn't make any difference where the meeting is, it's impossible for me to get to any of them.

MR. THOMAS: Marilyn.

MS. WILSON: Yeah, Mr. Chair, I think we should think about the ferry schedule being that the weather is pretty iffy at that time of the year and if we could plan it around the ferry schedule, that would make it easier for people to be all there because I know meeting in Ketchikan or Saxman, we were suppose to have, I forget what meeting it was, but hardly anybody got there.

MR. DALTON: Mr. Chairman.

MR. THOMAS: Richard.

MR. DALTON: Seems like transportation is always a stumbling block to any meetings. We find it very difficult in some areas all right, however, there's an access to Hoonah by airplane, ferry boat, canoe boat, if you got it. You get there, you're responsibility to this Board is to get

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1 there. It seems to me like In Hoonah we never have any problem
2 to where a person can live. There's a hotel there, then
3 there's bed and breakfast,

4 I haven't seen Hoonah get stuck for opening the
5 doors to any public, especially if we're discussing something
6 vitally important to the people that is affect by this. When
7 Glacier Bay is affected by a lot of legalities and I think you
8 can hear the local people about Glacier Bay concepts. Thereby
9 we can actually listen to who is hurt. Hoonah is the fist
10 place that gets hurt by any regulation, State or Federal,
11 Indian Island closed, who gets hurt? Hoonah people. Sea
12 gulleets who can't take from Glacier Bay, who gets hurt? Hoonah
13 people.

14 Seal hunting, there's a criminal act now as far
15 as taking a seal in Glacier Bay, this is why we're so excited
16 about try to dispute the facts on hunting in Glacier Bay and
17 subsistence style of living. So I don't think you'll get stuck
18 if you choose to pick Hoonah in any shape of form.

19 MR. THOMAS: Thank you. John.

20 MR. VALE: Mr. Chairman, on these proposals, we
21 may have considerable amount of public comment and I think I'd
22 like to see the public have as easy access to us as possible,
23 so -- I mean, I think a larger metropolitan area, at least for
24 the next meeting here, would be appropriate in Juneau or Sitka,
25 something like that.

26 Additionally, you know two days is not a lot of
27 time and I wonder if we'd be better off scheduling three days
28 and then if we finish our business early then we get out the
29 door in two, but, you know, three days might be more
30 appropriate.

31 MR. THOMAS: Depends if you have other
32 occupations. I happen to have and two days is more realistic
33 to me than three days is. Ann.

34 MS. LOWE: Mr. Chair, not to make any less than
35 that, but a lot of us have other occupations and it will hurt
36 severely to be there, but we have found in the past that all
37 the people that have worked here before know that two days has
38 never been adequate. And if we could set three days aside and
39 not really use it, then more power to us. We do have a Vice
40 Chair that can be there too, and so if we could set three days
41 aside and not use it, I would feel better about our progress
42 that we're going to make. And I guess I'd encourage you to
43 consider that because in the past we have been forced into
44 forgetting something crucial or rushing and getting a poor
45 product out because we didn't have adequate time. So it really
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is an issue that we might really want to take into consideration here and make sure that we at least set it aside, if we don't use it more power to us. 162

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2 MR. THOMAS: Hopefully, we'll learn to take
3 better advantage of what time we have. These last two days
4 wasn't a good demonstration of that, but hopefully that'll
5 improve as we go along. So

6
7 MS. LOWE: I make a motion to have the next
8 meeting in Juneau.

9
10 MS. STEVENS: Second.

11
12 MR. THOMAS: Moved and seconded to meet in
13 Juneau. What dates? January 31st and February 1st?

14
15 MS. LOWE: Through February 2nd.

16
17 MR. THOMAS: February 2nd?

18
19 MS. LOWE: Yeah, through February 2nd.

20
21 MR. THOMAS: Okay.

22 MS. ROBINSON: Call for the question.

23
24 MR. THOMAS: The question is called. All those
25 in favor say aye.

26
27 (Ayes respond)

28
29 MR. THOMAS: Opposed, no.

30
31 (No responses)

32 MR. THOMAS: That motion carries.

33
34 MS. LOWE: Who seconded that; Mim?

35
36 MS. ROBINSON: No, it was Millie.

37 MR. THOMAS: Okay, now I get to exercise the
38 one word I that I scratched out three times.

39
40 MS. ROBINSON: Adjourn?

41
42 MR. THOMAS: Adjourn.

43
44 MS. ROBINSON: I move that we adjourn.

45
46 MR. THOMAS: It's been moved that we adjourn.
47 Thank you all very much, this meeting is adjourned.

48
49 **(END OF PROCEEDINGS)**

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UNITED STATES OF AMERICA)
) ss.
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 167 contain a full, true and correct Transcript of the Southeast Regional Subsistence Advisory Council meeting taken electronically by me on the 7th day of October, 1993, beginning at the hour of 9:00 o'clock a.m. at Centennial Hall, Sitka, 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 19th day of October, 1993.

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

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