

SOUTHEAST ALASKA FEDERAL SUBSISTENCE ADVISORY COUNCIL
SNO Building
Wrangell, Alaska
 February 8, 1996

VOLUME I

Members Present:

William C. Thomas, Chairman
 Vicki LeCornu, Secretary
 Herman Kitka, Sr.
 John F. Feller, Jr.
 Mary Rudolph
 Patricia Phillips
 Mim Robinson
 Lonnie Anderson
 Marilyn Wilson
 John F. Vale
 Gabriel George

Fred Clark, Coordinator

P R O C E E D I N G S

CHAIRMAN THOMAS: Good morning, everybody. We'll call this meeting to order. The Southeast Alaska Federal Subsistence Regional Advisory Council. We have more members that are in town, they're checking in at the hotel and so we'll commence with any roll requirements when our secretary gets here.

I want to welcome all of you that are able to be here, I know some of you were kind of questionable as recently as yesterday. And everybody realizing the budget constraints, I'm really happy to see that you folks were able to make it to this meeting. I apologize for the late start, we had all -- our plan said we'd be here on time, but that didn't work out that well.

Okay. If the members have any ambitions around the agenda, do you want to -- have you had a chance to review the agenda? If you have, what's the wish of the Council on the agenda?

MR. GEORGE: Move to adopt.

CHAIRMAN THOMAS: It's been moved. Is there a second?

MR. ANDERSON: Second Mr. George's motion.

Comment [Watermark1]: 1

. 2
 . 3
 . 4
 . 5
 . 6
 . 7
 . 8
 . 9
 . 10
 . 11
 . 12
 . 13
 . 14
 . 15
 . 16
 . 17
 . 18
 . 19
 . 20
 . 21
 . 22
 . 23
 . 24
 . 25
 . 26
 . 27
 . 28
 . 29
 . 30
 . 31
 . 32
 . 33
 . 34
 . 35
 . 36
 . 37
 . 38
 . 39
 . 40
 . 41
 . 42
 . 43
 . 44
 . 45
 . 46
 . 4

CHAIRMAN THOMAS: Any discussion? John.

MR. VALE: Mr. Chairman, I wanted us at some point to address the subsistence fishery issue in Yakutat on steelhead. Maybe we could that in Section B under -- after Item 2 there.

CHAIRMAN THOMAS: Under new business?

MR. VALE: Under issues update.

CHAIRMAN THOMAS: Okay.

MR. VALE: I don't know if there'll be any action, but I just kind of wanted to report more than anything else.

CHAIRMAN THOMAS: Okay. So what we call it?

MR. VALE: Subsistence fisheries under issues update.

CHAIRMAN THOMAS: You want to included there, huh?

MR. VALE: I'm not sure, that seems like the right location.

CHAIRMAN THOMAS: Yeah, that's fine, we're flexible. Any more discussion?

All in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Opposed.

(No opposing responses)

CHAIRMAN THOMAS: That motions carries.

We'll have to check with the secretary to see if the minutes are available to review from our fall meeting. Our old business with the reports, I guess I'll lead that off. I don't have a report, I guess it's somewhat of a report, but then we'll follow up. Those of you who have an agenda, our report alignment is listed with U.S. Fish and Wildlife Service, State Fish and Game, Park Service, Forest Service. So if you kind of keep that in mind, I'll just give you an update of some of what happened since our fall meeting.

Those of you who were able to attend our fall meeting can remember the excitement and the cooperation that occurred at that meeting with virtually all of our issues. One of the issues had to do with some language in the Tongass Management Plan and a motion was made that this Council send a letter to Senator Stevens listing our wishes with regards to the language. So in order to come up with the best possible language in the letter from this Council I appointed a committee to do that and opened it up for people regardless of their association or affiliation to be part of that committee. And it turned out to

be a committee of 10, I guess, or more. They worked from 7:00 till about 10:30 one night putting this thing together and it was really well done. So the only thing that was left to do with it when we left the meeting was for it to be put on letterhead and then my signature. See, that's the nice thing about Chairman, get everybody to work that hard and come up with all that nice language and take all the credit for it see. So for that I'm thankful.

Okay, following that, not too long after that was the Alaska Native Brotherhood and Alaska Native Sisterhood Grand Camp Convention held in Hydaburg. The organization has been alive since 1812. One of their issues in 1812 was subsistence and needless to say their still very endeared to that topic. And at the convention this year the topics always remain education, one, and not such much subsistence number two, but fishing or harvesting in general. The Grand Camp doesn't use exactly the same language that we use here, but the message is pretty much the same. And the report I gave them was an update on what happened here on the Federal Regional Advisory Council level.

Not too long after that, 30 days or so, maybe a little more than that I got a response back from Senator Stevens. He was appreciative of the letter, he noted the disagreement and in his closing he expressed the same ambition that we had, and that was to arrive at a balance that we can agree on and I think that's all we were looking for.

I got a letter in the mail from the Wrangell Chamber of Commerce and they sent us a real good welcome. They were asking for information so that they can let people in the community know what was going on, what to anticipate and they were excited about us coming to Wrangell for this meeting and they just offered a whole lot of hospitality and I'm sure you'll all recognize that by the time we leave here.

Now many of you probably have got a copy of a letter that was sent to the Chairman of the Subsistence Board, Mr. Demientieff from the House Speaker Gail Phillips. She sent a letter to Mitch objecting to this process. She felt that the Advisory Council was an inappropriate body for this kind of responsibility. I forwarded that same to letter and a letter of my own to Robin Taylor and Bill Williams, being a constituent of theirs in their district, asking them for their reactions to that and to be specific with their reaction. So far I haven't heard from either one of them. Bill did call me, he said he couldn't write the letter because he had to live with them for another year, whatever that was supposed to represent.

To apologize for the government, the shutdown didn't do us a whole lot of good. We cancelled a meeting that was scheduled to be held with the whole Subsistence Board along with all of the Chairs from the state to kind of air things out in a forum that we haven't offered ourselves before. We were looking forward to that, but that just wasn't able to happen because of the awkwardness that was posed by the shutdown with regards to funding, timing and other priorities. And the spring meeting, I

think, was delayed for the same reason.

Now when I gave my report at the Grand Camp I got some concern from the Native community with regard to how we do business at this Council. So I thought it would be of some value to mention that ANILCA is not a Native only issue, it's a geographic issue with regards to preference. When the preference is identified as rural, rural at that time used to equate to Native, but, however, it's still geographic and not so much limited to Native population.

In closing, this is our third year of doing this now, two meetings a year. We've adopted a process, it should be a process, there should be a process of business listed on the top of the page of your agenda. Those of you that are wishing to offer comment during the course of the meeting, I'd appreciate it if you pay attention to that language in that box above the agenda and please consider what we ask in that, the only reason for that is to have an orderly meeting and to give everybody an opportunity to speak. If anything happens in the process that you're not recognized to participate in discussion, an opportunity will be made following that.

Okay, before we go, is there anybody in the Council or the audience that has any questions regarding the process of the agenda? And if you do later on that's okay, I mean, we're not limiting all of that to occur right now. Like I said, we're flexible and if you haven't been here before, we certainly don't expect you to understand everything that we do, but you'll know that I know everything that there is up here.

So with that, that concludes my comments. Were there any questions with any of the comments I offered? Now, that's not as generous as the other comments I made because this is your only opportunity to question those. Okay. With that anybody else from U.S. Fish and Wildlife. Tom. Please identify yourself for the record.

MR. BOYD: Good morning, Mr. Chairman, Council members.

CHAIRMAN THOMAS: Good morning.

MR. BOYD: My name is Tom Boyd and I am now with the U.S. Fish and Wildlife Service. My title, if you'll excuse the length of this, is Deputy Assistant Regional Director overseeing the Office of Subsistence Management. This is a new role for me in the Subsistence Program. I've been in this role since November 12th, I believe, but I'm not new to the program. I've been the Subsistence Program manager for the Bureau of Land Management since the beginning of the Federal Subsistence Program.

And my primary reason for speaking this morning is to introduce myself to you, so I've done that. And I'm really looking forward to my new role, I've enjoyed it so far, it's been challenging and very fast paced and I'm getting used to it as everyday goes by with even considering the disruptions of Federal shutdowns.

It's been, as Bill had already indicated, somewhat of a crazy time for us and we've had to, since November, live through two Federal shut -- two shutdowns of the Federal Government. For this program this couldn't have come at probably a worst time. As Bill has already mentioned, one of the casualties of that shutdown was the cancellation -- or I should say postponement, because we hope to do something in the future regarding the meeting opportunity that was lost, the joint meeting between the Council Chairs of the 10 Regional Advisory Councils and the Federal Subsistence Board. We found that to be a very unfortunate happening and we hope to be able to reschedule something in the near future to handle that. Currently, I think, the plan is to have a somewhat scaled down version of that at the beginning of the annual regulatory meeting, the spring meeting of the Federal Subsistence Board where they consider all of the regulatory proposals. There will be an opportunity, at least, for the Board and the Councils to take even though briefly. And possibly even from the meeting schedule a future meeting in which more substantive issues can be discussed.

But the shutdown not only resulted in the loss of that meeting opportunity, but it also created some lost time for the staff during a period in which they are intensely involved in preparing the staff analysis that you have before you and are considering in this meeting. If you can multiply your proposal booklet by 10, that's kind of the workload that they were dealing with. So we had to reevaluate very quickly what that meant and then had to very quickly come up with a new schedule of happenings. And, hopefully, at least your Chairman was contacted regarding this problem and we tried to work as closely as we could with the Councils and with the other agencies that are involved with the program to come up with, in a very fast order, a new schedule for the regulatory process this year.

And just very quickly I would like to tell you some of the high points of how the scheduled has changed. Four of the 10 Regional Advisory Council meetings had to be rescheduled or moved to a later date to accommodate additional time we needed for doing staff work. And that was, I thought, pretty good, I was thinking, oh man, they're all going to have to be shifted and it's just going to really put things kind of far along down the calendar. But with everybody working together we were able to come up with a manageable schedule that everyone could live with. So we'll be through with the Regional Advisory rounds in about mid March, which would have normally been at the end of February, so we didn't lose that much time, we were able to scramble and arrange things. The staff has actually put in a lot of extra time and overtime to kind of help move this thing along and everyone seems to be fairly accommodating and that's been real good.

It has resulted in a shifting of the Federal Subsistence Board, which was going to meet the first week in April, and now they will meet in late April, early -- the last week in April and the first week of May. I can't recall the dates off the top of my head, but I think you have new schedule that's been passed

out to you, but it'll be that week that straddles April and May. And that will be the time frame for the new Federal Subsistence Board meeting.

It also shifted the effective date of the '96/97 regulations. Normally they are effective as of July 1 every year. This year, because of the shutdown and the delays it's caused, they will become effective on August 1st. Hopefully that won't effect too many of the hunts. Those hunts that continue year round, those seasons I should say, that continue year round what we will do is provide a notice that continues the existing regulations through August 1st. There are a number or several proposals, and I'm not sure if it's in this region or other regions, that have proposed some early August seasons, so we hope to capture those in the new regulations, if those proposals pass the Board.

But, anyway, that's kind of a quick overview of some of the impacts, if you will, and how we have reacted to the Federal shutdown. You've mentioned, Mr. Chair, about concern about budgets and, of course, that's been a significant concern of ours as well. Some of the different agencies and the Federal agencies in the program have been affected somewhat more -- somewhat differently, everybody's operating under a different budget, so I can't speak for the other agencies, I can speak for our office. We've had to -- and all of us have had to live under continuing resolutions, as they are called, instead of the real appropriations we hope to have at least by this time of the year. I think I can gladly report that the Office of Subsistence Management's working budget has remained stable, roughly at the same levels we had in FY fiscal year '95. However, we remain on a continuing resolution until March the 15th and so after that we don't know what will happen. I feel secure that we're going to continue to be funded, probably at the same levels, and whether it's under a continuing resolution or a new appropriation it's uncertain.

That's kind of a quick overview of some of the big happenings with regard to that. I'll just kind of come full circle here and say I'm really happy to be in my new role. I consider the role of the Regional Advisory Council to be critical to the program. I see you as primary customers of my office and the services that we perform, the staff work and coordination and everything that's done. And I look forward to serving and working with you in the future.

Thank you very much.

CHAIRMAN THOMAS: Thank you very much. Any questions of Tom?

MS. WILSON: Could you say what your position is again, please?

MR. BOYD: Okay. Deputy Assistant Regional Director of Subsistence. And I might add that that title may change in the near future. I hope it gets shorter, so I don't have to have a breath in between those words.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: You replacing James Kurth?

MR. BOYD: Yes, officially I'm replacing James Kurth, that's correct. There was a lapse of about one year between Mr. Kurth's reassignment and my appointment. And in that interim period Mr. Dick Marshall served in this capacity as acting DARD, if you will.

CHAIRMAN THOMAS: Further questions? If there's no questions now -- from time to time we're going to reach points to where we're going to need some clarification and some help. We're going to sound pretty intelligent for a while then you'll notice our shoe stuck in our mouth and that'll be a cue for you to come on and bail us out. But thank you very much for your comments and we'll look forward to your participation.

MR. BOYD: Thank you, Mr. Chair.

CHAIRMAN THOMAS: So are you going to be the spokesperson for the Department now? Is there anybody else here that's going to respond?

MR. BOYD: Well, with regard to the Office of Subsistence Management

CHAIRMAN THOMAS: Just to our agenda in general.

MR. BOYD: Oh, in general, I can be. We have other staff here representing the other agencies. I have Ms. Rachel Mason and Mr. Robert Willis from my office who will be providing technical analysis for the various proposals and we'll all probably speak at some point or another.

CHAIRMAN THOMAS: Sure. Thank you. For those of you who haven't been to our Southeast meetings, we're really happy that you got a chance to be here because we pride ourselves in compatibility, productivity, credibility and you're going to have a sense of agreement as we proceed. And this is a contribution to everybody that's been here in the past and you'll recognize that. I, for one, appreciate that. And appreciation always goes out to the staff and their efforts. And even in the best of times with a load like this, staff is overloaded regardless of how much money they got. They're overloaded, we understand that and we appreciate that.

ADF&G.

MR. MORRISON: Good morning, Mr. Chairman and Council members.

CHAIRMAN THOMAS: Good morning.

MR. MORRISON: My name is John Morrison, I'm with the Department in Anchorage and serve as the Department's liaison with the Federal agencies. My title is State/Federal

Subsistence Coordinator. I really don't have a lot of specific things to say about the Department's current standing or situation with subsistence in as much as we're sort of waiting for the other shoe to drop, you might say. We're concerned about what the Federal government will be doing on this navigable waters issue that's currently before the courts. That will have quite an effect on our future program depending on which way that goes. The same thing holds true for the State Legislature, there's quite a lot of things happening there that will undoubtedly affect our future role in subsistence management affairs.

We're busy in some efforts, though, to try to get better coordination with the subsistence using communities in the state. As Chairman Thomas recalls, last spring, about a year ago, we had quite a conference in Anchorage, based on rural harvest issues in which with the other agencies and the subsistence communities that came in -- representatives came in from all over the state, we discussed the possibilities of getting more accurate records on the kinds of harvests that were being made the rural communities, so that we can do a better job of coming up with regulations.

One program that we've been pushing pretty hard, and this again is something that was related to our symposium last spring, was to get more cooperative programs going around the state wherein local representatives, representatives of the Federal agencies involved and the Department will focus on a specific issue or a specific problem with some species and try to work out in the area what we might do to make the problem go away and get a better management circumstance that we can then sell to people higher up in the decision making process and we feel this way we can not only do better management but also have less confrontational problems that might exist.

The Department continues to work closely with the Federal Subsistence Office insofar as providing data and information from our records. Much of the Federal Subsistence Program's analyses are based on data that they get from the Department and we're trying to do the best we can to make sure that the best possible information is available and to that end we have some programs, especially in the Department's Subsistence Division to improve the quantity and quality of information that's available to everybody, not just the Federal Subsistence Program, but whoever might be interested in knowing what's available, we can try to do that.

Among these cooperative programs we now have going around the state, we've got on with the Forty-mile Caribou herd in Unit 20 north of here. We have the Lower Yukon Moose Management Plan, Kilbuk Caribou Plan, Nushagak Peninsula Caribou. We're striving at every place we can encourage this kind of cooperative approach to management to get the local folks aware of the possibilities of what we can do with it. So this is something that might become of interest here in Southeast.

This is my first opportunity to meet with the Council,

I've been at many meeting with Chairman Thomas in the past and enjoyed discussing things with him. I particularly appreciate his particular brand of humor in many instances. We have other folks with us today from the Department, Bob Schroeder is supervisor of the Subsistence Division here in this region, some of you are probably acquainted with him. Gary Sanders from the Sport Fish Division is representing the Fisheries Division interest in the subsistence questions. And Ed Crain is now the Department's wildlife biologist in Petersburg, mainly interested here today in any discussions about moose management in the Stikine River area, and they'll be available to answer any particular questions that you might have.

Thank you.

CHAIRMAN THOMAS: Thank you, John. Any questions for John. Before you leave, John, I wanted to share with you that as we proceed here and get to know each other, I think it was our Craig meeting that we had where we had, I think, different representatives from the Office of Subsistence in Juneau. And they made available to us whenever we needed it any of the information they had, their data, their files, there was no limit on our accessibility to whatever they had for our information if we needed it and we've always appreciated that. I just wanted to share with you about the kind of association that's developing at least in the region with those regards and we appreciate that. And we appreciate you. Thank you.

MR. MORRISON: Thank you.

MR. VALE: I have a question.

CHAIRMAN THOMAS: Question.

MR. MORRISON: Yes, Mr. Vale.

MR. VALE: On the cooperative agreements the Department is looking to work with agencies and the public -- one that I know about is with like the Mentasta Caribou herd in the Interior there.

MR. MORRISON: Right.

MR. VALE: I'm just curious if those agreements are ratified, if you will, by the, say, the Board of Game or the Board of Fisheries issues, is that something that would be ratified by the Board of Fish and if you were work on future cooperative agreements or is that something that's done administratively or how are you approaching that?

MR. MORRISON: When we become aware of the possibility of doing something like this we meeting with all potential participants and work up a definitive program which is then taken before the supervisors, the top level people in all of the organizations that might be involved and often these will then come out with a stated cooperative agreement that all agency representatives will sign and it will lay out the ground work for how that's going to operate. We have that with Mentasta,

Forty-mile and all of these cooperative agreements are based on a very specific written agreement that are all officially approved by each agency involved.

MR. VALE: Okay. So it answers administratively, then, and not in conjunctions with the Boards?

MR. MORRISON: Well, the Boards sort of have to go along with it is what it amounts to. The Boards would become involved if it gets to the point of effecting some regulation, if there was to be a recommended change in the hunting season or whatever as a result of that, then the Boards would have to be brought in to entertain a proposal in that cooperative group. And so essentially what the cooperative group would be doing would be functioning like this Council in representing a certain viewpoint of an area that local folks want to have enacted into some kind of a program that would provide better management. If it does affect a specific regulation then it would have to go before a Board for their approval on changes of dates or bag limits, whatever.

MR. VALE: Okay. Thank you.

CHAIRMAN THOMAS: Thank you. Patty.

MR. MORRISON: Ms. Phillips.

MS. PHILLIPS: Will the Legislature trying to zero out the Subsistence Division, how are you maintaining your operations?

(Off record comments -- speak into microphones)

MR. MORRISON: I think, Ms. Phillips, the question I'd defer to Mr. Schroeder to be more specific in answering how they're planning to respond to that.

MS. PHILLIPS: Who can the State's Subsistence Division be doing a good job, you know, of data gathering if they don't have the budget to back it up.

MR. MORRISON: An excellent question. Partly what they're doing at the present, the Subsistence Division, is funded by the Federal Subsistence Program on contract and this maintains the Subsistence Division's database which is extremely comprehensive source of information and does take a lot of work to maintain, but I'd just as soon let Mr. Schroeder describe that.

MS. PHILLIPS: Okay.

CHAIRMAN THOMAS: Thank you, John. Bob.

MR. SCHROEDER: Thank you, Mr. Chairman and members of the Council, it's really nice to see all of you, it's kind of like something of a reunion and I wonder if we're all going to keep doing this year after year after year, you know, I'm starting to feel kind of old myself. But it's really great to

be here. I bring greetings from Rob Bosworth who now is the Deputy Commissioner in the Department of Fish and Game, so I think you guys should use your ties with Rob to go directly in there if you have something that you think the Department might be able to help you on and he maintains a pretty open access.

We also have a new director in our Division, that's Mary Pete, who worked for the Division for 10 years out of the Bethel area. She then has been a professor at the University of Alaska, Fairbanks working on rural community development research and we're real lucky to have her. And I know she would have liked to be able to come and say hello to you, but she's busy working on the question Ms. Phillips brought up, which is keeping us going with Legislature and budget.

I think you're pretty familiar with the work that the Division does. We continue to be a main supplier of the data and research that underlie the decisions that are made on subsistence. And I, for one, believe that that's a really important role in this process because it gives you the strong base, the factual base, to make decisions on that will stand up in a contentious world out there. Obviously there are problems in that realm. Last year, as Ms. Phillips mentioned, the State Senate wanted to do away with the Division of Subsistence. Perhaps if you didn't hear about it maybe subsistence would just go away. We did recover some funding and have been able to operate this year. Basically we are in trouble though and we, I mean, collectively and understanding and monitoring what's going on with subsistence harvests around the state.

The research effort, basically, is gone down a lot over the last five or six years. And unfortunately it's not being picked up by another agency so from my perspective we're getting in fairly dangerous territory for being able to produce the documentation and quantitative data that shows what kinds of subsistence harvest are taking place out there. Who is taking what and where people are hunting. And as that data become older and weaker I think it's going to be tougher to support decisions that continue to implement a subsistence priority.

Don't be surprised if we need your support this year, a number of people on the Council did call in last year when we had problems and I'd like to thank you for that. We might need you again this year.

I'd like to mention a couple of projects that we have going on right now and some issues that are fairly important. One project that's been really successful has been to monitor seal and sea lion harvest in Southeast Alaska and this has been done cooperatively with local monitors hired in all the seal hunting communities. And people have basically done a really good job. It's a model project for how you can get really accurate information on subsistence hunts in rural communities. They're reports that we submit to NFMS, consistently get really high marks as reports, as scientific reports. In fact, they're always surprised that they're so good. And I think it's a commentary on the quality of work that we've been getting out of people in the rural communities.

Adding on to that project which has been going on for a few years is a small project to collect biological samples from seals, these are tissues samples, skin samples, et cetera, so that we understand more about seal biology and seal populations. This project is also being done cooperatively with local Native hunters providing samples of seals that pass through Division of Subsistence and then to labs. We'll also be making sure that the communities get the scientific lab results back. The lab results are things like age of seal, which you can tell by sectioning a tooth and counting rings, kind of like in a tree. Diet studies where we screen the contents of stomachs and see what seals have been eating. Possibly some contaminant analysis where pieces of blubber from certain communities are being tested for dioxin and et cetera. This may also be something that gets expanded in the coming years.

We spent a good deal of time in the last year with our reduced staff on impacts of Forest Service management activities and this continues to be something that's real important to us. I think a little bit later you're going to receive a presentation on the Tongass Land Management Plan revision. I wanted to remind you that your predecessor Regional Council constituted under the State system played a real important role in earlier comments on TLMP. At the end of the previous administration, right before Governor Hickel came in, that Regional Council went through the plan real carefully and looked at comments Fish and Game had made on that plan and basically endorsed Fish and Game comments and came up with some of your own comments on what you have in our forests.

Right now we don't have a plan to look at, but it's coming out fairly soon and I'm hoping that perhaps at this meeting you can decide on a structure how you would do comments on that because you won't have a meeting before the comments are due and before you have a way to review the plan as a group. Fish and Game would, of course, be interested to talk with people about the analysis that we would be able to do and let you know what our perspective would be on different management options from that plan.

One other things, we were talking about how data is old, many of you remember a big survey project which was done in cooperation with Forest Service in 1988, the infamous TRUCS Project. We haven't been able to gather comprehensive harvest data in Southeast Alaska communities since that time. So right now a lot of the information you'll see that talks about subsistence harvest is almost 10 years old. We hope next year to do another of surveying and next year in the northern part of Southeast and the following year in the southern part of Southeast. At breaks or whenever, I'd like some input if you think this is a good idea. And if we're able to go forward with that we would be discussing how we do it and other details of what would be involved in that survey.

Given our success in using local level people to do survey work and being involved in research work that would be the way that our next round of surveying took place.

That's about all I have, Mr. Chairman. I do have one more comment and that is that I really enjoy working with the Council and I would encourage Council members to see Fish and Game staff as being public servants who are there to provide you with information and just as much for myself as for you to recognize the differences between the State and the Federal perspective are probably much more based on the law which tells the State to do different things than what it tells the Federal government to do than based on the personal preferences of the individuals involved.

So that's all that I got, if you have any questions.

CHAIRMAN THOMAS: Thank you, Bob, really some good information and we appreciate the fact that you folks are always offering something new and some things that aren't so new with regards to surveys. The dioxins in the seals that is part of this project that is going on, I ran into Matt Kookesh in Sitka the other day and he had a chance to tell me about that and I had never considered that prior to that, but, you know, I was one of these that thought that only the ozone could be in trouble, I figured the oceans could take care of themselves forever, but that's not the case. And so I, for one, appreciate the fact that at least these are being examined to see if there are any measurable levels of contaminants in those animals that are eaten. And so that offers us another level of protection.

But again, thank you for your comments and are there any questions of Bob? Gabe.

MR. GEORGE: Yeah, I guess in terms of your proposed study, like the TRUCS study, is that going to be a follow up and is that going to be using the same format? Are you going to be looking at that or have you decided? Or are you going to be looking at different factors that affect subsistence harvesting, for example, new rules and regulations, different types of commercial fisheries, impacts it has and certainly different people harvesting it?

MR. SCHROEDER: Mr. Chairman, Gabe, we're really not too far along on how we do this. The one thing that we know we need is something that looks at what harvests are like in 1996 as opposed to 1987. So that's the floor of where we need to come in and I think we need to look at how regulatory change has affected things, we can pull things out there. And we'll definitely be talking with you as one of the original TRUCS workers there.

CHAIRMAN THOMAS: Thank you, Bob, I'm sure we'll be calling on you later. Clarence, are you up next?

MR. SUMMERS: Yes.

CHAIRMAN THOMAS: Before you start, Clarence, I got to tell you, I was talking to you about Sitka. While I was there we had the opportunity to go on a tour provided by the Sitka Tribes and the tour is called Sitka Tours. And driver was

telling us about a load of tourist he had on it last summer and somebody ask him which tour company this was. And he said, oh, we're Sitka Tours. So the guy sitting behind the driver says, yeah, we're sick of tours, too.

MR. SUMMERS: Oh, boy.

CHAIRMAN THOMAS: Okay. Clarence from Park Service.

MR. SUMMERS: Good morning, Mr. Chairman, Council members, my name is Clarence Summers and I work with the National Park Service, Subsistence Division branch of regulation policy. Let's see, the last time I saw this group we were in Hoonah. I apologize for not attending your last meeting, but looking forward to this one.

Today I've got a couple of items I'd like to cover. I'll try to keep it short. One is, first of all, that Deputy Director Anderson has a special request. The Park Service is currently reviewing regulation policies that affect subsistence, we have a working group that produced a report and this is the copy that's available. I'm not sure, I know Bill has a copy and received a letter, I think, regarding this. The gist of it is the Park Service would like you to review and comment on our existing regulations. Currently there's a working group and they plan to meet in May, so there's several months for you take this home and to review it and to share it with members in the community. You can contact Park Service offices in Southeast, if you'd like to pass on your comments and concerns and to talk about the local rules and regulations that are affecting you as subsistence users on Park Service land.

Right now in Unit 5 and 6 I know that Wrangell/St. Elias is the -- and Glacier Bay National Preserve are the two areas that open to subsistence management and regulations at this time, so those are the two areas where the majority of the regulations apply at this point in time. The issues covered are eligibility, access cabins, trapping, customary trade, we have subsistence resource commissions that are in place. John Vale serves a Vice Chair on the Wrangell/St. Elias Subsistence Resource Commission. And that gives you just a quick overview of some of the issues that this document addresses.

Notice, too, when you take a look at this that there's a summary statement, a philosophy on subsistence management, if you will, that the Park Service has prepared and after each issue summary there are actions items and the action items propose things that we'd like to address, be it regulation changes or additional things like training or special needs, maybe, or change in -- Congressional changes in some of the regulatory requirements that are in place, but in short, this is here for you to share with the communities that you represent and, like I said, you can contact our office in Anchorage or the local offices in your community to forward any comments back.

I think I'll entertain questions before moving on to the next item.

CHAIRMAN THOMAS: You got a pretty bright audience up

here, so questions are going to be few.

MR. SUMMERS: On another note since I saw you last in Hoonah, the Hoonah Native Association and that Park Service have finally gotten together and sat down with their new superintendent, Jim Brady, who sends his regards this morning, and signed a memorandum of understanding. And the idea here is to establish a government to government relationship with the Hoonah Native Association, so this is a start. I know that this has been an ongoing concern, subsistence Rights in Glacier Bay and the Park Service plans to carry this forward in the form of a working group. And the community, like I said, has participated through the Hoonah Indian Association and the plan is to meet both in the Park and in the community on an annual basis to address the needs of the people of Hoonah.

Specifically the concerns will be in a work plan and there's a resource management planning process. I think at the last meeting there was a question regarding the plan that I tried to answer, but the bottom line is the goal here is to somehow incorporate both the history and the concerns in our program at Glacier Bay. Specifically our solicitor is looking into ways to allow customary and traditional taking of wildlife in the Park and, like I say, this is a preliminary look, Chris Bockmon is charged with that responsibility and this is an ongoing situation and the first step. I spoke with Mary briefly about this and I'm sure she here today to share with you her thoughts on this attempt to improve relations with Glacier Bay.

Any questions? I got a copy of the memorandum with me and what I'll do is I'll make sure that each Council member receives a copy of it and I'll put some on the back table for the people interested. Any questions?

CHAIRMAN THOMAS: I don't have any question, but I, for one, am really happy to see this stride being made in that direction with regard to Glacier Bay. Because I think a demonstration of cooperation will result in something a different than what's happened earlier, projected or anticipated, there was a lot of negative imaginations about that should that happen. And I think that it'll be a plus for all concerned whenever this can occur.

Good idea, thank you.

MR. SUMMERS: The next item -- yes.

MR. KITKA: Did the Sitka Tribe meet them in Sitka? They wanted some changes made on the goat hunting season. They want to get the wool for weaving blankets and at that meeting I said that the old Indians never used to kill the animal to get the wool, we used to get it at Glacier Bay when the coat is left behind the bushes at sea level. And we used to go in there with my family when we were young fellows and we used to pick sometimes four, five gunny sacks full out of the one valley where the goats came down. And the told me to ask you do we have to have permission to do that. It's the same thing that the elders done before to go into Glacier Bay to pick the wool

off the bush.

MR. SUMMERS: Currently if -- let's say if someone wants to take wool, it's going to require a special arrangement with the superintendent through a permit process. And, like I said, this is one area that hopefully can be addressed in this proposed review and change. But to answer your question, any collection of parts or animal parts requires a special permit and there's a process for doing that and specific criteria would have to be met for before that could be allowed.

MR. KITKA: Well, at the meeting I told them if the Tlingits killed all the goats for all the blankets that were made in Alaska, there wouldn't be any goats left, so I think that they done that all over on the mainland. I know talking to some of the Saxman old Indians, they said the used to go into -- back into Portland Canal and they done the same thing. And they done it in Taku Harbor, I think they done it up in Klukwan too, but I'm not sure, I know we used to go to Glacier Bay, the animals leave all the winter hair in the brushes not too high from sea level. And as children we used to pick them out of the bushes for weaving into yarn for that Chilkat blanket weaving.

And I know the Sitka Tribes recommend a later season to get the wool and I kind of opposed it and they pretty near threw me out of the meeting. That's going to come up among us.

CHAIRMAN THOMAS: You've been around the Feds too long, see, they thing you're a Fed.

MR. SUMMERS: Are there other questions with regard to what

CHAIRMAN THOMAS: I just want to comment on what Herman shared with us.

MR. SUMMERS: Sure.

CHAIRMAN THOMAS: Now, I never heard of this before, that's a long time before my time, but these are things that are important in the cultural aspects that are -- people are desperately working hard to try to preserve. And the best we can ask for at forums like this is that you take this information, absorb it, record it or do something with it because it's going to remain important and some -- now that technology has afforded the recordings of history where the language is leaving off, I think some of these are going to emerge with a significance importance again. But that was a good disclosure, Herman, thank you.

Gabe.

MR. GEORGE: Yeah, Bill. First I'd like to commend the Park Service in dealing with the Natives of Hoonah in terms of government to government agreement or memorandum you've come up with. The question I have is in terms of the agreement, is that limited to the tribal members enrolled in Hoonah or is it fairly generic in terms of the Alaska Natives that utilize the area?

MR. SUMMERS: The agreement is currently limited to the Hoonah Native Association and the members thereof, as I understand it.

MR. GEORGE: Is there any other tribes or recognized tribes that are pursuing the same government to government agreements that Hoonah has come up with?

MR. SUMMERS: To my knowledge, no. I know I briefly mentioned this to John, I'm not sure if the people of Yakutat would consider a similar arrangement.

MR. GEORGE: Thank you.

MR. SUMMERS: Sure.

CHAIRMAN THOMAS: This will probably be a model. Okay. Clarence.

MR. SUMMERS: Okay. The next item has to do with John, who's the Vice Chair of the Wrangell/St. Elias Subsistence Resource Commission, the authority is in 808 of ANILCA and, let's see, this Commission is for Wrangell/St. Elias and the next meeting is in February and it's the first one in about a year, there's a new superintendent, John Jarvis, who took the position and so this is the first opportunity for him to meet with the Commission members and to address some of the issues, such as the Mentasta Plan, Caribou Plan, John mentioned earlier.

The point I want to make is John's term ends in October of '96 so if the Regional Council, your Council, wants to reappoint him to the Commission you could do that through a motion at this meeting. And if you decide to do that and if the vote is affirmative then John would continue to serve representing the people of Yakutat that use Wrangell/St. Elias National Park and Preserve lands. And, like I said, the term is for three years. So that's the other item.

Regarding the proposals, I think what I'll do is save my comments until staff make presentations and if I have concerns I'll make them known at that time. And that's all I have for now.

CHAIRMAN THOMAS: Further questions? Thank you, Clarence.

MR. SUMMERS: Sure.

CHAIRMAN THOMAS: Forest Service, TLMP.

MR. GEORGE: Mr. Chairman, before we move on, is there a place that we can renominate for that position? Is that on the agenda?

CHAIRMAN THOMAS: We'll make a place.

MR. GEORGE: I just want to make a note so that we don't

let it so that we don't let it slide by before we adjourn.

CHAIRMAN THOMAS: Okay. John.

MR. VALE: I suggest, perhaps, that since it's a part of our charter, on issue updates we have Council charter renewal, that might be a good time to address that.

CHAIRMAN THOMAS: Okay. Yeah, we'll bring it in here somewhere. That's a good place for it.

I'm going to be rude and get myself a cup of coffee, but go ahead. Don't be rude with me.

MR. CELLIER: Thank you, Mr. Chairman, my name is Guy Cellier, I'm a social scientist on the TLMP team.

MS. WILSON: Would you spell your last name?

MR. CELLIER: C-e-l-l-i-e-r. Shall I wait, Mr. Chairman?

MS. ROBINSON: He said to go ahead.

MR. CELLIER: Okay. I'll talk to that piece of wall back there. Thank you for allowing us the time to be here. I do send apologies from Bob Vaught and the other managers of TLMP. We're in probably the final policy group meeting today and then the leadership go to Washington, D.C. next week to take the alternatives, so this was a fairly critical meeting that they really couldn't get away from. But the new manager of the team is Beth Pendleton who comes from Washington, D.C. office and she will be here tomorrow. And if it's possible I think it would probably be worthwhile to introduce her and let you get to meet her sometime tomorrow. And she's -- I don't think she's been to Alaska -- this is the first time in Alaska and she's -- it would be a good time to try to sensitize her a little to some of the subsistence issues. And you may want to take that opportunity over the day that she is here to do that. And I'm sorry she missed Herman's message of a few moments ago.

Just to catch you up of where we're at, we're in the final stages of TLMP, the draft is supposed to go to the printer at the end of this month. I've already lost money to Bob Schroeder on the date, I'm not about to do it again, but we are firm, as firm as we can be at this stage, barring any further shutdowns or anything else that could happen, that we will go to the printer at the end of this month and that it will take about three weeks to print and be mailed, and I'm sure most of you are probably on the mailing list. And anybody else who is not and would like to be on should, please, leave their name and address with me.

After that there will be the official 90 day comment period, there will be subsistence hearings in each of 30 Southeast rural communities. We are planning at this stage, we haven't had final approval, that's something on the agenda for the policy group meeting in Juneau today, that besides the subsistence hearings, which are formal hearings, that we will

also have a working group during that day proceeding the meeting when there will be more time for interaction. And it's something that I've been pushing for as part of a more interactive process. TLMP and the Forest Service is not generally very good at doing that, but we're trying to make a little easier to get in the comments and explain what the alternatives look like and what the potential effects may be.

So you should look forward to those, to hearing when those meetings are announced. I would encourage everybody and I would encourage you to encourage people you know to attend those meetings, make as much input as you can. Subsistence doesn't always rate the highest priority in the TLMP provision, as you know, and it needs as much attention as possible to be focused on it to get the priority I think it deserves.

In terms of what you're going to see, I do have at the back of the room a representative group of -- I think I have four maps of the alternatives, there will be nine alternatives and I have a range of four of them, which are the four that we've been showing to interested parties and during the breaks or whenever anybody is interested I'll be happy to go over those with you.

There are few things I think you should look for in the revision when it comes out and particularly looking for differences between the alternatives. Some alternatives have a specific -- it's a little hard to do it with just my hands, but you will see there are differences in -- particularly standards and guides, I think, is one of the key areas that you need to look for. Under some alternatives, one, three, four, five and six, I think it is, there is a hunting provision, a standard and guide that protects old growth habitat for deer. Deer habitat is what it amounts to. And wherever we see, wherever it can be determined that less than 25 percent of the existing old growth remains then that will be closed down and protected specifically for deer.

There are provisions for beach fringes that range across the alternatives, some areas -- some of the alternatives have much greater beach fringe protection than others. The same with streams and rivers. And I think just, again, that anybody's time over the next few days, if they're interested I can point out some of those to you. And they will be pointed out, of course, in the plan as well and you will see the details of what is there, but there are very specific differences between the alternatives that are not always shown by the colors on the map, there are more this time around with standards and guides and it is something you should be aware of because I think the effects of subsistence use can vary quite dramatically because of those standards and guides.

And what we did as part of the effects analysis is to have a group convene in Juneau with -- I had the subsistence coordinators from the Forest Service, Fish and Game came in, some other people and we looked at what could be the potentially effects of those nine alternatives on each of the 30 communities. And that will be printed in the draft and one

thing, again, I would encourage written local comments, however you can make it, is to consider what was said, what this group thought effects may or may not be on that community. And where you know the specifics of your own community, please, focus on that and let us have the comments, because I'd very much like to include that in the final. So as much as I can get in between when you see the draft and when the final comes out I would encourage you to comment and get that in.

Just two more things, Mr. Chairman, that we intend to do, and again, you should look for them in the plan. One is on areas for future research. I have spelled out two areas that I think require serious research input. One of those is general social science which is how. What I propose is the Forest Service needs to consider each community, the make up of the community and what Forest Service actions, how they potentially affect that community socially and economically.

And the other area of research is similar in a way from what you heard from Bob Schroeder and that is on -- to update the TRUCS revision and we heard that there may be some room for collaboration with Fish and Game to do that. Those two areas of research will be put forward and I think any comments we can have in support of that type of work would be -- would certainly help my case to put it forward.

And then the other area that you will see is the monitoring plan and there was not previously any social science monitoring. And it goes along somewhat with the research that we need to monitor what is happen in communities and how the Forest Service affects those communities. And that covers both -- well, all actions of the Forest Service, but one of them specifically is on subsistence effects and I don't think we can accurately say how this plan may affect subsistence in the Tongass unless we are watching as we go forward, so I've written in there, into the monitoring plan, that they will -- that will require the Forest Service to get out and monitor subsistence effects every year. And more detailed every five years. And you may want to take a note of that and comment on it -- give -- provide any input that you may think would be useful. Any comments at all would be helpful to me.

That's all.

MS. ROBINSON: Guy, that last comment you made, were you looking for comments on what you wrote in the monitoring plan, is that what you meant by comments?

MR. CELLIER: Yes, whether what I'm proposing is adequate to try to monitor subsistence use.

MS. ROBINSON: I see.

MR. CELLIER: It's not something that's required at the moment, that the current forest plan does not require us to monitor subsistence use and I think it's a lack and I've put it in there. There are -- it needs -- we just need to be aware that it could fall off, it could fall through the cracks and I

think you need to be aware of that.

MS. ROBINSON: Would you say that the seal harvest monitoring that's occurring is an example of what you're talking about?

MR. CELLIER: I think so. You know, I would -- the design the specific design of elements of it are not there now and I think would have to be. I will -- me and whoever else would work them up, but that would be a good example, yes.

MS. ROBINSON: Thank you.

CHAIRMAN THOMAS: John.

MR. VALE: Hi, Guy. I have a couple of questions and they're kind of tied together here. And I guess the first one is, how much has the legislative proposals in Washington affected the plan in terms of changes? You know we have the rider by Stevens which, I guess, didn't go anywhere and there's been other proposals dealing with the logging issues and I'm just wondering if that's had an impact on the plan since we talked last? And also in that regard we were assured in the past that the planning team goals were to maintain healthy viable populations of all species of animals.

MR. CELLIER: Um-hum. Right.

MR. VALE: And it seems like that policy was in jeopardy by some of these legislative proposals and I'm just wondering if you could comment on that a little bit.

MR. CELLIER: Yes, I can do that. There has been enormous pressure put on to TLMP over the last few months through some of the legislation. We've had direct representation made and through various organizations to TLMP that this is what is required and this is what will be written into the law and so on and as you're well aware. I think the response has been that we will cover, through the range of alternatives, as I think they've done in the past, I wasn't around the last time, so I can't be entirely sure, but we will cover a range of alternatives that goes from no timber to the range now is at about five -- from Alternative 1, is less than 50 million board feet and it ranges through -- I think the highest is Alternative 7, which is about 550 million board feet. So there's a great range of timber there.

The push, obviously, from the legislation is to -- from most of that legislation is to increase the timber harvest. One of the responses is that they will -- one of the alternatives will be based on Alternative P, so that the calls for Alternative P, which were previous alternative, preferred alternative, will be represented in that range of alternatives and it will be shown that that is as close to Alternative P as we could now get, given where it gets into the second part of your question, the species viability.

And just, I guess, the best way to answer that question,

part of -- a major part of the effects analysis this time has been through a series of panels. I did one panel on social economic effects and we did another panel, that wasn't called a panel, on subsistence, but in then there were seven other panels that dealt specifically with species viability and they followed a format used in FMET (ph), the northwest. And the got a group of experts -- the best people the could find who knew about bear, for instance, and the bear panel convened and looked at specifically the viability of bear across the range of alternatives. And that will form a very big part of the effect analysis.

And it's fairly clear that -- it will be fairly clear that when you read it that some alternatives allow for viability, other simply do not. And that analysis is, I think, it's a fairly clear way of showing which -- how viability will be dealt with. There's some question -- there is some as to how the statistics will be represented and what constitutes viability, but in terms of what these experts said they understood viability to mean this is the -- and it was an interesting procedure, it followed a -- the gave it a rating of -- they allocated 100 points so they could say -- they would give only 90 points to a specific alternative and then they would be 90 percent sure that viability was affected or was affected. So that will be laid out.

And each species was dealt with. Some small species were grouped together, but that's all in the panel process and it's something that you should be aware of. And it has been a big part of this revision, species viability, in fact, way too much according to the timber people.

MR. VALE: So the, call it reports on -- from those panel discussions are going to be included in the effects analysis in the plan?

MR. CELLIER: Yes, they make up a major part of the effects analysis.

MR. VALE: Okay. And I had one thought I wanted to share with you too. And it has a little to do with the recommendation that we made a couple of meetings back about looking for some subsistence land use designations.

MR. CELLIER: Yes.

MR. VALE: This didn't go anywhere and from what I've seen of the plan so far in some of the timber harvest plans that I've gotten in the mail and I've been looking through. And, I don't know, this is just an impression is all I'm seeing here, because I get the impression that the Forest Service is saying that, well, subsistence occurs everywhere, so negative impacts to subsistence can't be avoided by timber harvest operations and thus I don't see as much effort as I'd like to on trying to protect those subsistence needs because of that sort of attitude. And it seems to me that we need some sort of process that goes about identifying the most important areas to subsistence users so that they can gain some type of protection

and, you know, I think we still need that process and that perhaps, you know, you'll find that there's enough protection in wilderness areas and other types of already flood two areas that accommodate those needs. But in other areas you might have specific water sheds in your communities that are important to those communities and they need to be identified so that when you get into an 810 process for timber harvesting operations -- when I read 810, to me, it requires the least adverse impact possible and they need to look at the alternative available there and take the least intrusive one on subsistence.

And so I'm just trying to share with you some thoughts that I have, I still feel like we need this process of going around to the communities and having them identify areas that are very important to them. And that they need some extra measure of protection in order to maintain those.

MR. CELLIER: Yeah. I think the identification is very important. What I've done this time is -- which, again, is a little different to previous TLMP work is that there will be a set of maps for each of the 30 subsistence community, in fact, 32, Ketchikan and Juneau are included with two maps per community, one is based on the hunter statistics that we get from Fish and Game and the other is a TRUCS map for each community showing where they -- where the main subsistence use, but they -- particularly the TRUCS map is severely dated and has some questions in some communities attached to it and I think the need to get something better is well known. Whether or not it's addressed, I guess, is opened to debate, adequately.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: The meetings that you're going to be holding in these 32 communities in April, can that be incorporated in those meetings, getting that information, talking to the people, having the maps up and saying, having people point out where they think the most important areas in their community, that kind of thing, can you incorporate it?

MR. CELLIER: Probably not in any great detail. I think there's probably not enough time in a meeting to do justice to really identifying the areas. I think some of the specifics and I'm probably not entirely sure of this, but some of the detail will come through -- TLMP can deal with a very broad level, as you know, and some of the specific areas around communities have to be dealt with at a local level, at a project level. So some of that is where it seems to shake out. I guess what I'm proposing through ongoing research and monitoring is that we do what you're talking about, identifying areas in much greater depth and with greater accuracy and it will probably take a number of times to come back to each community and say is this the area and have we got it right?

MS. ROBINSON: Have you considered working with the Advisory Committees in each community?

MR. CELLIER: I haven't got to that, to actually laying it, but that would a good way to do it.

MS. ROBINSON: Thanks.

MR. CELLIER: Yeah.

CHAIRMAN THOMAS: Anything further?

MR. CELLIER: Nope. Just that I'm going to be around and if people want some more details I can -- I'll be happy to share.

CHAIRMAN THOMAS: Okay. I have a question, but I'll come to it later. Right now we're going to take a wake up break.

(Off record)

(On record)

CHAIRMAN THOMAS: Before we have our area reports, we have a young lady from the Wrangell district that would like to give us a little bit of a welcome. If you would, please?

MS. MITCHELL: My name is Meg Mitchell and I work here at the local Wrangell Ranger District and I'd like to welcome you on behalf of Keene Kohrt who's not here today, but also welcome community. We're really glad that you came to join us and have your meeting here. And in honor of your visit we have several events that are happening in the community during your meeting that you can participate in.

And the first thing I wanted to point out is that the Wrangell Chamber of Commerce has provided you with some packets and also the audience and other agency personnel. They're over there so you're welcome to grab those during your break. And they have some maps and some thing in them about the community. Also every morning there's a dance group run by Marge Berg (ph), who's been providing you with some of the breakfast items in the morning. And this evening there will be an opportunity for you, from 7:00 till 9:00 to visit the carver shack where there's a canoe being carved in Wrangell and we're pretty proud of that. And that's right adjacent to where most of you are staying there with Stikine Inn, there's kind of a carver's shack there by the tour ship dock. Also open tonight will be the Wrangell Museum.

And then tomorrow, since you have a fairly long meeting we plan on some breaks and some lunch breaks for you. Those are being provided by some of the organizations in this community. And then there will be a dinner also tomorrow night provided. And John and I are working on that.

And then Saturday before you all leave, there will be -- ANS is providing lunch for you. So we're really glad you're here, if there's anything that we can do to make your stay more comfortable or help with the meeting, please let myself or Peg Robertsen know. We're glad we're working with Fred and we'll be glad to help you out. Thank you.

CHAIRMAN THOMAS: Thank you very much, we appreciate

that, we're all happy to be here. Wrangell has its own high level of history and culture and peaks and valleys and you've all heard of some of the economic strife in Wrangell with the closure of the sawmill and things like that and so anything like this is a -- I'm sure will impact the economy.

Speak of economy, there's a can back in the kitchen there, so if any of you thought you got a free lunch when you go back drop a green spot in that can back there and the dance group would appreciate that, otherwise you might not have no boiled eggs in the morning.

For the information of the local people, we have commitments in Juneau on Saturday, so we're going to try to finish up here tomorrow night, so there may not be any meetings on Saturday. So please advise the ANS of that and perhaps they can make an adjustment to their plans. We really are honored to consider providing a lunch and don't want to discourage them in any way, but if we can we're going to wind up tomorrow evening. And thank you for that nice welcome and we'll be as courtesy as guest as we can be, except for the Park Service, we can't control them too much.

Okay, guys, with that we'll get right into area reports.

MS. ROBINSON: Mr. Chair.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: I had kind of a general question before you get into that.

CHAIRMAN THOMAS: Okay.

MS. ROBINSON: When Guy was talking he mentioned something about subsistence uses and monitoring use. There's been a question that's come in my mind a number of times. When we talk about subsistence, to me in my mind, there's two ways of looking at it. There is the general use by people in Southeast through their sport licenses of food, you know, acquiring food for their use. Then there's the subsistence permits that can be issued for certain species, and that's a whole area that I'm really unfamiliar with and I would kind of like to get some information about that sometime. For example, how many subsistence permits are issued in Southeast; by whom? Is it Federal, State, both and what species, what are they issued for, is it fish, is it wildlife? If so, what kind? That kind of stuff, okay?

CHAIRMAN THOMAS: Okay. If any of you have those answers, don't hesitate to jump up and down and with your excitement to enlighten us on that, we would appreciate that.

Okay, the plan now is we're going to continue the area reports, when we're finished with those we'll break for lunch, we'll take an hour and a half for lunch. We come back from lunch and we'll make time available for other agencies that haven't been listed on the agenda. If they would like to make a presentation that's considering SENSC. Harold Martin is here

from SENSC and Central Council and we're glad to have you. John Foss is here from the Forest Service, Native liaison in Juneau. Vic Burgess is here visiting us from Hydaburg, concerned enough to bring his questions to us and hope to give some resolve to his concerns. So we're going to have a productive meeting.

With that, we'll move into area reports. Anybody been designated to start the area reports? Okay, that concludes our area reports. Okay, Hank.

MR. NEWHOUSE: Hank Newhouse, Subsistence coordinator, Ketchikan area. It's been a good fall, subsistence wise, in the Ketchikan area, since our last meeting in Craig. Our deer season went off with basically without a hitch. Low profile. Designated hunter thing went off really low profile. No issues, nobody really getting up on step too much, so that was good. And we'll talk a little more about that on those issues, further into the agenda.

Just overall things are going well. There is a lot of concern on Prince of Wales Island and I think Vicki and if Dewey was here would really second that, of rising concern of what's going to happen to the key subsistence resources with respect to the increase, you know, as the timber disappears from the island. And that's a rising issue. And there may be -- Gretchen Goldstein may show up here in the meeting, I don't know whether she's going to come, but she's got a letter out right now expressing some concerns. And if she does come before you I've got some information -- let her make her presentation and then I got some information to help you guys understand the issue if she brings it forward.

The only other thing that I really want to say at this point in time is it is my feeling, and I really feel this deeply in my heart, that what is happening with TLMP right now is so critically important for Southeast Alaska and the subsistence community. I don't think there's anything more important happening than the revision of TLMP at this point in time. And it's critical for the subsistence community to be involved in evaluating that plan and speaking out because there's a wide range of alternatives as far as potential harvest levels and some of them, from my perspective, and this is my personal opinion, it's not going to be so good for subsistence. As a matter of fact, subsistence as we know it, will disappear, at least for the land critters and also could really affect some of the fish, too, from my perspective. Again, that's just me speaking.

So realizing that the draft is going to hit the street in March and then they're going to start the hearings in April, there needs to really get some intensive dialogue going in all the rural communities and you need to really be out there and speak your piece because there's other vested interests that want other things. And the sad part of that is, you know, in a normal circumstance there would probably be enough period of time where the Council would have an opportunity to sit and be able to, as a body, present, you know, develop their position, but the final EIS, as I understand it, they hope to have that on

the street by July and they definitely want to have it on the street, a done deal, signed before the presidential election.

And so, you know, with that, that's all I'm going to say, I just can't stress the importance of this and that really comes from my heart, I just -- I feel that there's a lot at stake here.

CHAIRMAN THOMAS: You know, Hank, we get a lot of material in our mail, I am assuming that everybody gets those boxes, bags and nothing comes in an envelope anymore. They bring it up in a handcart and dump it in your living room. I've had to install five new piling in my house. But anyway, I agree that we need to be an integral part of that dialogue. Okay, we all understand that, but where we normally lack in that is an initiation of that dialogue, who do we contact, who do we dialogue with, how do we actively participate in that? What means do we use? Do we use correspondence back and forth? Do we have face to face meetings? How do we make the best of what we got?

MR. NEWHOUSE: I think at the really, real strong focus on the local areas, you know, coming back to the ranger district offices that are involved and really get out there. For example, just to share a little bit, the Sumner Strait Fish and Game Advisory Committee, they're part of the old Fish and Game groups, they're still very active. They really spoke out on the Lab Bay timber sale here that's coming forth and record decision is going to be issued in the very near future and they had a very significant effect on what's going to be the final harvest. In some respects what they started out with is proposing harvest about 85 million board feet and the final record decision is going to be somewhere around 40 million board feet and most of that reduction was directly attributed to the input from the Sumner Strait Fish and Game Advisory Committee, and that was subsistence related.

And so in a sense getting out there and getting in the and getting people -- you know, this is your land and we just got to get out there and not let somebody that lives in some other part of the world dictate what's going to happen to our land. And I know it's hard to do, but I would say the focus at the local level, at the ranger districts and get that information in and then Guy and the rest of them can assimilate that and even right up to the end, you know, speak with a load and clear voice.

CHAIRMAN THOMAS: I'm curious to know why subsistence has as low a profile or as low as impetus with TLMP as it did. Was that accidental or was there some scheme in that or some management or was that part of the strategy do you know or

MR. NEWHOUSE: I don't know, Bill, I honestly don't know.

CHAIRMAN THOMAS: We usually don't accept those answers, but we will this time.

MR. NEWHOUSE: Yeah.

CHAIRMAN THOMAS: Any questions for Hank? Thank you. Wait, we got one.

MR. VALE: I don't have a question, just a comment.

CHAIRMAN THOMAS: A comment, okay.

MR. VALE: Well, listening to the schedule you just outlined for us as far as coming up with a final and the draft that is coming out at the end of the month here. This is a comment for other Council members. It seems to me that we as a body if we want to have some impact on this process here with TLMP that we're not going to under that schedule unless we have a meeting of some sort after the draft comes out and with a little bit of time to analyze what's in it. And I guess I'm personally concerned because I think this is an area that we Council members should be paying close attention and what's in there and I'm just a little concerned that we as a body aren't going to have an adequate opportunity to meet and talk and perhaps make recommendations on TLMP. That's my comment, I just throw that out there.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Yeah, I agree. Personally I remember the one, I think it was in Saxman is where we went over TLMP last -- I remember that really thorough looking at maps and discussion and I'd really like to see the Council do that again on this one, even if we need to call a special meeting prior. I think it's pretty important too.

CHAIRMAN THOMAS: Got a bunch of offers here. Okay. Thank you, Hank.

MR. NEWHOUSE: All right.

CHAIRMAN THOMAS: Larry.

MR. ROBERTS: Thanks. I'm Larry Roberts, I'm with the Stikine area of the Tongass National Forest, the central part of the Tongass. There's been a little bit of change in management there. Abigail Kimbell is still Forest supervisor and under Gail Kimbell there's two district rangers, Patricia Gratham is the district ranger in Petersburg and Keene Kohrt is the district ranger in Wrangell. And I serve as the subsistence coordinator for the Stikine area and under me, John Edgington works as the district coordinator in Petersburg and Peg Robertsen is the subsistence coordinator here in Wrangell. As you know as in all Federal agencies we're going through some budget problems and difficulties and we're working with reduced budgets, so you'll have to bear with us. And also we dealt with the furlough situation, so we're grappling with that and the Stikine area is also going through a reorganization probably will not exist as it currently exists. And I'm not sure exactly how that's going to be dealt with in the new organization, nor how that function will be dealt with or filled by the person who follows me.

I have to echo Hank's thoughts on the TLMP revision process. I was involved as well as he in the panel that was called to come up with some options in the alternatives with dealing with subsistence in this upcoming revision and, again, I have to echo his thoughts that there's some concerns there and that we would be happy to work with the Council on some possible options or some ideas on how to provide some meaningful comments to TLMP for incorporation.

This past year we've been involved in a number of different programs and activities. As you all know, we had this successful operation of the Stikine River moose hunt, harvest there as well as opening seasons on Mitkof and Wrangell Islands for subsistence. The designated hunter permit for deer has worked fairly successfully with a minimal amount of frustration and hassle with the public, at least that's our perception. It wasn't as -- I wouldn't say successful, but people are unsure about how it's suppose to work and who's eligible and so the number of applicants wasn't what we had expected, but I expect that to increase probably on a yearly basis in the future as people become more familiar with how it works and the process for gaining applications and filling them out and how it works.

This past year I was involved with the Kake Culture Camp providing information about subsistence, how the Forest Service operates and works and can work with the communities. Also we facilitated a special harvest of a deer for that particular culture camp and, again, that was a very successful experience for the community as well as myself. And the districts here in Wrangell facilitated the harvest of a cedar tree for canoe projects that ongoing. And hopefully you'll have a chance to take a look at that, it's near the Stikine Inn.

Other than that, Mr. Chairman, that will incorporate my report for this particular time.

CHAIRMAN THOMAS: Thank you. The only observation I had during your comments had to do with the application process and even though this program has been around for several years there's a couple of factors that the public deal with. One of them is they don't want to subject themselves to embarrassment so that's -- they kind of stay away. And some of them just try to disguise their bewilderment over this whole thing, it's going to take a while for them to approach this process. I think the more they become familiar with it the more that they'll participate in whatever is available to them.

That was a good report though, appreciate it.

MR. ROBERTS: I agree.

CHAIRMAN THOMAS: Any questions? John.

MR. VALE: One question, Larry, for you or Hank or Guy. Approximately what dates are the TLMP hearings going to occur in the 30 communities?

MR. ROBERTS: I'll have to defer to Guy on that.

MR. CELLIER: I think they're talking about the middle of April.

MR. VALE: Middle of April, okay.

MR. CELLIER: Probably the second half of April, it's going to cover a three week period.

MR. VALE: Okay.

CHAIRMAN THOMAS: Thank you.

MR. ROBERTS: Okay. Thank you.

CHAIRMAN THOMAS: Any other area reports? John.

MR. VALE: I know the Yakutat district sent a written report here, they didn't feel they could send anybody due to budget shortfalls. And I have that here someplace, I'd have to dig it out, but I kind of wanted to make the Council aware of that, I didn't know if they'd have in their packet here, I didn't see it at a glance. But a part of that report is a form that was developed cooperatively between various organizations around town and the Forest Service on the ceremonial moose harvest, you know, the moose for pot latch provisions. And I just wanted to make sure you all got a copy of that form, I think you might find it interesting. It was developed cooperatively and I think it's a good form and a good way to administer that program, so we'll -- if you don't have a copy we'll have to find one for you and it's just for your own information and in the event, you know, more proposals come in the future, or Southeast could do the same thing here.

CHAIRMAN THOMAS: We'll take time to review that in our agenda.

MR. VALE: Okay.

CHAIRMAN THOMAS: I think it's good that you have that and I think it'll -- it sounds to me like it'll illustrate what's the reputable (ph) do. Appreciate that.

Okay. We'll break for lunch and then we'll be back here at 1:45.

(Off record)

(On record)

CHAIRMAN THOMAS: We'll call this meeting back to order, I'm going to continue with the area reports that weren't identified on the agenda. And we have two, if my memory serves me right. Tlingit Mahalia (ph) and SENSC, being Harold Martin and Hydaburg, Victor Burgess. Looks like Victor might be somewhat involved, so I'll the least involved first, which would be Mr. Harold Martin. And we'll go from there. Harold.

MR. MARTIN: Mr. Chairman, Council people. Thank you,

Mr. Chairman, for offering me this opportunity to give you a brief overview of what the Central Council and Southeast Native Subsistence Commission has been involved in. My name is Harold Martin, I am the Subsistence Director for Central Council Tlingit Haida Indian Tribes of Alaska. The Central Council is a federally recognized Tribal Government and has a membership of slightly over 21,000 enrolled members. I'm also the President of Southeast Native Subsistence Commission.

Currently the Southeast Native Subsistence Commission has 14 commissioners and 14 communities each elected locally. There are four appointed positions by the sanctioning organizations, there's one appointed from Central Council, one appointed from Sealaska Corporation and one each from the ANB Grand Camp and ANS Grand Camp. We have about four communities that are vacant right now. We have elections coming up in March that coincide with the Tlingit Haida Community Council elections. We possibly look to having new commissioners at that time.

The Central Council and Southeast Native Subsistence Commission align ourselves with other statewide Native subsistence organizations. We work cooperatively with the - to what we refer to as RARA, which is the Rural Alaska Resources Association, Alaska Federation of Natives, the Indigenous Peoples Council for Marine Mammals, Alaska Sea Otter Commission, Indigenous Survival International and a new organized Alaska Harbor Seal Commission. We've been involved in various things. Last year we worked very hard on the re-authorization of the Marine Mammal Protection Act. There was no negative revisions.

I'm not going to get specific, Mr. Chairman, I'm just giving you a brief overview of the activities we've been involved in. We got involved in stock assessments of harbor seal and sea lion. The State -- or the U.S. Fish and Wildlife Service was trying to lump us in with the rest of the state. As you know the harbor seal and sea lion are diminishing up north from Prince William Sound on up. And we didn't really agree with the way they took their survey of stocks in Southeast, so we went to Washington, D.C. and straightened this out, U.S. Fish and Wildlife Service, and as a result we were determined non-strategic, our stocks of seal, harbor seal and sea lion are very healthy in Southeast.

We worked on co-management concepts, the Indigenous Peoples Council for Marine Mammals, this is a concept that was allowed through the Marine Mammal Protection Act. I think Section 119 of the Act allows an appropriation of \$2.5 million to create co-management with villages. We were involved through the Rural Alaska Resource Association the Migratory Bird Treaty that treaty was signed, I believe, September 14th. This is legalizing the Natives up north to take migratory birds during the spring migration. We were involved in the brown bear management plans that took place last fall with the State. We felt very strongly that any new management plan should include the taking of brown bear for Tlingit ceremonial purposes.

We are currently involved in a Tlingit place names

project, a grant received through the National Park Service, we're just completing phase one. In the old days when I was growing up we never heard our parents talk about going to Gambier Bay or Pybus Bay or Seymour Canal, they always referred to these places in the Tlingit name. We had Tlingit names for creeks, Tlingit names for points, mountains, streams and anything of significance. And we were losing this because most of our old timers -- we were losing all our old timers, there are very few people to draw from nowadays. Our first phase consisted of Craig, Klawock, Kake, Angoon and Hoonah. Our second phase will be taking in Haines and Klukwan and the rest of Hoonah. They did the Glacier Bay area, we're trying to get the rest of the area around Hoonah.

We just recently submitted another grant application for a third phase. What we'd like to do is get every community in Southeastern. We've had to promise these communities that these place name charts will belong to the local tribal governments. Now what they do with it is going to be up to them. We've made sure that -- we've reassured them that these charts will not go for publication or for sale. As you know each community has various clans, but one clan that settled the area and some of these things could be very touchy. We're very careful not to offend anybody and so far this project has been going very good.

We've had in-kind help from the State Subsistence Division, Robert Losher (ph) who's here with us is helping out on this. He's had some of his people working in the communities of Kake and Angoon and we have a person coming to help us with Klukwan and Haines. This person is real familiar with that area, she's done this before in that area. She's no longer a subsistence employee, but she very familiar with the place.

Our present activities, we've been very closely monitoring what the Legislature is doing. We've scrutinized the Fran Ulmer proposal. I must say that Fran Ulmer is doing all she could. We give her due credit for all here work, but at the present time the Southeast Native Subsistence Commission or the Central Council see no reason whatsoever to talk about amending ANILCA. You know ANILCA is the last protections we have for Native people. The proposal talks about the Federal government coming in compliance with the State Constitution, I think they got that kind of turned around. And they also talk about compromise, the Federal government compromising with the State, but they leave the Native people out. We are the people that are being impacted the most.

We are looking over Don Young's proposal to transfer Tongass National Forest over to the State. At the present time we don't feel that this is a very good idea. He talks about ANILCA and maintaining ANILCA in the proposal until such time that the State comes into compliance with ANILCA, but right at the beginning it talks about State ownership and deed to the Tongass National Forest, so when they get these it'll nullify -- as far as we workers (ph), it's going to nullify the ANILCA provisions and Section

We're keeping a close eye on the fish initiative, this

is an initiative where they have, I believe they have enough signatures on a petition where the Kenai/Cook Inlet sport fishermen are pushing for five percent. They lump in subsistence and personal use, but none of these people have come to the Native people to talk about the five percent, we don't feel it's a very good idea, so we're going to move against this.

There's a couple of bills before the Legislature at the present, one is House Bill 422 which is an alternative to the fish initiative, we don't think it's going to go anywhere. And recently Senate Bill 455 came out, it was in reference to fish management. Again, it's counterproductive to subsistence.

Mr. Chairman, I was glad to listen to the various Federal agencies this morning. It nice to know what's going on, it would be even nicer if the Federal agencies involved the Native people in their planning.

I have nothing else, Mr. Chairman, thank you.

CHAIRMAN THOMAS: Thank you, Harold. Any questions?
Mim.

MS. ROBINSON: Yes, thank you. What were those bill numbers again?

MR. MARTIN: Pardon me?

MS. ROBINSON: The bill numbers in the Legislature?

MR. MARTIN: One was House Bill 422.

MS. ROBINSON: And which was that on?

MR. MARTIN: It's an alternative to the fish initiative.

MS. ROBINSON: Okay.

MR. MARTIN: We don't think it's going to any -- the other one is Senate Bill 455 and it's in regards to fish management. Ivan, our attorney from RARA analyzed this and come out with a statement.

MS. ROBINSON: That was 455?

MR. MARTIN: Yes.

MS. ROBINSON: Thank you.

CHAIRMAN THOMAS: John.

MR. VALE: Harold, in your involvement with TNH and SENSC, I know you've done a lot of -- spent a lot of time looking at ANILCA and a lot of names and all kind of protection it provides for Native people. And is it those bodies opinion that ANILCA intended to protect fisheries? And I pose that question because of the navigable water issue that's, you know, being litigated and that the State is maintaining jurisdiction

in navigable waters and without -- to me without a priority being placed on fish and navigable waters you'd basically lose a priority with fisheries. And I was just wondering if you'd like to comment on that a little bit?

MR. MARTIN: Well, yeah, it gets pretty complex. As you know we gave up our rights to hunt and fish in the Alaska Native Claims Settlement Act, but we feel that ANILCA was kind of a restoration act. And the direction the Holland decision is taking is that of protection of fisheries for Native people. And you all know that ANILCA originally was an Indian bill, that the State was successful in changing Natives to rural, so, you know, it just got more and more complex. But, yes, I do think it includes fisheries, protection of fisheries.

CHAIRMAN THOMAS: Well, I appreciate your comments and sharing with us. With regards to the Federal government involving Natives in their planning, sitting on this Council we kind of felt like they were because the majority of us here are Native. And of the rest of the regions around the state they're predominantly -- most of them are all Native Alaskans that serve on them. So in those regards I think there's a lot more effort put into that and I think -- they think they're doing an outstanding job and I have to agree with them. We all got pretty big egos sitting up here on the Council, but that's the results from a lot of support from a lot of people in Alaska and we appreciate that.

We always appreciate your comments. Not everybody here knows what SENSC is, maybe you could give us some background on about how long it's been there and who's represented on it?

MR. MARTIN: Thank you. The Southeast Native Subsistence Commission was organized in 1989. Like I say, it was sanctioned by the ANB/ANS Grand Camps, Sealaska Corporation and Central Council, Tlingit Haida Indian Tribes of Alaska. And the organization was organized to have a central clearing house. We had no one speaking for the people at the time and we were scattered all over the place, that was evidenced in -- after 1982 we made a big effort to fight back the repeal of subsistence and after that we kind of went our own ways, everybody spread all over the place. As a result most of the most of the Fishery Advisory Boards, locally, made up of everybody but subsistence -- anybody involved in subsistence. So we decided that each community would have a commissioner elected by the local Native organizations. And we are backed up by the sanctioned organizations, we speak for the Central Council and Sealaska and IRAs and the Tlingit Haida Communities Councils.

MR. MARTIN: And their funding is really dependant on contributions from the various Native entities. It's just like everybody else, sometimes the funding is there, most of the time it's not. And when it is there it's never enough.

But we appreciate the efforts, we're glad you're here, Harold.

MR. MARTIN: Thank you.

CHAIRMAN THOMAS: Thank you. Oh, Patty's got a question.

MS. PHILLIPS: I want to say it's been a good start to have a majority of Natives on the Southeast Regional Advisory Council and it's good that they do have Natives involved in some of the subsistence issues. There's always room for improvement, Mr. Chair. This Council requested that a Native person be put into the position that Guy Cellier is in and we got him, and I'm not saying he's doing a bad job, I'm just say that there's room for improvement.

CHAIRMAN THOMAS: Anybody else? Thank you. Marilyn.

MS. WILSON: I think the important thing, too, is like Harold was saying, I think we need more communication between the Forest Service and our own Southeast Native Subsistence Commission. These -- like Harold says, they're all voted in from each community to represent all these Native peoples and all the subsistence users. And maybe the material that we get as Federal Council members should be sent to our Native commission also because essentially we're all working for the same thing and I would like to see that happen. And all the mail from the Federal agencies and the State agencies be sent to our Native Subsistence Commission, Harold Martin, Chairman.

CHAIRMAN THOMAS: Thank you. Also the membership of SENSC is the same as our Committee only they have more involvement, they include every community in Southeast, we have a majority of communities, so there's the difference. So you have like, what, 19 communities?

MS. LeCORNU: It's not 19, no.

MR. MARTIN: Twenty-one.

CHAIRMAN THOMAS: Twenty-one? Yeah, so it's a big involvement and they're very visible and very productive. Thank you very much.

MR. MARTIN: I stated earlier that there were vacant communities, Pelican is one of them, we're going to elect a commissioner. Tenakee is another one and Skagway.

CHAIRMAN THOMAS: Okay.

MR. MARTIN: Thank you. I'd like to point also

MS. ROBINSON: Port Alexander, too, we do have some Native people in PA.

MR. MARTIN: I'd like to point out also that we do have some commissioners sitting on this Council. Mr. Herman Kitka, Commissioner from Sitka, Bill Thomas, Commissioner from Ketchikan and John Feller is the Commissioner from Wrangell and Marilyn is a Commissioner from Haines.

MS. LeCORNU: Do you have somebody from Hydaburg on it?

MR. MARTIN: That person -- I'm not sure what happened, I think

MS. LeCORNU: Was there?

CHAIRMAN THOMAS: Who did it used to be?

MR. MARTIN: There's a vacancy there, it used to be

CHAIRMAN THOMAS: The last one was Lisa.

MR. MARTIN: Mr. Hunter?

MS. LeCORNU: Lisa?

MR. MARTIN: No, it wasn't Lisa. I can't remember his name, was it Hunter?

MS. LeCORNU: No, I don't recognize that name. I don't think they've had anybody from Hydaburg.

MR. MARTIN: Well, something happened, he got incarcerated right after he got elected and never made any of our meetings, so there's a vacancy.

MS. LeCORNU: Okay.

MR. MARTIN: Thank you.

CHAIRMAN THOMAS: Thank you, Harold. Victor.

MR. BURGESS: Mr. Chairman, members of the Board, a little background. My name is Victor Burgess. A little background. I was on the original State Subsistence Board in '78. I served faithfully till somewhere in the '90s and accomplished exactly nothing. But the theories I was spouting then, I'm still spouting now and so I'd like to first read -- the first three pages are all from the Congressional record, remarks of Udall, and I felt it was more appropriate to read them -- put them in like this rather than footnotes because then what I'm saying would make a little sense, so I'll go on read the text.

Hydaburg Advisory Committee Position Paper on Subsistence. Now, we originally delivered the first position paper in 1990 when the Feds were taking over and this is -- a part of this is a continuing process, but other portions of it are theories that we have since changed because of some of the legal challenges. I'll go head an read this.

The intent of Title VIII is to protect the Alaska Native way of life, and the Alaska Native cultures which are an essential element of that way of life. For generation after generation and for as long as the Alaska Native people of Alaska

choose to participate in that way of life. It should be the Alaska Natives themselves who decide to continue their way of life rather than to Federal and State resource managers. The choice as to the direction and pace of the evolving subsistence way of life should be the Alaska Native decision.

And a little side remark. I think that if you take these remarks to heart everything is going to fall in place. Make the proper decisions.

Of all the user groups of Alaska resources who claim to have a stake in passage and continued existence of the Alaska National Interest Lands Conservation Act, no group is more profoundly affected than the Alaska Native residents. The Alaska Native residents of the more than two hundred Native villages scattered throughout rural Alaska have their cultural identity and the economy of their villages interwoven with the harvest of fish, wildlife, minerals and plants for subsistence uses. With only a few exceptions, the Alaska Native villages are located along the coastline or upon the shore of one of Alaskan lakes or rivers.

The Conference Committee that finalized the drafting of ANILCA recognized the joint responsibility of the Federal and State governments to protect Alaska Natives subsistence activities. (I'm going to rush this up a little bit so you don't go to sleep on me.) This is consistent with the historic trust responsibility of the Federal government to the Native Americans and this trust responsibility transcends ANCSA's termination language regarding aboriginal hunting and fishing rights. It also is consistent with the policy adopted by the United State government when it signed the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights in 1977. Article I of both covenants states that "in no case may a people be deprived of its own means of subsistence." And Article XXVII of the International Covenants on Economic, Social and Cultural Rights guarantees that ethnic minorities in the United States of which the Alaska Native people are a preeminent example, shall not be denied the right to enjoy their own culture.

Regrettably during the time period between the enactment of the Alaska Native Claims Settlement Act and the introduction of HR39 in the 95th Congress neither the Secretary or the State of Alaska made sufficient effort to abide by the direction of the Conference Committee. Overwhelming evidence of their failure, or at best their indifference was thoroughly documented in hearings held by both the House Interior Committee and the Senate Energy and Natural Resources Committee during the 95th Congress and the House Interior Committee that last year.

Although the Federal and State subsistence management system established in the bill is racially neutral, it is important to recognize that the primary beneficiaries of the subsistence title and the other provisions in the bill relating to subsistence management are the Alaska Native people. Also there are many non-natives living a subsistence way of life in rural Alaska which may be an important national value, the

subsistence title would not be included in the bill if non-native subsistence activities were the primary focus of concern. Rather, the subsistence title and the other subsistence provisions are included in recognition of the ongoing responsibility of the Congress to protect the opportunity for continued subsistence uses in Alaska by the Alaska Native people, a responsibility constant with our well recognized constitutional authority to manage Indian affairs.

The so-called "(d)(2)" issue [i.e. HR 39] in general and the subsistence title and other subsistence provisions of this bill in particular are derivative of the Alaska Native Claims Act. The Federal courts have consistently recognized the Settlement Act to be Indian legislation, entitled to all the legal presumptions and statutory interpretation associated with that generic class of statutes. While the Alaska National Interest Lands Conservation Act obviously is not Indian legislation in its entirety, the subsistence title and other subsistence related provisions are. And as a side remark, that includes 810. And under well-recognized canons of statutory construction, any ambiguities in the title and other provision must be resolved in favor of the Alaska Native people.

I'll start with the text of our change from our first position paper and that's:

Principle

Hydaburg Advisory Committee believes that before Title VIII of ANILCA can be properly defined, one principle of human rights must be recognized and that principle is: the people who originally owned and used all the resources are entitled to at least a modest living from those subsistence uses.

And I'll insert a remark here. And read you the exact language of this principle as stated in Bolt decision and was cited in the Wisconsin decision, Lac (ph) Court Tribe, I can't remember the tribe now that court banned, which cited Bolt on this principle, so to me that establishes a precedence, so I hope that I'm correct. I no lawyer, but here's the language of this principle.

Indian treaty rights to a natural resources once was thoroughly and exclusively exploited by the Indians secure so much as, but no more than is necessary to provide the Indians with a livelihood. That is to say a moderate living. I'll go own with the

This level or -- this is another side mark. This next paragraph is where 805 comes in.

This level or standard of living must be reached by individual Regional Councils to assure that regional differences in subsistence users are adequately accommodated.

Now, that reference would be to 805(a)(1), that is in ANILCA.

The difference in subsistence uses should be based not only on kind and degree, but on the strength, health, and diversity of the wild renewable resources in each subsistence resource region.

There again this refers to your report to the Secretary. And is this report, part of this report 805 -- I had it written down, but 3(d)(1)(2)(3) and (4). You evaluate you subsistence needs. Now what is a subsistence need? Is it just food? No. To maintain that moderate standard of living it has to be anything that any ordinary family in Wrangell, housing, clothing, education, savings, whatever. That is a subsistence need no matter whether it's in the subsistence title or anywhere else.

CHAIRMAN THOMAS: Let me interrupt you. Evaluate, is that part of ANILCA's language?

MR. BURGESS: (No audible answer)

CHAIRMAN THOMAS: I see, go ahead.

MR. BURGESS: So that what the means is conversion of numbers to cash.

CHAIRMAN THOMAS: Okay. Thank you.

MR. BURGESS: TITLE VIII IS REMEDIAL INDIAN LEGISLATION
Title VIII of Alaska National Interest Lands
Conservation Act (ANILCA) is remedial Indian legislation, and that's footnoted in the back, passed by the Congress of the United State to fulfill the policies and purposes of the Alaska Native Claims Settlement Act (ANCSA). Although neither ANCSA or ANILCA reflects a fair settlement of the aboriginal claims of Alaska Natives, our testimony will attempt to define Title VIII of ANILCA as we understand it. We believe that until the issues and terms contained in the act are clearly defined, the implementation of the subsistence regulations will result in a continuation of unauthorized restrictions, and, for many subsistence users, a continuation of expensive time-consuming litigation.

SUBSISTENCE

This is our definition. Subsistence is the customary and traditional use of fish, wildlife and other renewable resources by Alaska Natives within tribally defined territory. Such uses are intended to foster the economic well being of Alaskan Natives and their villages. By means of customary trade, barter and sharing, Native people will be able to preserve the cultural heritage and traditional way of life for future generations, and will be able to provide themselves with a significant element of their diets.

RURAL

The Hydaburg Advisory Committee believes that rural areas or communities can only be defined by each individual

Regional Council because of their local knowledge. The subsistence title and other subsistence provisions of ANILCA are derivative of the Alaska Native Claims Settlement Act; therefore, all definitions should be made contemporaneously. The State of Alaska has selected approximately 35,000 acres on Prince of Wales Island for community expansion and other uses and they proposed to select another 36,000 acres.

And I would add a little remark here. That I took this from the Prince of Wales area plan, so what is also in that plan, I don't have my notes here, is in addition to that 70,000 acres, approximately, 36,000 already selected is 1,000 miles of coastline. They're claiming this for jurisdiction and another million acres of submerged -- of tide lands and submerged lands. You can imagine here the Feds have defined rural as all Prince of Wales, what's going to happen in 20 years? These will all be competitors under the Federal guidelines to impact your own needs. So what I'm saying is, is rural -- well, I'll finish my comments first.

The Federal Subsistence Board, by defining all of Prince of Wales Island as rural, had created an absurd equation that will result in a quick ending of Native subsistence rights.

We believe rural, in the Southeast Region, should be limited to the same Native communities that are recognized in the Native Claims Settlement Act. The Hydaburg Advisory Committee, therefore, makes a recommendation that the definition of rural be limited to "tribal villages not of" a modern and urban character, [where] a majority of their residents are Natives.

Now, that is exact language taken from the Settlement Act. Now, we're not sticking entirely to this -- this is our recommendation, but we understand that there's certain communities, Wrangell for one, who wouldn't fit this definition, you see. And I think Ms. LeCornu can speak on how this could be amended to protect all the Natives. So I'll go on with:

CUSTOMARY TRADE

Now, what I believe customary trade is, it's not defined, you see, so we're going to try to define it if we can. Nobody has made the honest effort.

The Hydaburg Advisory Committee recommends that customary trade be defined as the amount of commerce necessary to foster the economic, physical and cultural well being of Alaska Natives and their villages.

We believe that the State's reference to Title VIII's legislative history does not define customary trade, rather it simply states what, among other things, customary trade is not. We believe that Congress intended that customary trade to have the same or similar meaning as the following excerpt from Black's Law Dictionary.

CUSTOMARY - According to custom or usage; founded on or growing out of, or

dependant on, a custom (q.v.) ordinary; usual; common.

CUSTOM - As applied to usages of trade and business, a general custom is one that is followed in all cases by all persons in the same business in the same territory. the habitual practice of a community or a people; established usage.

TRADE - The act or the business of buying and selling for money, traffic, barter. Trade is not a technical word and is ordinarily used in three senses, one of which is; in that of exchanging commodities by barter or by buying and selling for money.

As can be seen from these definitions there isn't much room to qualify the term customary trade. If Congress wanted to distinguish Native customary trade from the usual meaning of the term, it would have done so explicitly.

The Senate Energy Committee's 1979 Report shows that Congress considered and rejected a limitation on the amount of subsistence take to the level established by a ten-year standard. It would seem highly incongruous for Congress to have eliminated a ten-year standard for general subsistence hunting and fishing while, at the same time, allowing a freeze at the pre-ANILCA level to limit "customary trade".

And why we put everything we know about customary trade here, one thing I wanted to add, and that is I think customary trade is something that only nations can have or persons with sovereignty. And that's why I think this Indian country question is so important. Once that's decided then maybe you'll have an easier time of either eliminating subsistence entirely or it'll be addressed, the questions that you have.

CHAIRMAN THOMAS: Before you continue, let me interrupt again before I lose my train of thought and before we lose our folks on the context. See, these are one of the things that bothers me personally with this entire issue. What you're saying I agree with, with relation to trade, but we're handling this whole thing in the English language. The English language by nature is ambiguous and so we're a victim to that, but we're not going to anything different. And from the Native community you're not going to find any argument about what you just said because you go back to peoples like Herman's generations a long time ago, if they were discussing all of this, the whole thing wouldn't take them more than two hours of discussion before the whole issue was resolved, but that isn't the case anymore, we got people we got to keep working. But anyway, I just wanted to insert that, thank you.

MR. BURGESS: Yeah, well, that's a good question and I got an answer for it strangely enough. Now, don't quote me on

this, but most law you have canons of construction. In Indian law you have three to rule on -- you know, a court doesn't ordinarily rule on history, you know, history of the act wouldn't be ruled on until ambiguities come up. There's plenty of them, the whole thing is a big ambiguity.

But the first canon is that the Federal statutes should be interpreted in light of the purpose Congress sought to accomplish in enacting it. It must be harmonious with the statute's intended purpose. This is in Indian law. Second canon, Congress should be presumed not to intend its statutes to produce absurd results. That's why I'm saying that this finding Prince of Wales as rural is absurd because it would destroy the culture. Third canon, this is the important one. And I haven't -- there's different language for it, but I'll quote this one here, different definition. That Congress should be presumed to intend ambiguities, statutes enacted to benefit Native Americans to be resolved in their favor. Another interpretation is it should be liberally construed and -- I can't quote entirely, but it has to be resolved in the Indians favor, that's where the trust responsibility comes in, see? So I'll continue -- I'll answer all the questions I can. I'll finish this. This is:

CUSTOMARY AND TRADITIONAL

The resident of Hydaburg believe the most important statutory term in Title VIII of ANILCA is "customary and traditional". A term that has been pushed into the background by both proponents and opponents of subsistence. The majority want to reduce and redefine the state's criteria for their own purposes. Although we agree that some criteria should be better defined to protect subsistence, any definition of customary and traditional must have all criteria necessary to protect and not just to identity, the Alaska Native values.

At this time, we are asking that their be no reduction in the eight criteria as outlined in the State regulations 5 AAC 99.010. We also propose that any criteria developed, identify not only use and user, but the territory. The Native community, either in an urban or rural area, is a paradigm to be copied.

CLOSING REMARKS

In closing, it is extremely important to emphasis the following points; That ANILCA is Indian legislation. Congress invoked its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses.

That the State of Alaska continues to foster a policy adverse to the interests of the cultural heritage of Native villages in rural Alaska and their people.

Alaska Natives assert their inherent rights of self government in a sincere attempt to resolve the many problems confronting the villages and people. The State of Alaska has expended vast amounts of scare resources to frustrate and

confound the tribal governments.

So, Mr. Chairman, one point we want to make that these are what we consider to be legal recommendations and it's under your authority to accept them or reject them or amend them. So thank you.

CHAIRMAN THOMAS: Okay. Thank you. Typically we'd like to have something like this in the form of a proposal or a resolution. And I don't think you're going to find any disagreement from this Council, however, I could try to stretch my trusted responsibilities by offering that between the members of this Council at some time when we get to review the contents of this text and perhaps make up a resolution to come from this Council with regards to the language and intent of this position paper. Would that be acceptable to the residents of Hydaburg?

MR. BURGESS: Well, yeah, as long as -- I think anything is acceptable as long as you give it, you know, give it a little search and

CHAIRMAN THOMAS: Yeah. No, no, I think you paralleled the thoughts of the majority of the people, at least on this Council, and all I'm saying is we need to convert it to a different form.

MR. BURGESS: I'd like to -- my remarks, I'd like to clear up with why we came up with the rural determination. We have to go back about 30 years, I think a lot of you are familiar, it's been 18 years just since ANILCA been adopted, so realistically you have to go back to those times and examine. I don't know about further north, but for the Southeast region, this is a national forest, all there was here was Native communities and a few transient log camps. And in these Native villages there happened to be other people than Natives, me for one, that were living. That is what -- why this is the way it is because it would meet any equal protection clauses, number one, people similarly situated, see? I think that's why -- the only reason it's still in there. And what I'm saying that you can't expect 100,000 people in the future to move in, it has to be -- there has to be a certain time line where customary and traditional ends because it's the Native right, otherwise it won't make sense.

CHAIRMAN THOMAS: Right. Okay. Well, you're not going to get an argument out of me. But typically -- it's a good position paper, I'm not arguing with that. Everything in it I think I like, except that if it were me to submit something I would submit something somebody can act with. This one where we got to kind of take from. Because you had recommendations, where a resolution would be asking somebody to do something or not to do something. If they didn't adopt what you asked them to do, then that would be rejection, that would be a solid choice of what you offered, see? And you can hardly do that with this in the form that it's in. I'm not criticizing you.

MR. BURGESS: Well, yeah you could because I'm making them just as simple as I can, you know, they're recommendations

and I never did believe too much in resolutions to tell you the truth, I wouldn't know how to make one up, number one. So I'm doing what's appropriate for me.

CHAIRMAN THOMAS: I understand and I respect that. Patty.

MS. PHILLIPS: Mr. Chair. Mr. Burgess, you made a comment about how communities are going from rural to urban status and how you could address the community within a community. And you had said that Ms. LeCornu could elaborate on that and I'd like to hear what that elaboration is.

MR. BURGESS: Do you have that copy?

MS. PHILLIPS: Because we are in the process of trying to solve the dilemma of subsistence in rural Alaska.

MR. BURGESS: This is the one here. Should I read it? Or is that the one? Yeah.

CHAIRMAN THOMAS: Would you like a minute or so, Vic?

MR. BURGESS: No, here it is, now I have it.

CHAIRMAN THOMAS: Okay.

MR. BURGESS: All right. Now, we'll take Wrangell, we're in Wrangell and I know the Wrangell people have not only feel left out, they have been left out. Now, they have no representation practically in all the years I was on this Regional Council, I'll include Petersburg with it. You had an advocacy here that wasn't for Native people, it had other interests, all right? So if this is for Native people and -- you know, the definition I give you could have either/or a small community with well recognized sub-community, a group of Natives, with a history of customary and traditional subsistence uses.

And, you know, even I see an urban concerns, urban Natives. As I understand Indian law and Indian history and the Constitution that just as soon as you step into Klawock you're automatically a Native and you can have the same rights. I don't think you have to move back, I think you have -- if you live -- for certain conditions you would, like for customary trade, but for personal consumption the day you step on to that territorial tribal jurisdiction you have the same rights as anybody else. That's what those tribes recognize. In fact, all reservations in the south that they recognize that. You're not an Indian until you're on Indian land. And that's why I say this Indian country decision, if it's proper, and if it's the right way, will solve everything.

CHAIRMAN THOMAS: Well, just to throw some sawdust into the transmission, it doesn't matter, anyplace I step I'd be eligible for whatever's there right now.

MR. BURGESS: Yeah.

CHAIRMAN THOMAS: So it's just another comparison.

MR. BURGESS: Okay. In fact, Mr. Chairman, if you got a sporting license you'd be entitled to more, right?

CHAIRMAN THOMAS: Yeah, I got one, but I'm not very sporty.

MR. BURGESS: You don't like to play with your food.

CHAIRMAN THOMAS: John.

MR. VALE: Hi, Victor, I got two questions for you. The first one is, is I didn't understand the problem with rural for Prince of Wales Island, I didn't understand what the problem was.

MR. BURGESS: Well, in order to spend -- they're already selling land there, see, they have been for quite a few years. And as a matter of fact Robyn Taylor just recently passed a law that would limit it to Alaska residents. But any outsider, as far as I can see, under my interpretation of the Feds, by making it a rural the Kenaitze decision essentially gives anybody that lives there that priority right. There's two priorities. Number one, just being rural gives you priority, but if the resource gets more limited then it has to be reduced to 804, where those three criteria come in. But anybody that lives on the island under the Kenaitze decision would be automatically, whether he's from Russia or England or Australia or anywhere else, is entitled to the same benefits. Which to me is an absurd interpretation, you know.

MR. VALE: Just so I'm clear. There's two tiers in ANILCA, there's rural and then there's customary and traditional use and to get the priority you need to have -- to fall under both tiers. So

MR. BURGESS: No, customary is rural. I think if you read 802, is it, 802 where subsistence uses, see, are -- subsistence users -- how does the term go? Anyway, all rural people are entitled to subsistence uses. They have to be rural, number one, to -- under the law, as I understand it, you have to be rural to be recognized as a subsistence user. You read 802, yeah, 802, it defines who's entitled to it.

MR. VALE: So have I asked this correct, Victor, then that your concern on that is that because the whole island is rural that expansion of population in the future threatens subsistence uses by including all of those who become a part of the island in the future?

MR. BURGESS: That -- that -- yeah.

MR. VALE: And you're recommending language such as you outlined there referring to Native communities sort of as an alternative to that sort of scenario?

MR. BURGESS: That's right. And actually, you know,

under those definitions, actually, a Native community if it doesn't control, see, that's what Udall's talking about, you have to control your own. A good example is Klawock. Now when you put these home sites out, outsiders buy them, right now they're buying them, so what I'm saying is that if you don't control your own community you're losing out, you see? When you put land up for sale, so I -- unless it becomes Indian country then you can control it.

All right. 803 as used in this Act, the terms subsistence uses means the customary and traditional uses by rural Alaskan residents of wild renewable resources.

Now, I don't know about whether customary and traditional -- I don't see anything in here that defines or confines rural to -- it appears to me they're automatically customary and traditional uses. And I could be wrong, but I can't see taking individual resources and making customary and traditional. You see, that's what you're doing now. And the subsistence lifestyle doesn't take individual resources, it takes in everything that has social value. So you might have to define 300 resources at this rate for Southeast Alaska and that's going to keep you pretty busy.

MR. VALE: Okay. I think I understand. Now, the other question was that -- it has to do with customary trade. And that's a big debate, I think, in the Federal/State level as to what customary trade is and we talked about that and, you know, ANILCA or the regulations that were adopted on ANILCA define customary trade as being of, among other things, a limited non-commercial nature. It said you can allow changes for cash, but it's of a limited non-commercial nature. So what are your thoughts on that given your position that ANILCA should provide enough resources for moderate livelihood?

MR. BURGESS: Yeah, I think we were talking at lunch there and I told you about the Non-Intercourse Act when even in those days in the Non-Intercourse Act they recognized commercial trading in the Native communities, that's part of the Act, so this definition essentially just -- is just a restrictive definition. I just -- to me, you know, if you look back on some of these Marshall decisions in the early 1800s, it was trilogy and one of them Worcester and Georgia and that's never changed to this day. It still holds, it's still the law of the land that in this decision what -- the majority decision was that Indian communities and tribes are domestic ended nations. And I say only nations can have something called customary trade.

So what's this Indian country -- it all ties together and I think realistically that it's going to be declared Indian country because, number one, when Alaska became a state they had the choice to refuse 280 jurisdiction, public law 280, or to take it over, that's why the state of Alaska has been against Indian tribes because they want to assert their authority. But actually, you know, tribes aren't even entitled -- don't even have to have concurrent jurisdiction if they develop their constitutions.

Number one, now, I'm not for Tlingit and Haida, I'm for

the Haidage (ph) Tribe, number one, but in their constitution they very plainly laid out what their jurisdiction will be. That's all this territory in Southeast Alaska and the waters. Because they did it understanding the same thing that I, that eventually it will be Indian control and Indian jurisdiction. But you have to -- you're can't -- they're not just going to hand it over to you, you know, I think Judge Bolt laid out the criteria for the tribes taking over. And that criteria is still there, you have to have proper management and that's where you guys are the start of it. In other words, you have to develop a strategy. That's what it's all about is a strategy, policy, plans and it's laid out for you. All you got to -- it's not easy, but number one I'd ask the Federal government for about \$10 million to hire a bunch of experts. That's what the State does, that's what the Federal government does. They burdened you with a lot of authority but no means to achieve it.

CHAIRMAN THOMAS: Anybody else? Mim.

MS. ROBINSON: Yeah, I got some comments to make. I don't know, Victor, not necessarily to you or not, but I'm feeling really frustrated. There's -- about once a year I have to make this statement from this thing here, the Record of Decision. And ANILCA is not strictly Native legislation, it's from what I read here it is not racially based. Rural residents relying on the subsistence preference in ANILCA, Title VIII comprise 30.4 percent of the total Alaska population according to the 1990 census. Of that rural population 28.7 percent are Native and 71.3 percent are non-native. Utilizing the 12 ANCSA regional corporation boundaries to establish the Federal Regional Council system for subsistence would ignore this aspect of the demographics of Alaska and those non-native rural residents who rely on subsistence.

So I really think you did an excellent job putting this together, by the way, but there is parts of it I would not be able to agree with.

MR. BURGESS: I agree, you're in a bad position.

MS. ROBINSON: I'm really bad -- it's really frustrating.

MR. BURGESS: See, it's not the Natives' problem, it's the state of Alaska, could have solved it easy within two years. Easily.

MS. ROBINSON: Okay. The other thing. I mentioned earlier today my confusion about what this Council is doing as far as subsistence. Like I say, we have these two areas that we deal with, we deal with bag limits, which is dealing with sport licenses. And we're dealing with this more of a -- almost philosophical, I suppose parts of it is, but also the customary and traditional and, oh, that whole other aspect is a much broader, less concrete aspect of the whole issue for the state. And for myself it's -- I live in a community that is majority non-native and yet we are considered to have -- we are rural, we're considered to have a subsistence lifestyle as far as the

general term, whatever that is. But we don't have the customary and traditional practices that the Native communities or predominately Native communities have and so there's a different emphasis on what occurs there as far as subsistence is concerned.

We do -- we eat deer meat, we can a lot of the local vegetation and we pick our seaweed and berries and, you know, we live off of the land as much as we can. It's something we enjoy doing and have been doing it, you know Port Alexander has been in existence since the early 1900s. So I value that lifestyle, that's one reason I'm on this Council is because I want to protect that and I'm doing that for the people in Port Alexander and other communities like it that are predominantly non-native. And it really upsets me when again and again and again this -- that type of community in Southeast is ignored. And I'm ready to resign from this Council, I'm really tired of it. And I like being on this, I like being involved in the process, I feel like I make a contribution and I'd really appreciated it if you would consider other communities besides the ones that you're from. Okay? Think about the other places in Southeast Alaska that live off the land and love it and want to keep doing it, it's an important part of their lifestyle, it's -- in some cases it's the only way they can survive instead of going on welfare.

CHAIRMAN THOMAS: Breaker 1-9.

MS. ROBINSON: Pardon?

CHAIRMAN THOMAS: Thank you. Let me get something across.

MS. ROBINSON: Okay. I had to get that off my chest.

CHAIRMAN THOMAS: I'm glad you did.

MS. ROBINSON: It's been building up for a long time.

CHAIRMAN THOMAS: I'm glad you did. If you heard my opening remarks, I said that ANILCA was not a Native law, it's a geographic law. I said that right in my report. What's happening here, we're in an area of our agenda of area reports. We're not listening to a member of the Council, he's a member of the community, a member of the public and when we open this up we give everybody their say on the floor. Where the crux of compatibility comes when from is when something gets to us for whatever action we're going to take.

It's such a controversial issue, it's such a sensitive issues, it's emotional. Anybody that has anything to do with subsistence is very protective of it, and I respect your reaction and I support your reaction and I think everybody does. But I want you to behave like a man, I don't want you to show your emotions, there's no crying.

MS. ROBINSON: I didn't cry.

CHAIRMAN THOMAS: You can sniffle, but no crying.

MS. ROBINSON: I just feel very strongly about it.

CHAIRMAN THOMAS: I understand that and I appreciate that, but I want you to be assured that this is the case, we're hearing only area reports.

MS. ROBINSON: Okay.

CHAIRMAN THOMAS: Okay? And that's how our dialogue is based right now.

MS. ROBINSON: Okay. Maybe there needs to be opportunities to have those kinds of discussions, that's why I brought it up earlier because -- and then it was just dropped, it was never -- it's like if I don't push the issues it will never get dealt with. It's been bothering me for many meetings and it never gets dealt with, so that's -- sometimes you just have to jump in and talk about it.

CHAIRMAN THOMAS: That was good.

MS. ROBINSON: Victor, sorry to mess up your report.

MR. BURGESS: Yeah, I agree with -- you know, I just feel sorry -- you know, I have lots of friends, but the problem, you know, lays in the people that pass the laws, that's -- it's a sad comment on democracy is what it is.

CHAIRMAN THOMAS: Thank you, Vic.

MR. BURGESS: Thank you, Mr. Chairman.

CHAIRMAN THOMAS: Vicki.

MS. LeCORNU: I just wanted to comment on some of the problems I see building up in the -- that, you know, that we haven't really dealt with policy is in effect that is detriment to subsistence users and we haven't addressed the policy of the Forest Service and fact that all these communities are named as subsistence communities on our island now. That results in colonization and people across the world are talking decolonization and yet America is still in its colony phase.

And we have (indiscernible - away from microphone) for out benefit called self determination. And I think what Victor is referring to is that these are the principles that are to be protected, self determination for a people. And when you say racially neutral, we don't need to talk about race anymore because we have to realize that they're political. These Natives it has nothing to do with their race, but their property rights. Their race is incidental.

So when Mim wants to protect a way of life, she has to realize that first and foremost the principle of providing those should be in place, then she will benefit, then the other people in rural America will benefit because they will have taken that paradise from the Native way of life. It's like he says in here, that's a good paradise to copy. Port Alexander, you can copy it, but don't turn it into colonies, don't colonize us, that will ruin it.

CHAIRMAN THOMAS: Okay. Now, let me remind you guys of something. I'm going to read you straight from the bible here. On Regional Advisory Council authority. Each Regional Advisory Council will be composed of residents of the region and shall have the following authority. The review and evaluation of regulations, policies, management plans and other areas relating to subsistence use of fish and wildlife within the region. The provision of a forum for the expression of opinions and recommendations by persons interested in any matter relating to the subsistence use of fish and wildlife within the region. The encouragement of local and regional participation pursuant to the provision of this title in the decision making process effecting the taking of fish and wildlife on the public lands within the regions for subsistence uses.

So far we're doing that, so far we're doing that. It's a sort paragraph, but when it says: 'interested in any matter related to', that broadens us a long ways. But I want you all to know that I'm not going to allow this go beyond what it says in here. Okay? You guys are doing a good job so far.

MR. ANDERSON: Mr. Chairman, I ask for a five minute recess to wake up the ones who've been sleeping in the audience.

CHAIRMAN THOMAS: Five minute recess.

(Off record)

(On record)

CHAIRMAN THOMAS: Okay. Now that we're back in session, thank all of you. We have to take a commercial break. I want to remind all of you that this evening from 7:00 till 9:00 canoe carving located in the shelter adjacent to the Stikine Inn. Canoe carvers are on hand. I don't know if they're open or not. Is this to observe a carving going on or just to explain why it's there or -- come on up and give us a spiel.

MR. STEVENS: Well, I wasn't prepared to give a spiel.

CHAIRMAN THOMAS: Ah, you look prepared to me.

MR. STEVENS: Yeah, 7:00 to 9:00 just come on down and I'll show you what we're doing. This is sponsored by the Rainbow IRA. A bunch of us got together for carving a 20 foot canoe and it's just the one canoe. We're going to carve three in all, but this is our just one to learn. My Uncle John, he's got raffle tickets, we're selling raffle tickets right now to raise money

CHAIRMAN THOMAS: Just happen to have them.

MR. VALE: Raffling off the canoe?

MR. STEVENS: No, it's two cedar baskets carved by -- wove by Nancy Olsen, they're really nice. Just to take care of expenses.

MS. ROBINSON: How much are the tickets?

MR. STEVENS: One dollar a piece.

MR. BOYD: And you do not have to be present to win?

MR. STEVENS: No. We'll just take your address.

UNIDENTIFIED VOICE: We'll send it to you.

MR. STEVENS: Okay. So we're right next to the Stikine Inn, I guess most of you guys are staying there, it's just -- you can see it's got plastic around it and it's really easy to find.

CHAIRMAN THOMAS: We all brought our own paddles in case we could take it out for a spin.

(Off record comments -- getting name)

CHAIRMAN THOMAS: Okay. So 7:00 till 9:00 at the carving shed.

MS. ROBINSON: Mr. Chair.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: There's a dinner tomorrow night. I missed whether there was anything happening tonight beside what's listed on that paper there.

MR. ANDERSON: We'll take the canoe out and try it.

MS. ROBERTSEN: The museum will be open tonight, too.

MS. ROBINSON: So it's just those two things tonight?

MS. ROBERTSEN: Yes.

MS. ROBINSON: Okay.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: The lunch that was scheduled for Saturday has been cancelled and Meg is trying to combine that lunch with the pot luck thing for Friday, for tomorrow evening.

CHAIRMAN THOMAS: Okay. We appreciate that and we appreciate their effort in really trying to be hospitable and I can't apologize enough for the abrupt change in the agenda, the devil made me do it.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: Before our lively discussion was interrupted by a five minute break I had a comment that I wanted to voice.

CHAIRMAN THOMAS: Okay.

MS. PHILLIPS: This Council was established to present dialogue and to continue dialogue. Section 801 states: The continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Native and non-native on the public land. It exclusively says Natives. And I'm not saying that Natives should have exclusive use of subsistence resource and harvest, but that they are given that right from Section 801. But also non-natives have that right also, but as a group we have to decide which of those non-natives within certain communities are going to be allowed that subsistence use.

The Native community is trying to revitalized the existence of the culture. It was too long ago that the Native communities were oppressed, stereotyped and assimilated and we're still, to a point, stereotyped and being assimilated. It says: subsistence represents the very core of the existence of the Native people and the protection of this resource is vital. I'm not here just to protect the Native people of Alaska. I come from a non-native community with Native people within it.

And I just wanted to say those remarks because I feel strongly about it too, but I'm not going to resign. And resigning isn't going to continue dialogue.

CHAIRMAN THOMAS: Okay, okay, okay, okay. We're not going to get into that; we're not going to allow it. Anyway let's stay within the focus, we all got ANILCA in front of us and I don't know where we're reading from different bibles, but I appreciate all your comments, but we're not going to -- this is not of a personal nature and so I'm not going to allow that to happen.

Marilyn.

MS. WILSON: I just to sort of comment and ask a question. When they first developed ANILCA, the state of Alaska considered all of Alaska rural and the Federal and then they made up this Title VIII. And then later on we had this court case about the rural, the definition of rural, so I think what's happening is we have -- a while back the Federal government or the Federal was trying to define rural as a number of people living within a community and some of us were worried, like in Haines, if we got any larger because our population is growing. And if we got over the limit we would not be considered rural anymore.

And so I don't know if this Council can help address this, that we can back up this position paper or if we can get more position papers from all the other communities and, in turn, they bring it to our Council. We could maybe write resolutions to back these up or to -- according to ANILCA. And that's all I wanted to say.

CHAIRMAN THOMAS: Okay. Anybody else? Gabe.

MR. GEORGE: I think there is only one organization that I stood up and walked out and that was with the State Fish and Game Advisory Committee. And it was based on discussion over subsistence and subsistence, you know, was the issue we're talking about at the time. And it was basically our frustration, because as you are all aware that the State Advisory Committee system was made up of commercial fishermen, sports fishermen, sport hunters and we were a very small voice in that, even though there was Federal regulations that stated that, you know, subsistence would be a priority.

The intent of -- and I think that's one of the reasons why we exist today. Not because I walked out, but because of, you know.

MR. ANDERSON: (Indiscernible - laughter)

MR. GEORGE: Yeah, I knew Lonnie was going to say something that's why I said, not because I walked out, but because of the issue of subsistence and the recognition of that was not taken as seriously as it is today, you know. And certainly it's serious today. I mean, you look around here and look at how many dollars are sitting in front of us and around the table, you know, it an issue that was negotiated in Washington, D.C. under Federal legislation and the Natives had a big part, you know, in that play. There was land, you know, there was fish and wildlife and certainly the fish is still an issue, but it's going to be addressed.

So I share the frustrations -- I mean I know how frustrating it can be. I know that only that like, you know, a lot of species were left out and today we're still -- the burden is put on the subsistence users to come up with addressing subsistence uses of resources. And the burden is put on us. The burden was put on people who, basically, for, you know, those that really was part of their life didn't have a way to communicate in writing, like many of us do and many of you folks do it terms of writing papers and position papers and resolutions and all that. And certainly throughout the state there are people who didn't write hardly at all, but were very dependent on that resource and who cared.

I'll tell you this much, there was a lot of managers, there was a lot of the public, a lot of different people that looked and said, so, I'm going to go sport fishing, I'm part of this coalition, I'm part of this, you know, group and I'm going to fight for what I want and that's the way the world is today, it's on an individual and me basis versus the way that the Subsistence Council is not addressing it or the Board is now addressing it. It's looking at it as a community and extended family basis. The way the State looked at it, and I was part of that, was on an individual basis, individual bag limits, individual seasons and couldn't address because of legal parameters, you know, the way that subsistence resources were taken. And now we're doing it.

And my question to the State is how are you going to incorporate that changes if and when the State ever takes over management of those resources again. Now, I haven't see it addressed. I've asked people, you know, like I -- because there are differences. You know, I was asked today whether I enjoyed this kind of participation in a Council and all and I have seen significant changes in the way subsistence resources are managed and the way it's addressing subsistence users on a real every day basis. And, no, I don't know of any regulatory process that makes everybody happy, that's why they're regulatory regulations and the process that's in place is because there's something that has to be managed. Managed means somebody is going to be controlled and in our society today, in our great democratic individual society we look at ourselves and what we want, you know.

Anyway, I just also wanted to vocalize a little bit of what I seen over the years and I was part of the, you know, process with the State. I was a researcher with the State, I'm part of the Federal process and all and, yes, a lot of it is frustrating. And I know because of the Federal legislation and the negotiations that went on and then being ambiguous in terms of terms and everything and still some of the resolutions seems to be that was put forth again puts the burden on, but brings the subsistence user up to a higher level in terms of determination and restrictions. What's it say? Something about reasonable opportunity to harvest resource for subsistence. It doesn't say anything about reasonable opportunity for sports users. It doesn't say anything about reasonable, you know, for commercial users. But, you know, everybody has an opportunity to vocalize their concern and their comments to the State and to the Feds and I guess that's what we're here for today.

Thank you.

CHAIRMAN THOMAS: Thank you. We're going to use this as a frustration break. Anybody that's got 10 pounds of pressure or more built up, ask for the microphone. Mim.

MS. ROBINSON: I've calmed down considerably, thank you. I just wanted to say that I don't mind riding on the shirt tails of what Natives in Southeast are trying to do in Southeast Alaska. I understand how that works, I'm not stupid. And I see how it can benefit places like Port Alexander and I think that's great. And I think that we can work together, but that's just it, let's work together. Quit putting me down, I can add a lot to this Council. Don't when you're -- there can be a tone of voice, there can be insinuations that come across as though I am not of value, as though what -- the communities of Port Alexander have nothing to contribute to the cause. And that's not true. And that's what I was trying to get across.

As far as resigning, there's personal things going on in my life, too, that add that, it's not just this frustration here. And I probably won't because I usually don't quit things, I just see it out to the end. Help me stick it out, okay? Thanks.

CHAIRMAN THOMAS: Well, I have to give you all gold stars because this particular topic has gone through some pretty tough people in the past and it's going to go through a lot more tough people before it's over with. I think you folks have demonstrated the most durability, the most wisdom, the most patience and if I could have a facsimile of comparability, I'll use that as well, but you have. The guys that's from the Board meetings have heard me brag about this Council and those of you that are here for the first time can see where my confidence is when I make remarks at those meetings. There's a lot of credibility on this Council and we're really blessed to have it all in one place and people to be so generous with their knowledge, their sentiments, convictions. It really boils down into damn good representation, I'm really proud of this Council, so -- and if this comes up before the end of the day we'll do it again, and it happens.

Is that what they say: 'it happens'? Is that the way?

MR. VALE: Something like that.

CHAIRMAN THOMAS: Is that politically correct? Okay. Anyway, at this point, Mr. Vale is going to bless us with a motion.

MR. VALE: Thank you, Mr. Chairman. Before we got too far away from the Tongass Land Management Plan I have a motion in that regard and because of the importance of the revision to subsistence uses and because of the scheduling of hearings in the communities in late April and the need for this Council to be involved in making recommendations in that plan I move that this Council meet the second week in May in Juneau for one day to address the revision.

CHAIRMAN THOMAS: You heard the motion, is there a second?

MS. ROBINSON: Second.

CHAIRMAN THOMAS: Discussion.

MR. VALE: Discussion, I just feel that it's of a paramount importance that the issues in the plan as they reflect on subsistence that it's our duty and responsibility to look out for the interests of subsistence users in that plan and I think it's an important part of the process that we be involved, that why I make the motion.

CHAIRMAN THOMAS: Yeah, Guy.

MR. CELLIER: John, just a suggestion that you get a commitment perhaps from the planning manager who will be here tomorrow, Ms. Pendleton. That on that day -- now you probably need as much time in advance to get her to commit TLMP leadership to meet with you. The end of your meeting, I guess, if you meet first and you then meet with them, you should probably get -- might get that commitment from her tomorrow.

MR. VALE: Okay, Guy, thanks.

MR. CELLIER: And excuse me, the dates are -- before you set a day you should probably wait about a week or two to be sure that's going to be the right time. I guess they go to Washington D.C. next week and things could change.

MR. VALE: Okay.

CHAIRMAN THOMAS: Leave the motion intact, you can always do something with the date later. Further discussion? Gabe.

MR. GEORGE: Yeah, move to table until we hear from the appropriate agency, unless Guy has some money he wants to bet on the date that it would be.

CHAIRMAN THOMAS: There's a motion to table, is there a second?

MS. ROBINSON: No. Could we amend it?

CHAIRMAN THOMAS: We got to deal with the motion to table. Undebatable, if it doesn't have a second, it'll die, we'll continue with this one.

MS. WILSON: I second it.

CHAIRMAN THOMAS: It's been moved and seconded. All those in favor say aye.

MR. GEORGE: Aye.

CHAIRMAN THOMAS: All those opposed say no.

ALL OTHER COUNCIL MEMBERS: No.

CHAIRMAN THOMAS: Motion fails. Discussion on the motion.

MS. ROBINSON: Okay. I was thinking that we could maybe leave out the second week of May as far as the actual date is concerned until we know more. If we need to wait a week. We should at least pass this that we should meet in May or just make it more general.

CHAIRMAN THOMAS: To be announced?

MS. ROBINSON: To be announced.

MR. VALE: Call of the Chair is fine.

CHAIRMAN THOMAS: TBA.

MS. ROBINSON: Okay, that's fine.

CHAIRMAN THOMAS: TBA, Joe.

MR. VALE: And just one more item. I chose Juneau

because it's more accessible for all the Council members and for a one day meeting I think would be adequate. And I really looked at the second week in May because I wanted to avoid conflicts with the Federal Subsistence Board meeting I know our Chair will be attending the last week in April and the first week of May. And I wanted it to occur after the public hearings in their respective communities, which is in mid to late April, so it seemed to me that about the second week in May was about the best time to -- for that to occur. So at the call of the Chair is good.

CHAIRMAN THOMAS: Further discussion? All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: All those opposed same sign.

(No opposing responses)

CHAIRMAN THOMAS: Okay, that motions carries.

UNIDENTIFIED VOICE: Was that a vote on the amendment?

CHAIRMAN THOMAS: No, there wasn't any amendment. We were confusing to motions with an amendment, but your leader does not get confused.

MS. ROBINSON: That's all that counts.

MR. GEORGE: So the motion that we just passed is that we're going to have a meeting in May per the call of the Chair?
CHAIRMAN THOMAS: Call of the wild, call of the Chair, all the same.

MR. VALE: Tom will come up with the ride for it.

MR. BOYD: That is a consideration, Mr. Chair. I don't want to throw water, I think it's a fine idea. I'm supportive, I'll be looking for dollars for it.

CHAIRMAN THOMAS: Well, this Council knows the character of the money handlers and we know that all things are possible like this.

Okay. Are we ready to move on to updates? Am I leaving anything or anybody out or behind? Okay. Issue, updates. Staff and coordinator. Okay. Tom.

MR. BOYD: I think I'm going to be briefing you, Mr. Chair on the first two items on your issue updates, the rural/nonrural and subsistence fisheries issues.

The rural/nonrural issue is -- let me just broaden that topic a little bit so you understand the framework and most of you may be aware already.

CHAIRMAN THOMAS: Excuse me?

MR. MARTIN: Could you have the gentleman state his name, please?

MR. BOYD: I'm Tom Boyd and I'm with the U.S. Fish and Wildlife Service, Office of Subsistence Management.

CHAIRMAN THOMAS: Thank you.

MR. BOYD: Most of you may be aware that six hearing in different communities were conducted last summer on the Kenai Peninsula. The subject of the hearings were to hear from the Kenai Peninsula residents about a proposal for c&t determinations for some of the designated rural communities of the Kenai.

I'm going to stop at this point and say that this issue is about something that's occurring in a different region than yours, but may be of high interest to you. And so what I'm about to present to you is for purposes of informing you of some of the things that have occurred as a result of the proposal that was submitted by the Southcentral Regional Advisory Council to the Federal Subsistence Board as a result of some of the things I'm about to share.

CHAIRMAN THOMAS: This is going to be of particular interest to Haines and Prince of Wales, because these are two areas of Southeast that are starting to have some resemblance, heaven forbid, of the region you're going to be speaking about.

MR. BOYD: Okay. The hearings that I just spoke about revealed a variety of concerns about the issue that was before them, customary and traditional use, and about subsistence in general as it relates to Kenai communities. Also there were many concerns and comments expressed during this time about the rural designations of communities on the Kenai that were made in 1990 at the beginning of the Federal Subsistence Program. Keep in mind that rural was not the intent or purpose of those hearings, it was c&t or customary and traditional use determinations.

Some of the residents questioned the rural designations of many of the Kenai road connected communities. Some said that subsistence was not a way of life for many of these communities, others disagreed in regard to specific communities. Others say that at least for the road connected communities that they were all the same and that they did not want to be characterized as different. And let me just characterize some of the comments that were made. Basically they did not want to pit neighbor against neighbor.

Just going back a step to when the rural determinations were made in 1990, consideration was given about where to draw lines on a map. And there was some thought put into that, however, to those residents these lines appear to be arbitrary. And so they felt like some communities were in and had a subsistence priority and some communities were out and that they didn't see the logic in some of the considerations that were

made.

So while the purpose of the hearings down there were in regard to customary and traditional use determinations, many of the commentors were challenging the rural determinations made in 1990 as well as the process for making those determinations, and I might say that the process is outlined in Subpart D of the regulations, the rural subsistence regulations.

The Federal Subsistence Board met in July to decide on these customary and traditional use determinations and in the process of their deliberations they acknowledged the commentary about the rural issues that were raised during the meetings. One or two of the Board members were basically making statements about the need to review the process, about the need to acknowledge some of the concerns that were expressed, they were fairly general and broad comments and they did not act on any of those comments. They principally acted on the customary and traditional use determinations in that meeting.

The Regional Advisory Council met again in their fall meeting cycle, like all the councils did, in September and in the third day of that meeting they approved a proposal to make the entire Kenai Peninsula rural. I might point out at this time that I want to make a distinction between what they did. It was not a recommendation to the Board, it was a proposal that they wanted to float for consideration. I might also point out that the idea of redefining communities, the rural nature of communities, was not in the call for proposals. But the Council made the proposal anyway in response to the public comments to make everyone the same or to not pit neighbor against neighbor.

The staff, and I'll point to me here, my staff which has to carry out some of these actions was somewhat confused about how to proceed on this matter. We had heard the Board comments earlier in July about the need to review the process and we heard this new proposal in front of us and we were -- and it was not in our call for proposals, so it stood somewhere outside of the normal regulatory process that we use and so we needed to get some guidance from the Board as to what they saw as the way to proceed. Our regulations even call for a review of rural determinations every 10 years, so the next one would be coming up on or about the year 2000.

So this request was out of sequence with that. That's not to say we couldn't do it, because under special -- the regulations make provisions for special circumstances, we could review a rural determination out of cycle. So the staff needed some guidance on how to proceed, so the Board met in working session on January the 19th and one of the agenda items was to provide direction to staff on how we were going to handle this issue and to clear up some of the mixed signals the staff was hearing.

In short, the Board decided to send the proposal back to Southcentral Regional Advisory Council for further consideration. The Board felt that the proposal was inconsistent with at least some of the testimony they heard

during the six public meetings last summer and they wanted to be sure that the Council was listening to their publics before they took another -- any further actions on this. They wanted the Council to listen to some more of the local testimony, if they chose to do so, possibly come up with other options. I think in short the Board felt that the Council should be the proper forum for public input discussion and deliberation on this proposal and at this point not the Board.

And that's, in short, the action that the Board took, if you want to call it an action. We laid out -- the staff laid out several options for the Board to consider and what they came up with was not one of the options that we laid out, it was something that they felt that, in terms of procedure, they didn't feel it was right for their action on it.

I'm somewhat guarded in my comments today, the Southcentral Regional Council, the primary council on this issue, has not been officially notified, even though it's been discussed with them, yet in writing about this issue, so our timing is a little off here. But because of our meeting schedule and because of the high interest in this Council we wanted to provide you with an update on this action.

Let me just stop there and that's kind of it in a nutshell and I'll let you ask any questions and provide any comments.

CHAIRMAN THOMAS: Yeah, I was at that July meeting. Thank you for that update. And I'd be real interested to know what changes would make the public participation more palatable to the people from that region. The day I was there there was some pretty serious negative testimony and, in fact, the majority of the people who were in attendance at that time chose not to attend the local meetings, but save their meetings to come to Anchorage in hopes to have a better impact there. As it turned out they still had to include the Councils anyway. Or that Council, I should say.

And this thing about neighbor against neighbor, it was a nice point at the time, but I think that relationship was already established before they ever got to -- this is a tough issue, it's a tough area. Yeah, this here is relatively simple by nature compared to the Region 2, is Southcentral Region 2?

MR. BOYD: Yeah, Region 2.

CHAIRMAN THOMAS: Okay. But they got -- there's a lot of different chemistry, different considerations that they have to deal with. And I think they've been doing relatively well though considering and all and I think that as a result of that the rest of the state, I think, has developed a little bit more confidence in what happened because there was some negative speculation from the rest of the regions regarding that area, but after the July meeting I think some of that relaxed a little bit. So I think things are starting to happen a little more right, if there such a think, you know. It's tough, it's a tough area and we respect that.

Anybody have any questions from the comments you heard? Okay. Anything further? Thank you very much.

MR. BOYD: We'll keep you informed as this thing progresses.

CHAIRMAN THOMAS: When will it not be so guarded?

MR. BOYD: I probably shared a lot with you today, so I

CHAIRMAN THOMAS: I understand.

MR. BOYD: I think as this thing unfolds and we share the Board's concerns officially with the Southcentral Council things will open up a little more in terms of discussion about it.

CHAIRMAN THOMAS: It's my ambition that things that happened in this region, things that happen in other regions will give other regions that are dealing with some tough issues some confidence to be more flexible and more trusting in how they approach this.

Thank you again.

MR. BOYD: Then next item, Mr. Chair, is

CHAIRMAN THOMAS: John.

MR. FELLER: Yeah, I have one question, Tom. Thank you, Chair. I was just wondering if the process you were referring to was a regulatory process, are you referring to the need to review process in the Kenai area?

MR. BOYD: Well, it would be in a sense a regulatory process if -- what the Board did was send this proposal back to the Council to find out -- to tell them, based on what they heard, they didn't hear that everyone on the Kenai was rural and they were asking them that they should reconsider this in light of that testimony and that they may want to even engage in a process to take additional testimony if they chose to do so. So that would basically set up, possibly, some additional public involvement, let's put it that way, because I don't know what form that would take, possibly meetings, additional meetings on the Kenai, but that -- the focus of those comments or the receiver of those comments would be the Council as opposed to the Board. And then that the Council would then be the forum for deciding, based on additional public input, whether or not that particular proposal was the one that they would forward for consideration. I don't know if I made sense there or not.

MR. FELLER: Oh, yeah. The council are you referring to the Federal Subsistence Board?

MR. BOYD: The Southcentral Regional Advisory Council.

MR. FELLER: The Regional Advisory Council, okay.

MR. BOYD: When I say Council, I mean Advisory Council.

MR. FELLER: Okay. Yeah, we were always apprehensive about that from the beginning why they picked out Kenai to be first c&t, we thought that was kind of

MR. BOYD: That would be the hard one to do first.

MR. FELLER: Yeah.

MR. BOYD: And we're finding that out.

MR. FELLER: And we're watching real close. Thank you.

CHAIRMAN THOMAS: Okay.

MR. BOYD: The second item is an update on where we stand in the ongoing, I guess, saga of fisheries management within the Federal Subsistence Program. Let me back up chronologically a little bit and say that we had the Katie John versus United States lawsuit that was filed shortly after the implementation of the Federal Subsistence Program and this litigation basically contends that the Federal Subsistence Program has unlawfully restricted jurisdiction to only the non-navigable waters on public lands and that we should extend jurisdiction into navigable waters all over the state.

In March of '94, the Federal District Court ruled that Federal public lands as defined for purpose of ANILCA Title VIII encompasses all navigable waters in Alaska. That case was appealed to the Ninth Circuit and in March of '94 (sic), the Ninth Circuit ruled, I think it was March, let's see -- no, no, April 20th, 1995 they ruled that public lands includes only waters in which the U.S. has reserved water rights, basically changing the finding of the District Court, the lower court. So it narrowed the scope, if you will, of jurisdiction.

Immediately following that -- I might add that the Ninth Circuit left it up to the Federal agencies to define where those waters -- where we had Federal reserved water right are, geographically. So immediately following that ruling the Federal agencies involved in the program under the leadership of the Solicitor's office, our attorneys in Interior, began an effort of trying to, at least, come up with a definition of where those waters are. That has evolved now into a development of some draft regulations to implement the Ninth Circuit's decision.

So while that's been going on, however, more recently in December of this past year the Ninth Circuit issued another opinion, basically reaffirming their earlier opinion in April of '95 and it didn't change the finding that public lands include only waters in which the U.S. has reserved water rights. Shortly thereafter the State filed an appeal on this case in the U.S. Supreme Court, so we have this appeal pending and my understanding is that sometime in the spring we'll know if the

Supreme Court will hear this case. If they do not hear this case then the Ninth Circuit opinion will stand and I assume we'll be given an order from the Court to implement the Ninth Circuit decision.

I mentioned earlier that a drafting process for regulations that implement the Ninth Circuit decision has already been underway. That's being guided by the Department of Interior's Solicitor's Office. My understanding is that they plan to publish those regulations as a proposed rule making sometime in the near future, but I can't give you a date, I don't know it myself. I was told early February and here we are and it's not out yet. And that there would be time for, obviously, your commentary and public commentary on those proposed regulations at that time.

I might add that that draft does not include -- it does not include the Subpart D part of the regulations, the actual seasons and bag limits, if you will, or the methods and means of harvesting that would occur under a fisheries management program. It only includes the general provision of where the jurisdiction is and my understand is that there's also been some consideration of two other petitions that have been filed earlier by the Native American Rights Fund which would -- which requests extension of jurisdiction off the public lands to protect interest on the public lands. And also consideration of another petition from, I want to say the Northwest Arctic Regional Council, I believe, that asked for consideration of jurisdiction on selected but not conveyed lands. So these are primarily jurisdiction regulations that are being drafted.

CHAIRMAN THOMAS: Okay. John.

MR. VALE: What action is coming forth as a result of that petition from the Northwest Arctic, do you know?

MR. BOYD: Those petitions are being considered -- language from those petitions are being considered in these draft regulations that will implement the Katie John decision from Ninth Circuit. They're trying to combine a lot of those provisions into the same regulatory package.

MR. VALE: Could you summarize what -- in that respect, what the draft will say? I mean, you don't have to have word for word, but is it going to go along with that petition and include some areas of the overselection?

MR. BOYD: I haven't seen the language so I can't comment on that. That particular language.

MR. VALE: Could you just sort of tell us, you know, yes or no, is

MR. BOYD: I can tell you that there's some discussion as to whether or not of the inclusion of the selected but not conveyed lands on certain public lands, such as conservation system units. That's been the nature of the discussion. Lands that were selected but not conveyed they remain in Federal

domain, should be included for management purposes or jurisdiction under the Federal Subsistence Program.

MR. VALE: Okay. So presently, am I correct then, in that the Ninth Circuit's decision stands and that those areas with reserved water rights are -- ANILCA should apply to?

MR. BOYD: I'm not a lawyer so I can't tell you exactly. Currently we have not been ordered to implement the Ninth Circuit decision. So what stands at present are the current -- is the current interpretation of the definition of public lands that we're currently operating under. We are anticipating having to implement the Ninth Circuit's decision, so that's why the regulations are being drafted.

MR. VALE: Okay. And one last question.

MR. BOYD: Does that answer your question?

MR. VALE: I guess it does, yeah. I thought I was going to get a different answer though.

MR. BOYD: All that may change, however, if the Supreme Court takes up the case and, you know, we would continue to operate under -- probably continue to operate under the current regulations until that appeal works its way through the Supreme Court and then who knows what that decision will be.

MR. VALE: Okay. So we have some draft regulations that are going to be coming sometime soon in the Federal Register and the process that follows that is you get comment back? The Supreme Court is a big question mark there, but

MR. BOYD: And it may affect that process.

MR. VALE: putting that aside, then there would be some final regulations that -- assuming that the Supreme Court doesn't affect it, that would be published and then it would be proposed rule?

MR. BOYD: No, the proposed rule would be published soon. We'd go through a public involvement process and then a final rule would be published and then we would implement it. That would be generally the sequence. It's a little more complicated than that. I might add here that we would still need to go through a process of getting into the specifics of seasons and harvest limits and those sorts of things, which is a lot more than just jurisdiction where people can fish. So it would be a little more complicated and a lengthier process than what I laid to fully implementing a fishery management program.

MR. VALE: And if the Supreme Court hears the case or the appeal then do you care to speculate when a resolution to that might be?

MR. BOYD: I have no idea. I think maybe toward -- well, there have been some guesses laid out, but I would be reluctant to say, I don't know.

MR. VALE: Perhaps a year?
MR. BOYD: Perhaps a year, yeah.

MR. VALE: Okay. Thanks.

MS. LeCORNU: Mr. Chairman, I missed the first petition, the Ninth petition, did he say? What was the petition?

MR. BOYD: One of the elements of that petition would be to -- has requested that the Federal government extend jurisdiction beyond the public lands to either eliminate or restrict activities that affect subsistence uses on the public lands. In the case of fisheries, for instance, as fish migrate up the idea would be that the Federal government could authorize closures or some kind of a restriction downstream that would affect a subsistence fishery upstream on the Federal lands.

MS. LeCORNU: So would it maybe positively affect us by allowing us to say that there are subsistence uses in the forest other than the timber industry?

MR. BOYD: The wording, as I understand it, is more restricted to the use of fish and wildlife.

MS. LeCORNU: Well, I mean, I'm saying that the principles are still the same that there's somebody to be protected here. And I guess that brings me to my other comment that I don't understand the position of the Federal government and I don't see that there is a positive approach to the Indians and the Natives, all of those rights are reserved to us, they are reserved by us and, therefore, they should be asserted positively and not to wait for any court order to tell you, but to proceed in a positive manner that we know we're right because we've been here for thousands of years and I mean we're still here and we're here in our lives and we're using the land. So I think -- I just don't see where the Federal Fish and Wildlife Service has supported a positive approach, I guess.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: Is this booklet obsolete then? Federal Management of Subsistence Fishing in Navigable Waters of Alaska?

MR. BOYD: I believe some of the assumptions used in that booklet are no longer hold up, if that's what you're asking. That booklet was prepared, I believe -- what's the date on it?

MS. PHILLIPS: August of '94.

MR. BOYD: Yes, many of the assumptions have changed since that booklet was prepared.

MS. PHILLIPS: Thank you.

MR. VALE: One last question.

CHAIRMAN THOMAS: John.

MR. VALE: Is there going to need to be some sort of environmental impact statement conducted as that book there indicated? You know, assuming that there is a proposed rule that's brought into place and is that procedure going to take some time, could you outline that? And if, in fact, that's the case, is there going to be some interim rules brought into place until that process unfolds?

MR. BOYD: I can't answer your question. I will say that the question of whether an EIS is needed is currently being researched by the regional solicitor. They're looking at whether or not there's a legal requirement to do that. I think at a minimum some compliance with the National Environmental Policy Act which requires environmental impact statements would be required and there are varying levels of environmental review that are required within that law. And the EIS is sort of the more fully developed process that you would follow.

If we do have to do an environmental impact statement it would take a considerable amount of time, perhaps a year and a half or so to complete that process. It is a nice tool as a planning process and public involvement process to get -- to engage all of the affected public in the planning part of developing a program like this one. Whether or not it's fully required or legally required is another question and that's the question that the Solicitor's office is reviewing right now. And I don't have an answer for you. I wish I did, I would have a clearer idea of the direction that we would have to be going and the staff resources needed to do the job, but - and I'm hoping by the time they publish the regulations they'll have an answer for us.

CHAIRMAN THOMAS: John Feller.

MR. VALE: Thanks.

MS. WILSON: Did you want to

MR. FELLER: No, go ahead.

MS. WILSON: I just wanted to ask a question, Mr. Chairman. Could you run that by me again, what exactly the Ninth Circuit Court ruled, so I can write down.

MR. BOYD: Fred, do they have a synopsis of this in their packet? There was something that was developed, I know, in our staff work. So that they can refer to?

MR. CLARK: I don't believe so.

MR. BOYD: Okay. If they don't then maybe you could -- and I will repeat it, Marilyn. The Ninth Circuit ruled that public lands includes only waters in which the U.S. has reserved water rights.

MS. WILSON: Public lands includes?

MR. BOYD: Public lands includes only waters in which the U.S. has reserved water rights.

MS. WILSON: Thank you.

MR. BOYD: In short, those are lands that are either adjacent to or within the boundaries of conservation system units.

MS. LeCORNU: Tongass National Forest?

MR. BOYD: That's not clear to me, I think some lands within the Tongass National Forest, but I'm not totally clear on that. Maybe somebody from the Forest Service can respond to that. I know it includes refuges and parks and monuments. I know that most Bureau of Land Management public lands are not included, the waters flowing through those.

CHAIRMAN THOMAS: John.

MR. VALE: Are those conservation units that were in place prior to statehood or prior to ANILCA, do you know?

MR. BOYD: You're getting into some technicalities that will run right over my head, I'm sorry I can't answer, John. All of this will -- there is a complete list that will be laid out in the draft regulations when they come out to hopefully clarify some of this. My experience with it has been it's been a somewhat complex legal problem and dilemma to try and define where these waters are and it -- and as I understand it, it's still being discussed between various attorneys and different departments, so if I try to get into it I'm going to mislead you and I don't want to do that. It's not simple, I'll just leave it that way.

MS. WILSON: I have a question then.

CHAIRMAN THOMAS: Okay.

MS. WILSON: This proposed regulations that are being drafted, will they come into effect in a year or two years; and will there be a dual control by State and Federal on these different waters, like State waters and Federal? I'm not too sure of all of this.

MR. BOYD: The timing of implementation will be contingent upon whether the U.S. Supreme Court takes up the State's appeal. If they do take it up, it will be a year longer before -- if we even get into it, the Supreme Court may rule in another direction and change everything. If the Supreme Court decides not to take it up, then we could see implementation within a year or in a year, I should say, in a year and a half. That's a guess. And will there be dual management? In my view there will continue to be dual management even of fisheries within the state. And that will be very -- that will be a lot of fun.

MS. PHILLIPS: You said it.

CHAIRMAN THOMAS: Anything else?

MR. BOYD: No, sir.

CHAIRMAN THOMAS: Okay. We're taking an official time out, coffee, potty, whatever.

(Off record)

(On record)

CHAIRMAN THOMAS: All right, now we're back to order, thank you. Okay. We're now into B. Issues Update, Number 3, State Proposed Subsistence Solution.

MS. ROBINSON: How about the steelhead?

MR. VALE: I should comment on that, I guess.

CHAIRMAN THOMAS: John. We got one comment coming up first off. Steelhead.

MR. VALE: I guess I have some additional information on the steelhead issue that I wanted the Council to address and it seems to have gotten lost in the shuffle, so I asked Bill to move that till tomorrow till I can get you all copies of that additional information.

CHAIRMAN THOMAS: We'll tend to that during lunch. With regards to that particular line item, State Proposed Subsistence Solutions Bob is going to give us some information, he's going to kind of leave it up to the Council as to what questions they might have or what concerns they might have around there. But before we start, is there anybody else in here that is wanted to comment during this same agenda line item time?

Okay. Proceed.

MR. SCHROEDER: Mr. Chairman, I do have some copies of the version, what's referred to as version two of the Alaska Solution if people don't have them and they'd like to look at them. I think Fred has included copies in the handout.

CHAIRMAN THOMAS: Right.

MR. SCHROEDER: This is basically pretty much fresh off the press. You'll see on the bottom of my copy it was stamped in on February 2nd. I've read through it, I more or less understand it. I'm not really prepared to give a detailed explanation and -- but maybe I should give a little bit of background on where the Alaska Solution is coming from. Three governors have attempted to resolve the dilemma of dual management in the state of Alaska. You'll remember that Governor Cowper called a special session and came within a couple of votes of allowing the Alaska public to vote on an amendment to the State Constitution that we put the word 'rural' in. You'll also remember that Governor Hickel had a -- I believe it was -- I'm not sure if it was a Subsistence

Commission or Council that met for quiet a number of months and came up with a proposal to the Legislature which was changed and the Legislature created the 1992 Subsistence Law.

The Knowles administration is attempting to come up with a solution to the subsistence problem by following quiet diplomacy. Our Lieutenant Governor, Fran Ulmer, has been talking to a lot of people. Working with a consultant and finding out what it is that people want out there, what it is that they can't stand and trying to craft something that would be acceptable to all the people who basically have to go along with a solution to the subsistence problems and the problem in Alaska.

The version before you is draft two, it -- I'm assuming you probably read through draft one at some time or another. The solution calls for a package of things which would all need to occur together, which include some regulatory changes, a change to the Alaska State Constitution, changes to the Board structure, mainly the Regional Council structure under the State's system and changes to ANILCA.

Version two differs from version one mainly in the following way. Version one included a provision for providing a subsistence priority to two types of people who lived in urban Alaska. The one category of people were people who didn't want urban Alaska to come there but it came anyway and they got surrounded by urban Alaska. And the earlier version attempted to have a provision for those people.

The second group of people who were provided with subsistence priority in the earlier version were people who moved from a place where they did subsistence activities to an urban area and wished to continue doing those subsistence things back home or back where they previously lived. Both of those provisions didn't receive a good deal of support after the earlier was out for comment and they also seemed to be really tough to figure out how you actually administer them and how you get them to work, so those were dropped from this particular version.

Mr. Chairman, I think I'll just leave it at that and if people have any questions I'd share my knowledge of this proposal and see what way the Council wished to go with it. Thank you.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Thank you. So what were those two priorities replaces with, if anything?

MR. SCHROEDER: In this version there is no priority use for anyone living in urban Alaska. And urban Alaska starts out as being defined, there's a list of communities in here, which would be referred to as Category 1 communities and if the -- this version assumes that these would be rural places and basically the other places that aren't listed would be urban places. So there wouldn't be any priority for people in urban

places. There would be -- two things are discussed in here, one discusses the provision of educational and cultural permits for the enveloped groups. So if there was a group that had been enveloped by Anchorage, this directs the Department to come up with educational and cultural permits so that people could pass on cultural traditions.

The second provision for people going back someplace or going to a rural area from an urban place, it extends proxy hunting and it talks about someone from an urban area being able to hunt for someone in a rural area under some conditions. The conditions being mainly that this hunting can't really increase the subsistence take. So in other words, if someone from Juneau went to hunt for someone in Hoonah, the total subsistence take from Hoonah should not go up, is the intent of this.

MS. ROBINSON: So the rural person would have to give up some of there's -- what they, maybe, would ordinarily take so that the urban one could get their share? That's what it sounds like.

MR. SCHROEDER: Something like that. The idea would be that -- I think this is just reading between the lines, but there are quite a few areas where there is a lot of contention over moose or caribou and the idea wouldn't be all of a sudden you'd be taking a lot more moose in an area than you did before.

CHAIRMAN THOMAS: I have a couple of observations to share. I responded to the first draft in the capacity of the Chair for the Grand Camp Subsistence and in there I mentioned that it looked like the language in the first draft was designed completely on the Kenai Peninsula. I look at this one here, it's not quite as long, but it still looks like it came from the Kenai Peninsula.

I want to point out on Page 11 of this draft, Paragraph (f). I underlined five highlights or four highlights that you wouldn't find in any other regulation. The paragraph reads: For the purpose of this section reasonable opportunity. You won't find another regulation that says: 'reasonable opportunity'. It means an opportunity determined by an appropriate Board. You won't find that applied in any other regulation. That allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent. You won't find that in another regulation. Normally diligent participants with a reasonable expectation. Nor will you find that.

This just goes to show you the burden that subsistence participation carries with it. I don't find any of that reasonable. I find it very diligent. But these are just some of the -- I really have a really difficult time, personally with what they have come up with so far, but that's only a single person's observation.

Does anybody else have any observations or questions or comments? Is anybody mad at Rob. John.

MR. VALE: Could you outline briefly how the proposal affects the Regional Council system?

MR. SCHROEDER: As I understand it, if you look in this packet on Page 32, this is most of what is in there for the Regional Council. I think there's another paragraph that may say something about how a Regional Council is to be constituted. At this moment the -- is it on Page

MR. SUMMERS: Page 12.

MR. SCHROEDER: On my copy it's Page -- we're talking about 32 as the language? Twelve is the language, okay. Page 32 is what I was looking at, the diagram.

MR. VALE: Yeah, I found it.

MR. SCHROEDER: This is mostly going back -- the system would resemble a lot what we had in 1989 with these things that seem different. One difference is that the Board would be appointed by the Governor from nominees submitted by local government organizations, local Fish and Game Advisory Committees, et cetera. A second is that the membership, as written right here, talks about six seat reserved for residents eligible for subsistence. And three seats for those who may fish for fish and wildlife resources in an area, but who aren't necessarily subsistence eligible.

The Regional Council would make recommendations to the State Board. State Boards would follow basically the similar procedure requiring a substantial evidentiary standards similar to what was going on before. All subsistence proposals would go through a Regional Subsistence Advisory Council

So that's pretty much the way I understand it.

MR. VALE: Would those appointments have to be confirmed by the Legislature?

MR. SCHROEDER: I don't know.

MR. VALE: That's not shaken (sic) out yet, then?

MR. SCHROEDER: I didn't see anything in here. Someone might know how appointments to boards and commissions take place. For the other boards and commissions I'm familiar with they usually go by the Legislature and that's sort of for the Board of, you know, Scale Standards and that seems to be normal procedure.

CHAIRMAN THOMAS: This will probably be an appointment by the Department of Natural Resources.

MR. VALE: I just have one comment, I guess, on that. And that is that I'd be very much concerned that the councils would be subject to the political whims of the administration that was in power and, for example, I'd be very much concerned of what sort of Regional Councils the Hickel administration would appoint, so I guess I personally would have some trouble

with that aspect of this.

CHAIRMAN THOMAS: Be nice, John.

MS. WILSON: Mr. Chairman.

CHAIRMAN THOMAS: Marilyn.

MS. WILSON: Yeah. Would this be a separate council, would the State have another council, a Regional Council for this?

MR. SCHROEDER: This solution envisionages (sic) a Federal government withering away, I believe. Well, that doesn't say withering away. Basically, the goal of the proposal is to eliminate the current -- to regain management for the State and under those circumstances the Federal management program would disappear over some appropriate time, I guess. So there wouldn't be two Regional Councils.

MS. WILSON: I would be worried. A few of us were on the State Regional Council and they never ever addressed subsistence proposals until, I think, 1988 or '89, the Federal government was kind of pressuring the State at that time, I think. And anyway, we did address it and it was a very hard council to be on, very hard if you were a subsistence. I would hate to see that happen again. The subsistence proposals would probably never be addressed is my worry.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Just in response there a little bit, Marilyn. I think that this Council and the others that have been formed are so totally subsistence oriented, from what I've seen and heard, that it -- hopefully it's kind of changed the nature of the Regional Councils from what they used to be. And if these councils stay in existence -- if something like this is adopted and these councils state in existence I would assume that the way this has operated, you know, with this attitude and this mind set, that would remain. Because we are -- it's not just a Regional Council, it's a Subsistence Regional Council, and the old councils never had that title. So maybe that would help.

CHAIRMAN THOMAS: Anybody else? If something comes to mind before we finish tomorrow we can always come back to this.

MR. SCHROEDER: Mr. Chair, just I point out this is a draft and it's -- it doesn't represent a proposal at this moment by either Fish and Game or the Knowles administration. And probably your best way to have input is to send comments through -- direct to the Lieutenant Governor on Page 5. I definitely would make some notes from what I heard and pass those on, but right now since I haven't been able to give you a real presentation on this proposal, you haven't had a chance to read it, that wouldn't be a fair way of getting comments back.

CHAIRMAN THOMAS: Appreciate your effort and appreciate your help with this.

MS. LeCORNU: Bill, can I make one comment?

CHAIRMAN THOMAS: Sure.

MS. LeCORNU: I just wanted to say, why the Native people of Alaska would want to support something like this, it doesn't -- I don't see where you're going to protect anything, but you're going to take everything away from them again. You know, why any Native would even want to vote on it is beyond me because we're going to lose everything that we've gained in these last few years. Or why anybody would want to vote -- I mean, they don't ask people to vote on Rockefeller's fortune, but the State of Alaska gets to vote on my property, right? And I don't think that's right. That was a Congressional mandate for protection and if the State of Alaska thinks they can go above and over everybody's head and get a public comment to deprive my right is wrong. Any public comment can't take that away.

That's all I have.

CHAIRMAN THOMAS: Thank you. Question.

MR. CLARK: Mr. Chairman, I'd just like to point out that the comments on this particular version are due the first of next month; is that not correct?

MR. SCHROEDER: That's correct.

MR. CLARK: You don't have a whole lot of time to work on it and Bob's comments about where your comments are best placed are right on the money. If you want to respond the best way to respond is directly to Lieutenant Governor Ulmer, rather than through the Federal Subsistence Board or the Federal staff. Just make your comments directly to the Governor's office.

MR. SCHROEDER: And in the next couple of days I'm sure the staff here who are familiar with the proposal will -- could point out what they have figured out and what's going on there, if that helps the Regional Council formulate its opinion.

CHAIRMAN THOMAS: Okay. Now, one of the thing that I have been careful with in responding to this type of effort is that I don't know what the Board's feeling is as far as us responding as an arm of the Federal management system. However, if you do respond -- if I respond I would do it as a private individual, I wouldn't associate myself with the Feds on this one because there's too many things that can happen. They probably won't, but they can.

Mim.

MS. ROBINSON: Well, first I just wanted to note that you're referred to in the footnote on the first page, not by name, but by inference. At the bottom of the page, did you see that?

CHAIRMAN THOMAS: Who me?

MS. ROBINSON: You, yeah.

CHAIRMAN THOMAS: Yeah.

MS. ROBINSON: The other thing, I was think differently from you. I thought it -- to me it seems appropriate that we would comment on this and I would suggest that there be a group that's interested to get together tonight and write a letter and present it to the Council tomorrow. And, no, I don't want to be on it. But it seems like this sort of an issue calls for that kind of a thing to happen like this evening or something. Because it really should be commented on, I think. I don't know.

CHAIRMAN THOMAS: Your wish is my command. Marilyn.

MS. WILSON: To me the last time that we had something like this to work on is the language, the words that they use that are very pretty and that I don't trust. So to come up with something like the position, Mim, that would be very time consuming it seems. I, for one, as this goes, don't trust it. I think subsistence has been hurt Alaska since they first started fishing. It would be pretty hard for us to come up with something either pro or con against it.

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: What you just said could be elaborated on and put in the letter.

CHAIRMAN THOMAS: That's right. That was a good comment.

MR. SCHROEDER: Mr. Chairman, just my experience in hearing how this is developed is that I really think that the Lieutenant Governor's office does have an open ear and an open mind to hearing from what people think. And the members of the Council have a good deal of experience in dealing with subsistence regulation and the system, so perhaps -- I don't know that you have to think the comments would have to be a hardy thumbs up or thumbs down, but it could be really useful to comment on things that do come up and seem to be important to you, even if it's not the usual thorough job that you want to do where you work over every line and make sure that you thought of everything.

CHAIRMAN THOMAS: I think I can attest to them having an ear because Mim's right, the bottom of Page 1, the first sentence was responding -- referring to me down to the first time Kenai was mentioned. And they did take a lot out of the first one, I mean, there's a lot missing from the first one that's not in here now, see, so -- but I'm not going to send another one.

Okay. Anything further, Bob?

MR. SCHROEDER: No, that's all for me and

CHAIRMAN THOMAS: Gabe.

MR. GEORGE: Yeah, I guess, some of the problems I have is certainly semantics in the way this whole thing was written. I mean, you know, somebody tried something and I don't know if it's appropriate, you know, like what our Chair pointed out in terms of the word 'reasonable' in terms of opportunity for take and subsistence is -- like he said, there's no word in there for 'reasonable', was it versus unreasonable, you know? And there's nothing like that, this isn't said that way in terms of sports, commercial or personal use.

The other thing is that the commercial versus non-commercial being put in there also, you know, I think, misleads the public and misleads people in terms of addressing subsistence. I think that the regulations and all should address subsistence uses. Anything that isn't a subsistence use, you know, I mean you can list them all, but you need to list them all in all the other ones also. You know, is sport fishing a non-subsistence, non-commercial, non-hobby, non -- I mean, there's a lot of non things you can add to things that are something, you know. I feel quite uncomfortable with -- from Page 9 on in terms of exclusion and inclusion also in terms of wording.

And I haven't gone through it all, but I felt just like Bill did in terms of the way this whole thing was written up and used -- and the words that they used. I mean, people use the word 'reasonable' in many context and mostly it's to win over somebody, you know, but does it have any meaning or justification to be place in here? I don't think so, unless it's placed in all the other types of regulations that the State Boards of Fish and Game come up with.

I think that the -- on Page 32, you know, there's -- I don't know if there'll be some problems with that or not in terms of the way things have operated in the past and the way things will operate in the future in terms of regulations and people on seats and all, but I guess that's all to be looked at in the future and certainly if we don't make comments and it does pass then, again, talk about a frustration level. And living in Southeast Alaska, being a Native in a Native rural community and you don't have your say and you live by what, you know, by what comes down on you if you don't try to make changes. And again, is stand commenting versus stand up and leaving, you know, and neither way is a happy way. But one way, again, is somewhat of a self determination and opposing your values on what you'd like to see. Because if it comes to pass, I'm not saying it will because I think there's a lot of holes in terms of how the State can address regulations that have passed and incorporating them into their regulations.

With that, do you see any current regulations that the subsistence board or, you know, Federal regulations that have passed, how would they be incorporated? Would they be automatically placed into regulations, State regulations, for

subsistence users? Any inclination of what's going to happen there?

MR. SCHROEDER: I think, Mr. George should write this letter.

CHAIRMAN THOMAS: Is there a second?

MR. SCHROEDER: There are a lot of questions that come up that aren't covered in here and I think the Chair is hitting on the -- the 'reasonable opportunity' comes out of our present subsistence law which was written in 1992 and it clearly is a different standard than the one that the Regional Council and the Federal Subsistence Board applies, which is 'least adverse impact' and those two standards, if you think about it, they may account for a lot of the divergence between the State's system and the Federal system.

CHAIRMAN THOMAS: Got to consider the language, right?

MR. SCHROEDER: Pardon?

CHAIRMAN THOMAS: Consider the language it's written in.

MS. WILSON: Mr. Chairman.

CHAIRMAN THOMAS: Marilyn.

MS. WILSON: Yeah, Bob, I wanted to ask if the State, once we all put in our comments and say how we want this to be, is the State going to try to change Title VIII? And how do they do that, is it with a consensus of the Federal Legislature, you know, our own or just the State?

MR. SCHROEDER: Mr. Chair and Marilyn, incorporated in this version of -- as I said, there's a package of changes that need to take place as this is seen, as this is presented right now. One piece of the package are changes to ANILCA. The changes to ANILCA that I -- to my understanding, are changing ANILCA to adopt certain definitions, including the definition 'reasonable opportunity', but there are a number of other definitions that the solution would insert into -- this version of the solution would insert into ANILCA.

The other provision that would be inserted would be a provision that would end the Federal management, so that that wouldn't be ambiguous. So that it would amend ANILCA to say that when the State does these other things that the Federal management system will disappear.

MS. WILSON: On all the committees, commissions, councils I heard from everybody is worried that when we go into ANILCA and open it up to change anything in there, we might lose what we already gained in protection for our subsistence. And I think a lot of us are against even opening up Title VIII because there's such a danger that we'll lose a lot of our rights to subsistence use.

CHAIRMAN THOMAS: Tell us it isn't so.

MR. ANDERSON: Mr. Chairman, Harold wants to say something.

CHAIRMAN THOMAS: Harold.

MR. MARTIN: Is audience allowed to participate?

CHAIRMAN THOMAS: By all means. Got to come up to the mic. We got rules in our establishment here.

MR. VALE: Anytime Joe start raising his hand you got to get to a mic.

MR. MARTIN: Thank you, Mr. Chairman. In reference to Marilyn's comments on -- what were you talking about?

CHAIRMAN THOMAS: Opening ANILCA.

MR. MARTIN: You know this getting old is getting to be a real tough business, I'm not only getting blind I forget everything, too, if I don't write it down.

But during Murkowski's address to the Legislature last month, well, earlier this month. That was last month, he stated that he was willing to open ANILCA for amendments and he talked in reference to the Constitution. We wrote a letter of protest to him, you know, we stated that there was no consensus reached in reference to these proposals, so he shouldn't be threatening to open ANILCA for amendments.

The other thing is 'reasonable opportunity', ANILCA states that reasonable opportunity means that you are not guaranteed a successful hunt. Simple. I mean, that's all it means and the State is going to take it further. And if you look on Page 35, under Known (ph), he says: the concept of reasonable opportunity defined in State statutes, you know Alaska Statutes, would be incorporated in ANILCA in order to clarify the scope of the priority granted in section. We look at this as very dangerous.

There's one other point I wanted to make. Oh, in reference to Native plus. What this particular document allows us urban Natives to do now is apply for an urban -- for a cultural permit to participate in subsistence.

I just wanted to make those points, Mr. Chairman.

CHAIRMAN THOMAS: I got sign language for that statement, so.

Thank you, Bob. We are now declaring a recess till 9:00 a.m. tomorrow.

MR. SCHROEDER: So, I'm off the hook now?

CHAIRMAN THOMAS: Mim.

MS. ROBINSON: Is there going to be a group that's going to try to write a letter in response to this or are we just going to ignore it?

CHAIRMAN THOMAS: No, no. I'm considering action like I took at the last meeting to get this done. If you remember what I did in Craig.

MS. ROBINSON: Well, tonight's the night.

MS. PHILLIPS: I haven't even read it yet.

MS. ROBINSON: If you don't want to meet Saturday then it'll have to get done during the day tomorrow.

CHAIRMAN THOMAS: We can do it over the hotel, right?

MS. ROBINSON: Yeah. Who ever was interested would
.....

CHAIRMAN THOMAS: Do you want to head that up again?

MS. ROBINSON: No, I don't want to do this, it's somebody else's turn.

CHAIRMAN THOMAS: Who wants to head it up? Somebody's got to head it up? Vicki, you be the key person?

MS. LeCORNU: Yes.

CHAIRMAN THOMAS: Okay. Who wants to work with Vicki on this comment? Marilyn. Marilyn the only one?

MR. ANDERSON: Mary.

CHAIRMAN THOMAS: Okay.

MS. WILSON: We need some men.

CHAIRMAN THOMAS: Draft it over at the hotel afterwards. Okay, 9:00 o'clock tomorrow. Reminder, tomorrow night at 6:00 we're going to have some traditional dancing for a half an hour.

MS. ROBINSON: When the group met in Craig after hours at the hotel, there was a lot of staff people present that really, really added a lot for writing our letter so I would really encourage any staff people. Maybe you can pick a time and place for them so they know where you're going to meet.

CHAIRMAN THOMAS: If anybody is interested, check with Vicki. I'll make my announcement again tomorrow about the dancers.

(Off record)

C E R T I F I C A T E

UNITED STATES OF AMERICA)
STATE OF ALASKA) ss.
)

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 90 contain a full, true and correct Transcript of the Southeast Regional Subsistence Advisory Council, Volume I, meeting taken electronically by me on the 8th day of February, 1996, beginning at the hour of 10:00 o'clock a.m. at the SNO Building, Wrangell, 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 16th day of February, 1996.

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