

00319

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL COUNCIL MEETING

3
4 VOLUME III

5
6 Craig, Alaska
7 October 8, 2003
8 9:00 o'clock a.m.

9

10

11 COUNCIL MEMBERS PRESENT:

12

13 John Littlefield, Chairman

14 Bert Adams

15 Mike Douville

16 Don Hernandez

17 Harvey Kitka

18 Floyd Kookesh

19 Patricia Phillips

20 Richard Stokes

21 Marilyn Wilson

22

23 Regional Coordinator, Robert Schroeder

00320

1 P R O C E E D I N G S

2

3 (Craig, Alaska - 10/8/2003)

4

5 (On record)

6

7 CHAIRMAN LITTLEFIELD: Good morning,
8 ladies and gentlemen. First, I'd like to congratulate
9 the apparent winner of the Craig City Council, one of our
10 Councilmen, Mr. Mike Douville. Congratulations, Mike.

11

12 (Applause)

13

14 CHAIRMAN LITTLEFIELD: That just shows
15 some of the community support that some of these members
16 have and he's well thought of here. We look at him as an
17 expert of the area, too. I have us, by my notes, on the
18 agenda at Proposal 40. We were on Regional Council
19 deliberation, justification and recommendation. Are you
20 ready for the question? I think we've hashed most of it
21 out, but one thing we need to do for the record for the
22 Federal Subsistence Board is go through the four
23 proposals, so I'll need the Councilmen to cover that in
24 their discussion.

25

26 Number one, remember, is are there any
27 conservation concerns. Number two, the effect on
28 subsistence users. Three, the effect on other users.
29 Four, the kinds and types of information that were used
30 to make your decision.

31

32 I have Proposal 40, preliminary
33 conclusion starting on the bottom of page 269 in your
34 Board book and the top of page 270. I will entertain a
35 motion of Council's wishes. Ms. Wilson.

36

37 MS. WILSON: Didn't we pass something
38 yesterday saying only sockeye could be taken or is that
39 customary and traditional, C&T, for Wrangell?

40

41 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
42 could you please review proposal -- what was it? I can't
43 remember exactly which one it was. Proposal No. 29, was
44 it? If you could review the terms of that that affect
45 this.

46

47 DR. SCHROEDER: Mr. Chairman. The
48 Council passed Proposal 29, I believe, which is found on
49 page 159, and it was amended in two ways. The one
50 amendment eliminated the non-salmon species from

00321

1 consideration under this proposal, so it only applies to
2 salmon, all salmon species. The second change had this
3 customary and traditional use determination apply only to
4 Wrangell. This motion passed unanimously by the Council.

5

6 CHAIRMAN LITTLEFIELD: Did that answer
7 your question? So we're talking only about salmon and
8 only for Wrangell. Is that Council's wishes? Ms.
9 Wilson.

10

11 MS. WILSON: Mr. Chairman. I move that
12 we adopt this proposal.

13

14 CHAIRMAN LITTLEFIELD: Just for
15 clarification, your motion was to adopt the language of
16 Proposal FPO4-40 and, for clarification, I'm looking at
17 the bottom of page 269 and the top of page 270. Is that
18 the language you were intending to adopt, Ms. Wilson?

19

20 MS. WILSON: Mr. Chairman. I take my
21 motion back because I don't know what I'm doing here.

22

23 CHAIRMAN LITTLEFIELD: For clarification,
24 the Council can take any part of Proposal 40 that they
25 wish. They can take the original proposal as proposed on
26 page 259 on the executive summary, but it's my
27 understanding during discussion with the proponent, which
28 was Dick Stokes and Dolly Garza, Council members, that
29 during discussion they needed to address some items and
30 those were addressed by the language that's on page 269
31 and 270 and I believe Ms. Garza did not have any comments
32 against that. That was the language she supported. I
33 suppose I should ask Mr. Stokes if he concurs that that's
34 the language he supported.

35

36 MR. STOKES: Yes, I do.

37

38 CHAIRMAN LITTLEFIELD: Mr. Adams.

39

40 MR. ADAMS: Thank you, Mr. Chairman. I
41 move that we adopt the Proposal No. 40 as identified in
42 the language on page 269 and 270.

43

44 MR. DOUVILLE: Second.

45

46 CHAIRMAN LITTLEFIELD: It's been moved
47 and seconded to adopt the language of FPO4-40 as shown on
48 the bottom of page 269 and 270. Council discussion. Mr.
49 Douville.

50

00322

1 MR. DOUVILLE: Thank you, Mr. Chairman.
2 I support the motion as I believe it fits the four
3 criteria that we are charged with considering on these
4 motions. I believe they do cover each of the four
5 criteria.

6
7 CHAIRMAN LITTLEFIELD: Thank you, Mr.
8 Douville. To remind everyone, there are four concerns.
9 I'm sorry I don't have the cheat sheet. We should have
10 had this made up for the Council members, but we don't
11 have one. The four things we need to consider are the
12 conservation concerns. In other words, we were told this
13 is a little over 1,100 fish. I think if you look in Item
14 B it was 125 chinook, 600 sockeye, 400 coho salmon, so
15 we're talking about 1,125 fish out of the Stikine, which
16 can't possibly be a conservation concern in my mind. So
17 that was one of the things we wanted to make sure was on
18 the record.

19
20 The other would be the effect on
21 subsistence users and I believe you've heard from Mr.
22 Stokes that it would be positive and it would be minimal
23 to very few families, but it would be a positive effect.
24 Three, the effect on other users. There wouldn't be any
25 effect that I see, personally, but other Council members
26 should comment on these. Four, the kinds and types of
27 information and are they adequate. That's the
28 information that was presented in the Board book as well
29 as by the ADF&G comments as well as the proponents and
30 what they've been doing. So those four things. Other
31 Council. Mr. Hernandez.

32
33 MR. HERNANDEZ: Thank you, Mr. Chairman.
34 I also support the motion to adopt this proposal. I do
35 not feel there is a conservation concern given the low
36 level of anticipated harvest on the fishery. I believe
37 by establishing a guideline harvest level for the fishery
38 that will allow for a low impact on other affected users
39 of the resource. I definitely believe that it does grant
40 an additional subsistence opportunity for the local
41 people, in this case Wrangell, who we decided had
42 customary and traditional use for the area. Also by
43 limiting the customary and traditional users to the
44 people of Wrangell, we also minimize the effects on other
45 users of the resource. I'm satisfied with the
46 information that was presented to us to arrive at this
47 decision.

48
49 Thank you.
50

00323

1 CHAIRMAN LITTLEFIELD: Thank you, Mr.
2 Hernandez. Other Council. Mr. Schroeder.

3
4 DR. SCHROEDER: Mr. Chairman. Dr. Garza
5 is not able to be with us today. She gave me notes that
6 relate to the Stikine River fishery. I'll incorporate
7 these notes into the record. Very briefly, Dr. Garza
8 notes that the Wrangell tribes have harvested salmon from
9 the Stikine for thousands of years. The use of salmon by
10 Wrangell residents is strongly affirmed by ethnographic
11 studies and through oral tradition. The Wrangell elders
12 wish to have the opportunity to teach their children and
13 grandchildren how to use and respect use of these salmon.
14 She notes that this issue has been discussed before the
15 Pacific Salmon Treaty and the Board of Fisheries and is
16 moving through the Transboundary Panel that abundance-
17 based management is well along, which should provide even
18 greater protection for the stocks at hand. She believes
19 that fish can be allocated to the subsistence fisheries.

20
21 A main concern on the Canadian side of
22 the treaty process was that a subsistence fishery would
23 be extremely large and possibly have negative effects on
24 stocks or on other existing fisheries. Dr. Garza
25 believes that the current proposal effectively addresses
26 that concern. She also notes that the Council supports
27 the further involvement of herself and Council member
28 Stokes to meet with Canadians when possible and also with
29 other members of the Transboundary Panel to communicate
30 on our interests and actions. She also requests,
31 obviously, that the Federal Subsistence Board support
32 Proposal 40 as presented in the workbook. That's what I
33 have for Dr. Garza.

34
35 CHAIRMAN LITTLEFIELD: We'll add those to
36 the record. Mr. Adams.

37
38 MR. ADAMS: Mr. Chairman. My colleague
39 on my left here has brought to my attention the
40 biological background on page 267. I think that provides
41 us with real good justification for accepting this
42 proposal. Just a note on the very last sentence of that
43 first paragraph. It says that in some years there may be
44 a conservation concern for any of the three species in
45 the proposal, however generally there are harvestable
46 surpluses of all three species. So, in the area of
47 conservation concern, I don't think that is any problem
48 with the proposal and I think it meets all of the other
49 three criteria that we have established for determining
50 the ups and downs of it.

00324

1 CHAIRMAN LITTLEFIELD: Thank you, Mr.
2 Adams. Mr. Kookesh.

3
4 MR. KOOKESH: Just to go a little further
5 on what he's talking about, if you look at the biological
6 background on page 267, it does say that a major
7 enhancement project is ongoing with sockeye fry being
8 planted in the Tahltan Lake and that for 2002 the
9 preliminary estimates for returns of sockeye was
10 approximately 90,000 and for 1991-2001 it states it's
11 almost like 200,000 fish for the runs and that spawn
12 escapement for chinook for 2001 was 66,500 fish. So when
13 we look at the percentages that speaks to the motion, we
14 know that's very insignificant, the amounts just for
15 chinook alone.

16
17 CHAIRMAN LITTLEFIELD: Thank you, Mr.
18 Kookesh. Dr. Schroeder.

19
20 DR. SCHROEDER: I just have one
21 clarification. When Mr. Larson presented material to the
22 Council, he explained how the harvest guideline was
23 reached in point B of the proposal. The discussion with
24 the Council indicated that that was likely to meet
25 subsistence needs at this time and possibly would be
26 providing the amount necessary for subsistence as best we
27 can say at this moment. I'd like to ask Mr. Stokes if he
28 agrees with that because I wanted to make sure our record
29 was clear on that.

30
31 MR. STOKES: Yes, I do agree with it.
32 Thank you.

33
34 CHAIRMAN LITTLEFIELD: Ms. Phillips.

35
36 MS. PHILLIPS: Chairman Littlefield. I'm
37 going to vote in favor of the proposal with the
38 modifications stated earlier. Under regulatory history,
39 page 266, third paragraph down, it states the Board of
40 Fish was supportive of the subsistence fishery and
41 requested that the department negotiates appropriate
42 agreements with Canada that will allow Alaska subsistence
43 fisheries in the Stikine River to be implemented.

44
45 In further good faith, I appreciate that
46 Andy McGregor was here from ADF&G Comm Fish to address
47 this Council and to hear our concerns and I would like to
48 thank Dick Stokes and Dolly Garza for staying with this
49 issue from the very beginning. I know it's not over yet,
50 but I appreciate their efforts to get it through,

00325

1 recognizing subsistence needs and uses on the Stikine
2 River.

3

4 CHAIRMAN LITTLEFIELD: Thank you, Ms.
5 Phillips. Other Council. One last thing from me would
6 be the kinds and types of information. I think it's
7 important to differentiate that this Council doesn't have
8 to prove anything exactly in black and white. What we're
9 required to do is to meet the substantial evidence rule
10 and that means that if all the information that we've
11 heard from experts like Mr. Stokes as well as Dr. Garza
12 and others, if we take all of that together, I see
13 absolutely no problem with meeting these other things.
14 There are no conservation concerns. This is a positive
15 for the subsistence users and it's not going to harm
16 anyone else. So when you take all of that together,
17 that's what we use to make our decision, notwithstanding
18 the State's opposition to this. I understand they're
19 opposed to it and I understand that reason, but that
20 doesn't stop me from supporting it. Are you ready for
21 the question, Council? Mr. Adams.

22

23 MR. ADAMS: Mr. Chairman. I was going to
24 call for the question. So be it.

25

26 CHAIRMAN LITTLEFIELD: The question has
27 been called for. The motion before you is on page 269.
28 It is FPO4-40. The language starts on page 269 and
29 continues on to 270. All in favor of the motion FPO4-40
30 please signify by saying aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN LITTLEFIELD: All those opposed
35 same sign.

36

37 (No opposing votes)

38

39 CHAIRMAN LITTLEFIELD: The motion is
40 carried. Ms. Wilson.

41

42 MS. WILSON: Are we going to discuss who
43 is going to go to the Transboundary meetings?

44

45 CHAIRMAN LITTLEFIELD: In a previous
46 action we've supported, as we've stated, Mr. Stokes and
47 Dr. Garza to go. Unless there's some real reason to
48 reconsider that, those are the people that are most
49 involved with it. Isn't that already your resolution.

50

00326

1 Dr. Schroeder?

2

3 DR. SCHROEDER: I think a previous
4 Council action did state that. The Council may wish to
5 express its interest in which Staff member from the
6 region would support Stokes and Garza at this meeting.

7

8 CHAIRMAN LITTLEFIELD: My recollection
9 was that Dr. Garza asked specifically for Mr. Casipit.
10 If he was unavailable, I believe it was Mr. Buklis.
11 Maybe you can refresh my memory, but that was my
12 recollection of what happened at the Council meeting.
13 We're not bound by that if the Council wants to do
14 something else or select somebody else. I'm happy with
15 those people as they stand. Other Council. Ms. Wilson.

16

17 MS. WILSON: Mr. Chairman. I would like
18 to see Dolly Garza and Richard Stokes go and I make a
19 motion to that effect.

20

21 CHAIRMAN LITTLEFIELD: There's a motion.
22 Is there a second?

23

24 MS. PHILLIPS: Second.

25

26 CHAIRMAN LITTLEFIELD: Are you ready for
27 the question? It's been moved and seconded to support
28 Dr. Garza and Mr. Stokes from Wrangell to be our
29 representatives to any meeting that they are invited to
30 by Mr. McGregor and other issues affecting the
31 Transboundary. They will represent us in all thing at
32 the Transboundary Panel. All those in favor signify by
33 saying aye.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN LITTLEFIELD: All those opposed
38 same sign.

39

40 (No opposing votes)

41

42 CHAIRMAN LITTLEFIELD: The motion is
43 carried. I don't believe we need to make a motion that
44 Mr. Casipit will be our representative of first choice
45 from the region and, if he is unable to attend, then Mr.
46 Buklis. Mr. Adams first, Mr. Kookesh.

47

48 MR. ADAMS: Mr. Chairman. I'm just
49 wondering where does their travel arrangements come from?
50 Do we have a budget for that?

00327

1 DR. SCHROEDER: Mr. Chairman. That would
2 be handled through the Office of Subsistence Management.

3
4 MR. KOOKESH: Mr. Chairman. I think it's
5 very healthy for us and very important that every year
6 when we go through our reorganization of the Chair and
7 all the committees that we take the time to reappoint. I
8 think it's healthy for us because we don't want to think
9 that they should just stay there till they die. I think
10 to follow the proper protocol I think we should just keep
11 this process healthy and just go through the formal
12 steps. I think it's healthy for us.

13
14 CHAIRMAN LITTLEFIELD: I concur. I don't
15 have any problem with it. Any other Council. I have
16 Proposal 31 and 32 next on the agenda. Staff
17 presentations, 31, 32.

18
19 MR. CASIPIT: Cal Casipit, U.S. Forest
20 Service, Juneau. I'll be presenting the draft staff
21 analysis for FP04-31 and 32. It starts on page 187 of
22 your Board book. I'll just quickly go through the
23 analysis. Proposal FP04-31 was submitted by Gary Souza
24 of Ketchikan and he requests that weekly reporting of
25 harvest and effort be required for the Federal
26 subsistence steelhead fishery on Prince of Wales Island.
27 Proposal FP04-32 was submitted by Mr. Jim Beard of Thorne
28 Bay, requests that monthly permitting and reporting of
29 harvest be required.

30
31 The proponents of these proposals believe
32 that the existing Federal subsistence fishery for
33 steelhead on PWI should require more frequent reporting
34 for in-season management to ensure that the island-wide
35 harvest cap is not exceeded and that small stocks are not
36 overharvested. The existing Federal Subsistence
37 Regulation is on 187. The proposed regulations are
38 displayed on page 188 and the top of page 189. Bolds
39 would be added to the regulation and strike-outs would be
40 deleted from the regulation. I will not read those into
41 the record. They are printed in your book.

42
43 Federally-managed waters involved are
44 those of the Tongass National Forest, excluding marine
45 waters. Existing C&T's were covered by Dr. Schroeder in
46 23 through 27. I'm going to skip over biological
47 background and harvest history. Those are there for you
48 to review.

49
50 I did want to cover the subsistence

00328

1 harvest that occurred in the spring 2003 fishery, which
2 was the only fishery that has occurred under the existing
3 federal regulation. Seventy-six permits were issued to
4 Federally-qualified users, 74 permits have been returned.
5 The resulting total reported harvest on those permits was
6 26 steelhead from the Prince of Wales Island systems.
7 All of the reported harvest came from the three largest
8 producing road accessible systems and that is the Thorne
9 River, the Klawock River and Staney Creek. No harvest
10 was reported from small road accessible or small non-road
11 accessible systems.

12

13 Staff is concerned about the discrepancy
14 between the recent 2003 permit harvest report that was 26
15 and Subsistence Division's community harvest estimate of
16 approximately 600 fish from the late '90s. We're unsure
17 of the source of the discrepancy and intensive in-season
18 monitoring occurred during the fishery to ensure that
19 this overall cap was not exceeded.

20

21 We hope that with the conclusion of the
22 FIS study 01-105 PWI Steelhead/Rainbow Harvest Use
23 Patterns will identify harvest and help us understand the
24 difference between reporting harvest and that reported
25 from the community harvest estimates.

26

27 Our preliminary conclusion is to oppose
28 FP04-31 and FP04-32. Our justification is that the spring
29 2003 PWI Federal steelhead fishery was the only fishery
30 that has occurred under this regulation so far. 76
31 permits were issued, resulting in a total harvest of 26
32 steelhead from the systems. Again, all of them coming
33 from the three largest producing road accessible systems,
34 Thorne River, Klawock River and Staney Creek.

35

36 The current Federal regulations provide
37 that the local Federal manager can require more frequent
38 reporting of harvests if he feels it is necessary. At
39 this time, the local Federal manager believes that more
40 frequent reporting is not necessary and would be an undue
41 burden on Federally-qualified subsistence users.

42

43 If, in the future, participation and
44 harvest increases, the Federal manager can require more
45 frequent reporting under his current regulatory authority
46 and does not need to be required in regulation. No
47 reporting of sport harvest is required under State
48 sportfishing regulations, although harvest is required to
49 be recorded on an individual's State sportfishing
50 license. The fiscal needs of requiring more frequent

00329

1 reporting is not justified based on the limited harvest
2 that occurred in the spring 2003 Federal subsistence
3 fishery.

4

5 That concludes my introduction of the
6 proposal. Mr. Chairman, I'd be happy to entertain any
7 questions from the Council.

8

9 Thank you.

10

11 CHAIRMAN LITTLEFIELD: Thank you for your
12 presentation. Council comments or questions. Mr.
13 Hernandez and then Mr. Adams.

14

15 MR. HERNANDEZ: I'd just like to ask Mr.
16 Casipit, is Staff going to be going over the biological
17 and harvest data with us more in full in relation to
18 other proposals we'll be discussing?

19

20 MR. CASIPIT: Mr. Hernandez, Mr. Chair.
21 Yes, we will discuss further biological background in an
22 upcoming Staff analysis, the one that deals with fall
23 stocks. That would be proposals 35 through 37.

24

25 CHAIRMAN LITTLEFIELD: Mr. Adams.

26

27 MR. ADAMS: Thank you, Mr. Chairman. On
28 page 193, under commercial harvest, there's a note there
29 that says in 1975 there is a by-catch of 533 steelhead
30 for all of southeast Alaska and then in 1986 there was
31 11,540. That's a pretty dramatic increase in by-catch
32 for the commercial fishing industry. I'm just wondering
33 why such a dramatic increase in that period of time.

34

35 CHAIRMAN LITTLEFIELD: I'll let you have
36 a stab at it, Mr. Casipit, but perhaps this might be a
37 question better directed at ADF&G, but go ahead.

38

39 MR. CASIPIT: Thank you, Mr. Chairman,
40 Mr. Adams. Yes, you're right, I would ask Fish and Game
41 maybe respond to that. Additional information is that in
42 1994 when the existing sportfishing regulations were put
43 in place by the Board of Fish, at that same meeting the
44 Board of Fish also did not require the commercial net
45 fisheries to report harvest of steelhead, so the data for
46 commercial by-catch of steelhead ends in 1994. If you
47 notice in the Staff analysis for 35 through 37, we have
48 those tables in there and that's why the commercial
49 harvest figures end in 1994.

50

00330

1 CHAIRMAN LITTLEFIELD: Other Council
2 questions for Staff. Mr. Hernandez.

3
4 MR. HERNANDEZ: Thank you, Mr. Chairman.
5 Mr. Casipit, it says the current Federal regulations
6 provide that the local Federal manager can require more
7 frequent reporting of harvest if he feels it is
8 necessary. My question is what kind of information do
9 you expect the Federal manager to base a decision to
10 require more reporting harvest on if he doesn't have much
11 in the way of in-season management data to go by? How do
12 you expect him to make that decision?

13
14 MR. CASIPIT: Thank you, Mr. Hernandez,
15 Mr. Chair. We've discussed this early on in the
16 implementation of this fishery and the local manager's
17 representative, Jeff Reeves, who is not here today,
18 basically made bi-weekly phone surveys of all the permits
19 that were issued. He called every person who obtained a
20 permit every two weeks and got a report from them as far
21 as harvest. He was able to contact between 65 and 75
22 percent of the permit holders every two weeks and he kept
23 pretty detailed records of numbers of fish that were
24 harvested throughout the season. So he did use his in-
25 season authority to call people and get harvests
26 throughout the fishery.

27
28 CHAIRMAN LITTLEFIELD: Mr. Douville.

29
30 MR. DOUVILLE: Mr. Chairman, would it be
31 appropriate for me to give some insight as to why the
32 numbers do not match a previous survey at this time?

33
34 CHAIRMAN LITTLEFIELD: Mr. Schroeder or
35 Mr. Casipit.

36
37 MR. CASIPIT: At the pleasure of the
38 Chair, how he wants to handle that. Mr. Douville can
39 provide that information during deliberations or he can
40 provide it now. I have no feeling one way or the other.

41
42 CHAIRMAN LITTLEFIELD: I would say we
43 take care of it right now.

44
45 DR. SCHROEDER: Mr. Chairman, Mr.
46 Douville. I think the real short answer is we frankly
47 don't know. One part of the information that we have a
48 really high level of confidence in is the household
49 survey data from surveys conducted by Division of
50 Subsistence in all the Prince of Wales communities. The

00331

1 reason why we're confident in that survey result is that
2 the surveys follow standard accepted methodologies that
3 have been used around the state. The recent data,
4 meaning the data from the surveys conducted in the '90s,
5 matched up pretty well with survey data that was
6 conducted 10 years previously.

7
8 We also didn't find anything that was
9 really unusual or anomalous in the survey data, meaning
10 that the differing communities in Prince of Wales all
11 showed harvest of steelhead trout and the harvest wasn't
12 particularly concentrated just in one or the other
13 communities. We believe that those survey data are
14 really quite good and I would point out that this is the
15 first year that the permit system was in existence on
16 Prince of Wales Island. We may have a question of
17 whether or not we have full participation of having
18 people get permits who are harvesting steelhead, so
19 hopefully we'll have better information when the Division
20 of Subsistence is done with its current study of
21 steelhead. Mike, do you have anything to add on that
22 through the Chair?

23
24 CHAIRMAN LITTLEFIELD: Mike, maybe we
25 could address that one -- you're going to be next here.
26 You'll get your own questions there. Mr. Douville,
27 follow-up.

28
29 MR. DOUVILLE: You may have misunderstood
30 me. I was offering my insight as to why the numbers do
31 not come closer together. That's what I was offering.

32
33 CHAIRMAN LITTLEFIELD: I'm sorry. I have
34 a theory, too, and maybe I'd like to bounce this off of
35 law enforcement and Mr. Casipit. On the page 193 you
36 talk about Forest Service law enforcement spent 35 days
37 roughly in the field on patrol and they made 70 contacts,
38 of which only six were Federally-qualified subsistence
39 users. Now those six is less than 10 percent of the
40 people you contacted and we add the total of 26 fish
41 reported. If those 70 are all from out of state, then my
42 theory doesn't work, but I suspect a lot of them are
43 island residents that are fishing under sportfishing
44 regulations. That's my guess. I'd like you to clarify
45 that.

46
47 It's been my perception in the past, and
48 I've done it myself, I would buy a sportfishing license
49 so that I could fish with a rod and reel because it was
50 not approved as a subsistence method and I think a lot of

00332

1 people still have that in their head. I commercially
2 fished with my permit to take fish home. So people, just
3 because they're using methods that are not quote/unquote
4 subsistence, may not be reporting these. So I think the
5 discrepancy might be there. If you could clarify that,
6 how many of these 70 people were from the Island and if
7 you believe that that's at least partly accurate.

8

9 MR. DOUVILLE: Mr. Chair. I believe, if
10 we could have Officer Pearson come up, he was actually in
11 part of those patrols out there and can actually address
12 firsthand some of the contacts and whether or not how
13 many were outside of Alaska.

14

15 OFFICER PEARSON: Mr. Chair, Council
16 members. Officer Pearson with the Forest Service, lead
17 enforcement officer for the Tongass. Mr. Chair, of those
18 70 people that were contacted, many of them were
19 qualified subsistence users; however, they were not
20 fishing under subsistence regulations. One of the
21 techniques that we use is we ask fishermen are they
22 fishing under Federal subsistence regulations. All but
23 six said they were not and then of those 70 many were
24 qualified residents that just were not fishing for
25 subsistence.

26

27 CHAIRMAN LITTLEFIELD: Could you quantify
28 that? You had 70. Were half of them, 60 of them, how
29 many of them were residents of POW? Just because they
30 were using a sportfish license to take fish home, they're
31 still subsistence users, so that's why I'm trying to get
32 this out.

33

34 OFFICER PEARSON: Well, in this case --
35 you know, if it was trout fishing or salmon fishing, it
36 would be a little bit different issue. However, since it
37 was steelhead, with very restrictive sportfish
38 regulations, it would be unlikely that someone were
39 fishing to take a fish home and not claiming subsistence
40 because a 36 inch minimum size limit, as we all know, is
41 very difficult on Prince of Wales. Many of the qualified
42 users just stated that they did not believe in keeping
43 steelhead and they were sportfishing. Of the 70, I
44 probably have the numbers somewhere exact, but I would
45 say probably half of those or slightly less were
46 qualified residents of Prince of Wales. They could be
47 fishing for subsistence if they wanted to.

48

49 CHAIRMAN LITTLEFIELD: Mr. Adams.

50

00333

1 MR. ADAMS: Mr. Chairman. I'd like to
2 hear Mike Douville's view on this as well.

3

4 CHAIRMAN LITTLEFIELD: Are you ready,
5 Mike?

6

7 MR. DOUVILLE: Thank you, Mr. Chairman.
8 One thing I'd like to point out is this fishery has been
9 closed to subsistence for a long time. In effect, you've
10 taken a whole generation away from this fishery. Like my
11 own son has never fished steelhead because it's been
12 closed that long. So, with that, you lose a lot of the
13 skills you had prior to '95 and you're not going to start
14 off opening it up and expecting to see the harvest you
15 did in '95. The skill level is simply not there for some
16 of these other methods.

17

18 The other thing that affected it was that
19 the C&T determinations did not allow you to go to
20 traditional areas where, under the name of sportfishing,
21 you caught steelhead, but now it's called subsistence.
22 You can't go there with a Federal permit. Unless this is
23 corrected, you're still going to see a diminished number.
24 So those are a couple things that have affected the
25 harvest to date. The other is many of those fishermen
26 that were here in the logging industry and so on came
27 from Washington, Oregon, where they fished steelhead very
28 heavy there and were pretty good at it. They're not here
29 anymore. So these are some of the things that will have
30 an effect on the numbers you see.

31

32 Thank you.

33

34 CHAIRMAN LITTLEFIELD: Council. Other
35 questions. ADF&G comments. Thank you, staff.

36

37 MS. SEE: Good morning, Mr. Chair,
38 Members of the Council. My name is Marianne See with the
39 Department of Fish and Game. Joining me will be
40 representatives of the subsistence and sportfish
41 divisions as well to provide more detailed information as
42 necessary.

43

44 We note that there are a number of issues
45 before you today about steelhead and it may be helpful to
46 get a lot of background information out before the
47 Council determines specific actions on some of these
48 proposals, so we would urge that you consider that
49 option. On this particular issue here about reporting,
50 for example, it might be helpful if you had more

00334

1 information before you about the stock status and other
2 information, the biological side of what we have to
3 consider in weighing our recommendations and developing
4 them. For example, we need to consider such things as
5 what's a reasonable reporting requirement, what's a kind
6 of reporting requirement that will provide information
7 that's really needed for management purposes and what, in
8 fact, are the practices of the fishers. So we have a lot
9 of concerns we have to balance in developing our
10 recommendations.

11

12 We look at the need, in fact, for getting
13 good and accurate and timely reporting information. It's
14 very important, especially with some of the small
15 populations of fish that we're looking at, yet we don't
16 want to urge that there be a very burdensome kind of
17 reporting requirement. It's difficult to forge a good
18 choice sometimes in these options.

19

20 In this matter, we're looking at the need
21 for regular reporting, which we think will be
22 accomplished on a monthly basis, but a weekly basis would
23 probably be burdensome and really not necessary for
24 management purposes. My colleagues here from both
25 subsistence and sportfish may have more to offer on this
26 topic and certainly can answer questions that you may
27 have as well. Mike, did you have something you wanted to
28 add?

29

30 MR. TUREK: Mike Turek, Alaska Department
31 of Fish and Game, Division of Subsistence. I don't have
32 too much to add. I think Mike Douville's comments were
33 very accurate and a good indication of why these permit
34 returns are so low. The only thing I would add is that
35 when I recently spoke to Dr. Langdon, he said in his time
36 here interviewing fishers in Klawock, a number of them
37 have reported to him of being cited for harvesting
38 subsistence steelhead, so there's a real concern about
39 enforcement. So there's probably a real reluctance to
40 answer questions or even have to deal with enforcement on
41 steelhead issues because a history of people being cited
42 for harvesting subsistence steelhead from Klawock.

43

44 MR. BROOKHOVER: Mr. Chair. Tom
45 Brookhover with Fish and Game, Sportfish Division. The
46 only thing I might add and I'd repeat what Marianne said,
47 we don't feel the need for a weekly reporting requirement
48 given the circumstances. Our primary concern with the
49 current package of Federal regulations and permit
50 conditions still lies with some small stocks and fall

00335

1 stocks of steelhead that can be exposed to risk of
2 overharvest in those streams under the current regime.

3
4 Given the current regulations and permit
5 conditions, we feel a monthly reporting requirement would
6 be reasonable. Federal staff have stated in the analysis
7 that it would pose an undue burden. I'm not sure right
8 now what type of burden that would put on users given the
9 spring fishery, but there are reasons for potentially
10 increased harvest over and above what we saw in the
11 spring fishery this year in the spring fishery next year,
12 some of which Mr. Douville alluded to; the newness of the
13 regulations, getting people up to speed with traditional
14 harvest practices and a fairly large percentage of
15 Federally-eligible users observed on the streams that
16 could potentially take advantage of the Federal
17 regulations. Those are reasons why this spring fishery
18 indication might not be a very reliable indication of
19 things to come. In addition to that, the fall fishery
20 hasn't been put in place yet. So our recommendation is
21 for a monthly permit requirement.

22
23 There's also a consistency reason. We
24 implement a subsistence steelhead fishery on the Situk
25 and Ahrnklin Rivers in Yakutat. Currently, that has a
26 weekly reporting requirement where the participants are
27 required to come in and get a permit. That permit is
28 valid for a week. They bring it back after that week.
29 If they need additional fish, one additional fish, we
30 provide an additional permit. Participation has been low
31 until recently in that fishery and Federal regulations
32 have been adopted that also encompass that fishery. But
33 given the participation that we've seen both in the State
34 and Federal permit system, right now where we're at with
35 that weekly reporting requirement is that's not necessary
36 either. So we're looking at modifying that weekly
37 reporting requirement to a monthly reporting requirement
38 and there would be a consistency reason to adopt one for
39 Prince of Wales Island steelhead as well.

40
41 CHAIRMAN LITTLEFIELD: Mr. Adams.

42
43 MR. ADAMS: Thank you, Mr. Chairman. I
44 just wonder if either one of you would be able to answer
45 the previous question I asked in regards to the by-catch.
46 Over a period of 11 years it went from 533 to 11,540 in
47 the commercial industry, so I was just wondering if any
48 one of you might be able to enlighten us on that.

49
50 MS. SEE: We're going to have Andy

00336

1 McGregor join us for this particular issue.

2

3 MR. MCGREGOR: This is Andy McGregor with
4 Department of Fish and Game, Commercial Fisheries
5 Division. Table 4 on page 234 of your briefing document
6 has reported harvest of steelhead and commercial
7 fisheries. As you're aware, in 1994, the Alaska Board of
8 Fisheries passed a regulation that prohibited the sale of
9 steelhead by permit holders and the drift gillnet and the
10 purse seine fishery, but did not prohibit the retention
11 of those fish for personal use. Some fish are retained
12 for personal use still. Some are reported on fish
13 tickets as personal use harvest. It's the Department
14 Staff's opinion that the harvests have declined as a
15 result of that regulation, but we don't have information
16 on by-catch since that time.

17

18 CHAIRMAN LITTLEFIELD: Mr. Adams, follow
19 up.

20

21 MR. ADAMS: Thank you. I know when I was
22 fishing on the Situk River I would occasionally catch a
23 steelhead with my commercial net, but very few though,
24 maybe one or two during the season. I thought that was
25 kind of alarming to see the dramatic increase of by-
26 catch. Just curious.

27

28 CHAIRMAN LITTLEFIELD: Mr. Stokes.

29

30 MR. STOKES: Mr. McGregor, do you get any
31 information on the Canadian harvest?

32

33 MR. MCGREGOR: Yes, there is information
34 on that in technical reports that the Salmon Commission
35 puts out. I don't have it with me unfortunately. It's
36 not a large amount. There may be several hundred fish
37 annually. That's a recollection off the top of my head.
38 I don't have the material with me, but it is available
39 and we could get it to you if need be.

40

41 MR. STOKES: Thank you, but I think
42 that's inaccurate. I have friends up there that have a
43 commercial gillnet within 50 yards of the Tahltan River,
44 but they're sitting right on the Tahltan reservation and
45 the year that Mr. Turek went up with us, I went up later
46 on during the fall season and he had 80 in one week and
47 these fish are sold. They sell them in the round.
48 People come in from Whitehorse and what have you and he
49 sells them in the round by the pound right there in the
50 reservation. So I don't think we're getting a fair shake.

00337

1 It's too bad the U.S. can't do something about that.

2

3 MR. MCGREGOR: Yeah, had I realized that
4 would be a request for information, I could have supplied
5 it and I can supply it to the Council if desired, but I
6 don't have it available with me.

7

8 MR. STOKES: Thank you.

9

10 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

11

12 MR. HERNANDEZ: Getting back to the
13 discrepancy in catches this year compared to historical
14 catches. At the time those surveys were done back in
15 late '90s, did the sportfish regulations allow the use of
16 bait at the time those numbers were being reported?

17

18 MR. BROOKHOVER: Mr. Chair, Mr.
19 Hernandez. The sport fishery regulations changed in 1994
20 and household surveys were conducted after that.

21

22 CHAIRMAN LITTLEFIELD: Other Council.
23 Ms. Phillips.

24

25 MS. PHILLIPS: Chairman Littlefield. I
26 have a couple comments and then questions. The concern
27 is that you want more reporting of steelhead catches
28 because you're worried about overharvest of small
29 streams, yet on page 193 it says based on concerns
30 expressed by ADF&G sportfish managers, the local Federal
31 manager restricted harvest in 21 small road accessible
32 steelhead streams by setting size limits and annual
33 limits per household. So your concerns about
34 overharvesting small streams can be met without this kind
35 of a regulation.

36

37 The other question is why is ADF&G
38 requesting harvesting reporting for subsistence-caught
39 steelhead, yet the requirement to report is not required
40 by comm fish or sport fish fishermen?

41

42 MR. BROOKHOVER: Mr. Chair, Ms. Phillips.
43 In answer to the first question, yes, our concerns could
44 be met by other avenues. We discussed the concern last
45 year in the Regional Council meeting and we continued to
46 discuss it with Federal staff prior to the implementation
47 of the spring fishery. We shared concerns for small
48 stocks and the concern is that small stocks are more
49 vulnerable to harvest than large steelhead stocks are.

50

00338

1 We met with Federal staff, we identified
2 21 streams that should be protected because of their
3 small nature and realized that we don't have a lot of
4 scientific information on stock of steelhead in Prince of
5 Wales Island. We do have some estimates for the Carter
6 River. I believe possibly one year for the Klawock.
7 Other than that, we have snorkel survey information that
8 we and Forest Service staff collect and have collected
9 for the last five to 10 years on Prince of Wales Island.
10 So we got together and categorized the streams as far as
11 small and large.

12
13 We still have a concern with small
14 stocks, small streams that are not road accessible. We
15 feel it's very likely that effort can and will occur on
16 small stocks under the current regulations because the
17 current regulations and current permit conditions
18 excluded only road accessible small systems. There are
19 also a few road accessible systems where we disagreed for
20 one reason or another as to whether they were small or
21 whether they should be protected. We've listed those in
22 a table in our comments under 35 and 37, both the road
23 accessible category and the non-road accessible category.

24
25 If the Regional Council took action on
26 Proposal 36, which addresses small streams, that would,
27 to a large degree, reduce or eliminate our concern for
28 small stocks in the context of harvest reporting. So,
29 yes, in that sense.

30
31 As far as the second question in
32 reporting, I can speak about the sport fishery and that
33 is the character of the two fisheries is very different.
34 When we look at a fishery and manage a fishery and we
35 decide we need harvest information, the next thing we
36 decide is what's the best way to collect that harvest
37 information. There's some important differences in the
38 nature of the two fisheries.

39
40 With the sport fishery, we literally have
41 an effort, a number of users in the low thousands on
42 Prince of Wales Island. Not all those people fish for
43 steelhead. Probably a minority of those fish are
44 steelhead. Nevertheless, the number of people fishing
45 for steelhead is substantially larger than the effort in
46 the Federal permit fishery this spring.

47
48 The sport fishery is regulated under very
49 stringent regulations, including the 36-inch minimum size
50 limit. Since 1994, when those regulations were adopted,

00339

1 we have nine years that have occurred and what we have
2 seen by the method that we chose to estimate those
3 harvests, which is a statewide harvest survey, is that
4 harvests number less than 50 fish on average each year
5 given that large sportfishing effort.

6
7 We feel that that methodology works
8 because since 1994 through the current year of
9 information that we have reported, which is about seven
10 or eight years, we've had 4,500 responses from that
11 survey. So our reliability in that information we think
12 is fairly high. So we have a large number of users, a
13 low level of harvest and a survey designed to estimate
14 that harvest fairly precisely as far as management
15 purposes and very restrictive regulations.

16
17 In the subsistence fishery, obviously
18 effort in the spring was much lower. We don't know what
19 effort is going to be like a year from now, five years
20 from now, but the likelihood is it will probably be less
21 than the sportfishing effort. One of the main
22 differences is that under the subsistence fishery the
23 size limit doesn't apply, so it's much easier to retain a
24 fish under the Federal regulations and you can retain
25 many more of them because you can take five in the spring
26 and the harvest limits are more liberal.

27
28 Given that, basically one of the
29 important differences between the fisheries is that an
30 individual user under the Federal regulations has the
31 capacity to significantly affect one individual stream,
32 but that's not the case under Federal regulations. In
33 some of these streams that number less than 100, may
34 number 30 or 40 fish, one person has the capacity to
35 harvest up to five fish in the spring fishery, that can
36 potentially have a large affect on that one individual
37 stock by one user. So that at least explains some of the
38 differences between the subsistence and the sport
39 fishery.

40
41 CHAIRMAN LITTLEFIELD: Other Council. I
42 had a question that was follow-up on something that you
43 said. You said you identified 21 small streams in areas
44 that you had a concern. Was Federal staff receptive to
45 that? How did they treat that request?

46
47 MR. BROOKHOVER: Mr. Chair. As I said,
48 we had a number of discussions with Federal staff and we
49 did agree basically to identify those 21 streams. Where
50 we did not agree was the road inaccessible small streams

00340

1 and a few of the road accessible streams. I think
2 receptivity was good, it was just that we didn't reach
3 full agreement on all the streams. I would defer to the
4 Federal staff to qualify that further.

5

6 CHAIRMAN LITTLEFIELD: My point being is
7 if you had areas of special concern and you brought them
8 to the Federal staff, I believe that they would be
9 receptive to it and maybe you want to respond to that,
10 Mr. Casipit.

11

12 MR. CASIPIT: Thank you, Mr. Chair. Yes,
13 we did agree on these 21 small road accessible steelhead
14 streams. The area of disagreement with the non-road
15 accessible streams had to do with legitimate differences
16 in amount of risk that we were willing to accept. We
17 weren't willing to accept the risk in the road accessible
18 streams; however, we were willing to accept the risk of
19 overharvest for the non-road accessible streams. We felt
20 that the potential for users to go to these small non-
21 road accessible streams was very low considering the time
22 of the year of the fishery, considering the methods of
23 transportation that subsistence users would probably use
24 to get to these non-road accessible systems and the local
25 manager was willing to accept that risk. As it turns
26 out, we had no harvest at all reported from any small
27 system. All the harvest came from the three largest road
28 accessible producers on the island.

29

30 We did have a disagreement over steelhead
31 systems near Hydaburg that were road accessible. We did
32 not put those systems on the 36-inch minimum size limit
33 because if we did, we would basically eliminate all
34 opportunity for Hydaburg residents and we didn't feel
35 that was appropriate. That's basically it.

36

37 CHAIRMAN LITTLEFIELD: I had one other
38 question. In the ADF&G comments you said you supported
39 Proposal 32 and opposed Proposal 31. What I want to do
40 is ask you what are the concurrent sportfish reporting
41 requirements right now in Prince of Wales? How often do
42 you have to report? Do you have to report monthly,
43 weekly, whatever?

44

45 MR. BROOKHOVER: Mr. Chair. As I've
46 said, the way we have chosen to estimate sport harvest is
47 through the statewide harvest survey. The reason that we
48 don't have a permitting requirement is because we feel
49 the risk of the sportfishing regulations to any
50 particular individual stock is small. So currently

00341

1 sportfishing users aren't required to report their
2 harvest, but they are surveyed to obtain a harvest
3 estimate.

4

5 CHAIRMAN LITTLEFIELD: If we were to
6 support proposal 32, would the State then institute a
7 monthly reporting requirement on sport fishermen?

8

9 MR. BROOKHOVER: Mr. Chair. No. One of
10 the consistency points that we pointed out with the State
11 subsistence fishery for steelhead on the Situk and
12 Ahrnklin, that currently has a weekly reporting
13 requirement and we're considering making that a monthly
14 reporting requirement because participation levels are
15 low. That's what we're considering doing right now.
16 We're not considering implementing a harvest reporting
17 requirement on the sport fishery on Prince of Wales
18 Island given the low level of harvest that we've observed
19 in the fishery since '94 when the regulations were
20 changed.

21

22 CHAIRMAN LITTLEFIELD: Ms. See, did you
23 want to respond to that?

24

25 MS. SEE: Just to add or emphasize the
26 point here that we really see a difference in the harvest
27 between these two kinds of fisheries on the State side
28 between the subsistence and the sportfish. The sport
29 fishery we're seeing and it's well documented it's not
30 producing much actual harvest, whereas that's partly
31 because the regulations are very stringent. But on the
32 subsistence side, we see a much greater potential for
33 harvest and that's why we have a difference in our
34 approach to the harvest reporting requirement.

35

36 CHAIRMAN LITTLEFIELD: Okay. And it's
37 the potential for harvest. At this time, the figures
38 that were given to us in the book here of 26 can't
39 possibly be anything that would set off alarms of being
40 too high. I think it's the potential of going above 600
41 or what number are you looking at potential?

42

43 MR. BROOKHOVER: Mr. Chair. Sure, it
44 could conceivably be up to the 600 fish cap. Again,
45 given the nature of the steelhead run sizes and what we
46 know about their ability to sustain moderate and high
47 levels of exploitation, which is much lower than salmon,
48 our concern is for the small stocks and the fall stocks
49 that could be affected greatly by a low number of users.

50

00342

1 CHAIRMAN LITTLEFIELD: Are there other
2 questions for the ADF&G staff while they're here? Ms.
3 Wilson.

4
5 MS. WILSON: Yes. I wanted to know what
6 is the methods and means for sport fisheries to get
7 steelhead.

8
9 MR. BROOKHOVER: Mr. Chair, Ms. Wilson.
10 Currently it's rod and reel or hook and line and there's
11 a 36 inch minimum size limit. The harvest limit is one
12 fish per day that has to be 36 inches or greater and
13 there's a two fish annual limit.

14
15 CHAIRMAN LITTLEFIELD: Ms. Phillips.

16
17 MS. PHILLIPS: Chairman Littlefield.
18 Have you considered that the Situk and Ahrnklin Rivers
19 have different characteristics for harvest in that you
20 have only one community harvesting steelhead out of those
21 systems, whereas on Prince of Wales Island you have
22 numerous communities and it could be a burden for those
23 subsistence hunters to be reporting their catch or
24 subsistence fisher people?

25
26 MR. BROOKHOVER: Mr. Chair, Ms. Phillips.
27 We've discussed that in the Situk fishery. We have a
28 number of years now since the Board implemented those
29 regulations in 1997. There was discussion at the Board
30 about the weekly permitting requirement and essentially
31 it's been in effect now. What we've seen with
32 participation and harvest, like I've said, it does not
33 warrant a weekly requirement, so we eased that to a
34 monthly permit. But I agree with you that the
35 circumstances are different with multiple communities
36 here. I'm sorry, I can't remember if you had a second
37 question or not.

38
39 MS. PHILLIPS: A statement was said about
40 the sport fishery not producing much actual harvest.
41 Have you considered that they're not reporting fish that
42 don't meet the 36 inch minimum size requirement, so the
43 actual harvest is not what it actually is?

44
45 MR. BROOKHOVER: Mr. Chair, Ms. Phillips.
46 Yes, we have. That could be a possibility and it's very
47 likely a possibility that there's been illegal harvest
48 taken by people with sportfishing licenses, but illegal
49 harvest can occur in a number of forms as well. It can
50 occur by people without any license, Federal or State.

00343

1 It can occur in violation of the size limit or the
2 harvest limit. So, yes, it's possible that somebody
3 fishing illegally won't report that harvest on their
4 survey.

5

6 CHAIRMAN LITTLEFIELD: Mr. Hernandez and
7 then Ms. Wilson.

8

9 MR. HERNANDEZ: Another factor in the
10 sportfish harvest, something I'd like to know about, even
11 though the fish are not actually harvested but may die as
12 a result of mortality with the catch and release fishery,
13 do your regulations require a barbless hook?

14

15 MR. BROOKHOVER: Mr. Chair, Mr.
16 Hernandez. No, they don't. The Board has discussed
17 requiring barbless hooks in a number of different
18 fisheries and so far they haven't adopted barbless hook
19 regulation. I think we had a gear proposal, like a
20 barbless hook proposal, before the Board this past
21 February in Ketchikan. For that proposal and one or two
22 other proposals that they had at the time, we compiled a
23 list of outcomes from the studies that have been done on
24 incidental mortality related to the use of hook and line
25 on steelhead. I think our list included about 15 or 16
26 studies that have been done and we provided the results
27 of those to the Board. In the majority of studies, the
28 result in mortality was less than five percent. There
29 were some studies that showed up, I believe, 10 percent,
30 but the majority of them were less than five percent.
31 When you excluded the use of bait, no studies reported a
32 mortality in excess of five percent. I don't know
33 whether any of those studies looked at barbed versus
34 barbless specifically though.

35

36 CHAIRMAN LITTLEFIELD: I guess we need to
37 kind of get this figured up. So, Ms. Wilson, maybe we'll
38 give you the last question. Are there others? Mr.
39 Kookesh.

40

41 MR. KOOKESH: Mr. Chairman. In looking
42 at my comments on the proposals from ADF&G, I believe
43 that we're here to talk about the weekly and monthly
44 reporting requirements. I think we're taking it a little
45 too far. All I know is we're talking about weekly and
46 monthly reporting and I hope we would confine ourself to
47 that. I think we're getting into a little more
48 information, maybe something we would like to talk about
49 next year.

50

00344

1 CHAIRMAN LITTLEFIELD: Mr. Douville.

2

3 MR. DOUVILLE: Mr. Chairman. I agree
4 with Floyd to a certain degree, but I also will point out
5 that we have other proposals to come before us that this
6 information that we're listening to now will be helpful
7 on.

8

9 CHAIRMAN LITTLEFIELD: Other Council
10 questions. Ms. Wilson.

11

12 MS. WILSON: I guess I'm getting pretty
13 forgetful nowadays, but how long have we had the
14 subsistence fisheries for steelhead? Mike mentioned that
15 it was regulated out. I mean we didn't have subsistence
16 fisheries on steelhead before.

17

18 CHAIRMAN LITTLEFIELD: Mr. Casipit.

19

20 MR. CASIPIT: Thank you, Mr. Chair, Ms.
21 Wilson. The only steelhead subsistence fishery to occur
22 has been under Federal regulations on Prince of Wales
23 Island and that only occurred last spring. That is the
24 only fishery that has occurred.

25

26 CHAIRMAN LITTLEFIELD: Are there other
27 Council that would like to comment on this? Mr.
28 Douville.

29

30 MR. DOUVILLE: In answer to Marilyn's
31 question, we considered the liberal sportfishing seasons
32 we had prior to '94 or '95 to be subsistence. I referred
33 to them as sport or maybe I did subsistence. In any
34 case, it was one and the same in my mind.

35

36 CHAIRMAN LITTLEFIELD: Other Council
37 questions or comments for ADF&G? Thank you for your
38 presentation. We're going to take a short break.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN LITTLEFIELD: The meeting will
45 please come back to order. I was asked a question
46 earlier of whether we were going to continue through the
47 day and the answer is yes. We have a fairly full agenda,
48 so we expect to be here through closing time. Right now
49 we're at other Federal or State agencies. Are there any
50 other Federal or State agencies on Proposal 31 and 32?

00345

1 (No comment)

2

3 CHAIRMAN LITTLEFIELD: Are there any
4 tribes that wish to testify at this time? Mr. Demmert,
5 please come forward.

6

7 MR. DEMMERT: My name is Art Demmert.
8 I'm a Klawock IRE. I'll speak on this weekly and monthly
9 reporting. I know we had put in a resolution, I think it
10 was two or three years ago, for subsistence and the
11 reason why we did that was one of our people had gotten a
12 citation for \$68 and the gentleman was an elderly, but
13 the fish was a quarter inch under the 36-inch limit, so
14 we thought that had gone too far at that point. Through
15 that process, we found out that there was only two
16 streams on this island that can produce 36-inch fish.

17

18 This monthly and weekly report that they
19 want us to do I think is ludicrous, considering the fact
20 that people, because of their lifestyles in the
21 subsistence fishery, some of them I know can't read and
22 can't write, and to put a paper with technical
23 information in front of them, they're going to have to
24 put it down and put it aside. You might think maybe
25 that's something you can live with, but let's take into
26 consideration that the sports fishermen in the lodges
27 will charge you up to \$1,000 a day here and they have to
28 not report? I think that is quite ridiculous. It's
29 almost as if there's so much money being made on this
30 fishery that they don't want our subsistence fishing
31 people to participate in it. I think I'd speak against
32 this weekly and monthly reporting.

33

34 Thank you.

35

36 CHAIRMAN LITTLEFIELD: Any Council
37 questions or comments for Mr. Demmert.

38

39 (No comment)

40

41 CHAIRMAN LITTLEFIELD: Thank you for your
42 testimony. Are there any other tribes, any other tribal
43 representative?

44

45 (No comment)

46

47 CHAIRMAN LITTLEFIELD: Okay. Are there
48 any ADF&G Advisory Committees, any comments?

49

50 (No comment)

00346

1 CHAIRMAN LITTLEFIELD: Okay. We're at
2 summary of written public comments. Dr. Schroeder.

3
4 DR. SCHROEDER: Mr. Chairman. We haven't
5 received any public written comments on these proposals.

6
7 CHAIRMAN LITTLEFIELD: Public testimony.
8 Do we have any other cards? We just had the one. Is
9 there anyone in the audience that would like to testify
10 on Proposal 31 and 32?

11
12 (No comment)

13
14 CHAIRMAN LITTLEFIELD: We're ready for
15 Regional Council deliberation. Again, we need to cover
16 the four criteria. Are there any conservation concerns
17 with our action, what is the effect on the subsistence
18 users, what is the effect on other users and what kinds
19 and types of information and are they adequate.

20
21 There's two proposals. I believe the
22 Staff recommendation was to combine them as 31 and 32. I
23 think we should handle them separately because there may
24 be some different discussion on each one of them. I've
25 let the comments go rather freely earlier and I intend to
26 do that in the general discussion because we have a bunch
27 of steelhead issues this afternoon, so most of them are
28 pertinent. But when we make a motion to put this on the
29 floor, I'll try to keep this to -- please try to keep
30 your comments to the motion that's on the floor and I
31 think this will move fairly quickly. So with that in
32 mind, I will entertain a motion to accept FP04-31. In my
33 book, I have that on page 183, the executive summary.
34 Ms. Wilson.

35
36 MS. WILSON: Mr. Chairman. I move that
37 we adopt Proposal FP04-31.

38
39 MR. STOKES: I'll second that motion.

40
41 CHAIRMAN LITTLEFIELD: So the motion
42 before you is to adopt FP04-31 and the language is as
43 shown on page 183. FP04-31 would require weekly
44 reporting of subsistence harvest on POW. Council
45 comments. Ms. Wilson.

46
47 MS. WILSON: I'm against this. I'm going
48 to vote no.

49
50 CHAIRMAN LITTLEFIELD: Ms. Wilson, this

00347

1 is just for the Council. We need to justify why we're
2 doing this. Mr. Douville.

3

4 MR. DOUVILLE: Thank you, Mr. Chairman.
5 I am not in favor of this proposal as there is no
6 conservation concern, however it puts a burden of paper
7 on the user, which is not positive, which I am not in
8 favor of. It does not affect other users. I believe the
9 information is not complete as we have never completed a
10 full cycle of steelhead subsistence harvest yet. I just
11 believe there's no need for this as there's no concern at
12 this time.

13

14 CHAIRMAN LITTLEFIELD: Thank you, Mr.
15 Douville. Other Council. Ms. Phillips.

16

17 MS. PHILLIPS: Chairman Littlefield. I'm
18 going to vote against the proposal. The Staff analysis
19 states 76 Federal permits were issued to Federally-
20 qualified users. 74 permits have been returned with a
21 total reported harvest of 26 steelhead from Prince of
22 Wales Island systems. That shows to me there is not
23 conservation concern, there is not overharvesting. I
24 agree with Mike that if this proposal were to pass, the
25 monitoring would seem excessive to the subsistence users
26 and the effect on other users is there is no effect.
27 They should be made to do some sort of reporting of their
28 catch. The Staff analysis gives us good evidence on why
29 we do not need to support this proposal.

30

31 CHAIRMAN LITTLEFIELD: Other Council.
32 Mr. Adams.

33

34 MR. ADAMS: Mr. Chairman. For the
35 reasons that Mr. Douville and Ms. Phillips has outlined
36 to us, I think we have enough information here to call
37 for the vote.

38

39 CHAIRMAN LITTLEFIELD: I agree. I'd just
40 like to note for the record that the Staff recommendation
41 is to oppose and the ADF&G recommendation is to oppose.
42 Everyone, are you ready for the question?

43

44 MR. DOUVILLE: Call the question.

45

46 CHAIRMAN LITTLEFIELD: The question
47 before you is the adoption of FP04-31 as shown on page
48 183. All those in favor please signify by saying aye.

49

50 (No comment)

00348

1 CHAIRMAN LITTLEFIELD: All those opposed
2 same sign.

3
4 IN UNISON: Aye.

5
6 CHAIRMAN LITTLEFIELD: The motion has
7 failed. FP04-31 has failed. We are now going to move to
8 FP04-32. The executive summary is on the very next page,
9 page 184. I think we'll do the same process. I need a
10 motion to get this on the floor. Mr. Adams.

11
12 MR. ADAMS: I move for the adoption of
13 Proposal No. 32.

14
15 MR. KOOKESH: Second.

16
17 CHAIRMAN LITTLEFIELD: It's been moved
18 and seconded to adopt FP04-32 as shown on page 184 under
19 the executive summary and the effect of this motion is to
20 require monthly reporting and monthly permits for POW
21 steelhead. Council. Mr. Hernandez.

22
23 MR. HERNANDEZ: Thank you, Mr. Chairman.
24 I plan on voting in favor of this proposal. My reasons
25 for that are after the first year of subsistence fishery
26 we don't see any immediate conservation concerns, but I
27 do believe that there is potential for conservation
28 concerns on the small stocks of steelhead on the island.
29 I recognize that more permitting provisions, monthly
30 reporting can be a bit of an imposition on subsistence
31 users but, in my mind, that's an imposition that's
32 worthwhile to protect these small stocks. I plan on
33 taking a strong consideration for conservation on these
34 steelhead proposals.

35
36 I base some of that on personal
37 experience. Two years ago you might recall we had a very
38 dry spring here in southeast Alaska, exceptionally dry.
39 I had the occasion to go to a local steelhead stream. It
40 was not on Prince of Wales Island. It was at a remote
41 site. At the mouth of the stream, there was one pool
42 that had a few steelhead in it. We walked a long ways up
43 that stream and never saw any evidence of any other
44 steelhead in the stream. Most of the holes were too dry
45 for steelhead to be there. I'm fairly confident that the
46 entire run of steelhead for that stream could have been
47 in that one whole at that time.

48
49 Reading through the Staff reports, I
50 noticed that they consider a 37 percent catch of a stock

00349

1 to be detrimental to the health of that stream with the
2 potential of possibly destroying the run in that stream.
3 If you only have 25 or 30 fish in a stream, two people
4 have the potential to essentially eliminate the run on
5 that stream if each one takes five steelhead. On Prince
6 of Wales Island where there is road access to some of
7 these small systems, I can foresee in the future the
8 possibility of that happening. So I think a monthly
9 reporting requirement might help alleviate such a
10 problem.

11

12 I also recognize that the local area
13 manager went to exceptional efforts this year to try and
14 get good reporting by making phone calls and contacting
15 people in person. I commend him for that. However, I
16 feel that you can't always rely on those kind of efforts.
17 I think at this time it probably is a good idea to put
18 that reporting requirement into regulation. That's the
19 reason why I plan on voting in favor of this proposal.

20

21 CHAIRMAN LITTLEFIELD: Thank you, Mr.
22 Hernandez. Mr. Douville.

23

24 MR. DOUVILLE: Mr. Chairman. I oppose
25 the proposal for similar grounds as the prior one. There
26 is no conservation concern; however, you will hear a lot
27 of there is potential and so on. To me, that is not
28 conservation concern. I still believe that, as far as
29 users, it puts a burden of paperwork on them. I've
30 always had trouble with paperwork myself. And, as
31 Mr. Demmert alluded to, he was not in favor of it for the
32 reasons stated.

33

34 It does not affect other users. We have
35 good information provided to us by what little of the
36 subsistence seasons we've seen so far last year. Until
37 we see a trend indicating otherwise, I just see no real
38 purpose for this as the in-season managers are doing an
39 excellent job with the tools that they have so far.

40

41 Thank you.

42

43 CHAIRMAN LITTLEFIELD: Thank you, Mr.
44 Douville. Other Council. Ms. Wilson and then Mr.
45 Hernandez.

46

47 MS. WILSON: I concur with Mike exactly.
48 I oppose this.

49

50 CHAIRMAN LITTLEFIELD: Thank you. Mr.

00350

1 Hernandez.

2

3 MR. HERNANDEZ: Mr. Chairman. I didn't
4 have anything else to say. Thanks.

5

6 CHAIRMAN LITTLEFIELD: Other Council.
7 Mr. Kookesh and then Ms. Phillips.

8

9 MR. KOOKESH: Mr. Chairman. I believe
10 the regulation we're looking at on the executive summary
11 is on page 184, is that correct?

12

13 CHAIRMAN LITTLEFIELD: That's what I
14 have. Yes, that's correct.

15

16 MR. KOOKESH: I'd like to comment on an
17 observation. I also agree with Mr. Douville and Ms.
18 Wilson. The way I was looking at this, this reporting
19 requirement was going to be done on a monthly basis. I
20 can understand the logic there. If you read page 184,
21 the bold area on the first paragraph, it states that you
22 must return your permit within five days of the close of
23 each month in the winter and spring season. Maybe I'm
24 looking at this wrong. Are you supposed to pick your
25 permit up the first of the month? From my understanding,
26 based on what I've read, you could pick your permit up
27 any day of the month. But it's stating that you have to
28 return it five days prior to the close of each month. If
29 you pick up your permit five days before the end of the
30 month, you're supposed to return it then? I'm just
31 wondering if there's a time line. Should it be 30 days
32 or five days to the end of the month. That's what I'm
33 kind of asking the question on.

34

35 CHAIRMAN LITTLEFIELD: Mr. Casipit, would
36 you like to try that?

37

38 MR. CASIPIT: Thank you, Mr. Chair, Mr.
39 Kookesh. Yes, indeed, the executive summary on page 184
40 shows the regulation, how it would read as requested by
41 the proponent. The proponent was the one that provided
42 this mark-up version of the regulation for us to
43 consider. I would interpret that to mean that a user
44 would have to come in on a monthly basis, obtain a permit
45 and then return that permit within five days of the end
46 of that month before he could get another one. That's
47 how I interpret that. If there's anything wrong with
48 that or if I've missed it, I would defer to enforcement.

49

50 CHAIRMAN LITTLEFIELD: Ms. Phillips and

00351

1 then Mr. Adams.

2

3 MS. PHILLIPS: Thank you, Chairman
4 Littlefield. I'm voting against the proposal. I do not
5 feel that there is a conservation concern. The
6 subsistence harvesters have only taken 26 steelhead from
7 the Prince of Wales Island systems. The proposer is
8 asking for monthly reports and the seasons are only three
9 months long. Winter season is December 1 through the
10 last day of February and the spring season is March 1
11 through May 31st. At the end of each season they do need
12 to return in a report. After the winter season, then
13 Staff can strategize the following season's harvest
14 recommendation based on that catch. I think there is
15 ample enough time to react to catch efforts on systems on
16 POW.

17

18 CHAIRMAN LITTLEFIELD: Thank you, Patty.
19 Mr. Adams.

20

21 MR. ADAMS: Thank you, Mr. Chairman. I
22 do have a problem with another portion of this proposal
23 and it's found on the bold portion of it. The last
24 sentence is failure to comply with the terms for
25 returning your permit will make you ineligible to receive
26 a future permit for any Federal subsistence fishery. I
27 think there's a problem there that I don't feel
28 comfortable with. Why penalize an individual for not
29 turning in the permit for the steelhead fishery and
30 penalize you if you want to go out and catch salmon or
31 some other type. I don't have any problem with not
32 issuing him another steelhead permit, but to penalize you
33 for others I don't think is right. I'm going to vote
34 this down.

35

36 CHAIRMAN LITTLEFIELD: Other Council. I
37 share that same concern. That jumped right out at me
38 that this was the A bomb. If you did not comply with one
39 of these terms, you were not allowed in any Federal
40 subsistence fishery. Does that mean halibut? Because
41 that is a Federal subsistence permit. We would never
42 have had halibut fisheries if we believed everybody that
43 stood up in front of us and told us that the subsistence
44 user was a potential threat and therefore it should not
45 be enacted. Potential threats are just that. They're
46 potential and you can react to those. We have a Federal
47 land manager that can react to those. The sky is falling
48 is not a conservation concern to me. This is definitely
49 an undue burden and undue penalties on subsistence users
50 and I plan to vote against it. Any other Council. Are

00352

1 you ready for the question?

2

3 MR. STOKES: Question.

4

5 CHAIRMAN LITTLEFIELD: The question
6 before you is FP04-32 as shown on page 184. All those in
7 favor of the motion please signify by saying aye.

8

9 (No comment)

10

11 CHAIRMAN LITTLEFIELD: All those opposed
12 same sign.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN LITTLEFIELD: The motion has
17 failed. Proposal 33. Staff presentation.

18

19 MR. CASIPIT: Thank you, Mr. Chair. Cal
20 Casipit, U.S. Forest Service, Juneau, Alaska. I'll be
21 presenting FP04-33 for Jeff Reeves. Your executive
22 summary begins on page 199 and I'll quickly go through
23 this. Proposal FP04-33 was submitted by Council member
24 Mike Douville. He requests the addition of Kosciusko
25 Island be added into the regulations for Federal
26 subsistence steelhead fishing on Prince of Wales Island.

27

28 Proposal 33 requests the addition of
29 Kosciusko Island to the language of the current
30 regulations for the Prince of Wales Island subsistence
31 steelhead fishery. The current regulation prohibits any
32 subsistence harvest of steelhead on Kosciusko Island as
33 restrictive to the residents of Edna Bay as they must
34 first boat or fly to Prince of Wales Island in order to
35 legally harvest steelhead under Federal regulation.

36

37 Regulatory history under the State. All
38 steelhead harvest occurred either incidently in
39 subsistence and commercial fisheries or under sportfish
40 regulations. Prior to 1994 the regulation was one fish
41 per day any size and since 1994 changed sportfish
42 regulations to one fish per day, two annually, 36 inches
43 or greater. Daily limit can be two fish if one is a
44 hatchery fish as evidenced by healed adipose scar. There
45 is no size restriction for a hatchery steelhead.
46 Commercial fishing regulations were also changed during
47 this cycle, prohibiting the sale of net caught steelhead.
48 These fish, however, may be used for personal use. The
49 troll fishery is not restricted and may still sell
50 steelhead. In 2003, the Board of Fisheries revised the

00353

1 region wide sport regulations to allow the daily bag
2 limit of two steelhead. One must be adipose clipped only
3 on the Klawock River and Ketchikan Creek. Those are the
4 only two systems with hatchery runs.

5
6 Federal regulatory history. During the
7 2001 fisheries regulatory cycle the Federal Subsistence
8 Board established a subsistence steelhead fishery on
9 Prince of Wales Island by modifying FP01-23. The
10 regulation that was put in place was very similar to the
11 existing State sport fishing regulations. During FY2002
12 fisheries regulatory cycle, the Board rejected FP02-40
13 that requested to liberalize the regulation. During the
14 FY2003 fisheries regulatory cycle, the Council modified
15 FP03-25 to a season of December through May, 1 fish per
16 week per household, with restrictions on small, road-side
17 systems and an annual harvest cap of 600 steelhead.

18
19 Following discussions between Federal
20 and State staff to address the Council's recommendation,
21 the Board further modified FP03-25 to provide for the
22 Federal subsistence fisheries regulations currently in
23 effect. The Board's modification changed the harvest
24 limit from weekly to annually to allow orderly management
25 of the fishery, provide documented harvest and to avoid
26 exceeding the harvest cap.

27
28 After two years of experience with the
29 fishery, staff were to report to the Council and to the
30 Board. This was a request by Board members and any
31 modification of pertinent requirements, season, bag
32 limits, harvest caps and other regulations concerning
33 this fishery could be accommodated at that time.

34
35 Biological background. Again, I'd refer
36 you to 35 through 37 for detailed information, but
37 basically for biological background steelhead are known
38 to be present in four systems on Kosciusko Island with
39 only spring run fish being documented. Actual population
40 numbers are unknown for Kosciusko Island drainages,
41 although they are presumed to be small systems.

42
43 Harvest history. A total of 49 people
44 reside in Edna Bay. Of 76 permits that we issued during
45 the spring 2003 subsistence steelhead season, only two
46 permits were issued to Edna Bay residents. Of the 26
47 steelhead reported harvested during the spring season
48 fishery, no steelhead were reported from Kosciusko Island
49 drainages or by Edna Bay residents. Household harvest
50 surveys in 1999 showed no steelhead harvest but did show

00354

1 a small number of cutthroat and rainbow trout from Trout
2 Creek by Edna Bay residents.

3

4 Sport harvest is unknown from the
5 Kosciusko Island with a small number of responses to the
6 statewide harvest survey. Along with the remoteness of
7 Kosciusko Island, the assumption can be made that sport
8 harvest is minimal. Cabin use surveys have resulted in
9 one response for Shipley Lake and this survey estimated a
10 catch of two and the harvest of one steelhead from
11 Shipley Creek.

12

13 The effect of this proposal. This
14 proposal would provide additional subsistence harvest
15 opportunity on four steelhead systems located on
16 Kosciusko Island resulting in some harvest of steelhead.
17 Harvest levels of steelhead on Kosciusko drainages should
18 not increase dramatically due to the small population of
19 Edna Bay, along with the remoteness of Kosciusko Island
20 to other Prince of Wales communities.

21

22 Our preliminary conclusion is to support
23 the proposal. Our justification is that by allowing
24 steelhead harvest on Kosciusko will provide subsistence
25 fishing opportunity to Edna Bay residents. Two permits
26 were requested by and issued to Edna Bay residents during
27 the 2003 spring season fishery. Harvest levels of
28 steelhead should not be very large due to the small
29 population on Kosciusko and the remoteness of Kosciusko
30 Island from the other Prince of Wales communities. Any
31 steelhead harvested from these systems would be included
32 in the harvest cap for the Prince of Wales subsistence
33 fishery, and the systems can be subject to in-season
34 management actions by the local in-season manager should
35 the need arise.

36

37 That ends my presentation. I'd be happy
38 to answer questions.

39

40 CHAIRMAN LITTLEFIELD: Thank you. Are
41 there questions, comments from Council on staff
42 presentation? Any Council members?

43

44 (No comment)

45

46 CHAIRMAN LITTLEFIELD: Thank you. Let's
47 go to ADF&G.

48

49 MS. SEE: There are three main concerns
50 that we want to present to you about this particular

00355

1 proposal. This is an area where there's a high degree of
2 uncertainty of what really exists for the stocks, but the
3 information we have really lends us to believe that
4 because these are small systems, physically they're
5 small, but also we feel they have very small populations
6 of fish and we've only got reports of fish in four of the
7 streams on the island, steelhead that is. So we're
8 dealing with a small number of streams and we think that
9 there are fewer probably than 100 fish each per stream.

10

11 Given that, we've got a small number of
12 streams, the streams themselves are small and the
13 spawning populations are small, we firmly believe that
14 there's a limited capacity to support harvest. We think
15 that this potential, and we realize that's a projection,
16 but there is a potential for Federally-eligible users to
17 use these streams in a manner which could impact them and
18 impact them adversely. There's not a lot of margin of
19 error in a stream that has a small population of fish. I
20 think Mr. Hernandez mentioned an example of that kind of
21 concern. We consider that this kind of proposal would
22 potentially put these four small stocks at risk of being
23 overused.

24

25 The second reason that we have a concern
26 about this is that there has not been a customary or
27 traditional take, at least from the surveys that have
28 been done, there hasn't been a usage for subsistence.
29 Finally, we think that the divergence this would cause
30 between the Federal and State regulations is unjustified
31 at this time and we would not support it. We also have
32 our sportfish biologist here to offer additional comments
33 and answer questions.

34

35 Thank you.

36

37 MR. BROOKHOVER: Mr. Chairman. I don't
38 have anything to add at this time.

39

40 CHAIRMAN LITTLEFIELD: Questions from
41 Council on ADF&G report. Mr. Douville.

42

43 MR. DOUVILLE: Thank you, Mr. Chairman.
44 So, in listening to you, you don't indicate that you have
45 any numbers of any kind for this. To use your term, you
46 feel that the runs are small, is that correct?

47

48 MR. BROOKHOVER: Mr. Chairman. Yes, for
49 a short answer. We, again, have a concern with small
50 stocks. One of the proposals before you addresses stocks

00356

1 of 100 fish or less. If we had to pigeon-hole the stocks
2 on the island to 100 or less or above 100, we would
3 pigeon-hole them in the 100 or less category based on the
4 information we have and observations we've had in the
5 fisheries and the size of the systems. I believe Federal
6 staff agree with us on this.

7

8 CHAIRMAN LITTLEFIELD: Mr. Casipit, would
9 you care to comment on that?

10

11 MR. CASIPIT: Thank you, Mr. Chair. Yes,
12 we don't have an idea of how many fish are there either
13 and we assume that they're fairly small, although it's
14 not based on any kind of snorkel surveys or anything
15 else. It's just kind of a hunch.

16

17 CHAIRMAN LITTLEFIELD: Other Council. I
18 have a question. Are there any closures at all to
19 sportfishing on the island at this time?

20

21 MR. BROOKHOVER: Mr. Chairman. No, no
22 closures are included in the regulatory package.

23

24 CHAIRMAN LITTLEFIELD: So it's open to
25 sportfishing but you would be opposed to it to be opened
26 to subsistence fishing. Your opposition would imply
27 that.

28

29 MR. BROOKHOVER: Mr. Chairman. On these
30 particular systems, yes.

31

32 CHAIRMAN LITTLEFIELD: Thank you. Other
33 Council. Thank you for your report. Other agencies,
34 both State and Federal. Does anyone want to comment on
35 this?

36

37 (No comment)

38

39 CHAIRMAN LITTLEFIELD: Are there any
40 tribes present that would like to comment on Proposal 33?
41 Mr. Demmert, please come forward.

42

43 MR. DEMMERT: Art Demmert. I guess, if I
44 understood earlier, either yesterday or so, that there
45 were five individuals, five men and five dogs, that live
46 on the island. I know I've stopped in at a place called
47 Cape Pole there a few times. The last time I was going
48 to go in there and anchor up because it was getting
49 stormy, I have a 57-foot boat I used to run, but these
50 guys were shooting their guns. Later I saw the guy. I

00357

1 had gotten to know the guy. So I turned around and I
2 left because I figured these guys were probably having a
3 large time or something and they didn't want me in there.
4 I think that it would be historically, probably, because
5 the people from here used to go, and a lot of them still
6 do, to Warren Island and Coronation Island to do some of
7 their hunting because of deer populations, as they were
8 depleted here. I know people with boats would travel up
9 there. Some of them would stop at Kosciusko Island.
10 Probably it's not documented, but we've probably had our
11 people fishing on these streams. And then the ones that
12 also went up into Sea Otter Sound to do some of their
13 hunting for game and sea mammals. they probably had
14 opportunities to participate in the steelhead fishery.

15

16 That's all I have to say. Thank you.

17

18 CHAIRMAN LITTLEFIELD: Council.
19 Questions. I also believe that those were within the
20 traditional territory. Probably Craig and Klawock as
21 well as Kake at times. Just about everywhere in
22 southeast Alaska I believe was at one time used for it,
23 so I agree with you. Cal, would you care to comment?

24

25 MR. CASIPIT: I just wanted to point out
26 to the Council, Mr. Chair, under harvest history on page
27 204 there's some information on numbers of people and
28 households at Edna Bay. According to DCED in 2002 and
29 the 2000 census, a total of 49 people resided in 19
30 households in Edna Bay, which is located on Kosciusko
31 Island.

32

33 CHAIRMAN LITTLEFIELD: No mention of
34 dogs. Okay. We're at ADF&G Advisory Committees. Are
35 there any that would like to testify?

36

37 (No comment)

38

39 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
40 summary of written public comments.

41

42 DR. SCHROEDER: Mr. Chair. We haven't
43 received public written comments on this proposal.

44

45 CHAIRMAN LITTLEFIELD: Is there any
46 member of the public here today that would like to
47 testify? I do not have any sheets. Is there anyone who
48 would like to testify? Ms. Prefontaine, please come
49 forward.

50

00358

1 MS. PREFONTAINE: Brandy Prefontaine. I
2 feel in all fairness, seeing as how people from Edna Bay
3 and Naukati aren't here to talk, I've heard many of them
4 talk about fishing over on Kosciusko and kind of boasting
5 about the number of fish being over there, numbering
6 similar to what's in Hatchery Creek as far as the coho.
7 I've heard people say it looked like the coho going up
8 Hatchery Creek when they're over in Trout Creek. There
9 was many numbers. We've got no facts or no snorkel
10 surveys, but I've heard many people over the years
11 talking about wanting to go to Kosciusko to fish the
12 large steelhead runs in that area. So I just wanted to
13 make you guys aware that there are people out there that
14 like to fish there and there are some numbers. It would
15 be good to get some actual data on that stream.

16
17 CHAIRMAN LITTLEFIELD: Just for
18 clarification, you're in favor of this proposal or
19 opposed?

20
21 MS. PREFONTAINE: I'm in favor for it for
22 Edna Bay and Naukati because there's a lot of northern
23 residents that use that. Also, I've heard of people from
24 down here going up there also, so I think it would be
25 good.

26
27 CHAIRMAN LITTLEFIELD: Questions from
28 Council. Mr. Hernandez.

29
30 MR. HERNANDEZ: Thank you, Mr. Chairman,
31 Brandy. Would you happen to know, is there any
32 particular stream that they think has more than what
33 staff seems to think is there?

34
35 MS. PREFONTAINE: It's kind of hard when
36 you're just listening to people brag and boast actually
37 get factual numbers from it. You know, the numbers can
38 be high, but Trout Creek has been mentioned several
39 times. I've personally never been over there yet.

40
41 MR. HERNANDEZ: I tend to believe also
42 it's probably Trout Creek. Would you say it's common for
43 Naukati people to travel over to Kosciusko and, also, do
44 you know, do Edna Bay people come over to Prince of Wales
45 very often and use nearby streams such as Sarcar?

46
47 MS. PREFONTAINE: I'd say pretty much at
48 least weekly or daily people are going from Kosciusko to
49 Naukati to do their grocery shopping and do their
50 fishing. I know regulations sometimes make it hard with

00359

1 the subsistence regulations this spring with the
2 customary and traditional use. I know that probably
3 changed some patterns of what they were doing. Several
4 people, I think, from Craig and Klawock and Naukati and
5 Thorne Bay and Coffman Cove do travel out to Edna Bay and
6 vice versa. Also Heceta and Kosciusko for hunting and
7 fishing and clamming also and to the oyster farms.

8

9 CHAIRMAN LITTLEFIELD: Do you want to
10 follow up on that?

11

12 MR. HERNANDEZ: No, thank you.

13

14 CHAIRMAN LITTLEFIELD: Are there other
15 Council that have questions? Thank you for your
16 comments.

17

18 MS. PREFONTAINE: Thank you.

19

20 CHAIRMAN LITTLEFIELD: Are there any
21 other members of the public that would like to testify on
22 Proposal 33?

23

24 (No comment)

25

26 CHAIRMAN LITTLEFIELD: Hearing none,
27 we're at Regional Council deliberations and
28 justification. Again, the justification should include
29 conservation concerns, effect on subsistence users,
30 effect on other users and the kinds and types of
31 information. The executive summary that I have for FP04-
32 33 is shown on page 189. However, I would prefer that we
33 adopt the language as shown on page 205. The difference
34 as I see it, and perhaps staff could correct this, is
35 just to make sure that all of the additional information
36 that's under section four was included because I think
37 that was the only change I saw. I think we should adopt
38 the language on 205. Staff comments first.

39

40 MR. CASIPIT: Yes, Mr. Chair, you
41 probably should work from the version on 205. The
42 language in subsections A and B were inadvertently
43 dropped from that executive summary, so you should
44 probably work with the version that appears on 205.

45

46 CHAIRMAN LITTLEFIELD: Thank you. So
47 that's the whole wording of that section, so I would
48 entertain a motion to adopt the language as shown on page
49 205.

50

00360

1 MR. STOKES: Mr. Chairman, I so move.

2

3 CHAIRMAN LITTLEFIELD: Do we have a
4 second?

5

6 MR. DOUVILLE: Second.

7

8 CHAIRMAN LITTLEFIELD: It's been moved
9 and seconded to adopt FP04-33 as shown on page 205 on
10 your Board book and continuing on to page 206.
11 Discussion. We need to make sure we get those four
12 bullet items down. Mr. Adams.

13

14 MR. ADAMS: Thank you, Mr. Chairman. I
15 think I need some clarification here because it appears
16 to me that both staff analysis and the Fish and Game have
17 the same notion that there are small populations in these
18 rivers. If there's any pressure on those rivers at this
19 point, which we probably don't know, would that be some
20 concern for conservation? I just need to be clarified on
21 that.

22

23 CHAIRMAN LITTLEFIELD: Mr. Casipit.

24

25 MR. CASIPIT: Thank you, Mr. Chair, Mr.
26 Adams. Based on the limited number of people who applied
27 for permits from Edna Bay in the 2003 fishery, which were
28 only two people, and based on that we have this spring
29 harvest limit of five fish per household per permit,
30 based on the number of permits issued in Edna Bay and
31 multiply that by the harvest limit that would be on those
32 permits, that's 10 fish. Assuming that two people
33 participate from Edna Bay, that's a fairly small amount
34 of harvest. If you assume that there's 100 fish in each
35 of the streams, you're only looking at a 10 percent
36 harvest out of any one stream. We also have the in-
37 season authority to restrict if we find, based on the in-
38 season monitoring that Jeff will continue to do, that
39 harvests are increasing in these four systems, that we
40 have in-season authority to restrict harvest if we need
41 to for conservation purposes.

42

43 CHAIRMAN LITTLEFIELD: Follow up.

44

45 MR. ADAMS: Thank you, Cal. I'm assuming
46 then that the Feds monitor those streams. Am I correct
47 in that assumption?

48

49 MR. CASIPIT: Thank you, Mr. Chair, Mr.
50 Adams. We haven't monitored the escapements there. What

00361

1 we're monitoring is the harvests through bi-weekly phone
2 calls to permit holders.

3

4 CHAIRMAN LITTLEFIELD: Mr. Douville.

5

6 MR. DOUVILLE: Thank you, Mr. Chairman.
7 I am in favor of this proposal. It is kind of a
8 housekeeping thing. It was inadvertently left out of the
9 original proposals that were made concerning steelhead in
10 the past three years. I don't see where there's a
11 conservation concern. No one has provided any, other
12 than feelings and so on, to make me think there's a
13 concern and I do believe the steelhead are harvested in
14 this area. As far as users, subsistence users, it does
15 provide an opportunity. It does not affect other users
16 in any way. As far as information is concerned, we had
17 good information provided. The other advantage of this
18 would be perhaps you would recover some information that
19 you don't have now of harvest data. To me, these are all
20 pluses.

21

22 Thank you.

23

24 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

25

26 MR. KOOKESH: Mr. Chairman. In reviewing
27 the ADF&G comments and listening to Cal's comment about
28 only doing harvest monitoring and ADF&G says first given
29 the lack of stock assessment information and slim
30 potential for future stock assessment projects, leads me
31 to believe that we have to, at this point, rely on
32 information such as the one given by Ms. Prefontaine,
33 which is our local knowledge. I believe that can be very
34 important. That's my comment, sir.

35

36 CHAIRMAN LITTLEFIELD: Other Council.
37 Mr. Stokes.

38

39 MR. STOKES: I'm in favor of this motion
40 just listening to Mike and our lady friend over there.
41 They've got local knowledge and I'm sure that they
42 wouldn't jeopardize it. I'm in favor of it.

43

44 CHAIRMAN LITTLEFIELD: Other Council.
45 I'm going to be voting for this. I know the State said
46 they were opposed to it and one of their main concerns
47 was no stock assessment and slim potential for stock
48 assessment. We have about 3,000 salmon streams in
49 southeast Alaska and we don't have stock assessment on
50 any of those and I'm not going to let that stop me from

00362

1 making a decision on something that I think is not a
2 conservation concern. It's only a perceived conservation
3 concern.

4

5 We have Federal land managers that work
6 for us and make decisions and they're charged with
7 protecting conservation and I guarantee you that not one
8 of them, at risk of his job, would deliberately make an
9 error on conservation concern. I think they would take
10 quick action as brought to them by the State, as brought
11 to them by the users. I think they will take quick
12 action and that's the safety net and I trust that at this
13 time, so I'm going to be voting for it. Other Council.
14 Ms. Wilson.

15

16 MS. WILSON: I'm also in favor of this
17 motion. Like Mike said, it was forgotten and it's a
18 housekeeping thing. I also think there's no conservation
19 problem because not that many people will probably rush
20 over and go fish for this harvest. I also liked the info
21 from the local young lady over there. As far as
22 conservation goes, the in-season management can check it
23 out and have a closure if need be. I'm for this.

24

25 CHAIRMAN LITTLEFIELD: Other Council.
26 Are you ready for the question on 33? The question
27 before the Council is the adoption of FP04-33. The
28 language is shown on page 205 and the top of page 206.
29 All those in favor signify by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN LITTLEFIELD: All those opposed
34 same sign.

35

36 (No opposing votes)

37

38 CHAIRMAN LITTLEFIELD: FP04-33 is
39 adopted. Okay. Staff presentation on Proposal 34.
40 Please state the page.

41

42 MR. SUMINSKI: Good morning, Mr.
43 Chairman, Council. My name is Terry Suminski with the
44 U.S. Forest Service. You'll find this proposal starting
45 on page 213 in your booklet. Proposal FP-04-34,
46 submitted by Jim Beard of Thorne Bay, would prohibit the
47 possession of subsistence-taken and sport-taken trout and
48 char on the same day and require the pelvic fins be
49 removed from trout and char when taken.

50

00363

1 The proponent is concerned that
2 subsistence-taken and sport-taken trout and char can be
3 possessed on the same day, which may lead to subsistence
4 and sport bag limits being accumulated. He believes that
5 clipping the pelvic fins of subsistence-taken trout and
6 char would help law enforcement personnel determine if an
7 individual is subsistence and sport fishing on the same
8 day.

9
10 The effect of the proposal. Accumulating
11 limits is already prohibited by Federal regulation. Both
12 State and Federal regulation allows the possession of
13 subsistence-taken and sport-taken trout on the same day.
14 There are no directed State subsistence or personal use
15 fisheries for these species. Trout and char can be
16 retained if taken incidently while subsistence fishing
17 for other species. However, there are directed
18 subsistence fisheries under Federal rules for trout and
19 char. Trout, steelhead and char subsistence and sport
20 fisheries overlap in timing, area and allowable gear. So
21 fin clipping subsistence-taken fish and prohibiting
22 possession of subsistence and sport-taken fish may help
23 separate the fisheries and reduce confusion by users and
24 law enforcement. However, law enforcement officers have
25 not encountered confusion by users and have not had any
26 difficulties differentiating between subsistence and
27 sport users.

28
29 Under the fin clipping, Federal
30 subsistence users must remove the pelvic fins of salmon
31 when taken. State subsistence users must remove the
32 dorsal fins. The primary purpose of marking is to
33 prevent subsistence-caught salmon from mixing with
34 commercial-taken salmon in the marketplace.

35
36 There is no commercial market for trout
37 other than steelhead and char and the commercial sale of
38 steelhead is very limited. There are no directed
39 commercial fisheries for steelhead in Southeast Alaska.
40 Steelhead caught incidentally in commercial net fisheries
41 may not be sold. Steelhead may be sold if caught
42 incidentally while commercially trolling for salmon.
43 Commercial fishermen in Southeast Alaska have sold about
44 50 steelhead per year since 1997. It is unlikely that
45 subsistence-taken trout, steelhead and char will enter
46 commercial markets.

47
48 While there is valid law enforcement need
49 to identify subsistence-taken salmon to prevent them from
50 entering commercial markets, there is no evidence that

00364

1 marking is needed to prevent subsistence-taken trout and
2 char from entering the commercial marketplace.

3

4 The preliminary conclusion is to oppose
5 this proposal. The justification being that the practice
6 of accumulating subsistence and sportfishing bag limits
7 is already prohibited by Federal regulation. The
8 prohibition of accumulating subsistence and sportfishing
9 bag limits address biological concerns with possessing
10 subsistence-taken and sport-taken trout and char on the
11 same day.

12

13 Although the proposed regulation may help
14 separate fisheries, Federal law enforcement has not had
15 any problems distinguishing between subsistence and sport
16 users and believes there is not sufficient law
17 enforcement need to support the proposed regulatory
18 changes. The proposed marking requirement would burden
19 subsistence users without a demonstrated need and the
20 proposal would also increase divergence from State
21 regulation.

22

23 Thank you.

24

25 CHAIRMAN LITTLEFIELD: Thank you.
26 Questions for Staff on Proposal 34.

27

28 (No comment)

29

30 CHAIRMAN LITTLEFIELD: You did a good
31 job. No questions. Oh, Ms. Wilson.

32

33 MS. WILSON: I was just wondering who
34 goes out and sport fishes and does subsistence fishing at
35 the same time. I've never heard of it, so I was
36 wondering.

37

38 MR. SUMINSKI: The potential is there
39 that someone could go out and -- steelhead, for example.
40 They could go sportfishing and catch one over 36 inches
41 and keep it and then maybe go back and fish under
42 subsistence regulations.

43

44 CHAIRMAN LITTLEFIELD: Again, we're
45 talking about potentials, right? You haven't seen this
46 anywhere? Or is it documented?

47

48 MR. SUMINSKI: I have not seen it and, as
49 far as I know, it's not documented. I don't believe that
50 law enforcement has encountered that.

00365

1 CHAIRMAN LITTLEFIELD: Mr. Douville.

2

3 MR. DOUVILLE: Thank you, Mr. Chairman.

4 It's been explained to me that some of the sportfishermen
5 on steelhead will acquire a Federal permit should they
6 injure a steelhead by sportfishing. Say it would be like
7 mortally wounded, so it would allow them to keep that
8 fish. They did acquire those permits for that reason.

9

10 CHAIRMAN LITTLEFIELD: Other Council
11 questions for Staff.

12

13 (No comments)

14

15 CHAIRMAN LITTLEFIELD: Okay. Thank you.

16 ADF&G.

17

18 MS. SEE: Mr. Chairman, Members of the
19 Council. For the record, my name is Marianne See with
20 Fish and Game. We note that there's a change in our
21 position on this proposal from that published in your
22 book. On page 211 it overs one position, but, in fact,
23 the Department is neutral on this proposal, so I want to
24 make that important distinction. We gave this a lot more
25 consideration after the book was published, which was
26 quite some time ago.

27

28 I would note that the Federal Staff
29 analysis covered a lot of the key points. We'll
30 reiterate some of those for the record, but that was a
31 very thorough explanation of a lot of the concerns here
32 because we're trying to look at what is really required,
33 but what is reasonable in the case of steelhead for the
34 kinds of concerns about harvest.

35

36 State regulations for salmon are
37 different and they have a good reason to be. For
38 example, State regs prohibit the possession of
39 subsistence or personal use harvested and sport harvested
40 salmon on the same day and those regs require that the
41 dorsal fins of salmon caught in State subsistence
42 fisheries in Southeast Alaska and Yakutat be removed
43 immediately after harvest. But, again, that's for salmon.
44 Coddle or tail fins of personal use salmon must also be
45 removed immediately after harvest. Again, a salmon
46 requirement. It is not illegal to possess trout,
47 steelhead and char harvested under subsistence or
48 personal use and sport regulations. However, the only
49 directed State subsistence fishery for steelhead trout in
50 Southeast, including Yakutat, is on the Situk and

00366

1 Ahrnklin Rivers.

2

3

4 The permit requires participants in that
5 fishery stipulates to remove the dorsal fin from
6 subsistence-caught steelhead trout
7 when those are taken. For the remainder of Southeast,
8 harvest of trout, steelhead and char is allowed only
9 incidentally in the State subsistence and personal use
10 salmon fisheries. So, in that case, subsistence and
11 personal use fishermen are not required to remove fins
12 from those incidentally harvested fish, which is trout,
13 steelhead and char, that are taken under a State
14 subsistence or personal use salmon permit. The
15 requirement there is simply to record that the fish has
16 been harvested on their permit calendar, so it's a
17 reporting requirement essentially, but not a marking
18 requirement.

18

19

20 So we think there's a real distinction
21 here between the salmon rules and what should be in
22 effect for steelhead and we are neutral, essentially, on
23 this proposal.

23

24

25 CHAIRMAN LITTLEFIELD: Thank you. Are
26 there any questions for ADF&G?

26

27

28 Mr. Adams.

28

29

30 MR. ADAMS: I've heard this term used
31 quite a bit, personal use, and I'd just kind of like to
32 know what the difference between personal use and
33 subsistence is.

33

34

35 MR. BROOKHOVER: Mr. Chair, Mr. Adams.
36 There was discussion at the Board meeting about
37 subsistence and personal use fisheries when the personal
38 use regulations were created. The personal use
39 regulations were created when I believe some legal action
40 was taken with respect to the McDowell case. At the same
41 time, there were state residents excluded from
42 subsistence use in some areas, in the non-subsistence use
43 areas, if I'm not mistaken. The personal use regulations
44 were adopted to accommodate some users in particular
45 areas of the state, and I believe at the time the areas
46 discussed were relatively finite. Cook Inlet was one of
47 them.

47

48

49 So the personal use regulations were
50 adopted to accommodate those users since they couldn't
participate in the subsistence fishery in some aspect.

00367

1 Since then, obviously, personal use regulations have
2 changed and grown to some extent. Practically, it
3 involves in Southeast Alaska under State regulations
4 getting a permit. In a lot of cases, I believe the
5 permits are one in the same. They're just categorized by
6 species and location as to whether it constitutes
7 subsistence or personal use fishing under either
8 categories or regulations.

9

10 CHAIRMAN LITTLEFIELD: I'd like to follow
11 up on that a little bit. Who is eligible for a
12 subsistence permit and who is eligible for a personal
13 permit?

14

15 MS. SEE: We'll get Mike Turek up here
16 from our Subsistence Division to speak more to this.

17

18 MR. TUREK: Mr. Chair. In the State
19 system, before you're eligible for subsistence there has
20 to be a C&T finding in that area. It has to be a
21 positive C&T finding by the Board. Once there's a
22 positive C&T finding, then a subsistence permit can be
23 written by the Department.

24

25 In a situation like what happened last
26 year at the Board of Fisheries with the C&T findings for
27 District 7 and 8, which included Wrangell and Petersburg,
28 there have been personal use fisheries there for years
29 because there was no C&T finding. After the C&T finding,
30 those personal use fisheries will just become the
31 subsistence fisheries. One of the critical differences
32 between subsistence and personal use is personal use does
33 not have a priority. Subsistence use does have priority.
34 Also, personal use doesn't have the -- you can't give the
35 fish or game away, trade the fish and game like you can
36 under subsistence.

37

38 CHAIRMAN LITTLEFIELD: Are there any
39 residency requirements?

40

41 MS. SEE: Yes.

42

43 MR. TUREK: Yes. You have to be an
44 Alaska resident to get a personal use permit.

45

46 CHAIRMAN LITTLEFIELD: Thank you. Other
47 Council questions.

48

49 (No comments)

50

00368

1 CHAIRMAN LITTLEFIELD: You've changed to
2 neutral, so I don't have a question on this better
3 aligning State and Federal.

4

5 Mr. Stokes.

6

7 MR. STOKES: Is that just for rural
8 residents?

9

10 MR. TUREK: Chair, Mr. Stokes. No,
11 that's for all Alaska residents. The personal use
12 permits, as Tom was explaining, I think the idea was
13 originally for non-rural residents in the non-subsistence
14 areas in Southeast. That would be Juneau and Ketchikan.
15 But then after the McDowell decision they began to be
16 used in other places, like here at Prince of Wales
17 Island. The areas that don't have C&T findings on Prince
18 of Wales Island for fisheries, then they get issued
19 personal use permits.

20

21 What also confuses the issue in Southeast
22 is that the personal use subsistence permits are often
23 the same permit and they'll say personal use/subsistence.
24 So often people that are fishing under personal use
25 regulations will think they're fishing under subsistence
26 regulations because they have their subsistence permit,
27 so it's a bit confusing in Southeast. But any Alaska
28 resident can both fish under subsistence and personal use
29 regulations.

30

31 MR. STOKES: Thank you.

32

33 MS. SEE: And sometimes those personal
34 use rules are somewhat more liberal, recognizing they're
35 largely intended for kind of a local use situation, but
36 the State cannot recognize rural because of the legal
37 cases that have been determined. So it's a way to deal
38 with that. There is an important distinction, as Mike
39 noted, that if there was a shortage of the resource for
40 personal use fisheries, the subsistence priority would
41 not apply.

42

43 CHAIRMAN LITTLEFIELD: Just an
44 observation. If we had the sport fishery cut the heads
45 or the fins off and not put that requirement on personal
46 as well as subsistence, there would be no problem
47 identifying where those fish came from. Any other
48 comments? Thank you very much. Any other State or
49 Federal agencies?

50

00369

1 (No comment)

2

3 CHAIRMAN LITTLEFIELD: Are there any
4 tribes that would like to comment on this proposal?

5

6 (No comment)

7

8 CHAIRMAN LITTLEFIELD: Any ADF&G Advisory
9 Committees present that would like to comment?

10

11 (No comment)

12

13 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
14 summary of written public comments.

15

16 DR. SCHROEDER: Mr. Chairman, we don't
17 have any written public comments on this proposal.

18

19 CHAIRMAN LITTLEFIELD: Do we have any
20 public testimony requests? Is there anyone in the
21 audience who would like to testify on this Proposal No.
22 34?

23

24 (No comment)

25

26 CHAIRMAN LITTLEFIELD: Hearing none,
27 we're at Council deliberations. I'm looking at Proposal
28 FP04-34 and the executive summary I'm looking at is on
29 page 211 and it's requiring removal of fins. I'm looking
30 for a motion.

31

32 MR. STOKES: I so move.

33

34 CHAIRMAN LITTLEFIELD: Mr. Stokes, just
35 to clarify, you're moving to adopt FP04-34?

36

37 MR. STOKES: That's correct.

38

39 CHAIRMAN LITTLEFIELD: Is there a second?

40

41 MR. DOUVILLE: Second.

42

43 CHAIRMAN LITTLEFIELD: It's been moved
44 and seconded to adopt FP04-34 as shown on page 211
45 requiring removal of fins. Is there any Council
46 discussion? We need to clarify the points here.
47 Conservation concerns, subsistence users, effect on other
48 users and kinds and type of information. I don't believe
49 on this one it will be quite as dramatic, but we should
50 cover those points if possible. Council. Mr. Douville.

00370

1 MR. DOUVILLE: Thank you, Mr. Chairman.
2 I do not support this proposal. There is not a
3 conservation issue here. However, I think it puts a
4 burden on subsistence users, which is unnecessary. It
5 does not affect other users. I really don't know how to
6 address the information. There is no information to help
7 me support it.

8
9 Thank you.

10
11 CHAIRMAN LITTLEFIELD: Thank you. Any
12 other Council comments. I'm going to be voting against
13 this as well and the reason is because it's an undue
14 burden on subsistence users to cut any fin off of fish as
15 far as I'm concerned because we use those fins for
16 specific purposes, the way we smoke them and stuff like
17 that. So the undue burden is on them and I'm going to
18 vote against it.

19
20 Any other comments. Ms. Wilson.

21
22 MS. WILSON: I don't see any conservation
23 issues and it doesn't affect other users, except it puts
24 a burden, like Mike says, on the subsistence user. To
25 me, it's another regulation which is based on probable
26 cause of somebody maybe getting fish sports and getting
27 the fish on subsistence. It's like saying you can't
28 trust a subsistence user. I don't see the need for so
29 many regulations. We used to be over-regulated. Sitting
30 on this Board, I would rather see less regulation if we
31 can get by without it and I think we can get by without
32 this one.

33
34 CHAIRMAN LITTLEFIELD: Mr. Stokes.

35
36 MR. STOKES: I oppose this, too. As in
37 time immemorial, we handled fish this way or the way it
38 should and I'm totally against it.

39
40 CHAIRMAN LITTLEFIELD: Other Council.
41 Mr. Adams.

42
43 MR. ADAMS: Mr. Chairman. I need to be
44 corrected here. It says here in the ADF&G comments
45 supports the proposal, but when they were testifying I
46 think they made it clear that they stood neutral on this
47 issue. So there's a little bit of a conflict for me as
48 to where they're standing on this. I suppose their
49 testimony would be taken as not opposing it. I just
50 wanted to bring that out.

00371

1 CHAIRMAN LITTLEFIELD: Dr. Schroeder.

2

3 DR. SCHROEDER: Mr. Chairman. Alaska
4 Department of Fish and Game gave us revised comments at
5 the beginning of this meeting. That's a handout that
6 looks like this. This is a proposal where their position
7 changed from the time the book was printed to our
8 meeting.

9

10 Thank you.

11

12 CHAIRMAN LITTLEFIELD: Did everyone get a
13 copy of the State of Alaska's revised positions on these
14 proposals? If not, we will make sure that you have one.
15 I believe everyone should have one. My interpretation of
16 their position is neutral.

17

18 MR. ADAMS: I beg your forgiveness. I
19 remember reading that yesterday. So I just got confused,
20 but I understand now.

21

22 Thank you.

23

24 CHAIRMAN LITTLEFIELD: Other Council
25 comments. Are you ready for the question?

26

27 MR. KOOKESH: Call the question.

28

29 CHAIRMAN LITTLEFIELD: The question
30 before you is FP04-34 as shown on page 211 requiring the
31 removal of fins. All those in favor signify by saying
32 aye.

33

34 (No response)

35

36 CHAIRMAN LITTLEFIELD: All those opposed
37 same sign.

38

39 IN UNISON: Aye.

40

41 CHAIRMAN LITTLEFIELD: The motion has
42 failed, FP04-34. We are on Staff presentation 35, 36,
43 37. We'll break for lunch about noon, but I think we can
44 get this presentation out of the way. If the Staff
45 believes it's going to take more than 15 minutes, we may
46 as well take lunch now. Would you prefer to take lunch
47 now.

48

49 MR. CASIPIT: Mr. Chair, I think I can
50 get through my presentation in 15 minutes if that's okay.

00372

1 CHAIRMAN LITTLEFIELD: I'd like to do
2 that. We still have a fairly full agenda and we have a
3 couple proposals.

4
5 MR. CASIPIT: The Staff analysis for
6 Proposals FP04-35, 36 and 37 appear on page 223 of your
7 book and I'll be presenting this for Jeff Reeves.
8 Proposal FP04-35 was submitted by Gary Souza. He
9 requests a 36-inch minimum size limit and a two fish
10 annual harvest limit placed on all fall steelhead systems
11 for the Federal subsistence steelhead fishery on Prince
12 of Wales Island.

13
14 Proposal FP04-36, also submitted by Gary
15 Souza, requests a 36-inch minimum size limit and a two
16 fish annual harvest limit be placed on steelhead systems
17 with estimated populations of less than 100 adults or no
18 estimate for the Prince of Wales Island steelhead
19 fishery. Both proposals would also prohibit the use of
20 spears.

21
22 Proposal FP04-37 was submitted by William
23 Welton and requests a 36-inch minimum size limit and a
24 two fish annual harvest limit for the Prince of Wales
25 Island steelhead fishery. This proposal indicates no
26 restriction on gear types.

27
28 Proposals 35 through 37 all request the
29 re-adoption of the 36-inch minimum size limit along with
30 the two fish annual bag limit on the Prince of Wales
31 subsistence steelhead fishery. Under regulatory history
32 for the state, all steelhead harvest occurred either
33 incidentally in subsistence and commercial fisheries or
34 under sportfish regulations. Prior to 1994, the
35 regulation was one fish per day any size and since 1994
36 changed sport regulations to one fish per day, two
37 annually, 36 inches or greater. The daily harvest limit
38 can be two fish. If one was a hatchery fish as evidenced
39 by a healed adipose scar, there is no size restrictions
40 for a hatchery steelhead.

41
42 Commercial fishing regulations were also
43 changed during the 1994 State Board of Fish cycle
44 prohibiting the sale of net caught steelhead. These
45 fish, however, may be retained for personal use. The
46 troll fishery was not restricted and may still sell
47 steelhead. In 2003, the State Board of Fisheries revised
48 the region wide sport regulations to allow the daily bag
49 limit of two steelhead, one must be adipose clipped, only
50 on the Klawock River and Ketchikan Creek.

00373

1 I think everybody is familiar with the
2 Federal regulatory history, so I'm not going to go over
3 that. For biological background on Prince of Wales
4 Island, steelhead are present in at least 74 systems.
5 Peak numbers of steelhead are present in April and May
6 and are represented by two stocks of steelhead, a fall
7 run and a spring run. The spring stocks are dominant as
8 fall run steelhead have only been documented in 13
9 drainages.

10

11 Available information for Prince of Wales
12 Island is limited and since 1994 both ADF&G and Forest
13 Service have initiated index snorkel surveys of some
14 Prince of Wales Island systems. How all these counts
15 indicate trends is unknown as very little data has been
16 collected to relate peak counts to actual escapement.
17 Actual population numbers are unknown. Tentative
18 escapements for some Prince of Wales Island systems were
19 estimated in the 1980s. No predictive models have been
20 developed to determine harvestable surplus. However, a
21 model developed for the Karluk River has suggested that
22 harvest could range between 9.8 to 28.9 percent. Prince
23 of Wales Island's potential sustainable exploitation may
24 be near the lower end of this model, approximately 10
25 percent. Length data for Prince of Wales Island is
26 lacking. Table 2 in your analysis shows a sample of
27 1,031 Karta River steelhead. As you will see, six-tenths
28 of one percent are larger than 36 inches. Since these
29 lengths are derived from one system, the actual length
30 composition for Prince of Wales Island may not be fully
31 represented.

32

33 For harvest history. Household
34 subsistence harvest surveys have estimated harvest by
35 Prince of Wales Island communities at roughly 600
36 steelhead per year, mostly taken by rod and reel. During
37 the course of the spring subsistence steelhead season, 76
38 permits were issued to Prince of Wales Island residents.
39 A spring season fishery resulted in the harvest of 26
40 steelhead. Previous subsistence harvest Federal permits
41 issued and harvest by communities is found in Table 3 of
42 your analysis.

43

44 Fall steelhead harvest will not be known
45 until the completion of the winter fishery beginning this
46 December 2003. Liberal sport regulations up until 1991
47 resulted in large sport harvests of steelhead on Prince
48 of Wales Island. That's displayed on Table 4. Sport
49 harvest peaked in 1987 at 1,950 steelhead. Since 1994,
50 estimated sport harvest have ranged between zero and 114.

00374

1 A limited number of mortality suggests a
2 2 to 3 percent catch and release mortality and managers,
3 to be conservative, commonly assume 5 percent. Bait
4 mortalities tend to be from three to nine times higher
5 than artificial lures.

6
7 Commercial fishing by-catch on Table 4
8 has ranged from 533 to 11,540 prior to the 1994
9 regulation changes, with the majority occurring in
10 gillnet fisheries. Since 1997, fewer than 50 reported
11 landings have occurred yearly in the troll fishery.
12 There is uncertainty with these recent estimates as net
13 caught steelhead are not documented.

14
15 Effect of the proposals. All of these
16 proposals would restrict subsistence harvest of steelhead
17 on PWI and reverse the Federal Subsistence Board's
18 decision establishing the current regulation.
19 Reimplementing a minimum size restriction could increase
20 catch and release mortality beyond current levels and
21 does not meet the needs of subsistence users according to
22 community harvest surveys and RAC testimony presented
23 last year and this year.

24
25 Household harvest surveys indicate a
26 harvest level of seven fish per household and a 600 fish
27 total for Prince of Wales Island. The Board's action in
28 2002 was designed to accommodate harvest as documented.
29 An annual household limit of two fish is unnecessary to
30 remain under the 600 fish historical harvest level, does
31 not meet subsistence users documented use of seven
32 steelhead per household and would be an unnecessary
33 restriction to subsistence users.

34
35 Our preliminary conclusion is to oppose
36 these proposals. Our justification is that current
37 harvest opportunity for steelhead is being managed
38 conservatively by reflecting documented contemporary use
39 that appears sustainable. Reported harvest during the
40 first season of the spring fishery was 26 steelhead from
41 three of the largest systems, Thorne River, Klawock River
42 and Staney Creek, on PWI. I will add that those are the
43 three largest road accessible systems on the island.

44
45 Concern over fall run stocks was
46 addressed between State and Federal Staff prior to action
47 by the Board. To provide harvest opportunity while
48 protecting fall steelhead from excessive harvest, an
49 annual harvest cap of 100 fish was placed on the winter
50 season fishery, with the winter harvest being included

00375

1 into the total cap for both seasons. Direction was given
2 after two years by the Board to report back to both the
3 Council and the Board so any modifications to permit
4 requirements, seasons, bag limits, harvest caps or other
5 regulations concerning this fishery could be addressed.

6
7 The largest issue facing the steelhead
8 fishery on PWI is the potential for large numbers of
9 Federally-qualified fishers and the ease of access
10 throughout the road system to small systems. This issue
11 was addressed, following consultation with ADF&G, by
12 implementing a two fish annual limit, a 36-inch minimum
13 size limit and prohibiting the use of spears on 21 small
14 roadside drainages, two of these contain fall stocks,
15 during the spring season fishery.

16
17 Based on permit data, there has been no
18 reported harvest from any of the small steelhead
19 drainages regardless of access. If, in the future,
20 participation and harvest increase, the Federal manager
21 can require more stringent harvest regulations under his
22 existing regulatory authority. With that, that's my
23 presentation. I'd be happy to answer any questions or if
24 you would like to eat lunch, that would be fine.

25
26 CHAIRMAN LITTLEFIELD: Thank you. Let's
27 get the questions out of the way. Council questions for
28 Staff.

29
30 (No comment)

31
32 CHAIRMAN LITTLEFIELD: That was easy.
33 Let's take a lunch break. One hour, 1:00 o'clock.

34
35 (Off record)

36
37 (On record)

38
39 CHAIRMAN LITTLEFIELD: Before we go to
40 ADF&G, Mr. Casipit, did you have an additional piece of
41 information for us that you wanted us to know about?

42
43 MR. CASIPIT: Yes, Mr. Chair. Cal
44 Casipit, Forest Service, Juneau. I just wanted to point
45 out to the Council that on the top of page 235 I had
46 mentioned that the household surveys found seven
47 steelhead per household and that's seven steelhead per
48 household who reported using steelhead, not all
49 households in the communities.

50

00376

1 CHAIRMAN LITTLEFIELD: Thank you for that
2 clarification. Are we ready to proceed to ADF&G?

3

4 MS. SEE: Mr. Chair, Members of the
5 Council. My name is Marianne See with Fish and Game.
6 Regarding these proposals, we have a couple comments we
7 want to make sure we register today. Again, we have some
8 adjustments to our position from that which was offered
9 in the book because we've given these proposals
10 additional consideration.

11

12 Our main concern with these is the small
13 stocks and fall run fish. The Federal Board expanded
14 harvest opportunity for steelhead and we have a large
15 degree of agreement with Federal Staff and the approach
16 to expand harvest opportunity, so we want to note that.
17 There was also a high degree of agreement on the whole
18 concern of trying to ensure that small streams which have
19 small runs of fish would be protected and that there
20 would be an effort to direct effort away from those
21 streams of concern. We did achieve agreement on 21 of
22 those road accessible stocks.

23

24 We also felt there was a good argument to
25 be made for some additional streams and we did not reach
26 agreement with Federal Staff over that, so we have a
27 difference of opinion basically in the degree of
28 protection. We did want to note that in large part we
29 agreed on the additional effort and on the protection for
30 some of the most sensitive, of what we think are the
31 small run streams.

32

33 We thus recommend that on Proposals 35
34 and 36 that there be 22 small streams, which are listed
35 in our separate comments that we provided the updated
36 comments, that should also receive the same protection as
37 those streams already listed on the 2003 permits. This
38 would afford protection to a total of 47 of the 66
39 freshwater systems known to support steelhead on PWI.
40 These are in the appendices.

41

42 Additional harvest opportunity that was
43 provided by the Board would continue to be provided on 19
44 systems, nine of which are accessible by road, while this
45 would protect stocks generally thought to average 100
46 adult fish or fewer. We continue to support a two fish
47 annual limit along with a 36-inch size limit as a means
48 to afford the additional protection that we really feel
49 is needed in these streams. We also recommend that
50 additional protection be afforded the remaining fall-run

00377

1 systems and these are identified in Appendices A and B.
2 Thus, we think that the regulations should be adopted
3 here that are specified in Proposal 35 for the fall
4 fishery.

5
6 We are, however, changing our position on
7 37. In that particular regulation, we are now neutral.
8 We consider that if the provisions of 35 and 36 are in
9 place that 37 would not be needed because that, in
10 effect, would eliminate additional harvest opportunity
11 that the Board already put in place and we would not
12 advocate doing that as long as the protection is afforded
13 in those streams that we feel would be offered through 35
14 and 36. So that is our revised position on these
15 proposals and we can answer questions if you have them.

16
17 CHAIRMAN LITTLEFIELD: Mr. Brookhover,
18 did you have anything to add?

19
20 MR. BROOKHOVER: Mr. Chairman. No, at
21 this time.

22
23 CHAIRMAN LITTLEFIELD: Council questions
24 for ADF&G Staff. Mr. Hernandez.

25
26 MR. HERNANDEZ: Thank you, Mr. Chairman.
27 In regards to the protections for small stream systems,
28 the present regulation states that the permit conditions
29 and systems to receive special protection will be
30 determined by the local Federal fisheries manager in
31 consultation with ADF&G. Local Federal manager isn't in
32 attendance. We did hear earlier that he did go through
33 some extraordinary efforts there to gather information in
34 the course of the fishery. Maybe you could tell me what
35 type of permit conditions and protections might be
36 undertaken in the course of a season to protect small
37 streams.

38
39 MR. BROOKHOVER: Mr. Chair, Mr.
40 Hernandez. In this sense, we more or less support the
41 proposal. What the proposal seeks to do in concept is to
42 not close small streams but provide basically the same
43 regulations that were in place prior to the Federal
44 Subsistence Board action last year and that includes a
45 36-inch minimum size limit and a two-fish annual limit on
46 those streams. That regulatory package was in effect for
47 the 21 streams that were in a sense excluded from the
48 permit this year, so we continue to support that as a
49 method to protect those stocks.

50

00378

1 MR. HERNANDEZ: Follow up, Mr. Chairman.
2 Does that mean that given a concern that present
3 regulation could result in what these proposals are
4 proposing to be implemented under present regulation if
5 the local fishery managers deem it to be necessary
6

7 MR. BROOKHOVER: Mr. Chair, Mr.
8 Hernandez. I'm not clear on your question.
9

10 MR. HERNANDEZ: I guess I'm saying under
11 present regulation with the provisions in this present
12 regulation, there is the means for local area managers to
13 implement essentially what these proposals are proposing
14 for the entire fishery. Is that clear?
15

16 MR. BROOKHOVER: Mr. Chair, Mr.
17 Hernandez. That's correct. Again, we and Federal Staff
18 agreed on 21 streams that were excluded from the permit
19 last year. The primary difference and where we disagree
20 is that small stocks off the road system should also be
21 excluded. There were about five streams on the road
22 system that we felt were small. To answer your question,
23 yes. Mr. Casipit can add to it if I'm mistaken. The
24 ability is currently there in Federal regulation for
25 Federal Staff to essentially enact what this proposal
26 seeks to enact. Right now we support the proposal in the
27 absence of Federal Staff permit provision. On the other
28 hand, we don't have a preference for whether the intent
29 is accomplished by regulation or by permit provision.
30 Either one would satisfy our concerns.
31

32 CHAIRMAN LITTLEFIELD: Other Council. I
33 have a comment. I'd refer you to page five of your
34 revised comments. On the top paragraph, right in the
35 center of it, after ADF&G. It says permit conditions in
36 2003 adequately protected 21 road accessible small
37 stocks. In other words, those were in consultation with
38 the Federal land manager. Now you're asking us to move
39 this to 47 out of the 66 streams and you know we debated
40 these quite a bit when we took action on them in Hoonah.
41 So I really don't need to go over for my personal self
42 all of the conservation concerns, which we'll get to
43 later, but just for the process that's worked between
44 ADF&G and Federal Staff.
45

46 I think it's been fine-tuned a little bit
47 where you guys have asked for certain things and were
48 given that authority. If we don't continue that, if we
49 were to put these in regulation, if we were to adopt
50 these things and say, okay, these 47 of 66 streams are no

00379

1 longer allowed to be used, if we do that in regulation,
2 the Federal land manager cannot open them again if any
3 one of them was ever deemed okay. The Federal land
4 manager does not have the authority that ADF&G has as far
5 as I know to open up a stream after we specifically close
6 it by regulation. Maybe you could comment on that.

7

8 MR. BROOKHOVER: Mr. Chair. Just to
9 present a brief chronology, since this issue had come up
10 in 2001, we and Federal Staff felt we didn't have enough
11 information to support additional expanded opportunity
12 for steelhead on streams on PWI given the lack of stock
13 assessment information. That changed last year when the
14 community household survey results were produced. That
15 provided some evidence there was significant harvest
16 ongoing that we were previously unaware of. Given that,
17 our position last year was that based on the community
18 household survey, assuming that is representative of
19 ongoing harvest levels, there appears to be room for
20 expansion in Federal regulations to provide for that
21 harvest under a permit.

22

23 We and Federal Staff agreed on several
24 key points. Number one, expanded opportunity could be
25 provided. Prior to last year and having the community
26 household survey results, we both agreed that that was
27 not something that we would support. So that was the key
28 point last year. We also agreed that small stocks and
29 fall stocks harvest should be directed away from. Where
30 we're at now is we've reached agreement on where the
31 harvest should occur to some extent, but not in its
32 entirety. You're correct in that currently the permit
33 provisions adequately protect about a third of the stocks
34 as they're categorized in the appendix tables on page
35 238, but that they provide for what we consider to be
36 unnecessary risk to another third of the stocks, which we
37 would pigeon-hole in the small category. I think for the
38 most part, and Mr. Casipit can correct me if I'm wrong,
39 we agree that these stocks are small.

40

41 Now, as to the question about putting 47
42 streams in regulation, I'd defer to Mr. Casipit or other
43 Federal Staff to give you an assessment of how that could
44 be done. You're correct, you could list all the streams
45 and regulation as one method. Under the State system, we
46 currently have the ability and authority to provide for
47 harvest on systems by permit and we list the harvest on
48 the permit where harvest can take place. As part of that
49 ability, we also have in the State system an other line
50 where certain specific areas can be written in. So that

00380

1 would be another potential method, at least under the
2 State system. I don't know if that's available under the
3 Federal system. There may be others.

4

5 CHAIRMAN LITTLEFIELD: Mr. Casipit, could
6 you clarify that for us, please, what's available under
7 Federal.

8

9 MR. CASIPIT: Mr. Chairman, thank you.
10 If a stream is closed by regulation, our in-season
11 managers cannot open them without action by -- it would
12 take an action of a Federal Subsistence Board to re-open
13 them, either special action or emergency special action
14 or what have you.

15

16 CHAIRMAN LITTLEFIELD: Following up on
17 that. I guess by supporting these you're saying that we
18 went through this for years and we developed the 600 fish
19 in consultation with ADF&G, the 100 fish winter and size
20 limits and went through all of that. I guess what I'm
21 reading out of that is you don't like that anymore
22 either. Maybe you should just comment on that.

23

24 MR. BROOKHOVER: Mr. Chairman. We more
25 or less agree on what I think is a large part of the
26 regulatory package. The big point of that is that we
27 think that expanded opportunity can be provided on
28 steelhead stocks on PWI and they should be directed away
29 from fall stocks. So we agreed with the 600 fish cap.
30 We thought that was appropriate. We also agreed that a
31 36-inch size limit wasn't necessary in regulations that
32 provide that additional opportunity. So there's a lot of
33 parts of the regulatory package that we do agree with.
34 The only remaining question is the question of where that
35 opportunity should be provided and we've agreed on part
36 of that, too. It's the remaining part, basically the
37 small stocks, where we still disagree.

38

39 CHAIRMAN LITTLEFIELD: Mr. Casipit.

40

41 MR. CASIPIT: Yes, indeed, I think that
42 the State and the Federal manager have agreed on most
43 situations. If I can summarize, the area of disagreement
44 still remains the small non-road accessible systems. I
45 think it's fair to say that the two separate agencies
46 have differing opinions about risk and that's the best
47 way I could put it.

48

49 CHAIRMAN LITTLEFIELD: Other Council, do
50 you have questions for ADF&G?

00381

1 (No comment)

2

3

CHAIRMAN LITTLEFIELD: Hearing none,
4 thank you very much. That's all. Are there any other
5 agencies, State or Federal, that would like to comment on
6 this proposal. Actually, all three proposals, 35, 36 and
7 37. Are there any tribal comments? Mr. Demmert, please
8 come forward.

9

10 MR. DEMMERT: My name is Art Demmert. I
11 kind of got confused about this whole process going on
12 before lunch. Like I said earlier, there's two streams
13 on the island that produce 36-inch fish. I wonder if the
14 Fish and Game can say if there's truth to that. We, as
15 tribal members, don't have the technical knowledge, but
16 that is a concern of ours. I guess I would say if you're
17 going to cut off a bunch of these streams and let them be
18 maintained as a sportfishing place, so you're dealing
19 with commercial interests, and if the stocks are small in
20 those streams and you don't want subsistence in there, I
21 think personally a lot of our people would say you need
22 to cut off the sportfishing rather than the subsistence
23 on these streams. I think the subsistence priority thing
24 for the island should probably be maintained. That's
25 some of the ideas I'd like to express my opinions on.

26

27 CHAIRMAN LITTLEFIELD: If you'll stay
28 with us for just a minute. You're correct that Title
29 VIII does say to take those restrictions on other uses
30 and the priority is subsistence, that's correct. As far
31 as your question on the two streams, I think I'll just
32 ask the Forest Service staff, Mr. Casipit, if he can
33 respond to the streams that have 36 inches and maybe the
34 State if we need to.

35

36 MR. CASIPIT: Yes, I'd be interested in
37 the State response as well. The only information that we
38 have is a sample of a little over 1,000 steelhead in
39 Karta River and six-tenths of one percent of all the
40 steelhead in that sample were over 36 inches. That's the
41 only system that we have weir data from that we can draw
42 those conclusions. The other streams I'd defer to local
43 knowledge from the users as to whether or not 36-inch
44 fish are produced in those streams. I can tell you that
45 with the limited sampling that we have from one system,
46 only six-tenths of one percent were greater than 36
47 inches and that was the Karta River.

48

49 CHAIRMAN LITTLEFIELD: Thank you, Mr.
50 Casipit. I'm going to give Mr. Brookhover the

00382

1 opportunity or anyone else from ADF&G to respond to that
2 question. It was the size, two streams, over 36-inch
3 size.

4

5 MR. BROOKHOVER: Mr. Chair. Mr. Casipit
6 was correct. As far as the Karta River, that's the
7 system where we conducted a weir and sampled fish for
8 size. I believe the proportion is correct as well. For
9 that system, the proportion above 36 inches was very
10 small. Typically, that's what we've seen around the
11 region as well. We have samples that show similar
12 results with 36-inch fish and larger comprising less than
13 five percent of the fish we sampled.

14

15 CHAIRMAN LITTLEFIELD: Mr. Demmert, I
16 think they both agree with you, both the State and the
17 Federal. While it may not be two streams, it might be
18 one stream, but it's very small the amount of fish over
19 36 inches.

20

21 MR. DEMMERT: Then I'd like to concur
22 that these proposals are probably in favor of commercial
23 fishery and I think we need to sustain our livelihood as
24 a people for subsistence on the island. If you are going
25 to restrict the subsistence way of life, then you should
26 also do it with the commercial way of life. It sounds
27 like commercial is a growing industry on this island.

28

29 Thank you.

30

31 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

32

33 MR. KOOKESH: Mr. Demmert, I'd like to
34 know what your position is on these three proposals, 35,
35 36 and 37. I don't know if you stated it or not.

36

37 MR. DEMMERT: No, I'd be against them if
38 I understand them right.

39

40 CHAIRMAN LITTLEFIELD: Other Council
41 questions, comments. Mr. Hernandez and then Mr.
42 Douville.

43

44 MR. HERNANDEZ: Thank you, Mr. Chairman.
45 Mr. Demmert, I think you brought up a real good point. I
46 just want to clarify that I understand what point you're
47 trying to make. Essentially you're saying that if only
48 two streams on the island are known to have fish 36
49 inches or more even in them, a proposal such as these
50 limiting the take to a fish over 36 inches would

00383

1 essentially close all the other streams on the island.
2 Does that sum up what you're saying?

3

4 MR. DEMMERT: I'm not too sure. Maybe an
5 enforcement person could answer that question. If you
6 can only catch a 36-inch fish for your subsistence and
7 you only have two streams to do it on, you'd probably
8 deplete the resources in those two streams. Therefore,
9 it would make it further difficult on our people to
10 sustain a subsistence way of life. I think maybe we
11 should ask enforcement, would that close the rest of the
12 streams if you could only catch a 36-inch limit?

13

14 CHAIRMAN LITTLEFIELD: Enforcement, could
15 you please clarify the existing steelhead size
16 restrictions for subsistence users.

17

18 MR. CASIPIT: Thank you, Mr. Chair. I'm
19 not exactly an enforcement official, but let me take a
20 stab at this. Except for the 21 streams that are small,
21 road accessible systems, there is a 36-inch size limit,
22 so that does limit subsistence opportunity. For the
23 larger systems, we have no minimum size limit, so those
24 are open to subsistence uses. If a 36-inch minimum size
25 limit was placed on all these systems, then there's very
26 little opportunity for harvest and you would be
27 eliminating subsistence uses. I hope that answered the
28 question.

29

30 CHAIRMAN LITTLEFIELD: Mr. Demmert, are
31 you satisfied with that answer?

32

33 MR. DEMMERT: No, I'm not.

34

35 CHAIRMAN LITTLEFIELD: Let's go to Mr.
36 Hernandez and then Mr. Douville.

37

38 MR. HERNANDEZ: Well, I think the fact
39 that kind of comes out here is it would be, in essence, a
40 de facto closure. I mean having a fishery with a limited
41 take and knowing that there's no fish of that size
42 available, nobody is going to be harvesting any fish, so
43 there would be no fish harvested from those streams. So
44 it's kind of a de facto closure. While Mr. Demmert is
45 there, I wanted to ask him, do you know where we might be
46 able to find some local knowledge to really determine if
47 that number of streams -- there are only two streams that
48 have 36-inch fish. Can you give us any help where we
49 might be able to find more information to see if that's
50 really true?

00384

1 MR. DEMMERT: That's why I asked Fish and
2 Game. I don't recall the individual, I don't remember if
3 it was a meeting here or Juneau or Anchorage, that knew
4 something about the island, but I remember we were
5 talking about the subject and he said there's only two
6 streams on this island, so that raised our eyebrows and
7 brought us into concern because our people had been
8 getting citations for fish under 36 inches. We would
9 like to find out. I think through this process maybe --
10 I don't know if this Council could do it or enforcement
11 could do it, but that information should be made
12 available to us. The rules and regulations are kind of
13 hypocritical. You want to enforce something that is
14 almost impossible for our people to get a fish 36 inches.

15

16 Thank you.

17

18 CHAIRMAN LITTLEFIELD: We're going to go
19 to Mr. Douville, but before we do, you know of twice as
20 many streams as the Fish and Game and I would advise you
21 not to even let them know where it is unless you want to.

22

23 Mr. Douville.

24

25 MR. DOUVILLE: Thank you, Mr. Chairman.
26 Mac, you referred to commercial fishermen. Are you
27 referring to the guided sportfishing group?

28

29 MR. DEMMERT: Yes, I am.

30

31 CHAIRMAN LITTLEFIELD: Just for
32 clarification, is that the charter industry that you're
33 talking about as commercial, not sportfishermen?

34

35 MR. DEMMERT: I guess it would be the
36 lodges that are being developed on the island for this
37 here fishery and as well as for the deer hunting lodges
38 that are being developed. That's what I'm concerned
39 about, the lodges, the commercial ones.

40

41 Thank you.

42

43 CHAIRMAN LITTLEFIELD: Other Council
44 questions for Mr. Demmert, comments.

45

46 (No comment)

47

48 CHAIRMAN LITTLEFIELD: Thank you for your
49 testimony. Are there any other tribes present that would
50 like to testify?

00385

1 (No comment)

2

3 CHAIRMAN LITTLEFIELD: ADF&G Advisory
4 Committee comments. Any advisory committees?

5

6 (No comment)

7

8 CHAIRMAN LITTLEFIELD: Summary of written
9 public comments. Dr. Schroeder.

10

11 DR. SCHROEDER: Mr. Chairman. We haven't
12 received written public comments on these proposals.

13

14 CHAIRMAN LITTLEFIELD: Is there anyone in
15 the audience who would like to testify on Proposals 35,
16 36 and 37?

17

18 (No comment)

19

20 CHAIRMAN LITTLEFIELD: Seeing none, we're
21 at Council deliberations on Proposals 35, 36, 37. I
22 would recommend that we -- even though the analysis of
23 the Staff as well as the response of the State was
24 lumping them all together, I would recommend that we
25 consider them separately. Proposal 35 executive summary
26 starts on page 219. I think when we do the four points,
27 I think that should apply to 35, 36 and 37 equally.
28 We're not going to ask you to repeat that because it's
29 all the same, having to do with required minimum size,
30 harvest, method restrictions, et cetera, but I'd just
31 like to have a separate vote on each one of them. I'm
32 prepared for a motion on Proposal 35 as shown on page
33 219.

34

35 Mr. Douville.

36

37 MR. DOUVILLE: I move to adopt FP2004-35.

38

39 CHAIRMAN LITTLEFIELD: Is there a second?

40

41 MR. HERNANDEZ: Second.

42

43 CHAIRMAN LITTLEFIELD: It's been moved
44 and seconded to adopt the language of FP04-35. The
45 executive summary is shown on page 219. We need to get
46 the four points for this as well as the following 36 and
47 37 into the record.

48

49 Council discussion. Mr. Hernandez.

50

00386

1 MR. HERNANDEZ: Thank you, Mr. Chairman.
2 I plan on voting against these three proposals. In my
3 mind, I guess I want to make this clear. I still have
4 conservation concerns about these stocks. Unfortunately,
5 I don't think that any of these proposals are the best
6 way to address those conservation concerns. As of right
7 now, I think the wording in regulation to allow for in-
8 season management is probably our best way to deal with
9 conservation concerns and I'm satisfied with those
10 provisions. I definitely think that for these three
11 proposals it would have an adverse effect on subsistence
12 users, so I can't support them for that reason. I do not
13 see any effects on other users. We do have an ample
14 amount of information to base these judgments on.

15
16 Thank you.

17
18 CHAIRMAN LITTLEFIELD: Thank you, Mr.
19 Hernandez.

20
21 Other Council. Mr. Douville.

22
23 MR. DOUVILLE: Mr. Chairman. I oppose or
24 I do not support these proposals. There is no
25 conservation concern, although there is some concern for
26 small streams. I might point out that most of those
27 small streams do not have a fall run. They're a spring
28 run only. As a subsistence user myself, I have never
29 targeted a small stream for subsistence use. I will go
30 to the easiest place where there's the most fish and I
31 believe most other users act in a similar fashion. This
32 is not a positive for subsistence users. We haven't had
33 a chance to see the regulation we have now do a cycle.
34 It would not be a positive for subsistence users;
35 however, it would not affect other users. I believe
36 enough information has been supplied and I look forward
37 to more information being produced as we do go through a
38 cycle or two.

39
40 For those reasons I do not support
41 proposals 35, 36 and 37.

42
43 CHAIRMAN LITTLEFIELD: Other Council.
44 Ms. Wilson.

45
46 MS. WILSON: I do not support proposal.
47 There's no conservation issue and all the information we
48 have I think is enough for me to say I don't support it.
49 On page 223, which makes me feel like it's an affront to
50 this Council. It says the proponents also feel that the

00387

1 Federal Subsistence Board's decision was based more on
2 emotion rather than biology. I don't know if they meant
3 the Federal Board or the Southeast Council. Either way,
4 that's an affront to this procedure. But I'm against all
5 three of them or this one I mean.

6

7 CHAIRMAN LITTLEFIELD: Thank you, Ms.
8 Wilson. It is okay to speak to all three proposals with
9 the understanding that we are going to take them one at a
10 time in the vote. Your comments are germane to all three
11 of those proposals.

12

13 Mr. Adams.

14

15 MR. ADAMS: Thank you, Mr. Chairman. I
16 was going to address that point you were just addressing.
17 All the people who have made comments so far have
18 commented on all three proposals and I don't see any
19 reason why we can't act on all three of them at one time.
20 Mr. Hernandez had given us good reasons on the four
21 points that we consider for these proposals and I want to
22 know if it would be appropriate if we could just make a
23 motion to act on these at one time.

24

25 CHAIRMAN LITTLEFIELD: We could do that.
26 I thought it was better for the Federal Subsistence Board
27 that we had them separately, but I suspect we're not
28 going to have any different decision. I think we can go
29 through this quickly because all of the groundwork has
30 been laid. Is there any further discussion on this
31 proposal?

32

33 (No comment)

34

35 CHAIRMAN LITTLEFIELD: The proposal
36 before you is FP04-35 as shown on page 219, requiring
37 minimum size. All those in favor signify by saying aye.

38

39 (No response)

40

41 CHAIRMAN LITTLEFIELD: All those opposed
42 same sign.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN LITTLEFIELD: The motion is
47 defeated. Could I get a motion for 36.

48

49 MS. WILSON: Mr. Chairman. I move to
50 adopt Proposal FP04-36.

00388

1 CHAIRMAN LITTLEFIELD: Is there a second?

2

3 MR. STOKES: I'll second it.

4

5 CHAIRMAN LITTLEFIELD: It's been moved
6 and seconded to adopt the language on FP04-36 as shown on
7 page 220 requiring minimum size. Are you ready for the
8 question? You've heard the previous discussion.

9

10 MR. STOKES: Question.

11

12 CHAIRMAN LITTLEFIELD: The question has
13 been called for. All those in favor of FP04-36 as shown
14 on page 220 please signify by saying aye.

15

16 (No response)

17

18 CHAIRMAN LITTLEFIELD: All those opposed
19 same sign.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN LITTLEFIELD: The motion has
24 failed. I need a motion on FP04-37.

25

26 Mr. Adams.

27

28 MR. ADAMS: Mr. Chairman. I move that we
29 adopt FP04-37.

30

31 MR. STOKES: I'll second that motion.

32

33 CHAIRMAN LITTLEFIELD: It's been moved
34 and seconded to adopt the language on FP04-37 as shown on
35 page 221 for all the reasons in the previous discussion.
36 Is there any additional discussion or are you ready for
37 the question?

38

39 Ms. Phillips.

40

41 MS. PHILLIPS: Thank you, Chairman
42 Littlefield. I would like to add that if there is a
43 conservation concern, then the procedure that would
44 follow is that the streams would be closed to the hunting
45 of deer to non-Federally-qualified subsistence users
46 before there's any restrictions to those who have
47 customary and traditional use. If systems have to be
48 closed because of conservation concerns for steelhead,
49 then the areas of concern have to be closed to non-
50 Federally-qualified users before you can shut down an

00389

1 area for Federally-qualified subsistence users.

2

3 Thank you.

4

5 CHAIRMAN LITTLEFIELD: Thank you, Ms.

6 Phillips. Any other comments?

7

8 (No comment)

9

10 CHAIRMAN LITTLEFIELD: Are you ready for

11 the question on 37?

12

13 MR. STOKES: Question.

14

15 CHAIRMAN LITTLEFIELD: The question
16 before you is FP04-37 as shown on page 221, also size
17 limits. All those in favor signify by saying aye.

18

19 (No response)

20

21 CHAIRMAN LITTLEFIELD: All those opposed

22 same sign.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN LITTLEFIELD: The motion has

27 failed. I believe we're on Proposal 38. Are you

28 prepared? Proposal 38.

29

30 Mr. Kookesh.

31

32 MR. KOOKESH: This doesn't relate to 38,
33 but I was listening to some of the discussion and I
34 needed to ask a couple questions. I'll make one comment
35 and then ask a question. My comment is that I don't
36 think that there's a difference between a commercial
37 charter quota and a sportfishing quota. Is that correct?

38

39 CHAIRMAN LITTLEFIELD: Mr. Kookesh,
40 that's the way I understand it, but perhaps we should let
41 the State respond to that.

42

43 MR. KOOKESH: What I was referencing was
44 a guided person and a resident sport fisherman. There
45 isn't much difference in terms of the steelhead, right?
46 I'm making reference to steelhead.

47

48 CHAIRMAN LITTLEFIELD: Mr. Brookhover.

49

50 MR. BROOKHOVER: Mr. Chairman, Mr.

00390

1 Kookesh. I'm not sure what difference you're referring
2 to for steelhead. For regulations, essentially no,
3 there's no difference. There are some requirements on
4 guides and businesses. For steelhead, at least on PWI,
5 there are no regulations that apply to guided anglers
6 that wouldn't apply to unguided or vice versa.

7

8 MR. KOOKESH: Residents.

9

10 MR. BROOKHOVER: Residents, correct.

11

12 CHAIRMAN LITTLEFIELD: Please go ahead.

13

14 MR. KOOKESH: My next comment is to Cal.
15 I kind of followed a process, I believe it was in
16 Hydaburg when we talked about in-season regulatory
17 authority. That when there was a conservation concern,
18 the Federal manager had the authority to close the stream
19 and that stream was closed for a period of 60 days and
20 after the 60 days a hearing was held. Can you tell me
21 which one you're referencing and which one I'm
22 referencing? Were you making reference to the same
23 thing?

24

25 MR. CASIPIT: Thank you, Mr. Chair, Mr.
26 Kookesh. Yes, our special actions that are taken by a
27 Federal manager are valid for 60 days. Anything longer
28 than that has to go to the Board. We can close systems
29 for conservation purposes and the local manager is
30 required to assure the subsistence priority. So, in case
31 of conservation, he or she has to close those systems to
32 non-Federally-qualified users either at the same time or
33 before he closes them to Federally-qualified users.
34 Hopefully before.

35

36 MR. KOOKESH: When a closure is made for
37 60 days, then a hearing has to be held? And you
38 mentioned something about having to go to the Federal
39 Subsistence Board. I'm not familiar with that step
40 further.

41

42 MR. CASIPIT: Mr. Chair, Mr. Kookesh.
43 Any action taken by an in-season manager is only valid
44 for 60 days. Anything longer has to be by the Federal
45 Subsistence Board and the Board takes public testimony
46 and confers with the affected Councils and that sort of
47 thing. Even when an in-season manager takes one of these
48 actions that only lasts 60 days, he is required to
49 consult with the Chair and the affected Council members
50 in the area before any of these actions take place.

00391

1 CHAIRMAN LITTLEFIELD: Any other
2 questions before we start on 38 that Council has?

3
4 (No comment)

5
6 CHAIRMAN LITTLEFIELD: Okay. Let's go
7 with 38 then.

8
9 MR. VANALEN: Good afternoon. I'm Ben
10 VanAlen, Forest Service, Juneau. I did the Staff
11 analysis on Proposal 38 and that's one submitted by Jim
12 Beard, which would require a barbed tip on spears used in
13 the subsistence take of steelhead here on Prince of Wales
14 Island. The proponent is concerned that the Federal
15 subsistence regulations do not adequately define what a
16 spear is; that a simple sharpened stick could be used as
17 a spear. If used, that steelhead would more likely be
18 injured and free themselves from the spear and be
19 mortally wounded and die from their injuries and this
20 would be an unnecessary mortality and could lead to a
21 conservation concern.

22
23 With that concern, I went and did some
24 research and found that customary and traditional methods
25 to take salmon and steelhead included the use of spears,
26 harpoons and gaffs and I provide some of the references
27 there. There's also descriptions and photos and several
28 of them showing the many different kinds that were used
29 in this area and along the coast. I describe basically
30 differences between spears, harpoons and gaffs.

31
32 I provide a description of an observation
33 that Dr. Steven Langdon did while watching a couple folks
34 harpooning for steelhead on the Klawock River, not only
35 because it was pertinent to the area that we're talking
36 about, but also the method which they were using. His
37 description described use of a barbed hook fastened on
38 the end of a shaft and it basically being thrown at the
39 steelhead. He never saw one landed, but his harpoon was
40 designed so that the hook would detach from the end
41 tethered to the shaft. One could see it would be an
42 effective method at retaining steelhead if they succeeded
43 in spearing it.

44
45 What constitutes a spear aren't fully
46 defined in Federal regulations. The regulation reads,
47 quote, a shaft with a sharp point or fork-like implement
48 attached to one end, which is used to thrust through the
49 water to impale or retrieve fish and which is operated by
50 hand. This definition is verbatim from the State's

00392

1 definition of spear. We believe, but we're not certain,
2 if this definition of spears intended to include
3 traditional harpoons and gaffs. It's not really
4 mentioned. You might be able to read that in there.
5 Certainly barbed tips are not mentioned or required.

6
7 These sources that I looked at said that
8 traditional spears or harpoons all had barbed tips, but
9 not all gaffs had barbed tips. I certainly don't want
10 regulation to require a gaff to have a barbed tip because
11 that definitely doesn't appear to be a traditional
12 design.

13
14 As I go down here, the current Federal
15 regulation reads, and the pertinent part is you may use
16 only a dipnet, spear or rod and reel with artificial lure
17 or fly. So the proposed regulation would be you may use
18 only a dipnet spear with a barbed tip or rod and reel
19 with artificial lure or fly.

20
21 I'm not going to cover too much the
22 extent of the Federal public lands or the customary and
23 traditional use determinations in this area. They've
24 been covered earlier. We need to look at the effect of
25 this proposal. Spears have traditionally been used to
26 subsistence fish for steelhead on PWI. Most fishing is
27 currently done with rod and reel. In other words, rod
28 and reel is a method that most fishermen use, subsistence
29 and sport, to take steelhead here on the island.

30
31 We understand that many of those who
32 traditionally use spears already use spears with a barbed
33 tip. We believe that requiring barbed tips will
34 discourage folks from using a makeshift spear because you
35 can use it when they would normally use a rod and reel to
36 harvest their steelhead. Certainly requiring barbed tips
37 should reduce the unnecessary mortality of steelhead
38 which are mortally wounded with a spear but free
39 themselves before being landed. Barbed spear tips can be
40 made from commercially available material.

41
42 Up until basically this morning my staff
43 analysis or my position was to support that proposal, but
44 last week I became aware of a book by George Thorton
45 Emmons called the Tlingit Indians, which was published in
46 1991. And also, from talking with the Fish and Game
47 Staff, subsistence folks yesterday, basically I became
48 aware of more information on the traditional use of
49 spears in this area. In this book he describes them as
50 the southern Tlingit group, but he describes basically a

00393

1 barbless hook that is attached with a short lanyard to
2 the end of a shaft that is used in this area and has a
3 picture of that spear here. I believe it's the same,
4 although Fish and Game will be discussing that more, but
5 there's one on display over there.

6
7 So I am now and my analysis is to oppose
8 this proposed regulation. So my justifications are now
9 changing a pit. I'm concerned that we in the Federal
10 management regulations we shouldn't necessarily be
11 describing to fishermen how to make their gear, how to
12 fish it. We do want to allow them to use customary and
13 traditional methods of fishing and it shouldn't matter if
14 it's actively being used now or not. Some people take on
15 a method that their grandparents had used. I basically
16 have to reverse what I originally wrote here, but that's
17 my Staff analysis.

18
19 Thank you.

20
21 CHAIRMAN LITTLEFIELD: Thank you.
22 Questions from the Council, comments. Mr. Kookesh.

23
24 MR. KOOKESH: I noticed that you modified
25 the word spear. So if someone just wants to use a
26 regular spear, that's out? That we're looking at the new
27 and improved VanAlen thing.

28
29 MR. VanALEN: I think what I'm hoping to
30 imply is that spear could be any kind of spear. In this
31 case, I'm suggesting it would include a gaff, but it's
32 basically making no requirement for how that's designed,
33 how it's made, how it's constructed, whether it has a
34 barb or no barb, whether it's made out of metal or not.
35 No specific specification is implied.

36
37 CHAIRMAN LITTLEFIELD: Other Council. Mr
38 Douville, do you have the spear here, over there in the
39 corner?

40
41 MR. DOUVILLE: Mr. Chairman, I do have --
42 I wouldn't call it a spear or a gaff. I have another
43 name for it. Would you like to look at it? Tlingit
44 flagpole.

45
46 CHAIRMAN LITTLEFIELD: Yes. We'll take a
47 quick minute or two to review that exhibit before we go
48 on. We'll come back to you in just a minute here. Let's
49 take a five-minute break.

50

00394

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN LITTLEFIELD: Please come back
6 to order. Mr. VanAlen, you're still at the front here.
7 We're going to continue with Proposal 38. We're still on
8 Staff presentation by Mr. VanAlen. Any questions or
9 comments from Council on the gaff that they saw as well
10 as for Mr. VanAlen? Mr. Adams.

11

12 MR. ADAMS: Mr. VanAlen, you changed your
13 position on this from support to oppose. I guess it's
14 for the reason that maybe this particular tool was not
15 included in the proposal. I'm wondering if we could go
16 ahead and support it with modifications and make the
17 modification to fit the proposal.

18

19 MR. VanALEN: My feeling on it is we
20 still probably don't want to be in the business of
21 telling a fisherman exactly how to make a spear or what
22 this spear is. This is one example here, so it's kind of
23 weighing the positive and negative benefits of requiring
24 certain restrictions on the use of gear, in this case
25 some restriction on a spear versus no restriction. I
26 initially thought from my literature review and talking
27 with a few people at the time that a barbed tip was
28 almost universally included in the tips of spears in this
29 area and a lot of examples of ingenious methods that
30 spears were designed incorporating single barbs or double
31 barbs, so I felt at that point pretty safe in requiring
32 in this area that a tip include a barbed tip because my
33 own work in sampling king salmon we use spears with
34 barbed tips because without them we would have a high
35 loss rate and a greater chance of losing a fish, so I
36 felt comfortable with that position.

37

38 Now, seeing a real life example here,
39 coming across this other document which talks about it
40 and weighing that against kind of a hypothetical
41 situation of folks whittling spears on the stream bank
42 when they're frustrated with their inability to get a
43 fish hook and line and since they can, since the
44 regulation allows them to use a spear, they'll then carve
45 up a spear and try that, I don't really think that's a
46 valid issue. I thought requiring a barbed tip would then
47 require them to take the effort to construct a spear that
48 would be specifically designed to take a large fish like
49 a steelhead.

50

00395

1 Anyway, I again feel that we shouldn't
2 put any specific constraints or requiring certain
3 specifications of a spear. I guess I didn't say it in
4 this proposal. It really doesn't matter too much how a
5 fish is taken with regard to conservation measures,
6 management managers, it's more restrictions on numbers
7 that they can harvest which have a greater bearing and
8 that's somewhat what our regulations are now. I guess
9 I'm comfortable opposing the proposal and just allowing
10 the use of spears however they choose to make them.

11

12 CHAIRMAN LITTLEFIELD: Other Council.
13 Mr. Stokes, I know you use spears and gaffs in your area.
14 Could you comment while we have the Staff here.

15

16 MR. STOKES: Yes. I used these all the
17 time as a boy, but that one there is a man-sized one.
18 Mine was only about 10-foot long. Of course, I was only
19 four foot eleven and a half when I entered high school,
20 so I was pretty small. Yes, we used these all the time.

21

22 CHAIRMAN LITTLEFIELD: Thank you. Mr.
23 Douville, if you could extend our thank you to the
24 gentleman who loaned you that spear and gaff for the
25 demonstration. I don't believe there are any other
26 questions. Thank you, Mr. VanAlen.

27

28 We're at ADF&G comments.

29

30 MS. SEE: Mr. Chair, Members of the
31 Council. My name is Marianne See with Fish and Game.
32 We, too, are revising our assessment of this particular
33 proposal. We had also not looked at some of the
34 information about the range of how these spears and the
35 tips really looked. Certainly the demonstration we just
36 had is exactly the kind of information we had recently
37 received and provided to Federal Staff as well, really
38 makes us rethink this. The Department does support
39 allowing the use of gear types in areas where they've
40 been customarily and traditionally used to harvest fish.
41 So we are essentially neutral on this proposal and we'd
42 be happy to answer questions. Mike Turek is here and
43 Nancy Ratner is also here, who has done some of the
44 interviewing and research to pull up some of this
45 information and we'd be happy to answer questions.

46

47 Thank you.

48

49 CHAIRMAN LITTLEFIELD: We're on Proposal
50 38. Is this the correct paper that you're using?

00396

1 MS. SEE: For the record, let me just
2 make sure this is very clear that we are revising our
3 comments on No. 38. It now should say that we are
4 neutral and the language essentially is that we support
5 allowing the use of gear types in areas where they've
6 been customarily and traditionally used to harvest fish.
7 That is a comment that would run under that finding that
8 we are neutral.

9

10 CHAIRMAN LITTLEFIELD: Thank you. Mr.
11 Turek.

12

13 MR. TUREK: Chair, Council. We don't
14 really have anything to add. I think Mr. Douville and
15 Mr. Demmert's demonstration of the equipment was
16 sufficient. We will be working on a paper of both the
17 northern and the southern Tlingit use of spears and gaffs
18 and Haida use of spears and gaffs. We'll be working with
19 Steve Langdon on that. Like I said, I don't really think
20 we have anything to add after the two experts here or
21 more.

22

23 CHAIRMAN LITTLEFIELD: I also used to use
24 one when I was a youngster, but I used it in the Sitka
25 Historical Park and they don't let you use them in there
26 anymore, but that's where I learned how to gaff. Okay.
27 Any questions for ADF&G.

28

29 Ms. Wilson.

30

31 MS. WILSON: I was reading through this
32 and it says a spear is a shaft with a sharp point or
33 fork-like implement attached to one end which is used to
34 thrust through the water to impale or retrieve fish and
35 which is operated by hand. And it says this definition
36 of spear was copied from State regulations. As far as I
37 know, there was never any State regulations using a
38 spear. They outlawed it.

39

40 MR. TUREK: Ms. Wilson through the Chair.
41 There are spears and gaffs allowed in certain parts of
42 Southeast. Just last year in Craig and Klawock were
43 spears and gaffs included on the permit. In Southeast
44 Alaska, the area manager that issues a permit is the one
45 who decides what gear is allowed. In the past, you're
46 correct, I think most of Southeast spears and gaffs
47 weren't allowed, but in recent years that's been
48 changing.

49

50 CHAIRMAN LITTLEFIELD: Others questions

00397

1 or comments for ADF&G.

2

3 (No comment)

4

5 CHAIRMAN LITTLEFIELD: Hearing none,
6 thank you very much. Are there any other agencies,
7 Federal or State, that would like to comment on Proposal
8 38?

9

10 (No comment)

11

12 CHAIRMAN LITTLEFIELD: Tribal comments.

13 Mr. Demmert.

14

15 MR. DEMMERT: Art Demmert. Because
16 everybody kind of revised their thought, maybe I probably
17 shouldn't have an awful lot to say except that -- I guess
18 what I had said over there is that it was kind of a
19 selective means of fishing, but there's never been a barb
20 on the spear that I was aware of. In grade school, when
21 my father taught in Hydaburg, I had the opportunity to
22 use one of the elder's spears down there and that didn't
23 have a barb. I think maybe the people that want to put a
24 barb on the spear lack the knowledge of how a spear
25 should have been used. So we're not in favor of this
26 proposal.

27

28 Thank you.

29

30 CHAIRMAN LITTLEFIELD: Are there any
31 questions or comments for Mr. Demmert?

32

33 (No comment)

34

35 CHAIRMAN LITTLEFIELD: Thank you. Are
36 there any other tribes present that would like to testify
37 on Proposal 38?

38

39 (No comment)

40

41 CHAIRMAN LITTLEFIELD: ADF&G Advisory
42 Committees.

43

44 (No comment)

45

46 CHAIRMAN LITTLEFIELD: Mr. Schroeder,
47 summary of written public comments.

48

49 DR. SCHROEDER: Mr. Chair, no written
50 public comments on this proposal.

00398

1 CHAIRMAN LITTLEFIELD: Are there any
2 other members of the public that would like to testify on
3 Proposal 38? We have no one signed up, so we're at
4 Regional Council deliberation and justification of
5 Proposal FP04-38. My recommendation is to use the
6 executive summary on page 241, remembering that Staff
7 recommendation is now to oppose and the ADF&G comments
8 are to be neutral. So I'd entertain a motion to accept.
9

10 MR. STOKES: Mr. Chairman, I move that we
11 accept FP04-38.

12
13 CHAIRMAN LITTLEFIELD: Mr. Stokes has
14 moved. Is there a second?

15
16 MR. KOOKESH: Second.

17
18 CHAIRMAN LITTLEFIELD: It's been moved
19 and seconded to accept FP04-38 executive summary language
20 as shown on page 241. Discussion. Council, we should
21 touch on the four points, conservation concerns, affect
22 on subsistence users, affect on other users and the kinds
23 and types of information. I realize this is not all
24 required, but we should still touch on this if we could.

25
26 Mr. Douville.

27
28 MR. DOUVILLE: Mr. Chairman, I oppose
29 this proposal as I do not believe there is any
30 conservation concern. As far as subsistence users, it
31 would put an additional hindrance on there. This is
32 truly a customary and traditional means of catching fish
33 and only a very, very few people even use this method and
34 know how. I would like to see it promoted so we don't
35 lose this type of thing culturally. Other than that, it
36 would have no effect on other users and I believe we've
37 had a lot of information on it.

38
39 CHAIRMAN LITTLEFIELD: Mr. Stokes.

40
41 MR. STOKES: Mr. Chairman. I oppose this
42 too because this is a proven method that's been used by
43 our people for hundreds of years. I oppose it.

44
45 CHAIRMAN LITTLEFIELD: Other Council
46 comments. I think they're fairly well covered. Does any
47 other Council care to comment?

48
49 (No comment)

50

00399

1 CHAIRMAN LITTLEFIELD: Are you ready for
2 the question on 38?

3
4 MR. STOKES: Question.

5
6 CHAIRMAN LITTLEFIELD: The motion before
7 you is FP04-38 as shown on page 241 that requires spears
8 to be barbed. All those in favor signify by saying aye.

9
10 (No response)

11
12 CHAIRMAN LITTLEFIELD: Those opposed same
13 sign.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN LITTLEFIELD: The motion has
18 failed. We are on Proposal 39. Before we do 39, we have
19 a special presentation that we'd like to make.

20
21 (Off record)

22
23 (On record)

24
25 MR. KESSLER: Thank you, Mr. Chair and
26 Members of the Southeast Regional Advisory Council. I'm
27 Steve Kessler with the USDA Forest Service. It's a great
28 honor to be able to present this placque from the Forest
29 Service to you, Marilyn. I'd like to read what it says
30 into the record. Marilyn Wilson, in recognition for your
31 many years of service to the Federal subsistence program,
32 as secretary of the Southeast Alaska Regional Advisory
33 Council, you have provided insight, humor and cultural
34 understanding of subsistence matters. The fish, wildlife
35 and other natural resources of Southeast Alaska and the
36 Native and non-Native rural Alaskans who depend on these
37 resources have benefitted from your efforts. You have
38 helped the USDA Forest Service build the strong
39 relationships with Native and rural people that are
40 needed to maintain our region's special resources and to
41 respect the lifeways that depend on them.

42
43 (Applause)

44
45 MS. WILSON: Council, Federal and State,
46 I'm kind of at a loss for words. I don't know what to
47 say. Thank you. I guess I could start with when I first
48 started I had dark hair.

49
50 MS. PHILLIPS: Marilyn Wilson, on behalf

00400

1 of the members of the Southeast Regional Advisory
2 Council, I'd like to present you a gift from us and we'd
3 like to sign it after you open it.

4

5 MS. WILSON: Wow. Thank you, Council
6 members.

7

8 CHAIRMAN LITTLEFIELD: Ladies and
9 gentlemen, let's please give Ms. Wilson a good hand.

10

11 (Applause)

12

13 CHAIRMAN LITTLEFIELD: Mr. Johnson.

14

15 MR. JOHNSON: Mr. Chairman, Council and
16 Marilyn. I just wanted to say thanks. It's been my
17 privilege to -- it says goodbye, Marilyn. Thanks for
18 serving as our secretary, Southeast Regional Advisory
19 Council.

20

21 MS. WILSON: Thank you. Dave, I've got
22 to tell you that Tlingits do not say goodbye, they say so
23 long.

24

25 CHAIRMAN LITTLEFIELD: It's not time yet
26 to say it, but the words are (in Native), which means
27 we'll see you again. And I want to make sure that
28 everyone knows that these people up here are volunteers
29 and this woman has volunteered and it's sometimes a great
30 personal sacrifice, monetarily and time, to do this. I
31 know her and her husband have attended these meetings in
32 the past and I was looking forward to seeing Paul at this
33 time but didn't get to do it. We are certainly, as Dr.
34 Schroeder said, use you as a resource on those things
35 that we know you can help us out with and I personally
36 and on behalf of the Council appreciate your service as
37 an officer as well as a Council person.

38

39 MS. WILSON: Thank you so much everybody.
40 Once again, thank you.

41

42 CHAIRMAN LITTLEFIELD: We'll have a short
43 break and have some cake.

44

45 (Off record)

46

47 (On record)

48

49 CHAIRMAN LITTLEFIELD: This is our last
50 proposal that we have before us this session and it is

00401

1 Proposal FP04-39. Staff.

2

3

MR. VanALEN: Thank you. I'm Ben VanAlen, Forest Service in Juneau. This proposal, submitted by Jim Beard of Thorne Bay, would only allow spears to be used for the subsistence take of steelhead in District 3, Sections 3-A, that's in the Hydaburg area, and 3-B, that's Klawock area here on the Prince of Wales Island. A map of these areas is on page 128 of your Council book.

11

12

The proponent is concerned that Native Alaskans from Sections 3-A and 3-B proposed the use of spears for taking of steelhead even though spears have not been historically, in the last 50 years, used to fish for steelhead in other areas of Prince of Wales. He is concerned that by allowing spears to be used for taking steelhead outside of Sections 3-A and 3-B effectively creates a new gear type that will result in unnecessary mortality of steelhead that are speared but not landed and possibly lead to a conservation concern.

22

23

So I ended up doing a similar literature review of customary and traditional methods to take salmon and steelhead. I found that spears are used and that current Federal subsistence regulations allow the use of spears for taking steelhead on PWI. Basically on PWI, under terms of the Federal subsistence fishing permit, there's two seasons; a winter season and a spring season. Both of those you may use only a dipnet, spear or rod and reel with artificial lure or fly.

32

33

His proposed regulation would read that you may only use a dipnet, spear or rod and reel with artificial lure or fly and that spears may only be used in District 3, Sections 3-A and 3-B. So the effect of this proposal is that spears have traditionally been used to subsistence fish for steelhead on Prince of Wales Island, although we recognize that current practice is that most fishermen harvest steelhead with rod and reel.

41

42

43

The harvest of steelhead is probably not going to change if the use of spears is only permitted in 3-A or 3-B. In other words, the number of fish harvested probably won't change if we only allow them to use spears in 3-A or 3-B. However, by not allowing spears outside of 3-A and 3-B, it would be an unnecessary restriction for the few subsistence users who wish to take steelhead with spears. Allowing use of spears only in 3-A and 3-B

00402

1 will result in different regulations for different parts
2 of the island and possibly lead to confusion and
3 unintended violations by subsistence fishers.

4

5 So my preliminary conclusion is to oppose
6 the proposal. I justify this by saying allowing the use
7 of spears to take steelhead on Prince of Wales Island in
8 only Sections 3-A and 3-B will likely have no impact on
9 the island's steelhead resource. The manner in which the
10 steelhead are taken is not as important for maintaining
11 healthy stocks as the harvest limits in the regulation.
12 I pushed for keeping the steelhead regulations consistent
13 throughout the island.

14

15 Thank you.

16

17 CHAIRMAN LITTLEFIELD: Are there any
18 questions for Forest Service Staff.

19

20 (No comments)

21

22 CHAIRMAN LITTLEFIELD: Questions or
23 comments. Mr. Kookesh.

24

25 MR. KOOKESH: Mr. VanAlen. I notice that
26 there's no comments from the public. I'm wondering if
27 the people of Klawock and Hydaburg, since they show no
28 comments, have had an opportunity to notice that there's
29 going to be a gear restriction going to occur for them.
30 Or if they participated in this proposal and that the
31 people -- not to say that there's a big user group out
32 there, but the people that are outside of these areas, I
33 wonder how they're going to feel. I was wondering what
34 it would do to me if I was in their shoes and I couldn't
35 use it. I could only use it in a certain area when it
36 was like my MacGyver kit and I'm up there starving to
37 death and I can't use it up here, you know. I'm just
38 wondering how the Hydaburg and the Klawock people feel.

39

40 MR. VanALEN: I don't know exactly. In
41 other words, I haven't discussed this directly with users
42 that do use spears from Klawock or Hydaburg. In my
43 analysis, I tried to put myself in their shoes by saying
44 what would it be like if I wasn't allowed to use a method
45 that I'm comfortable with using on a stream to take
46 steelhead that are outside of my area 3-A or 3-B and I
47 feel that would be an unnecessary restriction. It would
48 be unfair. I wouldn't think that would be an appropriate
49 restriction on my pattern of subsistence fishing.

50

00403

1 CHAIRMAN LITTLEFIELD: Other Council
2 questions, comments.

3
4 (No comment)

5
6 CHAIRMAN LITTLEFIELD: I guess that's it.
7 Thank you. We're at ADF&G presentation.

8
9 MS. SEE: Mr. Chair, Members of the
10 Council. My name is Marianne See with Fish and Game. As
11 noted in the comment sheet that you were provided with
12 here, we're neutral on this proposal. We do support
13 allowing the use of gear types in areas where they have
14 been traditionally and customarily used to harvest fish.
15 We would note a correction to our comments in the next
16 line, however, that we feel it is more correct here for
17 you to consider and that is that spears currently are
18 included on the 2003 subsistence salmon permit. So we
19 felt that was important information to include. Mike
20 Turek is here also. Mike, do you have anything to add?

21
22 MR. TUREK: This is Mike Turek, ADF&G,
23 Division of Subsistence. I really don't have anything to
24 add at this time.

25
26 CHAIRMAN LITTLEFIELD: Are there any
27 questions for ADF&G, comments?

28
29 (No comment)

30
31 CHAIRMAN LITTLEFIELD: Okay. I think
32 we've kind of covered this too. Thank you. Other
33 agencies, State or Federal.

34
35 (No comment)

36
37 CHAIRMAN LITTLEFIELD: Are there tribes?
38 Mr. Art Demmert.

39
40 MR. DEMMERT: Art Demmert. I kind of
41 wish some of the people from Craig were here, but they're
42 all traveling. I am the only one from Klawock here. I
43 have a comment about this. Now we have island-wide
44 access, so it would be ridiculous to say that we couldn't
45 use a spear if we're out on a hunting trip and we saw
46 some fish in the river, we saw one we liked, we could
47 selectively get it. I think we'd be opposed to this.

48
49 Thank you.

50

00404

1 CHAIRMAN LITTLEFIELD: Questions or
2 comments for Mr. Demmert?

3
4 (No comment)

5
6 CHAIRMAN LITTLEFIELD: Thank you, Mr.
7 Demmert. ADF&G Advisory Committees.

8
9 (No comment)

10
11 CHAIRMAN LITTLEFIELD: Dr. Schroeder, the
12 summary of written public comments.

13
14 DR. SCHROEDER: Mr. Chairman, no written
15 public comments were received on this proposal.

16
17 CHAIRMAN LITTLEFIELD: Are there any
18 members of the audience who would like to testify on
19 Proposal 39?

20
21 (No comments)

22
23 CHAIRMAN LITTLEFIELD: Any public
24 testimony.

25
26 (No comment)

27
28 CHAIRMAN LITTLEFIELD: We are ready for
29 Council deliberations on Proposal 39. I show the
30 executive summary for FP04-39 to be on page 251 and it
31 was to allow spears to be used for steelhead only in a
32 portion of District 3. I need a motion.

33
34 Mr. Hernandez.

35
36 MR. HERNANDEZ: Mr. Chairman. I move to
37 adopt Proposal FP-04-39.

38
39 MR. STOKES: Mr. Chair. I second that
40 motion.

41
42 CHAIRMAN LITTLEFIELD: It's been moved
43 and seconded to adopt FP04-39 to allow spears use for
44 steelhead only in a portion of District 3. I believe the
45 justification for this has been adequately covered in the
46 previous proposals, but I invite Council discussion now
47 if anybody wants to address this.

48
49 Mr. Adams.

50

00405

1 MR. ADAMS: Mr. Chairman. You know, I'm
2 a real strong proponent of proposals that come to this
3 body, you know, begin from a community or an individual,
4 but that it also goes through the public process as it
5 comes through this body here. I've noticed this person,
6 Jim Beard, had submitted the previous proposal and two or
7 three proposals that we considered were also by
8 individuals. I feel real uncomfortable, you know, when
9 we see a name up there who is the author of a proposal
10 and he's not here to defend his position. I really
11 believe it's important in the process. I don't feel
12 comfortable with this because of that. Not only that,
13 but because of some other reasons. I know I'm not going
14 to vote for this proposal.

15

16 Thank you.

17

18 CHAIRMAN LITTLEFIELD: Other Council.

19 Mr. Kookesh.

20

21 MR. KOOKESH: Mr. Chairman. One of the
22 concerns that I have is that as I look at these proposals
23 I have a question as to why we're not receiving public
24 comments from Hyدابurg Indian Association and all of the
25 affected parties. I know that Mr. Demmert was here
26 certainly representing Klawock, but I kind of feel that
27 proposals that impact communities, I'm wondering if
28 they're getting the material so that they can comment.
29 I'd like to see them comment because they are the
30 affected parties. I do have a concern. I don't support
31 the proposal. I don't believe that a gear restriction
32 for a user group should occur the way it's being
33 presented in this proposal.

34

35 Thank you.

36

37 CHAIRMAN LITTLEFIELD: Thank you. Other

38 Council. Mr. Douville.

39

40 MR. DOUVILLE: Thank you, Mr. Chairman.
41 I do not support this proposal because there is no
42 conservation concern. However, it does affect some
43 subsistence users negatively for no good reason I could
44 see. It does not affect other users and we've certainly
45 had enough information to make a decision.

46

47 There are some people here that I would
48 have expected here. One, which is Thomas George, I'm
49 grateful to him for loaning us his spears so you could
50 get a hands-on idea of what they are. The fishing season

00406

1 is still ongoing and shrimp and so on, so a big portion
2 of our community is fishing right now. It's like a derby
3 fishery and they can't be here. That would be one reason
4 why you don't see the participation that normally you
5 would expect.

6

7 I thank Mr. Demmert and Brandy
8 Prefontaine. Your information does help us.

9

10 CHAIRMAN LITTLEFIELD: Ms. Phillips.

11

12 MS. PHILLIPS: Thank you, Chairman
13 Littlefield. I would like to thank Mike Douville for
14 sharing his personal knowledge and his ability to bring
15 to us a traditional spear of the people of Prince of
16 Wales Island. I would like to remind this Council that
17 when we were in Hydaburg they too gave oral comments on
18 the use of spear for their C&T subsistence use of salmon.
19 It is not the subsistence user's burden to come to these
20 meetings. These meetings are here so that those of us
21 who have been appointed can gather together to be
22 informed to protect the subsistence way of life. I
23 appreciate it when information gets out and the local
24 tribes can get back to us. I really put a lot of
25 emphasis on what the tribes tell us, but I'm not going to
26 be judgmental on their absence from our meeting.

27

28 Thank you.

29

30 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

31

32 MR. KOOKESH: I certainly respect that.
33 I'd like Staff to comment on how long this proposal
34 process, the one we're involved in right now, goes on and
35 what kind of documentation went out to the affected
36 parties on Prince of Wales. The makers of the proposals,
37 I don't know if they go and see them. I do know that you
38 don't have to come to the meeting, but it only takes a
39 moment to write something on your own behalf.

40

41 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
42 could you respond, please.

43

44 MR. SCHROEDER: Mr. Chairman, Floyd. The
45 contacts with the people who make proposals are by
46 Federal Staff. It would be either Forest Service or OSM
47 Staff to clarify the intent of their proposals. IT is
48 the responsibility of the Staff person who is the lead
49 author in writing analyses to do what it takes to get
50 information on the particular issue by calling proponents

00407

1 and using the network of people they know in communities.

2

3

4 In Prince of Wales Island, we also have
5 the benefit of having local Forest Service Staff who are
6 intimately engaged on a daily basis with people in these
7 subsistence communities on the island. Jeff Reeves and
8 Dave Johnson have done a really good job in that respect.

9

10 The Council books are mailed out the same
11 time that they're mailed to you. The circulation at this
12 time includes the Tribal Councils and the communities and
13 the Fish and Game Advisory Committees throughout
14 Southeast Alaska and that's the main circulation. We
15 would like to be able to do more. However, we haven't
16 been able to make as many personal appeals or contacts as
17 possible.

18

19 I would also point out that Anthony Peal
20 was here representing Hydaburg and he was well informed
21 on issues. Some of the other EPA coordinators are out of
22 town on training and they're quite often the lead people
23 for their tribes.

24

25 CHAIRMAN LITTLEFIELD: Normal rule for
26 the Council is that once we take a proposal under
27 consideration and it becomes the property of the Board,
28 we normally don't allow others to comment on it, but I'd
29 like to ask the Council's indulgence to suspend those
30 rules for a few minutes to allow testimony from a member
31 of the Organized Village of Kasaan who just arrived, Ms.
32 Pam McCamey. Is there any objection to that?

33

34 (No comment)

35

36 CHAIRMAN LITTLEFIELD: Ms. McCamey, will
37 you please come forward.

38

39 MS. McCAMEY: Thank you, Mr. Chairman.
40 My name is Pam McCamey. I'm from the Organized Village
41 of Kasaan and I apologize for not being here for the
42 other two days of the meetings, but I've been working on
43 an election. I'm the only one in the office. The rest
44 of our tribal members and our council are at trainings
45 and meetings throughout the state and other states.

46

47 The one comment I'd like to make is that
48 I'm very pleased with the outcome of the Proposals 35,
49 36, 37, 38 and now 39. Kasaan, Klawock, Craig and
50 Hydaburg, all four tribes have a cooperation and we work

00408

1 environmentally and subsistence. We meet at least once a
2 month to discuss our issues. I didn't have one of our
3 important people's notes to bring with me today, but on
4 39, when we were talking about no public comment, our
5 mail service in Kasaan, we get mail once a week, weather
6 permitting, so I haven't got to see the proposal book and
7 all I got was my agenda that I got emailed.

8

9 But my comment was for no public comment,
10 was there a government consultation in this because that
11 would bring out a lot of your public too, if there's
12 government to government. I know we have an MOA with the
13 Forest Service and other entities. I'd just like to say
14 that I'm thankful for the outcome of these proposals, the
15 votes, and I will be having opinions if something else
16 comes up.

17

18 I appreciate your time.

19

20 CHAIRMAN LITTLEFIELD: Thank you. Are
21 there any questions for Ms. McCamey?

22

23 (No comment)

24

25 CHAIRMAN LITTLEFIELD: Thank you very
26 much for your testimony. Ms. McCamey, could I ask you to
27 take the table again with the Council's indulgence. You
28 know, we've been struggling with deer and if you don't
29 mind I'd like to ask Ms. McCamey if she could respond to
30 how the deer situation has been this year, whether it's
31 improved or whatever, subsequent to the actions we took
32 last year.

33

34 MS. McCAMEY: There's been deer gotten.
35 The needs have not fully been met, but the outcome of the
36 proposal -- we're getting people saying that August is
37 too early because we're still working on our fish at that
38 time and it's too warm a climate, so they were wanting to
39 know about it going for the latter part of the season.
40 For the most part, people were happy with the way the
41 proposal was and how it affected them this year. A lot
42 of our elders who depend on the young subsistence people
43 during the hunting season to get theirs didn't get any
44 this year. All four communities did do door-to-door
45 surveys with our community members and then they were
46 reaching out to other rural communities on the island and
47 we're still gathering information on that.

48

49 CHAIRMAN LITTLEFIELD: The reason I'm
50 asking you this is the Federal Subsistence Board

00409

1 authorized the deer proposal for you with the
2 understanding that it would sunset this year. So the
3 Council later on this afternoon is going to be making a
4 recommendation that we believe it should continue or not
5 and, of course, your opinion is important and that's what
6 I'm asking you. Do you think that the proposals from last
7 year, Proposal 4 and 5, which opened the season earlier
8 in July, as well as closed the season for part of August,
9 should continue as they are?

10

11 MS. McCAMEY: Personally, we'd want to do
12 it to keep up the data so that we can see because this is
13 only the first year. That's really all I'd feel
14 comfortable saying right now.

15

16 CHAIRMAN LITTLEFIELD: Thank you. Are
17 there any Council that has any questions on the deer
18 subject that they would like to ask Ms. McCamey?

19

20 (No comment)

21

22 CHAIRMAN LITTLEFIELD: Thank you. Your
23 input is helpful to us. No, wait a minute. Mr.
24 Douville, please.

25

26 MR. DOUVILLE: Thank you, Mr. Chairman.
27 I'm not sure I understood your answer to his question.

28

29 MS. McCAMEY: His question was do I feel
30 that the Proposal 4 and 5 should carry on this year.
31 Isn't that right? I think for data gathering it should,
32 but most of the surveys that we've gotten back say that
33 the early season was too warm and people were still
34 working on their fish. The people that normally do the
35 hunting were out working at camps. They're seasonal
36 workers.

37

38 CHAIRMAN LITTLEFIELD: The way I read
39 that, you said it did not meet all your needs and we knew
40 that going in that it would not and it would not solve
41 all your problems. Nevertheless, the Board is going to
42 be looking at should they continue to extend those and I
43 believe you say there are some good things coming out of
44 that. We have no proposal on the table before us to
45 address this, so what we're asking you, I guess, is Mike
46 wanted a little more clarity. Would you like us to
47 recommend to the Federal Subsistence Board that they just
48 leave those as they are until your community and others
49 can make a recommendation to this Council?

50

00410

1 MS. McCAMEY: Yes.

2

3 CHAIRMAN LITTLEFIELD: Does that clarify
4 it for you, Mike?

5

6 MR. DOUVILLE: Close enough.

7

8 CHAIRMAN LITTLEFIELD: Are there any
9 other questions for Ms. McCamey? Thank you for your
10 input.

11

12 MS. McCAMEY: Thank you.

13

14 CHAIRMAN LITTLEFIELD: Where was I? I
15 normally don't do this. We have a motion on the floor.
16 The motion on the floor is on page 251, FP04-39.
17 Discussion. I believe the four points have been
18 adequately made in this and others and as summarized by
19 Mr. Douville.

20

21 Are you ready for the question?

22

23 MR. STOKES: Call the question.

24

25 CHAIRMAN LITTLEFIELD: The question
26 before you is FP04-39 as shown on page 251 to allow
27 spears for steelhead. All those in favor please signify
28 by saying aye.

29

30 (No response)

31

32 CHAIRMAN LITTLEFIELD: All those opposed
33 same sign.

34

35 IN UNISON: Aye.

36

37 CHAIRMAN LITTLEFIELD: The motion has
38 failed. This completes the proposals. We're on Item 11
39 on page seven. We're down to the last page of our
40 agenda. Item 11, Tab E, Dr. Schroeder.

41

42 DR. SCHROEDER: Mr. Chairman. I'd like
43 to have Jim Brainard and Dave Johnson come to the table.
44 At this point in the meeting we always ask the Council if
45 it has proposals to bring forth for the wildlife cycle.
46 The proposal period for the wildlife cycle is open right
47 now, August 15th to October 24th. The main issue that
48 the Council will need to deal with in this proposal round
49 has to do with Unit 2 deer. We'd like to see if Council
50 has a proposal at this time. In order to have better

00411

1 information on what has been going on with deer in GMU 2
2 this season, I'd like Mr. Brainard to give us a brief
3 summary of the experience with the Federal permit hunt in
4 July and August that took place this year.

5

6 CHAIRMAN LITTLEFIELD: Mr. Brainard.

7

8 MR. BRAINARD: Good afternoon, Mr.
9 Chairman, Members of the Board. My name is Jim Brainard.
10 I'm currently wildlife biologist stationed in Petersburg
11 for the U.S. Forest Service. As you know, for the last
12 two years I have been the database steward for the
13 hunting permits on the Tongass National Forest. As of
14 Monday, we have issued in excess of 3,500 permits for
15 harvesting deer on Prince of Wales. 355 of those permits
16 have been returned to us. 22 permits were either
17 unsuccessful hunters or they did not hunt and 333 permits
18 were successful hunts so far. From the first eight days
19 in July to the 21 days in August 282 deer were harvested
20 on Prince of Wales, 169 were harvested in the eight days
21 in July.

22

23 We also asked permittees this year how
24 did you do last year, did your harvest meet your needs,
25 and 26 percent said they did and 52 percent said they did
26 not. The majority of these animals have been harvested
27 in wildlife analysis areas 1422, which is the Staney
28 Creek area, 1315 which is the Thorne Bay/Kasaan area,
29 1319 Thorne Bay Control Lake, and 1420 in Coffman Cove.
30 Additionally, I'd like to report that two moose had been
31 killed in that hunt. That was another one of the hunts
32 we talked about earlier this year.

33

34 CHAIRMAN LITTLEFIELD: Thank you. Mr.
35 Johnson.

36

37 MR. JOHNSON: Dave Johnson, Tongass
38 National Forest subsistence coordinator. Mr. Chair,
39 Council. Clarification on the number of permits that Jim
40 gave information about. That represents approximately
41 850 actual hunters because there are four permits, four
42 pieces of paper actually being issued to each hunter.
43 Let me just say that we agree with comments that have
44 been made before, during and will be made after both from
45 Council, Federal Staff, State Staff, local publics and
46 anyone that has any common sense at all that doing it
47 that way on four pieces of paper might be part of the
48 reason some people had some problem or chose not to use
49 that system for the remainder of the season.

50

00412

1 Also, as part of the ongoing permit hunt
2 that was established this year, the Federal Subsistence
3 Board directed the Forest Service to initiate a
4 cooperative planning process with Shineberg and
5 Associates that would have a steering committee that
6 would include the State, some representatives of the
7 Regional Council, some members of different tribes here
8 on the island. One of the things that came out in this
9 cooperative planning process to date -- by the way, Jan
10 Caufield is the lead investigator on that in the scoping
11 feasibility phase of the cooperative management project.
12 She will have a draft report later in October and a final
13 report in December.

14
15 One of the things that came out at the
16 Board table last year made by members of the Board and
17 Staff that we need to have better harvest reporting and
18 population data for Unit 2 deer and that was part of the
19 reason why the Board chose to go with a Federal
20 registration permit to require Federally-qualified
21 hunters to report.

22
23 Mr. Chairman, both the report that Jim
24 has and also with respect to information that Council has
25 received while you've been here on the island and with
26 respect to some proposals that have already gone in and
27 with respect to the fact that there is a sunset clause on
28 the current regulation, I would request that the Council
29 consider potentially submitting their own proposal for
30 this cycle so that at least the Council can capture what
31 the Council feels would be needed for the 2004-2005
32 regulation for Unit 2 deer harvest.

33
34 The second thing for consideration is for
35 the Regional Advisory Council to submit a letter to the
36 Board of Game with a courtesy copy to the Federal
37 Subsistence Board and to the ADF&G Subsistence Division
38 and Wildlife Conservation Division requesting that the
39 State Board of Game consider a State registration permit
40 for all hunters in Unit 2. I think until we get that
41 kind of information -- again, based on what I'm hearing
42 from a lot of different corners, it's going to be pretty
43 tough to figure out where the deer are being taken, who's
44 taking them, what time of year they're being taken and
45 much of the other information that now is coming in
46 piecemeal under two different systems.

47
48 The other reason I would suggest
49 considering that is we know there's a considerable
50 discrepancy between household harvest data and the

00413

1 voluntary mail-back questionnaire. So, if you have a
2 registration permit that requires everyone report, I
3 think you would have a much better database.

4

5 That concludes my comments, Mr. Chairman.

6

7 CHAIRMAN LITTLEFIELD: Questions. Mr.
8 Douville.

9

10 MR. DOUVILLE: Thank you, Mr. Chairman.
11 You requested that the Board of Game go through the
12 registration process to hunt for all hunters. Should
13 they not want to do something like this for whatever
14 reason, isn't it possible for the Federal registration to
15 be put in place? I realize that would only be effective
16 on Federal land, but there is very little private land
17 that would be -- or the private land is not that
18 significant or it is and it isn't on Prince of Wales. Do
19 you understand what I'm asking?

20

21 MR. JOHNSON: Mr. Chair, Mr. Douville. I
22 would defer to legal counsel in the solicitor's office
23 and OGC as to whether or not legally that's possible and
24 then, secondly, whether that is something that the
25 Federal Subsistence Board would choose to do. I really
26 don't know.

27

28 CHAIRMAN LITTLEFIELD: Mr. Douville,
29 follow up.

30

31 MR. DOUVILLE: In my mind, a registration
32 like this would not be any restriction of any kind, only
33 an information-gathering
34 vehicle.

35

36 MR. JOHNSON: That's correct. Mr.
37 Douville, Chair. Again, the reason we are where we are,
38 partially in Unit 2, is for reasons of lack of data and
39 changes in both habitat and numbers of hunters,
40 predators, the new island ferry system, Inter-island
41 ferry system. Some of those variables we can't get a
42 handle on, but I believe that harvest data is one
43 variable that we can get a handle on.

44

45 CHAIRMAN LITTLEFIELD: Mr. Douville,
46 continue.

47

48 MR. DOUVILLE: I do know the State does
49 this for goat hunts. They are a registered hunt and they
50 will penalize you for not reporting whether you get one

00414

1 or not. I do know that the State does do this when there
2 is a strong desire for information. Dealing with some of
3 the problems that we've had, this type of information
4 would be very helpful. I agree with you.

5

6 MR. JOHNSON: Also Mr. Douville, Chair.
7 Deer occur throughout Alaska, not just in Unit 2, and
8 many of the same issues that face us here in Unit 2 are
9 issues that are elsewhere in the state with respect to
10 deer harvest, deer management and that may be something
11 you may want to consider if you choose to send a letter,
12 is discuss in the context of better information for
13 statewide deer harvest data. Whether or not that's that
14 important to the Board of Game, I don't know. My
15 understanding is that in the past the Board of Game chose
16 not to take action on some deer proposals because they
17 wanted to deal with deer proposals on a statewide basis
18 rather than just a piecemeal approach. That's just
19 another piece of information.

20

21 CHAIRMAN LITTLEFIELD: Other Council. As
22 far as the Sitka deer, Unit 4 deer, I'm not looking
23 forward to signing four pieces of paper, but I believe
24 you're going to streamline that. I'm also aware that if
25 you look at the Tongass EIS, I cannot remember how many
26 communities basically are going to be looking at the
27 identical circumstances that are happening on Prince of
28 Wales now. I don't believe it was 10, but it was close
29 to that. One of them was Sitka. What is going to happen
30 is the bad winter as well as the population. We just
31 haven't had a bad winter here on U2, but we've had all
32 the others; the increase in population and more people.
33 So I personally would like to see that letter address all
34 of the deer, especially in southeast, which is our area.
35 If my understanding is right, you're recommending that we
36 would write that letter to the Board of Game, addressing
37 deer concerns and I'll leave it up to the Council to
38 decide whether we'll do it for you too or all of
39 southeast.

40

41 The other part of your recommendation was
42 that we make a wildlife proposal to fall back in case
43 some others did not make a wildlife proposal and this was
44 to sunset without any action. I think the options
45 available, as I recall them, would be to just support
46 what's presently happened under four and five, but that
47 was not what the Council sent me to Anchorage with. They
48 sent me with a proposal that was different than that, so
49 that would be the other option. We'd have them fall back
50 to what we did in Ketchikan and the other would be to

00415

1 write an entirely new one. So those are the three things
2 that you're recommending that we take action, one of
3 those ways, as well as the Board of Game letter?

4

5 MR. JOHNSON: That's correct, Mr.
6 Chairman.

7

8 CHAIRMAN LITTLEFIELD: What I'd like to
9 do is ask Ms. See to come forward at the same time.
10 We're talking about registration permits that Mr.
11 Douville had addressed earlier. We have the requirement
12 and this Board has gone on record at a previous meeting
13 stating that we recognized the need for good deer numbers
14 because deer is at risk and we all know that. What we'd
15 like to do is find out how you would react to this
16 because we need to get these numbers and we would hope
17 the State would be willing to work with us on this.

18

19 MS. SEE: Mr. Chair, Members of the
20 Council. My name is Marianne See with Fish and Game. We
21 certainly are very interested in seeing the results of
22 the current rules and understanding how that pattern may
23 develop because it's new, of course, and there is a need
24 to see some stability in those numbers to get an
25 understanding of how this is working for people. It's my
26 sense that the Department would be especially interested
27 in seeing that happen prior to a move to implement a
28 registration hunt on the State side, but we have not
29 fully -- this is a new idea here from this meeting today
30 which we would need to discuss more fully, but it is my
31 impression that before we would be proposing a
32 registration hunt on the State side that we would want to
33 see this information from the Federal side and really
34 understand its significance.

35

36 CHAIRMAN LITTLEFIELD: Assuming that is
37 made available to you, and I have no doubt that it's
38 going to be made available to you, how would we go about
39 getting this out of cycle, because this is something we
40 would probably have to get out of cycle. Could you give
41 us the details of how we could approach the Board of
42 Game, you know, how we could word this letter to get this
43 action taken care of?

44

45 MS. SEE: Mr. Chair. I can certainly
46 seek some advice for you on that. I don't have a full
47 explanation at the moment. I can certainly leave the
48 table briefly and see if I can get some information while
49 you're still in session and offer that to the extent I
50 can get it. If I don't get a full reading on that today,

00416

1 I can certainly provide that at the earliest opportunity.

2

3 CHAIRMAN LITTLEFIELD: Mr. Douville, you
4 have a question.

5

6 MR. DOUVILLE: Thank you, Mr. Chairman.

7 My question is for Dave. I touched on this Federal
8 registration for a reason I'm not sure everybody here
9 knows. You did not need Federal hunting tags if you did
10 not participate in the early season. That's the only
11 part that you needed a Federal tag for. So I'm sure that
12 you would like to see hunting results for the whole
13 season. If I didn't participate in that one, I'm not
14 obligated to report to the Feds in any way unless I do a
15 designated hunter, which I will for certain people. So
16 there's still a gap in your information and that's why I
17 asked about a Federal registration permit, not only for
18 non-rural but for also the rural people that did not
19 participate in the federal season. So I guess you said
20 you'd need a legal opinion. Another question would be
21 how long would it take to get a legal opinion? Do you
22 understand what I'm saying? There are several gaps in
23 the system here that need to be closed to get good
24 information, not only from non-rural but from rural users
25 also.

26

27 MR. JOHNSON: Mr. Douville, Chairman and
28 Council. You're absolutely correct, Mike. In fact,
29 another little problem with the Federal regulations
30 states that you must be a Federally-qualified user. It
31 doesn't say you have to have a permit. I don't know if
32 Mr. Meyers or Mr. Pearson would care to comment, but it's
33 some of those lack of clarity in how the regulations are
34 written that partly creates some of this confusion.

35

36 The other exception, Mike, is that if a
37 person was going to kill an antlerless deer later in the
38 season, they would still have to have that permit because
39 this year we didn't have the doe permit like we have had
40 in the past. So, if you were going to hunt October 15th
41 to December 30th without the Federal permit, you'd be in
42 violation because the State does not allow for an
43 antlerless harvest in Unit 2.

44

45 CHAIRMAN LITTLEFIELD: Other questions.
46 Any other questions from the Council? Dr. Schroeder.

47

48 DR. SCHROEDER: Mr. Chair. We also
49 discussed this item under the response to the annual
50 report that we submitted where we raised this issue with

00417

1 the Federal Subsistence Board in our report to the
2 secretary. It would be useful at this time if the
3 Council could provide some direction to Staff as to
4 whether we should proceed with something that puts a
5 registration permit on the books to explore whether a
6 Federal registration permit is possible.

7

8 If the Council wishes us to proceed,
9 please give us some indication of our wishes.

10

11 CHAIRMAN LITTLEFIELD: Mr. Johnson.

12

13 MR. JOHNSON: Also for clarification,
14 Mike, I really didn't answer the last part of your
15 question. I don't know how long it would take to get a
16 legal response, but my guess is it would be through the
17 OSM or through the Board back to the Council.

18

19 CHAIRMAN LITTLEFIELD: Mr. Douville.

20

21 MR. DOUVILLE: Thank you, Mr. Chairman.
22 I guess that there is some flaws we'd like to see
23 corrected. I didn't know if it would be appropriate for
24 us to request that type of thing without knowing whether
25 it is legal or not. On the other hand, I, for one,
26 really detest paperwork, period. For the most part,
27 we're subsistence hunters and not paper-pushers. We're
28 not biologists, but I do understand there is some need to
29 collect this data. If we are going to do so, we need to
30 do it in the most streamlined painless fashion that we
31 can.

32

33 CHAIRMAN LITTLEFIELD: What's the
34 Council's wishes? We have a couple options on the table.
35 Are there any directions from the Council?

36

37 Ms. Wilson.

38

39 MS. WILSON: Mr. Chairman. I heard you
40 mention about if the State gave a permit or if we wanted
41 the State to give a permit for hunting on Unit 2, but you
42 said it should be for all of Southeast. Could you
43 explain all this to me? I'm kind of lost.

44

45 CHAIRMAN LITTLEFIELD: My comment was
46 whether we should enact registration requirements only
47 Unit 2 or whether we should, knowing full well that we're
48 going to have these problems down the road in other area,
49 think about doing this for Unit 4 and others. I'm just
50 like Mike. I don't want this paperwork either. I think

00418

1 we're going to be faced with a problem in the future of
2 ever-increasing demand for ever-diminishing deer. That's
3 happened on PWI, it's going to continue in the future and
4 it's going to continue all over Southeast, wherever
5 there's logging. In seven years, you're at the zero deer
6 stage. So I didn't know whether to extend it. We were
7 talking about U2 and I didn't know whether to extend it
8 to U4 and all the others.

9

10 Mr. Hernandez.

11

12 MR. HERNANDEZ: Jim, maybe you could tell
13 us how the hunt is managed on Mitkof Island.

14

15 MR. BRAINARD: Mitkof Island was closed
16 in the early '80s because of severe -- all of Unit 3 was
17 closed to deer hunting because of the severe winter that
18 killed almost all the animals. That occurred before a
19 lot of major logging occurred on some of those islands.
20 It was just a horrendous winter and it persisted until
21 June, so this was a really nasty thing. Most of Unit 2
22 has been opened back up to a two deer harvest with a
23 relatively rebated season starting in August and ending
24 in November. Mitkof Island has a one-month season and
25 people are allowed one deer on Mitkof Island. The deer
26 population is coming back very well. Fish and Game
27 biologist there tells me that he's going to on the next
28 go round request that we change the season on Mitkof, but
29 that's pretty much what's happening on Mitkof Island
30 right now.

31

32 Does that answer your question?

33

34 MR. HERNANDEZ: To my understanding, all
35 of Mitkof Island is a registration hunt for deer, is that
36 correct?

37

38 MR. BRAINARD: Yes, that's correct.

39

40 MR. HERNANDEZ: How was that
41 administered? State, Federally, how did they work that?

42

43 MR. BRAINARD: That is a State
44 registration hunt. We still have the designated hunter
45 permits that we issue. It is a one-deer -- now that I
46 think about it, I think it's just a one deer/one month
47 season.

48

49 MR. HERNANDEZ: Excuse me. Maybe
50 somebody from the State could clarify. I know originally

00419

1 that was a registration hunt under special circumstances
2 and I'm interested to know how that was managed. It
3 seems like it's such a problem here on Prince of Wales
4 Island, but yet I know this occurred on Mitkof Island, a
5 registration hunt run by the State of Alaska. Maybe
6 somebody could clear that up.

7

8 CHAIRMAN LITTLEFIELD: While we're
9 looking up that answer, I guess what the Council needs to
10 determine is do we want to take any action on this or do
11 we not? I think we certainly need to have a fallback. I
12 don't want to totally eliminate the work we did on 4 and
13 5. IF somebody else does not put in a proposal that's a
14 mark-up vehicle, we can at least use that. I think
15 that's the bare minimum. Where we go on these permits, I
16 don't know if that's the time, but we should hopefully
17 try to wrap this up in the next five minutes.

18

19 Go ahead, Mr. Turek.

20

21 MR. TUREK: Chair. I'm Mike Turek, Fish
22 and Game. The deer hunt in GMU 3 is not a registration
23 hunt.

24

25 CHAIRMAN LITTLEFIELD: Council, we need
26 to get a proposal on the record. We understand Staff can
27 put this together. We don't have to have it read to us
28 what Proposal 4 and 5 said, 1st through the 10th of
29 August. I trust you to embody those. But I think we
30 need to get that on record at least as a minimum. Is
31 there someone that would entertain a motion to do that?

32

33 MR. STOKES: I just wanted to make a
34 comment. Living in Wrangell, I obtained a permit to get
35 one deer on Mitkof, so I don't know whether that's still
36 going. That was a couple years ago.

37

38 MR. BRAINARD: As I remember from my
39 memory now, it was at one point a registration permit,
40 but that was changed several years ago and it's just now
41 you use one of your State tags that you would get
42 normally. You're only allowed one deer on Mitkof and a
43 short season.

44

45 CHAIRMAN LITTLEFIELD: What I would
46 recommend that the Council do, if there is no objection,
47 I would like to direct Staff to put a place-holder in
48 with the understanding that we're going to change it if
49 we have to. A Board-generated proposal to keep
50 everything just like it is so we don't lose what little

00420

1 gains we've made. Is there any objection from Council
2 that we do that?

3

4 (No objection)

5

6 CHAIRMAN LITTLEFIELD: Okay. I think
7 Staff understands where we're coming from here, right?
8 We know that there's going to be other proposals,
9 probably, but there may not be, so we need to have
10 something on there. I don't want that work to disappear.

11

12 As far as the letter to the Board of Game
13 requesting registration permit, I kind of go back to Mr.
14 Douville's comments. There's so many holes in ours that
15 I think we should get our act in order and maybe give
16 ourselves a year or something to straighten this out. I
17 think it's a little premature to ask them, but I'm
18 willing to send that letter if the Council wants to do
19 that. Any other comments on the registration permit?

20

21 DR. SCHROEDER: Mr. Chairman. The
22 Council discussed this at some length at our wildlife
23 meeting in Ketchikan. We included a request that the
24 State proceed with some way of getting mandatory
25 reporting and a registration permit. We have done a fair
26 amount of that discussion. The direction we seek from
27 the Council right now is whether Staff should pursue
28 options with the Board of Game to get a registration
29 permit put into effect in the near future.

30

31 CHAIRMAN LITTLEFIELD: Council, do you
32 have any problem with that, asking them to work together
33 and do this?

34

35 (No response)

36

37 CHAIRMAN LITTLEFIELD: So ordered. We
38 need to see this, by the way. We're trusting you to put
39 together the proposal correctly that meets the intent of
40 what the discussion has been here. Once again, we're
41 reminding you that the wildlife proposals are open until
42 October 24th at 5:00 p.m. Ms. McCamey did want to
43 testify on deer proposals, but do you understand we're
44 only installing a place-holder now? You're certainly
45 allowed to put your own proposal in and we will debate
46 that when it comes in. We'll certainly look at that.

47

48 Did you still want to testify on that?
49 Let her come up.

50

00421

1 MS. McCAMEY: I brought Elena up with me.
2 She had some comments. One comment I do have is that all
3 four tribes do work together. We work very well together
4 and we will be meeting up in Anchorage the 13th through
5 the 17th. We can find the time to work together to
6 submit a proposal. One comment I do have about the
7 registration, at our meetings that we've been talking
8 about, if they're fishing or hunting in our areas, the
9 tribes feel strong enough that they are able to hand out
10 permits for people that are hunting in their areas. We
11 know our areas, our hunters. I'll pass it over to Elena
12 if I could.

13

14 ELENA: We tribes have very small
15 environmental protection departments and all of us travel
16 during this time of year. As environmental protection
17 divisions, we have to pick and choose our priorities and
18 one of our priorities is the deer subsistence
19 regulations. From the surveys we've been compiling
20 through the TEC, the four tribes on the island, our needs
21 are not being met with the current regulations, but we
22 believe it's a step in the right direction. The TEC
23 plans to meet when we're in Anchorage next week to come
24 up with a proposal by the 24th. We'd just like to make
25 it known that this is an important issue to people who
26 live on Prince of Wales and every community.

27

28 CHAIRMAN LITTLEFIELD: We look forward to
29 your proposal. Dr. Schroeder.

30

31 DR. SCHROEDER: Thank you very much for
32 coming forward. The Staff really appreciates the
33 initiative that the tribes are taking and the EPA
34 coordinators going out and doing interviews and coming up
35 with a good assessment of what's going on in your
36 communities. If I or Jim Brainard can help you with
37 formatting a proposal or making sure that the T's are
38 dotted or the I's are crossed, please call on us.

39

40 ELENA: Thank you, Dr. Schroeder.

41

42 MS. McCAMEY: Thank you very much.

43

44 CHAIRMAN LITTLEFIELD: Anything else on
45 wildlife proposals Council would like? I would like to
46 have included in the annual report that we still do not
47 believe that hunting licenses are required for
48 subsistence users. We've asked for that previously, but
49 I'd like that to still be the Council's view. Is there
50 any objection to that going in the annual report?

00422

1 (No comment)

2

3 CHAIRMAN LITTLEFIELD: It was in there
4 last year and we'll have it in again. Thank you. We're
5 on Item 12, agency reports, United States Fish and
6 Wildlife Service, OSM.

7

8 MR. EASTLUND: Mr. Chairman, Members of
9 the Council. I'm Warren Eastlund. I'm the wildlife
10 biologist with the BIA. I'm a Staff Committee member to
11 the Federal Subsistence Board and I'd like to present
12 some information to you on the draft Federal Subsistence
13 Board policy on predator management. You'll find this in
14 your book immediately following Tab F through page 299.

15

16 To describe the Federal Subsistence
17 Board's authorities and responsibilities concerning
18 predator management and/or predator control in Alaska,
19 the information following Tab F reviews customary and
20 traditional uses of predators by rural Alaskans including
21 Native Alaskans, predator management history in Alaska
22 and existing laws and Federal regulations and policies by
23 those agencies that have land management
24 responsibilities.

25

26 The term predator control is used to
27 represent the intentional reduction in the population of
28 predators for the benefit of prey species. Predator
29 management is a more comprehensive term which may include
30 predator control but it also includes actions to enhance
31 game populations in general, predator health, predator
32 viewing and other aspects of managing predators.

33

34 The Federal Subsistence Board continues
35 to receive numerous regulatory proposals to liberalize
36 the harvest of predator species. Some proposals have
37 clearly been for the purpose of allowing for the
38 customary and traditional subsistence use of the
39 resource. In other words, for providing meat for
40 consumption, skins for clothing or other parts of the
41 animal for handicrafts. Other proposals have been
42 clearly intended to reduce predator populations for the
43 purpose of increasing moose, caribou or deer populations
44 with subsistence use of the predator being at most a
45 secondary benefit.

46

47 Other proposals have been vague. The
48 information here behind Tab F attempts to summarize the
49 information relative to the Board's responsibilities for
50 predator management and to answer two basic questions.

00423

1 One, is it necessary to distinguish between the types of
2 requests and, two, should the Board take actions to
3 control one species for the beneficial harvest of another
4 desired species.

5
6 The relationship between predator and
7 prey has been a study topic since the early discipline of
8 wildlife management. The simplistic view that fewer
9 predators equals more prey is readily dismissed when we
10 consider that predation has benefits of disease control,
11 prey habitat maintenance, use and carrying capacity.
12 Numerous studies and experiments have been conducted to
13 model predator/prey interactions all with varying
14 results. The one single conclusion that can be drawn is
15 that the predator/prey interactions are complex and the
16 effects of management actions are difficult to predict.
17 The unpredictability of the effects of predator control
18 are even more pronounced when the predator isn't
19 necessarily an obligate predator, such as is the case
20 with bears or with predation that is more seasonal in
21 nature, such as predation that targets newborns.

22
23 Title VIII is not really clear with
24 Congress's intent regarding predator control. Section
25 .801(4) of ANILCA identifies the finding by Congress that
26 they must invoke their constitutional authorities to
27 protect and provide the opportunity for continued
28 subsistence uses on the public lands by rural residents.
29 ANILCA refers to using sound, wildlife management
30 principals in accordance with the recognized scientific
31 principals and the purposes for which each conservation
32 unit was established, designated or expanded. Therefore,
33 predator control as a legitimate wildlife practice can be
34 used to manage ungulate populations on some public lands
35 when it does not conflict the stated purpose of the
36 Federal land unit. It can be argued that Title VIII
37 provides a Federal Subsistence Management Program
38 responsibility to address predator management because of
39 the mandate for Federal Management Program to ensure that
40 subsistence activities are carried out in a manner that
41 is consistent with the conservation of healthy
42 populations of fish and wildlife.

43
44 The definition encompasses the need to
45 assure stable and continuing natural populations and
46 species mix of plants and animals in relationship to
47 their ecosystems. It continues to go on to say that this
48 must be done while recognizing that local rural residents
49 engaged in subsistence uses may be a natural part of the
50 ecosystem. Any predator control programs or projects

00424

1 would be subject to both NEPA, the National Environmental
2 Policy Act, and an ANILCA Section .810 evaluation.

3

4 I said that Congress was not clear.

5 Those statements that I read seem to suggest that
6 Congress said that predator control was all right.
7 However, other references within ANILCA suggest
8 otherwise. Section .803 does not include predator
9 control within the definition of subsistence uses.
10 Section .802(2) identifies Congress's policy that non-
11 wasteful subsistence uses of fish and wildlife and other
12 renewable resources shall be the priority consumptive
13 uses of all such resources on the public lands.

14

15 The lawyers have not given us a complete
16 answer as to what ANILCA really means regarding predator
17 control. Effective predator control in the past required
18 the use of several methods that current society considers
19 unacceptable. This has resulted in current agency
20 regulations and policies that contain numerous
21 restrictions on the use of predator control as a
22 management option. Any predator management actions that
23 the Federal Subsistence Board might choose must be
24 acceptable within the regulations for the relevant land
25 management agency. Not only must it be acceptable within
26 the individual land management agencies regulations, but
27 also it is their responsibility to see that it is done in
28 cooperation with the State of Alaska.

29

30 In other words, the Board does not have
31 the authority to take actions to control one species for
32 the beneficial harvest of another desired species. By
33 that I mean unilateral action. It has to be some kind of
34 concerted action if it takes any action at all.
35 Therefore, because of this division of responsibilities,
36 it is necessary to distinguish whether Federal
37 Subsistence Programs regulatory proposals submitted to
38 the Board are for the purposes of harvesting predators
39 for direct use or a request to control predators for the
40 purpose of increasing prey populations.

41

42 The Federal Subsistence Board is
43 considering adoption of a predator management policy
44 which has two parts to it. One, the Board will continue
45 to consider all Federal proposals to regulate seasons and
46 dates, methods and means, harvest limits, customary and
47 traditional use determinations for the subsistence take
48 of predatory species consistent with all other fish and
49 wildlife regulatory proposals.

50

00425

1 These will be considered in light of
2 population objectives, land unit management plans,
3 customary and traditional uses and all the normal sorts
4 of things that occur in consideration of any proposal,
5 but the Board is considering directing OSM to reject all
6 Federal proposals that specifically indicate that the
7 reason for changing the regulations is to reduce the
8 predator population to increase prey populations. In
9 other words, the Board is considering directing OSM to
10 reject all proposals to send them back to the proponent.
11 Those proposals that are specifically designated as
12 predator control proposals.

13

14 Rejection notices to the proponents will
15 explain the limited role of the Federal Subsistence Board
16 with regards to predator control and will direct the
17 proponent to the appropriate land manager or to the
18 Alaska Board of Game to pursue their objectives. That
19 ends my briefing.

20

21 Mr. Chair, Members of the Council, I'll
22 do my best to avoid your questions.

23

24 CHAIRMAN LITTLEFIELD: Thank you, Dr.
25 Eastlund. Are there questions on predator control? I
26 guess I want to be clear. You don't have a solicitor's
27 opinion? Just exactly where are we in a nutshell?

28

29 MR. EASTLUND: The solicitor's opinion is
30 that whether the Board may consider a proposal is tied
31 directly to the rationalization for the purpose of the
32 proposal. In other words, if the proposal says we want
33 to kill more predators so we can use them, then that's a
34 legitimate proposal within the scope of the Board. If
35 the proposal says we want to kill more predators because
36 we need more moose, it is the solicitor's opinion that
37 that is probably not within Board jurisdiction.

38

39 CHAIRMAN LITTLEFIELD: Thank you. Other
40 Council questions on predator control.

41

42 (No comment)

43

44 CHAIRMAN LITTLEFIELD: Thank you. That
45 was quite lengthy and it helps me out. Staff Committee.
46 Mr. Kessler.

47

48 MR. KESSLER: Good afternoon, Mr.
49 Chairman and Council. Steve Kessler with the U.S. Forest
50 Service and also representing the Staff Committee of

00426

1 which I'm a member of. This topic you can find starting
2 on page 301 behind Tab F and it has to do with Council
3 concerns with the role of the Staff Committee.

4

5 Last May, during the Federal Subsistence
6 Board meeting in Anchorage, the Board Chair entertained
7 discussion on the appropriate role of the interagency
8 Staff Committee and the decision-making process. He
9 acknowledged Council perceptions that the Staff Committee
10 is having undue influence on the Board, the decision-
11 making process and the resulting rule making, so he
12 subsequently directed a review of the Staff Committee
13 procedures.

14

15 The Board Chair stated that the necessary
16 role of the Staff Committee is to consolidate information
17 needed for the Board to make a decision. Federal
18 subsistence management regulations state the Board shall
19 establish a Staff Committee for analytical and
20 administrative assistance. In practice, the Staff
21 Committee provides policy, procedural and technical
22 support to the Board, including a forum to discuss agency
23 differences. The Board Chair directed a review to be
24 conducted of the Staff Committee's role in the regulatory
25 process.

26

27 In the review of their roles, the Board
28 Staff Committee acknowledged the perceptions articulated
29 by some of the Councils. The Board is offering a series
30 of proposed changes to the role of the Staff Committee
31 and to decision-making procedures at Board meetings for
32 consideration. The Board invites the Councils to offer
33 other suggestions as possible and that's what you could
34 consider here today. The Board will consider Council
35 comments on the proposed changes, including additional
36 suggestions and those will be considered at the 2003
37 Board meeting.

38

39 If you turn to page 303, which is a
40 table, the summary table of the proposed changes, I will
41 go through that and talk a little bit about some of the
42 effects of these proposals. First, although it's not
43 shown on this summary table, during proposal development
44 such as at this meeting where you just considered whether
45 there should be any new proposals, the Staff Committee
46 has generally had no role or at least no formal role.
47 One of the proposals is the Staff Committee would be
48 available to the Council in developing your proposals.
49 Currently you have the Forest Service Staff here at this
50 meeting and others that would be available. In fact,

00427

1 this proposal would have the Staff Committee always at
2 your meeting to assist you in any proposal development.

3

4

 The next step, proposal analysis.

5 Currently Staff Committee and the Alaska Department of
6 Fish and Game review the analysis with the regional team
7 prior to the publication of those analysis. The proposed
8 changes would have essentially the same -- be essentially
9 the same process except that the Staff Committee would
10 develop talking points which we would bring to the
11 Council meetings.

12

13

 At the Council meetings, such as this one
14 today, currently Staff Committee attendance is optional
15 and there is no specific role for the Staff Committee.
16 The proposed change is that the Staff Committee
17 representative attends and discusses proposals and any
18 other issues with the Council. The desired effect of
19 this would be that we would have direct communication
20 between the Staff Committee and the Regional Councils
21 early in the process of considering proposals.

22

23

 At the Staff Committee meeting which will
24 be happening in approximately, I think is a month and a
25 half from now, Staff Committee develops recommendations
26 to the Board, and this is currently what happens, Staff
27 Committee develops recommendations to the Board on the
28 proposals, on each of the proposals, with Department of
29 Fish and Game input during the meeting. Occasionally we
30 invite Council Chairs to participate on specific
31 proposals. The proposed change would have us always
32 invite the Council Chairs to this meeting by
33 teleconference and any time that there is Staff Committee
34 and Department of Fish and Game review of the regions
35 proposals.

36

37

 And part of this is instead of the Staff
38 Committee making a recommendation to the Board, the Staff
39 Committee develops what we call comments to the Board.

40

41

 The effect of this would be that there
42 would be direct communication among the Staff Committee,
43 Fish and Game and Regional Council Chairs on all
44 proposals prior to the Board meeting. It also would give
45 the Council Chairs the most up to date information going
46 into the Board meeting. So you would have the same
47 amount of information as the Staff Committee has.
48 Council Chairs also have an opportunity that way to share
49 the results of the Staff Committee discussions with other
50 Council members and to prepare their thoughts as needed

00428

1 for discussion at the public Board meetings.

2

3

4 Currently Staff Committee gives their
5 recommendations -- now, this is when we're at the Board
6 meeting. Currently the Staff Committee gives the
7 recommendation after the Council recommendation. This
8 proposal would have the Staff Committee with no formal
9 role. As I said before, the Staff Committee develops
10 comments to the Board. The Staff Committee individual
11 members would work with their Board member to give them
12 more information and recommendations, but not from the
13 Staff Committee as individual departments.

13

14

15 The desired effect here is the
16 elimination of the Staff Committee recommendation, the
17 Staff Committee is not positioned the same level as the
18 Regional Councils. This change would further facilitate
19 discussion between the Council Chairs and the Board
20 without having the Staff Committee seen as some sort of
21 intervenor or in between the Council Chairs and the
22 Board.

22

23

24 Decisions of the Board then would be made
25 slightly different. Right now, during deliberations, the
26 Board makes motions using recommendations of the Council
27 or Staff Committee or develops a different response to a
28 proposal. The proposal here to change is that now the
29 Board would begin deliberations on a proposal with a
30 motion on the Regional Council recommendation. Again,
31 the reason for doing this would be to focus discussion on
32 the Regional Advisory Council recommendation emphasizing
33 compliance with Section .805(c) of ANILCA and responding
34 to several of the Councils concerns.

34

35

36 Page 304 it shows the implementation of
37 these changes. Right now we are undertaking Item No. 1
38 where we're briefing the Regional Councils on the
39 discussions of the concerns with the role of the Staff
40 Committee. And we're asking for Council comments and any
41 additional suggestions.

41

42

43 The next step, the Board discusses
44 planned changes to the Inter-Agency Staff Committee role
45 with the Council Chairs and that would occur during the
46 public Board meeting in December.

46

47

48 And then step three, at or following the
49 Board meeting, the Board directs changes in the role of
50 the Staff Committee and the decision-making process which
could be effective immediately.

00429

1 So now if you have any comments and/or
2 additional suggestions, this would be an appropriate time
3 to discuss them.

4

5 Mr. Chair.

6

7 CHAIRMAN LITTLEFIELD: Thank you.
8 Council comments. Questions.

9

10 (No comments)

11

12 CHAIRMAN LITTLEFIELD: I'd like to state
13 that these are positive moves. However, I have a problem
14 with one of them and that is on Staff Committee meeting,
15 where you say the proposed change is to say that the
16 Council Chairs participate in a meeting. Certainly I
17 would like to participate for representing this Council
18 but you need to understand that this Council operates in
19 compliance with FACA guidelines and the decisions that
20 this Council makes are going to be stuck to 100 percent
21 by me. I will not change them one bit. So while I'm
22 participating in these, I'm basically just listening. So
23 the action that -- from the Staff Committee needs to be
24 before that where this Regional Advisory Council can take
25 your recommendations and act on them at this meeting,
26 because this is the last time that they have to comment
27 on it. And I can't unilaterally change that when I go to
28 any meeting, whether it's the Staff Committee or the
29 Board meeting. It's not my prerogative to change what
30 this Council says.

31

32 So I just see that as something that's
33 missing. But overall, I say these proposed changes are
34 significant improvement from what's been happening
35 previously.

36

37 Is there other -- or I'll let you respond
38 to that first.

39

40 MR. KESSLER: Mr. Chair. I think that
41 what we're talking about is having more interaction with
42 the Staff Committee throughout the entire process,
43 instead of having just the Staff Committee -- potential
44 Staff Committee interaction late in the process, we'll be
45 here when you're developing proposals so we're developing
46 wildlife proposals now and we'll be here when you're
47 actually deliberating the wildlife proposals so that
48 there's just -- it's considerably more communication
49 throughout the entire process.

50

00430

1 And then when it comes to where we're
2 asking you to participate in the teleconference with the
3 Staff Committee, I fully agree you can just support the
4 position where you are, where you are at, you can talk
5 about that position and then -- and then you can also
6 hear what everybody else is saying and if there's other
7 new information you can -- you'll have that information
8 before the Board meeting.

9

10 I think that it will work and help what
11 you desire.

12

13 CHAIRMAN LITTLEFIELD: Okay. At the last
14 Federal Subsistence Board, I asked that the Board
15 consider what ANILCA says, and ANILCA is the law that
16 tells us what we can do, regulations are just those
17 interpretations and they can be changed. And the law
18 says that this Council, Regional Advisory Council sitting
19 right here has that responsibility and I asked that the
20 ADF&G as well as the Inter-Agency Staff Committee be
21 prepared to present any of their objections and comments
22 to this Council so that we could act on them and still,
23 we're -- it's better, but we're still seeing you guys
24 make comments after the Council has taken action, and I
25 don't like that, other additional information coming
26 afterwards.

27

28 MR. DOUVILLE: Mr. Chair.

29

30 CHAIRMAN LITTLEFIELD: Mr. Kessler, first
31 you can respond to that and then Mr. Douville.

32

33 MR. KESSLER: Mr. Chair. I think that
34 what -- how we've organized this is we want to bring what
35 we call these talking points to the Council meetings. We
36 want to be able to talk about those proposals after the
37 Staff Committee has done sort of an early deliberation on
38 them and hopefully have the newest and -- well, we will
39 have the newest and most current information to you at
40 that time.

41

42 Be that as it may, even after the Council
43 deliberates each of these proposals and makes a motion on
44 that in a proposal, which is going to be the proposal
45 that is going to be considered by the Federal Subsistence
46 Board. It will be your proposal. There is different
47 information that comes forward. And we want to make sure
48 that you have that information ahead of time and that
49 there's nothing hidden from you in any way but there are
50 times when there will be new information after this

00431

1 Council meeting.

2

3

CHAIRMAN LITTLEFIELD: Mr. Douville.

4

5

MR. DOUVILLE: Thank you, Mr. Chairman.

6 I believe that these proposed changes will be helpful,
7 there's no question. However, many times we see the
8 ADF&G is neutral or does not take a stand on proposals
9 that we are working on, however, when it gets to the
10 Staff Committee level which ADF&G has a seat on then
11 things change and then they do their testimony and we
12 don't get to see that. You know, I think it's happened
13 in the past and I don't like it for one because we're at
14 a disadvantage by not having all the information or all
15 the testimony or their position changes from our meeting
16 to the next, and to me this has been an issue.

17

18

So I guess to level the playing field, I
19 would not like any new information submitted when it goes
20 out of our hands, unless we have an opportunity to review
21 and act on it and give our recommendation. It sometimes
22 undermines what we're trying to do.

23

24

CHAIRMAN LITTLEFIELD: That was what I
25 was trying to say. The information can be presented to
26 this Council. The ADF&G as well as the Inter-Agency
27 Staff Committee can present their information to this
28 Council. If they miss it, next year is your opportunity
29 to change it. These things are all enacted for one year
30 at a time. And that's what we were saying. That would
31 ensure that the Council gets to look at those things
32 every year. And we realize that these things are not
33 perfect, but there's additional information coming in all
34 the time, this Council doesn't like to see that go past
35 them. Bring it around to us next time and ask for a
36 change, I think that's what we're saying.

37

38

MR. KESSLER: Mr. Chair. Council. If
39 you have specific recommendations that you would like to
40 see here, changed wording, maybe we could get those out
41 so that we're sure that we can bring those back for
42 consideration to OSM and the Federal Subsistence Board as
43 early as possible. But there will be discussion of this,
44 further discussion during the December Board meeting.

45

46

CHAIRMAN LITTLEFIELD: I don't know
47 exactly what to recommend but one of these steps needs to
48 be -- I would say almost be eliminated, the Staff
49 Committee meeting. That information can be presented to
50 us here. You could make a Staff Committee presentation

00432

1 to us right now on every proposal that we discuss today,
2 you did, you talked about them. And that information
3 could be presented to the Council and they could use that
4 in their deliberations and then we could go ahead and
5 present that. And I really like this where you're going
6 with the Regional Council recommendations, that's in
7 accordance with ANILCA, and I like that, and that's what
8 we do, we put that forward and then we just don't bring
9 up all the new information to attack that this Regional
10 Council has not had the chance to debate, or say yea or
11 nay to. And if it happens to go to the next year then it
12 goes to the next year, and you come back and say we have
13 additional information. That happens all the time, and I
14 think that's what I'd like to see, is maybe that step
15 eliminated.

16

17 Other Council.

18

19 (No comments)

20

21 CHAIRMAN LITTLEFIELD: Final comments.

22

23 (No comments)

24

25 CHAIRMAN LITTLEFIELD: Thank you very
26 much for the presentation. Are you going to -- did you
27 want us to write something on this, what we're looking
28 for, or were you looking for some action from us on -- or
29 is this adequate what we've told you?

30

31 MR. KESSLER: Mr. Chair. I think that
32 what we will have in the transcript should be adequate.
33 If you so please a letter would be appropriate, too.

34

35 CHAIRMAN LITTLEFIELD: Okay. What I
36 think I'd like to do is I think we'd like to mention in
37 the annual report, like we have before, that deference be
38 given to the Regional Advisory Councils in their action
39 on proposals because I think that's in accordance with
40 ANILCA. Is there any objection to that being in the
41 annual report, again?

42

43 (No objection)

44

45 CHAIRMAN LITTLEFIELD: Okay, we'll make
46 sure that that's there, and as well as the transcripts.

47

48 Thank you.

49

50 Ms. See, would you like to take the table

00433

1 for just a minute and respond to that, and Mr. Kessler.

2

3 MS. SEE: Mr. Chair, is this in regard to
4 the Staff Committee issue or the other -- okay. Yeah,
5 Marianne See with Fish and Game. I did speak with the
6 Wildlife Division while you were considering this other
7 issue, just to get clarification on the question you
8 asked about requesting a registration hunt on the State
9 deer hunt for Unit 2. And the information I received is
10 that the way to do this would be for this Council to
11 request what's called an agenda change request or an ACR
12 as it's sometimes called. What that is is basically
13 asking the Board of Game to take up an issue out of its
14 normal sequence.

15

16 Now, the normal sequence for issues for
17 Southeast would actually be a year from now, essentially,
18 would be next November, not this coming but a year from
19 November. And those changes that the Board might make at
20 that meeting would go into place the following September,
21 which would be 2005, so that's not timely in terms of
22 what I think you were asking for. If you wanted the
23 Board to consider something that could be implemented for
24 say, next fall, then you would need to get it before the
25 Board of Game this winter. And the next suitable
26 opportunity is apparently the February 26th meeting, it's
27 about a nine day meeting. It will be in Fairbanks and
28 the main point of that meeting will be statewide issues.
29 My understanding is that will be a meeting in Fairbanks.
30 But you certainly would be timely now to, if you wished
31 to petition to the Board, you could do that now. There
32 is a 30 day advanced requirement before the start of a
33 meeting to submit a request, so you're certainly within
34 that timeframe to do so.

35

36 There is a meeting starting November 1st,
37 but you would not make that deadline. So your next
38 opportunity would be the February 26th meeting. You
39 would, in effect, petition that they take up this issue,
40 you would make your request in the letter and that
41 appears to be the most timely way to do that.

42

43 And if there's any questions about that
44 I'd be happy to answer them.

45

46 CHAIRMAN LITTLEFIELD: If we can get that
47 worked out we'll do that, but I don't think you're going
48 to have any volunteers for 2/26 in Fairbanks, that's
49 going to be pretty cold then.

50

00434

1 (Laughter)

2

3 MS. SEE: Yes, I can understand that, Mr.
4 Chairman, it will be cold.

5

6 I had a request, also, Mr. Chairman, if I
7 might just correct a point about Fish and Game's role
8 that was mentioned in the last briefing, if I could do
9 that.

10

11 CHAIRMAN LITTLEFIELD: Go ahead.

12

13 MS. SEE: Fish and Game, while we do
14 attend the Staff Committee meetings we don't vote on the
15 Staff Committee we simply offer information. And, in
16 fact, we, too, are uncomfortable with the need, as it has
17 been at times to revise our position on something in
18 response, in effect, to a Staff Committee shift or
19 proposed change right before a Board meeting. Because
20 clearly it's difficult to get that back before -- or
21 impossible to get it back before the Council. So we
22 would certainly prefer not to be put in that position.

23

24 Thank you.

25

26 CHAIRMAN LITTLEFIELD: I guess to
27 summarize where I'm coming from, we just had this meeting
28 and the window closes October 30th, why don't we have the
29 Federal Subsistence Board meeting November 5th and
30 discuss this, and then you can come back next year. I
31 mean we leave three or four months in there for all this
32 other information, and that's a long period. So thank
33 you for your help.

34

35 Mr. Kessler.

36

37 MR. KESSLER: Mr. Chairman, the next item
38 that's on your agenda was the regulatory cycle review.
39 That also comes from the Fish and Wildlife Service,
40 Office of Subsistence Management and that's just a
41 briefing that's been placed in your book for your
42 information. We had no intention to go through it, just
43 that you could read through and see what the
44 recommendations are for changing the regulatory cycle
45 review and those have been accepted by the Federal
46 Subsistence Board at the bottom of the page.

47

48 Mr. Chair.

49

50 CHAIRMAN LITTLEFIELD: I guess my

00435

1 recommendation would be to have the Federal Subsistence
2 Board meet immediately after the Regional Advisory
3 Council window closes.

4

5 Other Council.

6

7 (No comments)

8

9 CHAIRMAN LITTLEFIELD: Thank you. Is
10 there anything else that you have?

11

12 MR. KESSLER: Mr. Chair. There was one
13 other additional item, and that was a status report for
14 the Councils on the Governor's letter to Secretary Norton
15 requesting a non-voting member from the State on the
16 Federal Subsistence Board. I don't know if you wanted to
17 talk to that right now, I do have a briefing to give you
18 on that.

19

20 CHAIRMAN LITTLEFIELD: Please continue, I
21 think the Council's very interested.

22

23 MR. KESSLER: Mr. Chair, I have a hand
24 out and I'll give that to you and make some available to
25 the others.

26

27 (Pause)

28

29 MR. KESSLER: Mr. Chairman and members of
30 the Council. The Secretary of the Interior received a
31 letter from Governor Murkowski dated July 17th which you
32 just have a copy of that in front of you now requesting
33 that the Secretary of the Interior appoint a State
34 official as a non-voting member to the Federal
35 Subsistence Board.

36

37 Governor Murkowski further requested that
38 the appointee be the Commissioner of the Alaska
39 Department of Fish and Game or his or her designee.

40

41 In considering the request, the Office of
42 Subsistence Management, the Staff Committee and the
43 Federal Subsistence Board reviewed the 1992 record of
44 decision for the Federal Subsistence Management Program
45 on the topic of Board membership, which you have a copy
46 of, there's excerpts in what I just handed out and
47 earlier in the meeting you were given a copy of the
48 entire record of decision.

49

50 The record of decision provides for a

00436

1 State liaison to the Federal Subsistence Board to be
2 nominated by the Governor and appointed by the Secretary
3 of Interior. This is the first time the Governor of the
4 State of Alaska has elected to nominate anyone for such
5 an appointment since 1992 when the record of decision was
6 issued. Currently, Staff members from the Alaska
7 Department of Fish and Game provide comments on
8 regulatory proposals to the Federal Subsistence Board but
9 do not actively deliberate with the Board unless
10 specifically questioned by a Board member.

11

12 Operating under the 1992 record of
13 decision, the Board has some administrative flexibility
14 in how it conducts its meetings. For example, the Board
15 may change the Board meeting procedures to allow the
16 State liaison as well as the Regional Advisory Council
17 Chairs additional latitude in deliberating regulatory
18 proposals.

19

20 The Secretary of Interior is aware that
21 this is a matter of considerable sensitivity and may
22 effect the way the Board conducts its deliberative
23 process in arriving at regulatory decisions. The office
24 of the Secretary requested the Federal Subsistence Board
25 meet to discuss the Governor's request. The Board met in
26 executive session on September 26th. During this meeting
27 the Board recognized that this is an issue of importance
28 to the public, as such, the Board refrained from making a
29 recommendation at this time and will take this issue up
30 in a public forum.

31

32 The Board will be scheduling a work
33 session in early November, and I believe that's still
34 tentatively to be November 5th to develop the
35 recommendation to the Secretary. This work session will
36 be open to the public. The Board may choose to ask
37 questions or ask for comments from the public, the State
38 or the Staff as it deliberates on this request during the
39 work session. And we're providing this information to
40 the Regional Advisory Council so that you are aware of
41 this request and how the Board is handling it.

42

43 If you have comments or recommendations
44 you wish to provide to the Board it would be appropriate
45 to do so at this time.

46

47 Mr. Chairman.

48

49 CHAIRMAN LITTLEFIELD: Thank you, Mr.
50 Kessler. I'd refer you to -- and the Council to the July

00437

1 17th letter, where it says, however -- it's in the center
2 of the first paragraph, however at the Federal
3 Subsistence Board meetings we have the same role as any
4 other members of the public. I'd like to correct that if
5 I can, my perception is their role is identical to the
6 Regional Chairs. They have the same authority as the
7 Regional Chairs. And if you'll look at the record of
8 decision, that's what that says.

9

10 But when I look at the record of
11 decision, it also says and that would be on three, it
12 says there will be six members, five Federal managers and
13 a Chair, which is correct, 10 regional liaisons, which
14 are at this time the Board -- or the Council Chairs, and
15 a liaison from the State of Alaska. To my knowledge at
16 this meeting there were two liaisons to the Board sitting
17 there doing the same thing that we were doing as Council
18 Chairs and in previous reviewing of the transcripts of
19 other Federal Subsistence Board meetings there appeared
20 to be at least two, Vincent-Lang and one other, as
21 liaisons. So the way I look at it they already have four
22 liaisons.

23

24 Is there not four liaisons to the Board
25 now and not one, and they're asking for one to be
26 appointed?

27

28 MR. KESSLER: Mr. Chairman. I think part
29 of it is how you define liaison. In the record of
30 decision the liaison is defined as a person that is
31 nominated by the Governor and then appointed, I believe
32 the word says, appointed, by the Secretary of Interior.
33 So from that standpoint, we don't have any State liaison
34 because there has not been a nomination and an
35 appointment. In fact, you know, how things operate is
36 very similar to what you have said, we have a number of
37 people from the Department of Fish and Game who
38 coordinate with the Board, who are there for the Board
39 meetings and who participate.

40

41 It may be that the Department of Fish and
42 Game has a view on what liaison means to them, I can't
43 really speak for that.

44

45 CHAIRMAN LITTLEFIELD: Okay. Well, I
46 don't want to get into asking them right now. But I
47 would just say that whatever applies to -- this is my
48 personal feeling, whatever applies to them, in other
49 words, if they are given special privileges, then in
50 accordance with the Board structure, those same

00438

1 privileges should be accorded to the Council Chairs. In
2 other words, if we're given authority to question, which
3 we don't have at this time, or whatever, those things are
4 also accorded to the Council Chairs so that they're on
5 equal footing where they are right now.

6

7 Other Council comments.

8

9 (No comments)

10

11 CHAIRMAN LITTLEFIELD: Hearing none,
12 that's all. Do you have anything else?

13

14 MR. KESSLER: Just as a comment, and what
15 you just said, our analysis is exactly the same, that
16 however the State is treated, the Council Chairs need to
17 be treated the same way.

18

19 CHAIRMAN LITTLEFIELD: Thank you.

20

21 MR. KESSLER: Thank you.

22

23 CHAIRMAN LITTLEFIELD: Excuse me, we are
24 at USDA Forest Service. I have two here, Lillian
25 Petershoare first and then Bob Larson would be next.

26

27 MS. PETERSHOARE: Thank you, Mr.
28 Chairman. Mr. Chairman, and respected members of the
29 Council. Cal, is passing a document to you that I'm
30 going to be referring to during my comments. Let me
31 briefly introduce myself. My name is Lillian
32 Petershoare. I work with the Office of Civil Rights and
33 Tribal Governments Relations. And now let me introduce
34 myself as a Tlingit. My name is I ck an doo. My parents
35 are Dorothy Cornell and Sam Cornell. My grandmother,
36 Gertrude Young Peters, Young ku ka. Young ku ka was from
37 the Taku River area, she was Young ude. My grandfather,
38 Willie Peters, known as Dayteen was from the Auke Tribe
39 from Youngs Bay. My ancestry comes from the Juneau area.
40 And my ancestry has inhabited the area around Juneau for
41 hundreds of years.

42

43 Subsistence is a topic that is very dear
44 to me. As a young child I would dig for clams with my
45 parents, I would put out branches for herring eggs, I
46 would pick berries. As an adult I love to be in the
47 woods, to be close to the land and to feel connected with
48 my grandmothers as I pick berries. I pick a variety of
49 berries, I make jams, I make ketchup, I share them with
50 family, with friends, with elders in our community. It's

00439

1 a very cherished activity.

2

3 The publication that you have in front of
4 you is the subsistence lifeway of the Tlingit people. It
5 is a very fine publication. It was put together by
6 Richard Newton and Madonna Moss. Richard Newton is now
7 deceased. He had a distinguished history with the Forest
8 Service for 30 years. And I know that the Council is
9 aware of Madonna Moss. I've heard her name mentioned a
10 couple of times during your meeting.

11

12 This publication has been printed twice
13 by the Forest Service. In my former job with the Forest
14 Service I was a librarian with the Alaska Forest Service
15 Library and I would take opportunities to share this
16 publication with people, it was always very well received.
17 Sadly, it is now out of print. For this meeting, I went
18 to our publication folks and asked them to please print a
19 number of copies to share with you. The reason for doing
20 so was to apprise you of our office's intent to reprint
21 this publication for a third time. And in this latest
22 reprinting we intend to have a letter from the regional
23 forester and a forward by Madonna Moss. And in those
24 statements there will be an acknowledgement of the elders
25 who have passed on and those who are still alive.

26

27 When looking at this publication, one
28 notices that it is filled with photographs of our elders.
29 It's a wonderful document. It describes tools that were
30 used to do subsistence, the methods, it has recipes, it
31 talks about a tying to harvest and it also talks about
32 the responsibilities associated with the subsistence way
33 of life, it contains legends.

34

35 It's a document that I feel would be
36 lovely to have a sequel to. I approached my boss on the
37 idea and she liked it and she suggested that I talk with
38 Steve Kessler, Bob Schroeder and Cal, and we sat around
39 and discussed the idea of a sequel and we thought we
40 would pose that idea to you. As you flip through those
41 pages you notice there are photos of elders. We think it
42 would be wonderful to have a sequel that showed that
43 subsistence was a multi-generational activity among the
44 Tlingit people. And our justification for wanting to do
45 this is to use it as an educational tool. The thought is
46 that we could make classroom sets available to high
47 schools, to middle schools, to Native teachers throughout
48 Southeast, to the universities in Southeast and in
49 Anchorage and to promote an awareness about subsistence
50 today and the fact that many generations participate in

00440

1 subsistence.

2

3

4 Some of the thoughts we had were possibly
5 to have an accompanying CD where we would have some
6 instruction on the pronunciation of the Tlingit terms in
7 the publication. As mentioned before it would depict
8 several generations participating in subsistence. That
9 it would show Tlingits from throughout Southeast, both
10 rural and Native who participate in subsistence. That
11 there would be perhaps an accompanying document that
12 would be a teacher's manual that could be used in the
13 classroom.

13

14

15 We wanted to present this to you to see
16 whether you thought there might be interest in this
17 effort and perhaps to pull ideas. At the back of the
18 booklet there is a little stickie that has my name and e-
19 mail address and phone number. So if you think that the
20 project is warranted, it would be good to hear from you,
21 it would be lovely to have your input in shaping it if it
22 is decided that we should perhaps proceed with a sequel.

22

23

24 That is all I have.

24

25

26 CHAIRMAN LITTLEFIELD: Having been
27 fortunate enough to have a previous copy of this and
28 realizing its value we use it all the time, I would say,
29 absolutely, the time is right to go ahead and do this
30 again. There are only -- just a quick look through
31 there, there is still a few of these elders who are alive
32 that I know. Sadly many of them are gone, but you can
33 also look to the new generation and you'll be able to
34 duplicate some of this, but not as richly because some of
35 that is lost, but it is valuable, and I would encourage
36 you to do that.

36

37

38 And you forgot to mention that in
39 addition to berry picking and clams and everything else
40 you also do a very good, and very mean halibut enchilada.

40

41

42 (Laughter)

42

43

44 MS. PETERSHOARE: Thank you, Mr.

45 Chairman.

45

46

47 CHAIRMAN LITTLEFIELD: Ms. Wilson.

47

48

49 MS. WILSON: Yes, would it be appropriate
50 if we made a motion to support the making of another
51 edition?

00441

1 CHAIRMAN LITTLEFIELD: Is there a second
2 to that motion.

3
4 MR. STOKES: I would second.

5
6 CHAIRMAN LITTLEFIELD: It's been moved
7 and seconded that we support the actions that you wish to
8 take and getting to version II here. So any objection.

9
10 (No objection)

11
12 CHAIRMAN LITTLEFIELD: Unanimous ballot.
13 Madame Secretary -- Mr. Secretary, excuse me.

14
15 MR. ADAMS: (Nods affirmatively)

16
17 CHAIRMAN LITTLEFIELD: Okay. We'll do
18 it, Madame Secretary, this is your last official role
19 probably to cast a unanimous ballot, would you cast a
20 unanimous ballot to do so.

21
22 MS. WILSON: Mr. Chairman, I, Marilyn
23 Wilson, the SERAC Council Secretary, hereby cast a
24 unanimous ballot to recommend the Second Edition of the
25 Subsistence Lifeway of the Tlingit People.

26
27 CHAIRMAN LITTLEFIELD: We agree with you.

28
29 MS. PETERSHOARE: Mr. Chairman. Council
30 members. Thank you for your support of pursuing a sequel
31 to this wonderful document.

32
33 CHAIRMAN LITTLEFIELD: Mr. Larson. We're
34 going to stay here, we've got a -- let's see we've got
35 Bob Larson and then hopefully it's a five minute or so
36 presentation which will -- and then we'll go into Mr.
37 Turek and then the National Park Service, and then we
38 have quite a bit of stuff on Item 13, and Mr. Casipit, if
39 you could please let us know where we are.

40
41 MR. CASIPIT: Yes. Bob will be making
42 this presentation but I just wanted to fill in the
43 background on this. As you'll notice in your agenda,
44 you're missing Proposal 30. Well, Proposal 30 was a
45 proposal that was submitted by Staff to basically do
46 housecleaning in the Federal regulations for Southeast
47 Alaska.

48
49 When this was presented to leadership
50 team and Staff Committee, we were advised by counsel that

00442

1 what we were proposing wasn't quite right, and that the
2 way we were interpreting our regulations weren't quite
3 right, and with that I will let Bob proceed.

4

5 CHAIRMAN LITTLEFIELD: Mr. Larson.

6

7 MR. LARSON: Mr. Chairman, thanks, and
8 now I've got three minutes left.

9

10 (Laughter)

11

12 MR. LARSON: Which is probably
13 appropriate because we're not going to resolve an issue
14 at this table at this time. But I would like to bring
15 your attention to a document that was distributed
16 earlier, it has draft printed on the front, it is the
17 Federal Subsistence Fishing Regulations and Permit
18 System.

19

20 As pointed out by Cal, the current system
21 of regulations that we have provide for few restrictions
22 to the harvest of salmon. In addition, Federal
23 Subsistence fishing regulations do not default to State
24 of Alaska regulations. The result of these two items is
25 that there is the potential for confusion by the public
26 of our regulations. There is a potential for conflict
27 with the State. And we have a potential of possible
28 conservation issues if these are not addressed.

29

30 As background, you know, our regulations
31 started out as copies of the State regulations in 1999,
32 and the Federal regulations, of course, require a permit.
33 This is either a State or a Federal permit. Last year
34 the Council and Board passed a coho regulation. Now,
35 this coho regulation was in fact a restriction to the
36 harvest of cohos for a fishery that was already opened.
37 Right now in Southeast Alaska there are restrictions to
38 the harvest of sockeyes for only six systems, otherwise
39 there is no limit and no season and no restrictions to
40 methods of harvest. Generally sockeyes, chinook, pinks
41 and chums can be harvested in Southeast Alaska in
42 unlimited numbers by all gears listed under general
43 methods with no seasons.

44

45 In addition, the Federal Subsistence
46 program was designed to compliment the State program yet
47 provide for conservation and rural priorities.
48 Compliment permit conditions are in the best interest of
49 Federal users, they maximize harvest opportunities, and
50 minimize enforcement concerns and they provide for

00443

1 conservation.

2

3

4 ADF&G personal use permits are not
5 subsistence fishing permits. ADF&G in-season management
6 actions that are in conflict with Federal regulations do
7 not apply to Federal fishermen. The State does not have
8 the authority to close or change Federal subsistence
9 fishing regulations.

9

10

11 I'll offer one example and that is in
12 Hatchery Creek. In 2003 in Hatchery Creek, ADF&G closed
13 the area between the falls to sportfishing. This is a
14 personal use fishery and the personal use fishery had
15 weekly fishing periods, Thursday through Sunday. ADF&G
16 closed the personal use fishery in mid-July. The reason
17 for these actions by the Department of Fish and Game was
18 conservation. Local fishermen, Federally-qualified
19 fishermen were not aware that these management provisions
20 did not apply to them. There were no persons engaging in
21 a Federal fishery, they abided by these regulations and
22 the Federal program was not forced to issue companion in-
23 season management actions. However, in 2004 that's not
24 going to be the place. It's now common knowledge what
25 the Federal regulations we're currently interpreting
26 actually say.

26

27

28 So we're asking for some direction.

28

29

30 We would like a couple of things.

30

31

32 We would like to have the Council
33 recommend permit conditions that we can apply to Federal
34 subsistence fishing permits for the 2004 season and we
35 would suggest that the Council formulate a umbrella
36 regulation for the harvest of salmon in Southeast Alaska
37 prior to the 2005 season.

37

38

39 At the very end of the briefing document
40 is our recommendations that we could print on the
41 subsistence fishing permits for 2004 and that would
42 maintain as what we perceived, to this point, as the
43 status quo.

43

44

45 Thanks.

45

46

47 CHAIRMAN LITTLEFIELD: Council,
48 questions.

48

49

50 (No comments)

50

00444

1 CHAIRMAN LITTLEFIELD: I have one and I'm
2 opposed to the coho season as it's written there and I
3 had some other things on trout. But anyway, August 16th
4 does not take into account at least two early runs that I
5 know of, they take place in -- it would be more
6 appropriate to have May 15th on there and anyway, there's
7 some of these -- I guess we'll work these out, but,
8 anyway, that was one. And I thought that this vehicle
9 could be used to address the fact that because we default
10 on trout, I had asked earlier if Staff could use this to
11 raise that limit because no one can feed a family on two
12 cutthroat, I mean if you're subsistence fishing and
13 you're allowed two cutthroat, that's preposterous as a
14 subsistence bag. I mean that's not even enough to feed
15 me, much less the family.

16
17 So anyway, I've got some problems with
18 this as it sits. I know you guys have problems, too.
19 And I guess the way we're going to resolve it is not now.
20 Because I don't think there's enough time to digest all
21 this information before the end of the day and say yea or
22 nay. So what we should do here is, I guess, poll the
23 Council and see what they'd like to do. We need probably
24 three people to work on this with Staff, and come up with
25 some management measures for the 2004, and I would like
26 to at least at the minimum, if that's acceptable, have
27 Mr. Douville on there, because a lot of these refer to
28 Prince of Wales fisheries and maybe a couple others and
29 we could work with Staff and come up with a one year
30 management measure.

31
32 So I'm looking for a couple volunteers.

33
34 Mr. Douville.

35
36 MR. DOUVILLE: I take it that you
37 volunteered me.

38
39 (Laughter)

40
41 MR. DOUVILLE: I had issue with this. I
42 can't find the document you're reading from but in my
43 mind that it closed cohos on October 31 or something or
44 one part of it, the State part or something did anyway;
45 is that one of them; am I correct?

46
47 And since I don't know what I'm talking
48 about I'm going to stop here and come back.

49
50 CHAIRMAN LITTLEFIELD: Mr. Casipit,

00445

1 please review the coho regulations.

2

3

MR. CASIPIT: Yes, Mr. Chair. Under existing regulations we don't have a closed season for cohos but we are proposing one as an interim management measure to kind of match what the State has done with theirs. Again, I think the idea of getting a couple Council members to work with us so that we can obtain their wisdom from them as far as interim management measures and possibly even something to put into the cycle for 2005 would be a really good idea.

12

13

And like I said, this is stamped draft for a reason, it's not like we've got -- we're chained to anything here. We're just trying to throw this out for discussion and engage the Council or a subcommittee of the Council to work with us to come up with something.

18

19

CHAIRMAN LITTLEFIELD: Mr. Douville, did you want to follow up on that?

21

22

MR. DOUVILLE: I understand that this is draft. There was one thing that came to my attention immediately was October 31, it's just a draft I understand, but cohos run here, especially in the Klawock River clear into February, this year, and there are a few people that use those. So that was one thing that drew my attention immediately.

29

30

CHAIRMAN LITTLEFIELD: So we're looking for a couple volunteers. If the Council doesn't have any problem with us helping the Staff direct a one year sunseting 2004 management regulations -- first, I should ask you is there anybody that has any objection with, say, three members of the Council working these out with Staff?

37

38

(No objections)

39

40

CHAIRMAN LITTLEFIELD: Okay. Is there any volunteers? Hopefully -- these apply, not to Yakutat, right? If I remember right these do not apply to Yakutat; is that correct?

44

45

MR. LARSON: That's correct. These are specific to Southeast.

47

48

CHAIRMAN LITTLEFIELD: Right. So I know, Bert, they're not totally effecting Yakutat, but you're certainly invited to be on here if you want, but just for

50

00446

1 clarification these were Southeast proposals. So we need
2 a couple of people that can speak to, maybe commercial
3 fishermen, whatever.

4

5 Volunteers. I think we need three.

6

7 MR. HERNANDEZ: (Raises hand)

8

9 CHAIRMAN LITTLEFIELD: Mr. Hernandez,
10 you're on there.

11

12 MR. HERNANDEZ: I think I could volunteer
13 also, Mr. Chairman.

14

15 CHAIRMAN LITTLEFIELD: Are you getting
16 these down?

17

18 MR. SCHROEDER: (Nods affirmatively)

19

20 CHAIRMAN LITTLEFIELD: Mr. Hernandez.
21 Others.

22

23 MR. KITKA: (Nods affirmatively)

24

25 CHAIRMAN LITTLEFIELD: Mr. Kitka. Mike
26 would you serve on this committee -- could you serve on
27 this committee because I think there's a lot of issues
28 here that you might be able to -- you have some
29 additional information here, I think, on fisheries.

30

31 MR. DOUVILLE: Well, you already.....

32

33 (Laughter)

34

35 CHAIRMAN LITTLEFIELD: Okay. Those
36 three, and I will sit in on the teleconference that you
37 set up, and maybe Mr. Schroeder can give us some guidance
38 on what we're going to be doing here.

39

40 DR. SCHROEDER: Mr. Chairman. Bob
41 Larson, could you suggest a timeline at this moment for
42 -- I know you have to act pretty quick on this if we're
43 going to get something to happen?

44

45 MR. LARSON: That's correct, Mr.
46 Chairman. The next time when this item is going to be
47 discussed is probably going to be before the Staff
48 Committee meeting, and that's anticipated maybe the 13th
49 or so of November. If we could do this, strike while the
50 iron's hot so we'll give time to consider some options,

00447

1 that would be another week or 10 days would be fine with
2 me.

3

4 CHAIRMAN LITTLEFIELD: Okay. I guess
5 maybe we should just figure out later when would be the
6 best time to talk with him. As many of us that can make
7 it.

8

9 For the record, I think we should take
10 action on this. This is the open meeting, the FACA
11 meeting. I think we should take action approving the
12 measure with a draft measure, for the record, for the
13 Federal Subsistence Board, and I suspect the language
14 would be authorizing the Council in consultation with
15 Staff to develop interim management measures for the 2004
16 season. I think that's what we're looking for in a
17 motion here.

18

19 MR. DOUVILLE: So moved.

20

21 CHAIRMAN LITTLEFIELD: Do we have a
22 second on that.

23

24 MS. PHILLIPS: Second.

25

26 CHAIRMAN LITTLEFIELD: Okay, it's been
27 moved and seconded that the Southeast Alaska Regional
28 Advisory Council authorizes Mr. Douville, Mr. Hernandez,
29 Mr. Kitka and the Council Chair to work with Staff to
30 develop recommendations for interim management measures
31 for the 2004 season.

32

33 Are there any other Council comments on
34 this.

35

36 (No comments)

37

38 CHAIRMAN LITTLEFIELD: All those in favor
39 signify by saying aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN LITTLEFIELD: All those opposed,
44 same sign.

45

46 (No opposing votes)

47

48 CHAIRMAN LITTLEFIELD: It's carried. We
49 will help you develop that proposal.

50

00448

1 MR. LARSON: Thank you, Mr. Chair.

2

3 CHAIRMAN LITTLEFIELD: Mr. Turek and
4 Staff, ADF&G.

5

6 MR. TUREK: Good afternoon. I'm Mike
7 Turek, Alaska Department of Fish and Game, Division of
8 Subsistence. I'll be brief. What I'd like to speak with
9 you about at this time is a subsistence halibut survey
10 that we've been contracted by NOAA to conduct this coming
11 year. And I'll briefly go over some of the plans for
12 this survey.

13

14 We're just now beginning to plan for this
15 survey this year. And the timeline is this -- in October
16 we're finalizing our operational plan and starting to
17 communicate with the tribes and organizations and so I'm
18 right on time communicating with you about this. In
19 November we'll develop cooperative agreements with tribes
20 to conduct these surveys. In December we'll obtain the
21 Shark (ph) holder addresses, the Sharks the card that I
22 imagine most of you have for subsistence halibut fishing.
23 We'll obtain the addresses from NOAA and we'll finalize
24 cooperative agreements and print surveys. And we'll
25 develop a guide for face to face surveys, and we'll make
26 announcements in the media informing people about what
27 we'll be doing.

28

29 And then in January 2004, we'll mail out
30 the surveys around mid-month, so you'll be receiving
31 these surveys probably in late January or maybe early
32 February. We'll also begin conducting face to face
33 surveys in a limited number of communities. Here in
34 Southeast right now, we think we'll be doing these
35 surveys in Angoon, Hoonah, Hydaburg, Kake, Klawock,
36 Klukwan, perhaps Metlakatla, Saxman, Yakutat and, you
37 know, those are the communities we pretty much planning
38 on doing face to face surveys in. We'll also be doing
39 some face to face surveys in Sitka and we'll be doing
40 some sort of a random selection there. It's too large of
41 a community to do everybody so we'll be developing some
42 type of random selection of fishers for that survey.

43

44 In February 2004, we'll be sending out
45 the first reminder letters reminding people to send back
46 their halibut surveys. And then we'll send a second one
47 out the fourth week of February. And we'll begin data
48 entry of the data that we get from the surveys. And at
49 that time we'll also be probably be making some visits to
50 communities.

00449

1 March, continue the data entry, complete
2 community visits. And data collection period should --
3 is right now planned to end that on March 31st.

4
5 In April we'll complete data entry and
6 conduct data analysis and we'll develop a revised survey
7 for 2005 and submit it to OMB, Office of Management and
8 Budget. I have a copy of the survey that you'll be
9 seeing later this year. I have just one copy, I can
10 leave that with Bob and he can make copies for everybody
11 that's interested. This was approved by OMB, which is a
12 fairly lengthy process. When you're doing surveys for
13 the Federal government it has to be approved by the
14 Office of Management and Budget, and once it's approved
15 you can't change it. So this will be the survey we use
16 this year, but we may be able to alter it in 2005.

17
18 Let's see, in May of 2004 we'll write our
19 final draft report.

20
21 In June we'll mail draft final report to
22 reviewers. There will be a two month review period and
23 we'll hold a meeting with the Alaska Native Subsistence
24 Halibut Working Group to review preliminary findings.

25
26 And then in July we'll send reminders to
27 reviewers requesting comments.

28
29 In August 2004 we'll revise the final
30 report and prepare a short finding summary.

31
32 In September we'll print and distribute
33 the final report and mail that out. And this funding and
34 this project ends September 30th, but we've been told
35 there will be money for the second year. And we'll begin
36 working on that in October.

37
38 This first year of this survey will be
39 sort of a pilot project, a test to see how well this
40 works. It will be interesting to see how it works.
41 We'll see how well the return of these mailout surveys
42 are. And we'll see what kind of data we get. And like I
43 say, here in Southeast I mentioned the communities we'll
44 probably be doing the face to face surveys in including
45 Sitka so we'll be working with tribal governments on
46 that. As a matter of fact, what I'll be doing part of
47 the day tomorrow is I'll be meeting with Hydaburg and
48 Klawock, representatives of those IRAs and discussing
49 this with them and hopefully be able to meet with Craig
50 tomorrow also, Craig IRA, and then Friday meet with the

00450

1 Ketchikan Indian Corporation and also Saxman to discuss
2 this with them.

3

4 So I just wanted to give you an update on
5 what we're doing and planning on doing for this halibut
6 survey.

7

8 And I think that's all I have right now.
9 After speaking with you earlier I don't think I need to
10 drone on any longer. And I'd just like to thank you once
11 again for allowing me to work with you, I enjoy it very
12 much, and look forward to our next meeting in the spring
13 in Sitka.

14

15 Thank you very much. If you have any
16 questions I can answer questions if you like.

17

18 CHAIRMAN LITTLEFIELD: Thank you, Mr.
19 Turek. Are there any members of the Council who would
20 like to address Mr. Turek on any of these subjects he's
21 brought up earlier as well as this?

22

23 MS. WILSON: I have one.

24

25 CHAIRMAN LITTLEFIELD: Ms. Wilson.

26

27 MS. WILSON: Yeah, Mike, are these
28 surveys going to be mailed out to the people who went
29 halibut fishing?

30

31 MR. TUREK: Chair. Ms. Wilson. Yes,
32 they will. Part of the -- and then they'll have a return
33 mail address and postage on them so we're requesting that
34 people fill them out and then mail them back to us.

35

36 Part of our job is going to be looking at
37 the list of people that have gotten Sharks. This is a
38 list that so far -- the names that have gotten Sharks on
39 Prince of Wales Island, and what a lot of people have
40 done is the whole household has gotten Sharks. So what
41 we need to do is we need to figure out who the people are
42 that are actually fishing, and those are the ones we need
43 to concentrate on for the survey. So part of what we're
44 doing this first year will be identifying the actual
45 fishers.

46

47 It's similar to what occurred when we
48 first started doing our marine mammal hunter survey. We
49 had a lot of people on the survey list that didn't hunt
50 but they used the marine mammal products, harbor seal

00451

1 products or prepared them, and through the process of
2 several years we eliminated people that didn't hunt, that
3 were just using it. And we're planning on doing a
4 similar thing with the halibut survey.

5
6 MS. WILSON: Thank you.

7
8 CHAIRMAN LITTLEFIELD: Anything else for
9 Mr. Turek.

10
11 (No comments)

12
13 CHAIRMAN LITTLEFIELD: Thank you for your
14 contributions to this meeting.

15
16 MR. TUREK: Thank you.

17
18 CHAIRMAN LITTLEFIELD: National Park
19 Service.

20
21 MR. CAPRA: Chair. Members of the
22 Council. I'm Jim Capra. I'm the subsistence specialist
23 and acting Yakutat district ranger for Glacier Bay
24 National Park. Thanks for the chance to talk to you. I
25 just have two updates on things that have happened
26 recently that involve specifically the Yakutat area and
27 the Park Service lands there.

28
29 I know Mr. Littlefield and Mr. Adams were
30 involved in a matter before the Federal Board recently
31 with an exception asked for to the subsistence moose hunt
32 in Yakutat where a terminally ill girl from Minnesota was
33 asking for permission to open the hunt so she could go on
34 a specific date during the time when the hunt was closed
35 to all but subsistence users. That went before the
36 Board. I know Mr. Littlefield and Mr. Adams were
37 involved, I don't know who else. And the Board would not
38 hear it as I understand it. There was some more
39 discussion on the matter. I just wanted to report that
40 it's been resolved. We've managed to accommodate the hunt
41 outside the subsistence season. I don't know what other
42 matters or if that will bring up any more requests in
43 that vein but it was resolved so that everybody involved
44 was happy.

45
46 The other item is the ongoing studies
47 that we requested through the Fisheries Information
48 Service for the East Alsek River. The TEK project, as
49 Bert's mentioned is near completion or near publishing,
50 anyway, the project's been completed. The mapping part

00452

1 of the project is done. The other two parts were lumped
2 into one rather expensive project that never made the cut
3 for the fishery -- for the FIS list and I guess I'm happy
4 to report we finished one part of that last year through
5 cooperative money with the Park Service and USGS, and the
6 larger part, we have two competing investigators and that
7 will start a multi-year project this coming year and that
8 will be done in conjunction with the University of
9 Alaska.

10

11 That concludes my comments. Just a short
12 update.

13

14 CHAIRMAN LITTLEFIELD: I have a question,
15 you said outside the subsistence season and I think
16 didn't you mean under State regulations? Did the Federal
17 accommodate that moose hunt at all?

18

19 MR. CAPRA: I might have misspoke. The
20 request was to accommodate this hunt during the Federal
21 subsistence season on Federal public lands, and so they
22 were asking for an exception for this one hunt. And we
23 managed to work with the people who were proposing the
24 hunt and the family and get it scheduled just after the
25 Federal subsistence season.

26

27 CHAIRMAN LITTLEFIELD: I think I need
28 some clarification on that, Dr. Eastland, please come
29 forward.

30

31 DR. EASTLAND: Mr. Chairman. Council.
32 My name is Warren Eastland. The proposal for a Catch a
33 Dream Hunt was the Yakutat moose hunt was brought before
34 the Staff Committee. The proponent did not realize,
35 pardon the pun, that she was starting a Federal case.
36 When she realized how big a deal it really was to set
37 aside the Federal ruling for a week, the proponent kindly
38 withdrew the proposal and the hunt is, the last I heard,
39 scheduled to take place strictly during the State season
40 under State auspices.

41

42 CHAIRMAN LITTLEFIELD: Thank you. That
43 was my understanding, and I was a little unclear of what
44 you said. Thank you for clarifying that. Mr. Adams, did
45 you have any comments on this?

46

47 MR. ADAMS: Thank you, Mr. Chairman.
48 When I first heard about it, Mr. Capra gave me a call and
49 asked me to come back with him in a day or so to give him
50 my feelings about it. I talked to some of the people in

00453

1 the community and they were all saying, oh, no, no, no,
2 we don't want to set a precedent here, so I thought about
3 it for a couple days, you know, just thinking and
4 thinking about it and then that's when, you know, we
5 began to communicate with you and Mr. Schroeder over
6 there and we made our wishes known, you know, in regards
7 to this, that it would not within any way fall within our
8 subsistence nor in a designated hunter regulations that
9 we had. It was also my understanding that it would also,
10 you know, be counted against our quota for the Yakutat
11 area, and we didn't feel, you know, it would be good, you
12 know, for some outside person to come in and take our
13 resources away from us in this manner.

14

15 So that's, you know, that was the feeling
16 of myself and the community as well. But I went down for
17 vacation for a week and I came back and I heard that that
18 person who was going for this proposal, you know,
19 withdrew it because it was getting more and more
20 complicated. And so, you know, I'm happy that we were
21 able to accommodate that person with the State, and that
22 was also my recommendation, let's flop it in the lap of
23 the State and let them take care of it because it didn't
24 fall with anything that I could see under, you know, the
25 subsistence regulations that we are involved in.

26

27 Yeah, that's my comments, Mr. Chairman.

28

29 CHAIRMAN LITTLEFIELD: I think, while we
30 have several members of the Staff Committee here, I would
31 like to make my objection known to even considering
32 actions. I was quite surprised that it even got as far
33 as it did. And I think the Staff Committee considering
34 allowing a non-resident to hunt outside the established
35 season is preposterous. I don't think that was any way
36 intended by ANILCA which is for rural residents. And I
37 believe -- I don't know whether we need to take action on
38 it but I believe the Council should make the two Staff
39 Committee members, as well as you, Mr. Capra, aware that
40 we don't buy off on that, at least I don't, and if any
41 others have any objection I just want to make sure that
42 they know that those type of actions are not what are
43 allowed under Title VIII and we don't approve of them.

44

45 Are there any others that want to add
46 anything or object to that statement.

47

48 Mr. Kookesh.

49

50 MR. KOOKESH: Yeah, Mr. Chairman, I don't

00454

1 believe we need to carry our discussion in that manner.
2 We should conduct ourselves a lot better than this, and
3 to object to -- they just didn't know all of the rules
4 and the regulations like we do. I think they meant well,
5 and I think they made a mistake, and I don't think that
6 we should be saying things such as that, especially for
7 such a cause as that one. I don't agree with your
8 comment there.

9

10 CHAIRMAN LITTLEFIELD: Thank you. But I
11 already made them to the Staff Committee. Those are the
12 comments I made to the Staff Committee and I stand behind
13 them. That this was a total violation of ANILCA and I
14 want you to understand that those are my personal
15 comments, that's where I stand. And if you ask me again,
16 I will tell you that no matter how meaningful it is and
17 how well meaning it is, to consider the hunt for this
18 person, that is not in accordance with ANILCA and that's
19 what we're all supposed to be here for, is to abide by
20 ANILCA.

21

22 Other comments.

23

24 Ms. Wilson.

25

26 MS. WILSON: Respectfully, I don't agree
27 with you either.

28

29 CHAIRMAN LITTLEFIELD: Thank you. It's
30 two to one. Anybody else want to weigh in on this.
31 Maybe you won't be able to hear what I told you but I
32 still said, we have no choice but to follow the rules of
33 ANILCA.

34

35 Others want to comment.

36

37 (No comments)

38

39 CHAIRMAN LITTLEFIELD: Okay, that's all.

40 Thank you.

41

42 We're almost there, except that Item 13,
43 other new business has about 25 items under it. We've
44 managed to take care of some of them that I see on my
45 list. I had quite a list started here, annual report,
46 election of officers, others, we've taken care of most of
47 those. So I guess if you have a record of the things
48 that we tried to move to Item 13, if you could go to
49 those then the Council will take them as they need to.

50

00455

1 MR. SCHROEDER: Mr. Chair. I think we're
2 going to order in sleeping bags and oatmeal for breakfast
3 so we can get through this. Actually the Council in its
4 work went through most of the items which made it on to
5 our Item 13 additions. There are a couple of things that
6 still require some discussion.

7
8 One item concerned customary trade and
9 processed foods. We spent a good deal of time discussing
10 that on day one of our meeting. The Council wished to
11 express itself by means of letter. I've drafted up a
12 letter that includes the key points that were raised by
13 the Council and I'd like to circulate that after the
14 meeting, through the Chair, and perhaps another member
15 who's concerned for final review. I don't think we need
16 to bring up anything of substance right at this moment.

17
18 So I'll pause and if someone wants to go
19 into that, please let me know otherwise I'll continue.

20
21 CHAIRMAN LITTLEFIELD: We could have
22 these by e-mail made available.

23
24 MR. SCHROEDER: (Nods affirmatively)

25
26 A second item that the Council wanted
27 brought back had to do with its actions on halibut. I
28 also think that that's pretty clear in the record. We
29 wanted to do two things concerning halibut. One was to
30 form a resolution that would say that we don't want
31 changes that would decrease subsistence opportunity for
32 subsistence halibut harvesting in this cycle, noting that
33 the halibut regs have been in effect for only a short
34 period of time and that there are no genuine on the
35 ground problems at this time. That was our resolution
36 that we wished to send into the North Pacific Fisheries
37 Management Council.

38
39 The second was a letter to do two things.
40 One to support the interest of the community of Naukati
41 in having its subsistence use of halibut recognized and
42 having action take place that would allow residents of
43 Naukati to obtain subsistence fishing permits. Somewhere
44 at the break I reviewed Naukati's letter to the North
45 Pacific Fish -- to the Halibut Commission, and I spoke
46 with Ms. Prefontaine about what the Council might say
47 that would support their position so I think that one was
48 covered.

49
50 The other was a request on the part of

00456

1 Dr. Garza to have language that would do something to
2 allow people eligible to receive Sharks (ph) in Ketchikan
3 and that people eligible in Ketchikan would be the tribal
4 members in Ketchikan to fish closer to town within the
5 non-subsistence area, where at the present time
6 subsistence fishing for halibut is not allowed. Dr.
7 Garza brought up both safety, cost as well as efficiency
8 issues there. So I think that's covered.

9

10 Do we need to spend any further time on
11 the halibut issues, that was one of our bring back
12 issues?

13

14 (No comments)

15

16 MR. SCHROEDER: If not, we're moving
17 right along. There are really only two other issues that
18 are on my list. One issue concerned Council discussion
19 of the use of plants and special forest products and to
20 ensure that subsistence use of plant material and special
21 forest products was not compromised in any way.

22

23 Dr. Garza isn't here to discuss that
24 further. She referred to a policy statement that was
25 developed by a group that met over some length of time to
26 look at Forest Service permitting of special forest
27 product -- commercial use of special forest products. I
28 think that what we should do on this item is to bring
29 that policy back before the Council at our next meeting
30 and to either affirm or make suggestions on how it should
31 be modified and to use that as a vehicle for expressing
32 Council intent.

33

34 I think Marilyn was a member of the
35 committee that dealt with non-forest products. Were you
36 a member of the group that met a number of times in
37 Southeast Alaska dealing with subsistence use of plants?

38

39 MS. WILSON: No, I wasn't.

40

41 MR. SCHROEDER: Okay. Patty, were you a
42 member of that group?

43

44 MS. PHILLIPS: No, I wasn't.

45

46 CHAIRMAN LITTLEFIELD: I wasn't either.

47

48 MR. SCHROEDER: The Council received a
49 number of presentations from Forest Service on that
50 policy and it was favorably received at that time. So

00457

1 that's one issue I don't know if anyone wants to discuss
2 plants and special forest products at any greater length
3 right now.

4

5 CHAIRMAN LITTLEFIELD: I believe we
6 should go with that recommendation and have that as an
7 agenda item on the next meeting, is there any objection?

8

9 (No objection)

10

11 CHAIRMAN LITTLEFIELD: Okay, we'll do
12 that.

13

14 MR. SCHROEDER: I'm getting to the bottom
15 of my list. Council members had some discussion about
16 the delineation of Federal waters. My recollection in my
17 notes both indicate that Cal Casipit was willing and able
18 to provide maps of the Federally delineated areas that we
19 have at this time to anyone who wishes them. And I don't
20 know if there was other Council issues connected with
21 delineation of Federal waters.

22

23 CHAIRMAN LITTLEFIELD: Is there anything
24 that Council wants to do on this? I know about a dozen
25 maps, I would like to have them made available to the
26 Council. They were in Yakutat and let's just make sure
27 that we have a copy so that they can review and
28 distribute those to others. But I don't believe we need
29 any action here do we?

30

(No comments)

31

32 CHAIRMAN LITTLEFIELD: Does anybody want
33 any action?

34

35

(No comments)

36

37 CHAIRMAN LITTLEFIELD: Okay. We'll just
38 leave that one lie. But we would like to have those maps
39 available.

40

41 MR. SCHROEDER: I do have an item which
42 was partially discussed by Jim Brainard and Dave Johnson
43 concerning the Regional Advisory Council involvement in
44 planning for deer on Prince of Wales Island. There was
45 some discussion about how we might proceed with any deer
46 management plan on Prince of Wales Island. The Council
47 is on record supporting deer planning on Prince of Wales
48 Island and to have this activity, should it proceed, as a
49 major planning effort to be conducted as a sub-committee
50 that would report to this Council.

00458

1 I don't think we need action on this at
2 this time. It may be more appropriate to discuss that
3 after we receive the report from Shineberg & Associates.

4
5 CHAIRMAN LITTLEFIELD: Yes. I believe
6 the Council went on record in Hoonah as supporting the
7 Regional Advisory Council to be in the lead on this, at
8 least well advised and I think the report will be made
9 available to us after October 17th so I think it's
10 premature to do anything.

11
12 Anybody want to talk about U2 deer?

13
14 (No comments)

15
16 CHAIRMAN LITTLEFIELD: Please proceed.

17
18 MR. SCHROEDER: And I'm pretty much
19 through my list. It previously had 20 items that we
20 dealt with. We do have one item that Council member
21 Adams brought up concerning the cruise ship protocol for
22 Yakutat tribal lands, which should begin in 2004. So I'd
23 turn that over to Mr. Adams.

24
25 CHAIRMAN LITTLEFIELD: Mr. Adams.

26
27 MR. ADAMS: Mr. Chairman, would you like
28 me to go up there?

29
30 CHAIRMAN LITTLEFIELD: No, that will be
31 adequate right where you are?

32
33 MR. ADAMS: Okay, shucks. Mr. Chairman,
34 I distributed -- almost said passed out.....

35
36 (Laughter)

37
38 MR. ADAMS:but I distributed, you
39 know, to each Council member the proposal that the
40 Yakutat Tlingit Tribe, you know, submitted to the
41 industry in regards to their entrance into Yakutat Bay.

42
43 And this is a protocol that the Council
44 -- well, the Staff -- a Staff member had put together and
45 the Council has adopted, and it was submitted to the
46 cruise industry. They're having a meeting sometime this
47 month and then they're supposed to come back with their
48 response to it. But essentially what we're asking is
49 that we put a quota on the number of ships that enter
50 into the Bay.

00459

1 Maybe just as a little bit of a
2 background, we had a study done there and it was funded
3 by the industry. It was supposed to have been a three
4 year study, they did their first one last year and the
5 National Marine Fisheries is the one that did the study
6 and research. And they came out with some data that
7 indicated that the cruise industry was definitely
8 disturbing the seals as they went into Disenchantment Bay
9 during the pupping season and that's been established
10 between May 15th through August. However, we established
11 the demarkation line that the industry did not honor that
12 would not allow them to go a certain distance into
13 Disenchantment Bay from the months of May 15th to July
14 15th. And in lieu of that they said that they would stay
15 500 yards away from any icebergs that had seals on them
16 or of any seals and there has been evidence, you know,
17 documented that they violated that on several occasions.

18
19 And so what we want to do now is to get
20 -- put a limit on the number of ships. There was 180
21 ships that went into Disenchantment Bay. Several years
22 ago it started off with only 39. And when the elders of
23 the community saw the number of ships going in, like two,
24 three, four a day they apprised us, the leaders of the
25 community, particularly tribal council, that we need to
26 watch them because they definitely are going to disturb
27 the seals particularly during the pupping season. And of
28 course we took some surveys from the community and we did
29 what is called a traditional knowledge or a TEK project
30 on that and, of course, the elders, and the study, the
31 scientific study came together and they were in agreement
32 with one another.

33
34 So for this reason we put this proposal
35 before the industry that on a daily season we want to
36 have a quota on the number of ships, no more than two
37 vessels in the bay at one time and we want a seasonal
38 quota of 150. We also want them to follow a designated
39 shipping lane. Normally the ship would come right down,
40 go right up the middle of the channel and into -- close
41 to the glacier and then they would come right back down.
42 Our studies have indicated that all of the seal
43 population congregate on the eastern side of Yakutat and
44 Disenchantment Bay, so a designated route -- I apologize
45 for the map on there but that was the -- the one that we
46 have back home was in color and when I had this faxed
47 down yesterday this is how it came, but, anyhow, the
48 designated route would allow the ships to go up a certain
49 route all the way up into the -- toward the Hubbard
50 Glacier and then they would come back the same way.

00460

1 We had an incident last July where a ship
2 went off three miles off course, mind you, and struck a
3 rock and tore a gash about 50 feet long and 10 feet wide.
4 They never reported it until they got to Seward. And so
5 we feel that this is good justification for a designated
6 route as well.

7
8 We want to have them honor a speed limit,
9 that once the cruise ships pass Point Latouche at a speed
10 not to exceed 13 knots until the ships pass that point.

11
12 We have tentatively agreed to them,
13 through a previous agreement not to discharge any of
14 their grey or black water into Yakutat Bay. We don't
15 know if they're following that and some people have seen
16 that they have seen them, you know, dumping in the Bay
17 over the last couple of years.

18
19 Which gives us, you know, item number
20 five, that the ships eventually will put on their ships
21 an electronic GPS transmitter monitor which would tell
22 us, you know, when and where they do their dumping. And
23 this monitoring system is going to be set up so that it
24 would send a signal all the way down to some
25 transmitters, you know, on Katak Island right over into
26 our offices, our tribal offices so we'll be able to
27 monitor, you know, their dumpings and if they are
28 violating, you know, their commitment not to dump in
29 Yakutat Bay.

30
31 So this, as I mentioned, is before the
32 industry at this point and we will probably get an answer
33 from them, you know, about the end of the month or the
34 first part of November on this, but the tribal council
35 passed it and is backing it up to its fullest. And since
36 this involves, you know, subsistence and all of the
37 species, you know, in the Yakutat Bay area I would really
38 encourage or ask for the Council to support us in this
39 effort.

40
41 Thank you, Mr. Chairman.

42
43 CHAIRMAN LITTLEFIELD: I agree. These
44 are all subsistence issues which we should support. Mr.
45 Adams, are you making a motion to ask for Council support
46 for the Yakutat Tlingit Tribe cruise ship restrictions?

47
48 MR. ADAMS: Mr. Chairman, I move that we
49 support the Yakutat Tlingit Tribes cruise ship protocol
50 for Yakutat Bay and Disenchantment Bay.

00461

1 Thank you.

2

3 MR. STOKES: Mr. Chairman, I second that
4 motion.

5

6 CHAIRMAN LITTLEFIELD: It's been moved
7 and seconded to support the Yakutat Tlingit Tribal
8 Council on their cruise ship protocol as shown on the two
9 sheet handout; is there further discussion on this?

10

11 (No comments)

12

13 CHAIRMAN LITTLEFIELD: Are you ready for
14 the question.

15

16 MR. STOKES: Question.

17

18 CHAIRMAN LITTLEFIELD: The question
19 before you is whether to support the Yakutat Tlingit
20 Tribal Council on their cruise ship protocol. All those
21 in favor, please signify by saying aye.

22

23 IN UNISON: Aye.

24

25 CHAIRMAN LITTLEFIELD: All those opposed
26 same sign.

27

28 (No opposing votes)

29

30 CHAIRMAN LITTLEFIELD: We do support you
31 on this, Mr. Adams.

32

33 MR. ADAMS: Thank you, Mr. Chairman.
34 This will give us a lot of arm strength when we go face
35 to face with the industry and your support is going to be
36 a pretty big factor in this effort, so I thank you very
37 much.

38

39 CHAIRMAN LITTLEFIELD: Even though these
40 are outside the jurisdiction of the Federal Subsistence
41 Board, I would like to note that the Regional Advisory
42 Council has the authority to comment on fish and wildlife
43 on any subject and so this is well within our bounds and
44 it was appropriate.

45

46 Are there others?

47

48 Mr. Hernandez.

49

50 MR. HERNANDEZ: Thank you, Mr. Chairman.

00462

1 I also would request some action in relation to a
2 community concern that I expressed and Mr. Adams also
3 expressed, that was in relation to the Alaska Land
4 Transfer Acceleration Act of 2003. I've drafted a brief
5 resolution that I'd like Council approval on if they so
6 wish to send to Senator Lisa Murkowski.

7
8 And it states very simply whereas Senate
9 Bill 1466, the Alaska Land Transfer Acceleration Act 2003
10 will affect subsistence uses of rural residences on
11 public lands in Southeast Alaska; and whereas under
12 Section .810 of ANILCA, the head of the Federal agency
13 having primary jurisdiction of such lands shall evaluate
14 the effect of such withdrawals of public lands on
15 subsistence uses and needs; and whereas the head of the
16 Federal agency having jurisdiction shall give notice to
17 the local Regional Council and shall give notice of and
18 hold hearings in the vicinity of the area involved; the
19 Southeast Regional Advisory Council would ask you to
20 comply with these provisions in ANILCA before any land
21 transfers take place.

22
23 CHAIRMAN LITTLEFIELD: We'll get you a
24 resolution number for that. Do we have a resolution
25 number, Dr. Schroeder?

26
27 MR. SCHROEDER: I'll have to get one.

28
29 CHAIRMAN LITTLEFIELD: Okay. Would you
30 like to move to adopt that resolution?

31
32 MR. HERNANDEZ: Yes, Mr. Chairman, if the
33 Council wishes, I would like to move that we adopt that
34 resolution.

35
36 CHAIRMAN LITTLEFIELD: Is there a second.

37
38 MR. KITKA: Second.

39
40 CHAIRMAN LITTLEFIELD: Okay, I would like
41 you to read the resolution one more time for the record
42 and also furnish Dr. Schroeder with a copy for the
43 records, please.

44
45 MR. HERNANDEZ: Certainly. Just a
46 second.

47
48 MR. KOOKESH: Isn't there any discussion?

49
50 CHAIRMAN LITTLEFIELD: No, I would like

00463

1 him to read that resolution one more time, please, before
2 we start discussion. We'll be under discussion in just a
3 second.

4

5 MR. HERNANDEZ: Okay. The resolution
6 reads:

7

8 Whereas Senate Bill 1466, the Alaska Land
9 Transfer Acceleration Act 2003 will affect subsistence
10 uses of rural residences on public lands in Southeast
11 Alaska; and whereas under Section .810 of ANILCA, the
12 head of the Federal agency having primary jurisdiction of
13 such lands shall evaluate the effect of such withdrawals
14 of public lands on subsistence uses and needs; and
15 whereas the head of the Federal agency having
16 jurisdiction shall give notice to the local Regional
17 Council and shall give notice of and hold hearings in the
18 vicinity of the area involved; we the Southeast Regional
19 Advisory Council ask you to comply with these provisions
20 in ANILCA before any land transfers take place.

21

22 CHAIRMAN LITTLEFIELD: Okay, thank you.
23 We may ask you to do that one more time. But under
24 discussion. Mr. Kookesh, did you have a question?

25

26 MR. KOOKESH: There's a couple things,
27 Mr. Chairman. Just one wording for your language, I
28 believe that the proper word would be probably affected;
29 those communities that are affected. I believe you used
30 a different word such as involved or something.

31

32 CHAIRMAN LITTLEFIELD: Could you.....

33

34 MR. KOOKESH: But also I want to say one
35 more thing. Mr. Chairman, I haven't seen or read Senate
36 Bill 1466 and I haven't had an opportunity to review
37 Section .810 so I'm kind of hesitant about supporting the
38 document until I see the -- I see what your intent is but
39 I'm not familiar with the language of the Bill so, I
40 don't know, I'm kind of hesitant about supporting you
41 based on your credibility there.

42

43 CHAIRMAN LITTLEFIELD: First, I'd like
44 Mr. Hernandez to respond and then Mr. Douville after
45 that.

46

47 MR. HERNANDEZ: Thank you, Mr. Chairman.
48 I believe Mr. Kookesh, I'll read again, I said that this
49 Land Transfer Act will affect subsistence uses of rural
50 residents, I believe I used the word affect. And also to

00464

1 respond to the content of the Bill, I, myself have not
2 read the entire content of the Bill, however, the subject
3 of the Bill transfers of land is clearly mentioned in
4 Section .810 of ANILCA and this resolution just asks that
5 those sections be adhered to.

6

7 CHAIRMAN LITTLEFIELD: The Hydaburg
8 Council did give each of us a copy of ANILCA, Title VIII,
9 and Section .810 is in there, does everybody understand
10 what that was, that was the withdrawing, reserving and
11 leasing of public lands?

12

13 We should have a copy.

14

15 Dr. Schroeder.

16

17 MR. SCHROEDER: I had the good or
18 otherwise fortunate of dealing with Section .810 for a
19 number of years. That portion of ANILCA requires a
20 Federal management agency to go through certain
21 procedures if its land management action may
22 significantly restrict subsistence uses. So it sets
23 procedures up such that a Federal land manager has to do
24 certain analysis and the analysis may trigger any
25 hearings that need to take place if land use action has a
26 potential to significantly affect subsistence uses. So
27 that's the portion of ANILCA that we're talking about.

28

29 CHAIRMAN LITTLEFIELD: And I believe we
30 used this as justification in Hoonah to ask for more
31 information on the Southeast guides EIS as well as asking
32 for further information for the Regional Advisory
33 Council, and I don't have any information on 1466, could
34 you give us a little bit more information on that?

35

36 MR. HERNANDEZ: 1466 Bill is a Bill
37 introduced to make a final settlement under the ANCSA
38 provisions to transfer land to the Native corporations.
39 And this Bill would attempt to settle the last of any
40 land claims under ANCSA.

41

42 CHAIRMAN LITTLEFIELD: Is there any
43 Federal Staff here that knows about this, the Senate Bill
44 or can get a copy of it?

45

46 (No comments)

47

48 CHAIRMAN LITTLEFIELD: Other Council.

49 Mr. Johnson.

50

00465

1 MR. JOHNSON: Mr. Chairman, I can check.
2 One of our Staff is working on land exchange provisions
3 with Sealaska. I don't know if this is included in a
4 separate bill or if it's the same bill but I can check
5 and get back to the Staff here in a few minutes.

6
7 CHAIRMAN LITTLEFIELD: Yes. Because I
8 don't think we can take any action on this until that
9 happens. Also, do you happen to know, Mr. Hernandez,
10 whether this is the bill that affects the Berner's Bay
11 land in Juneau?

12
13 MR. HERNANDEZ: Mr. Chairman, I'm quite
14 sure that that Berner's Bay land trade has been completed
15 and is over with now.

16
17 CHAIRMAN LITTLEFIELD: Okay. It was my
18 understanding that this was not completed. Mr. Casipit.
19

20 MR. CASIPIT: I'm not exact -- Cal
21 Casipit, Forest Service. I'm not exactly sure where the
22 status of the land trade is or where the status of the
23 bill is, but in effect, what it does is it transfers
24 3,000 acres of private lands for 12,000 acres of Forest
25 Service land in the Berner's Bay area. Mr. Eastland may
26 have more information.

27
28 MR. EASTLAND: That is pretty much
29 correct. The 3,000 acres are down here somewhere. As a
30 resident of Juneau I'm much more familiar with the area
31 that they're going -- that is proposed to trade, that's
32 12,000 acres of Forest Service land in the Berner's Bay
33 area adjacent to the proposed mine, the proposed
34 Kensington Mine area, and in exchange for the 12,000
35 acres up there the Forest Service would get 3,000 acres
36 of surface land down here somewhere and down here is just
37 generic, somewhere south of Juneau, and certain sub-
38 surface rights. The 12,000 acres in the Berner's Bay
39 area would be traded to Cape Fox and the Sealaska
40 Corporation.

41
42 Thank you.

43
44 CHAIRMAN LITTLEFIELD: And the status of
45 this bill, I believe is passed by one -- I'll just let
46 you, do you have the status of the bill?

47
48 MR. EASTLAND: It has been passed by the
49 House, but has not yet been passed by the Senate.
50

00466

1 CHAIRMAN LITTLEFIELD: Questions.

2

3 (No comments)

4

5 CHAIRMAN LITTLEFIELD: Are there any

6 other questions.

7

8 (No comments)

9

10 CHAIRMAN LITTLEFIELD: Mr. Douville, and

11 then Mr. Hernandez.

12

13 MR. DOUVILLE: Mr. Hernandez, does this
14 include -- we had a discussion at city council here with
15 representatives of Sealaska, and it was clear that their
16 intention was to select Heceta Island, Tuxican Island and
17 areas that had been logged probably 30 or 40 years ago,
18 is that included in this, do you know?

19

20 MR. HERNANDEZ: Yeah, that's correct.

21 This bill deals with issues that are separate from
22 Berner's Bay, that's a separate issue. This bill, going
23 back, Berner's Bay was strictly a land trade between
24 Sealaska and the Forest Service. This bill deals with
25 ANCSA lands, Native selection lands that have not yet
26 been conveyed to Sealaska Corporation, they still have
27 lands available to them to select. A good number of
28 acres, too, I don't have the exact number. As a matter
29 of fact that number is still in negotiation as to how
30 much they are entitled to.

31

32 Mr. Douville is correct, a lot of those
33 lands are proposed to be selected here on Prince of Wales
34 Island. Some of Prince of Wales Island, all of Heceta
35 Island is under consideration, a good portion of
36 Kosciusko Island is under consideration, so this bill
37 definitely affects this area and I also believe, Mr.
38 Adams, says that there are lands under -- for possible
39 selection around Yakutat as well. So this is a separate
40 issue from what's taking place in Berner's Bay.

41

42 CHAIRMAN LITTLEFIELD: Let me respond
43 here first. I'm going to vote against this and I'll let
44 you know why. I sympathize with what you're saying,
45 however, this Council needs to fully understand what it
46 votes on. I mean we've tried -- the Federal Subsistence
47 Board warned us about that before, that we need to
48 include all kinds of information and this is one I just
49 think we don't have any information on. I really feel
50 that no matter how much I think what you're doing is a

00467

1 step in the right direction, I can't vote for it.

2

3 Mr. Hernandez, and then Mr. Douville.

4

5 MR. HERNANDEZ: Thank you, Mr. Chairman,
6 if I can respond. I realize the forum with these
7 community concerns does not necessarily allow for the
8 type of analysis that might be required sometimes, but I
9 don't know using that forum I was hoping to get, you
10 know, a simple resolution just pointing out that this is
11 an area of concern to this Council.

12

13 Thank you.

14

15 CHAIRMAN LITTLEFIELD: Mr. Douville.

16

17 MR. DOUVILLE: Thank you, Mr. Chairman.
18 It is a local concern and it's a particularly one of mine
19 because it trades a smaller amount of land for a vast
20 tract of land at this time supposedly of lesser value.
21 But the concern here, subsistence wise, is that when this
22 land is exchanged it becomes private land and therefore
23 under current law it is not subject to subsistence laws
24 and regulations. So we have been accustomed to using
25 this land for many years and I disagree with what's
26 happened. So my concern would be is there going to be
27 any provision to allow subsistence uses by non-
28 shareholders in these areas was only just one of them.

29

30 CHAIRMAN LITTLEFIELD: Okay. I'm going
31 to go to Mr. Johnson next, but like I said, this is one
32 of my dilemmas here, we're talking -- Mr. Hernandez says
33 we are not talking about Berner's Bay or land exchange
34 we're talking about conveyances, and Mr. Douville is
35 talking about swapping land, and that's where I -- I
36 don't have the information to what that is. Mr. Johnson,
37 can you help us out?

38

39 MR. JOHNSON: Mr. Chairman, briefly. You
40 have two processes that are ongoing that Mr. Hernandez
41 has alluded to. I'm not familiar with the specifics of
42 Senate Bill 1466 but basically there is a process if the
43 agency, the Forest Service in this case, handles a land
44 exchange. That is a process that is different than if
45 Congress chooses to take action through the Senate
46 through Senator Murkowski. What I can do, though, Mr.
47 Chairman, is get a briefing paper for the Council that I
48 can provide through Mr. Schroeder for the person who has
49 been handling and can provide the up to date information
50 from the Forest Service side of what's been done on this

00468

1 specific area.

2

3 CHAIRMAN LITTLEFIELD: Mr. Hernandez.
4 Let's remember we have a resolution on the floor. And
5 just a second, Mr. Hernandez, Mr. Kessler, could you
6 please come forward and address this.

7

8 MR. KESSLER: Mr. Chairman, Steve Kessler
9 with the Forest Service. I do happen to have a summary
10 of the bill here in my palm pilot if you'd like me to
11 read that to you.

12

13 (Laughter)

14

15 CHAIRMAN LITTLEFIELD: Yes, please.

16

17 MR. KESSLER: The bill would accelerate
18 release of lands for conveyance, clarify that certain
19 minerals could be transferred to Native land owners and
20 allow the University of Alaska to select the remaining
21 Federal interest in lands the University already owns.
22 For example, the University might select mineral rights
23 to land where it already owns the surface rights. The
24 bill also includes language that would clarify miners
25 rights to convert from Federal to State claims without
26 jeopardizing ongoing mining operations. The conveyance
27 of individual allotments is often delayed by various
28 challenges including questions of whether the
29 individual's family can prove they actually used the land
30 before ANCSA was enacted. The location of the parcel or
31 even who should receive title to the land. In some
32 cases, the original Native allotment applicants have died
33 waiting to receive title which means the agency must also
34 determine the rightful heir. The BLM Administrative
35 appeals process has been hampered by many administrative
36 and legal obstacles, including court decisions, lawsuit
37 settlements, new legislation creating new rights and
38 rules changing midstream, and this is according to
39 Murkowski. She says the bill would give BLM flexibility
40 and full authority to work in a more collaborative
41 environment with its clientele. The bill would create a
42 hearings and appeals process located in Alaska rather
43 than referring claim disputes to the Interior Board of
44 Land Appeals which takes as long as three to five years
45 to rule on a case or to administrative law judges. The
46 new process would be able to routinely issue decisions
47 within three months to six months, according to
48 Murkowski. Because the bill is quite new, Senators have
49 little opportunity to review the measure, however, a
50 source said the bill is sweeping in its effect and

00469

1 appears to have a number of provisions that might be
2 controversial.

3

4 And this was just some information that
5 came about prior to a hearing in Anchorage a few weeks
6 ago.

7

8 CHAIRMAN LITTLEFIELD: Is there -- do you
9 have anything in your notes that refer to Berner's Bay or
10 land swaps in this area?

11

12 MR. KESSLER: No, I don't. And I believe
13 that the Berner's Bay issue is just a completely
14 different act of Congress that we're talking about.

15

16 CHAIRMAN LITTLEFIELD: Council. Thank
17 you, Mr. Kessler. What are the Council's wishes, we have
18 a resolution on the floor, are we prepared for the
19 question.

20

21 (No comments)

22

23 CHAIRMAN LITTLEFIELD: I guess we're
24 ready for the question. There's a resolution to support
25 -- and I would like to ask Mr. Hernandez to read the
26 resolution again and then we'll vote on it.

27

28 MR. HERNANDEZ: Okay, thank you, Mr.
29 Chairman, glad to do that.

30

31 Whereas Senate Bill 1466, the Alaska Land
32 Transfer Acceleration Act of 2003 will affect subsistence
33 uses of rural residences on public lands in Southeast
34 Alaska; and whereas under Section .810 of ANILCA, the
35 head of the Federal agency having primary jurisdiction of
36 such lands shall evaluate the effect of such withdrawals
37 of public lands on subsistence uses and needs; and
38 whereas the head of the Federal agency having
39 jurisdiction shall give notice to the local Regional
40 Council and shall give notice of and hold hearings in the
41 vicinity of the area involved; we the Southeast Regional
42 Advisory Council ask you to comply with these provisions
43 in ANILCA before any land transfers take place.

44

45 CHAIRMAN LITTLEFIELD: All those in favor
46 of supporting the motion please signify by saying aye.

47

48 MR. HERNANDEZ: Aye.

49

50 MS. PHILLIPS: Aye.

00470

1 MR. DOUVILLE: Aye.

2

3 MS. WILSON: Aye.

4

5 MR. ADAMS: Aye.

6

7 MR. KITKA: Aye.

8

9 CHAIRMAN LITTLEFIELD: Those opposed,
10 same sign.

11

12 MR. STOKES: Aye.

13

14 CHAIRMAN LITTLEFIELD: Aye.

15

16 MR. KOOKESH: Aye.

17

18 CHAIRMAN LITTLEFIELD: We need a show of
19 hands.

20

21 All those in favor please raise your
22 right hand.

23

24 You got it, one, two, three, how many is
25 that Secretary.

26

27 Secretary count them, you count them, how
28 many do we got?

29

30 MS. WILSON: Six.

31

32 CHAIRMAN LITTLEFIELD: Okay, all those
33 opposed same sign, raise your right hand.

34

35 MS. WILSON: Three.

36

37 CHAIRMAN LITTLEFIELD: Right, on the
38 record?

39

40 REPORTER: (Nods affirmatively)

41

42 CHAIRMAN LITTLEFIELD: The resolution is
43 supported. Other action.

44

45 Mr. Adams.

46

47 MR. ADAMS: I would really emphasize, you
48 know, when we submit this resolution that we back it up
49 with as much documentation as we possibly can, possibly
50 the Bill, you know, so that we don't have any ambiguity,

00471

1 you know, when it gets up into the higher levels. So I
2 just want to encourage that.

3

4 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

5

6 MR. KOOKESH: Mr. Chairman, just for the
7 good of the order, next time that we bring material or a
8 resolution such as this to us, that it would be nice if
9 we could get it before this body has a -- to make a
10 decision. I would really appreciate it. I saw Bert's
11 material the other day and I was able to absorb it and to
12 see it. But I would really appreciate it if you're going
13 to bring something to the floor that we know what we're
14 looking at and what we're going to be voting on because I
15 like to be careful. I don't know what your style is but
16 I really do have a preference of being careful.

17

18 CHAIRMAN LITTLEFIELD: Mr. Skan. Does
19 the Council have any objection to him addressing us?

20

21 (No comments)

22

23 CHAIRMAN LITTLEFIELD: Please come
24 forward.

25

26 MR. SKAN: Thank you, Mr. Chairman. This
27 is meaning no disrespect to Mr. Hernandez, I've never met
28 him before, but yesterday in my presentation, I'm a
29 member of the Klawock Cooperative Association, you know,
30 and I said during my introduction that my mother come
31 from a island 20 miles away from here, and that island is
32 on Heceta, and we have my mother's ancient village is
33 there on the island, on kind of the northeastern side,
34 it's called Scquam, and one of our shawmen are buried
35 there in Tonnoway (ph) Narrows so this is kind of a, you
36 know, a red light to me that our people in Klawock, you
37 know, better start watching this activity because I think
38 this is out of the realm of doing things -- I don't know
39 what your intent is Mr. Hernandez, but I think if you
40 come to Klawock and talk to us, you know, we'd be happy
41 to talk to you.

42

43 I don't know what your focus is in trying
44 to get those lands or who's championing it but some of
45 our ancient villages are on there. And yesterday when I
46 talked about when we stopped the logging from Control
47 Lake all the way down to that Shores, that's part of it,
48 is 186 million board feet the Forest Service was
49 championing to cut. We're not against progress but we're
50 -- we're against progress that's going to stomp across

00472

1 our spiritual, you know, our grave sites and our totem
2 sites and our ancient villages.

3

4 CHAIRMAN LITTLEFIELD: Mr. Douville.

5

6 MR. DOUVILLE: Mr. Skan, his -- the issue
7 is that there is a land exchange with Sealaska and the
8 Forest Service that involves Heceta Island, it doesn't --
9 Mr. Hernandez is only saying that look, we need to be
10 consulted on this exchange. And it's Sealaska who is
11 wanting to become owners of Heceta Island, Tuxican and
12 other places that he listed. And what he's saying is
13 just that this will affect subsistence uses so we want to
14 be considered before this happened, and that's in my mind
15 what we're trying to do.

16

17 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

18

19 MR. HERNANDEZ: Thank you, Mr. Chairman.
20 And thank you Mr. Douville, also for saying that. And
21 I'd like to respond to Mr. Skan also. In Section .810 of
22 ANILCA it also states that -- I didn't put all of Section
23 .810 in my resolution but it also states that nothing in
24 Section .810 is to be construed as preventing such
25 transfers of taking place. I fully recognize that these
26 transfers are going to take place, those provisions in
27 ANILCA are mainly just to ensure that public input is
28 provided in any decisions and spells out the Regional
29 Councils explicitly and also public testimony. And I
30 think we agree fully that the public should be a part of
31 this and in particular, maybe not all of Heceta Island
32 is going to be selected but if there are any selections
33 to be made, I would certainly think that you, as the
34 public, should have the opportunity to tell the managers
35 that those parcels that are most important to you should
36 be part of that selection or they could possibly be
37 missed without your input into the process. And that's
38 all I'm asking for is that there be enough input into the
39 process from affected people, subsistence users,
40 allotment users, people who are -- land allotments could
41 be affected as Mr. Adams points out in his area, so all
42 of us have an interest in this and it should not be just
43 decided in the halls of Congress.

44

45 MR. SKAN: Thank you. And that
46 reiterates my point that Klawock should have a
47 representative on this board otherwise, see, I don't know
48 where you're coming from, we're just sitting here
49 observing and all of a sudden we're scrambling trying to
50 catch up, you know, so I thank you for your insight. In

00473

1 rural Alaska there's about 250,000 people and there's
2 only about probably 60 or 70,000 of us so all other races
3 subsist off the land more than we do, so I'd just like to
4 make that point.

5

6 CHAIRMAN LITTLEFIELD: Okay, thank you
7 for your testimony. Again, I'm going to get on the point
8 that Floyd got, and we're still getting conflicting
9 information exactly which land is included here. We
10 cannot tell Congress to include .810 in anything and I
11 want to make that clear, and that's what -- and part of
12 this resolution said that we were going to tell Congress
13 that they have to include, .810, well, .810 does not
14 apply to Congress, .810 applies to the Forest Service,
15 the Park Service and agencies when they dispose of land
16 that they will do this. Congress can eliminate ANILCA if
17 it so decides. And for us to submit this resolution
18 telling them that they have to comply with .810 when they
19 could say, okay, well, how about if we just eliminate
20 ANILCA, Title VIII, they have that within that authority.
21 They have plenty of authority to do that.

22

23 So, I think, while it was well-meaning, I
24 still think it was wrong. So, but, anyway, the motion --
25 the resolution has received the support of the Council
26 and I hope it doesn't bite us.

27

28 Is there anything else?

29

30 MS. WILSON: Mr. Chairman.

31

32 CHAIRMAN LITTLEFIELD: Ms. Wilson.

33

34 MS. WILSON: Yes. I see what you mean on
35 the wording of the motion, but I think that I would make
36 a motion that the resolution be amended and housekeeping,
37 what do you call it, to change the wording so that the
38 intent is correct as coming from this Council, and I so
39 move.

40

41 CHAIRMAN LITTLEFIELD: The motion has
42 been passed and accepted, the resolution is accepted.
43 The only way to do that would be to -- for someone who
44 voted for it, which I wasn't one of them to ask for it to
45 be reconsidered, any member could then second that and
46 then if the Council so wishes they could bring it on the
47 table, but that's the only way to get it back now.

48

49 MR. DOUVILLE: Mr. Chairman.

50

00474

1 CHAIRMAN LITTLEFIELD: Mr. Douville.

2

3 MR. DOUVILLE: I mean no disrespect to
4 Congress or anybody else, however, I sit on this RAC
5 because I am charged with -- it is my duty to look after
6 subsistence issues, and to me a land exchange like this
7 affects subsistence so it is a concern of mine. There
8 are probably other things in Mr. Hernandez' motion that
9 addressed some other issues, but there was enough
10 subsistence issue that I feel that we need to be involved
11 and that was my justification for supporting it.

12

13 CHAIRMAN LITTLEFIELD: Okay. One other
14 thing we forgot to do is normally when you do a
15 resolution, and these action resolutions should come to
16 us ahead of time so we have a little time to look at
17 them. Normally resolutions are addressed to somebody and
18 I'm going to make the assumption that because this is a
19 Senate Bill it was addressed to the Senate and that's why
20 I had my problems with this, you know, and I agree with
21 you guys. I agree that it's wrong. But voting on the
22 resolution, in my opinion, was also that way. It's a
23 moot point, we've done it unless somebody wants to
24 reconsider it it's a moot point.

25

26 Mr. Adams.

27

28 MR. ADAMS: Mr. Chairman, if I can just
29 clarify here a little bit what this bill is all about as
30 I understand it. Let me take Yakutat, for instance, when
31 Congress gave us the Land Claims Settlement we were
32 allotted certain numbers of -- certain acres of land.
33 And the 13 regions, you know, were able to make a
34 selection, they did not select all of the land that was
35 entitled to them. And so there was this issue called
36 overselection. And in Yakutat we had nine townships that
37 were designated to be Sealaska's overselection but the
38 land was not conveyed, okay. Also there was some
39 additional acreage that they could also choose. But
40 that's what this bill, this accelerated bill is all
41 about.

42

43 You know, we all wondered, you know, I
44 know back home we talked about, hey, when is Sealaska
45 going to get their land, their nine townships, and, you
46 know, we could never get a good answer. And then all of
47 a sudden this bill came out, you know, and what it did is
48 it accelerated that so that corporations or private
49 enterprises would be able to make their selections and
50 get their land, and so that's what this bill is all

00475

1 about, and it affects subsistence as Mr. Hernandez said,
2 because Sealaska could also select lands on Tongass
3 National Forest. There are subsistence issues there.
4 There are Native allotments on some of the lands that
5 they are going to select and, you know, we, as Native
6 people had some concerns about that and we are addressing
7 it through amendments to this bill.

8

9 But, you know, essentially that's in a
10 nutshell what this bill is all about, it's just taking
11 all of those leftover lands that were not turned over to
12 the corporations and accelerating it.

13

14 Thank you.

15

16 CHAIRMAN LITTLEFIELD: MR. KOOKESH.

17

18 MR. KOOKESH: Mr. Chairman, what I asked
19 for earlier was to see some black and white. And we've
20 already made the vote and I'd like to believe that maybe
21 we should just move on because I think the vote's done
22 and all that we're doing now is after the fact. And if
23 there's no black and white, and if we're just going to
24 take everybody's good word, I'd like us just to move on
25 and just to take care of the rest of our business here,
26 please.

27

28 CHAIRMAN LITTLEFIELD: I have no
29 objection and we're going to do so. I would prefer,
30 though, that in the future if you have a resolution to
31 bring before us, please substantiate it and write it out
32 in the correct resolution form. There is a form for
33 resolutions that we should all use, maybe Mr. Schroeder
34 could get that to us so that we use that form when we
35 want to write one up and bring it before the Council.

36

37 Again, we are -- is there any other
38 subject before us at this time?

39

40 MR. SCHROEDER: Mr. Chair, I think we've
41 exhausted our agenda and possibly exhausted some of the
42 Staff and some of the Council members.

43

44 CHAIRMAN LITTLEFIELD: No way. Now, it's
45 time for you guys out there to make your speeches before
46 we make ours. So at this time I'm going to open the
47 floor to anyone in the audience, we expect all Staff to
48 say goodbye, but, anyway, you can say whatever you want
49 about the meeting, how it went, please let's start. It's
50 open to the audience and then the Council will give their

00476

1 closing remarks.

2

3 Mr. Skan.

4

5 MR. SKAN: Thank you, Mr. Chairman. Once
6 again, welcome to Prince of Wales Island, the Emerald in
7 the Pacific. Some of us, like Mike and the rest of us,
8 Vicki LeCornu who was here is a strong voice for us and
9 enjoy the efforts you guys are doing on behalf of our
10 people. ANILCA, I think, in my mind is the only
11 protection we have right now outside of all the regional
12 RACS. And I like the way you act, you remind me of Bill
13 Thomas, so I think we're going to be okay.

14

15 (Laughter)

16

17 CHAIRMAN LITTLEFIELD: Gunalcheesh.

18

19 MR. SKAN: The Tlingit and Haida people
20 are very strong. Our men and our women our very strong,
21 we don't take a back seat to hardly anyone on this earth.
22 Some people might take it as a chauvinistic, feminist
23 attitude, but, you know, we've never been conquered and
24 if there's a subject that's near and dear to our heart
25 we're going to go out and try to solve it and help our
26 people.

27

28 So the reason why I kept saying,
29 yesterday, the reason why you are here in 1989 when we
30 created that Commission, that Southeast Native
31 Subsistence Commission I ended up in Juneau in April, I
32 think it was the 18th and we organized the 19th and 20th,
33 and I saw an old Tlingit guy that he asked me what I was
34 doing in Juneau that time of the year and I said we're
35 going to create this new commission and he said, and I
36 always remember his comment, he said it's been laying
37 there, the McDowell people, you know, won their battle,
38 we've got to do something, I'm glad you guys are here,
39 and his comment was when you organize that Native
40 Subsistence Commission representing Southeast say,
41 aboriginal people first, you know, everybody else line
42 up, and that's the thing we did. Up until that time that
43 issue was laying there for about seven years, and, you
44 know, because -- you're here because you own 60 percent
45 of Alaska and we appreciate that. Natives, out of 375
46 million we only got 12 percent of our land back, which is
47 about 44 million acres, I think.

48

49 So, you know, halibut IFQs, I don't know
50 why the State's doing the survey, it's a Federal issue.

00477

1 They say there was an excess after the IFQs are
2 implemented. I know Mike's a good halibut fisherman and
3 black cod fisherman, but, you know, it knocked out 3,000
4 small, small operators, you know, two, three, four, five
5 skates, that's why the IPHC thinks there's an excess, you
6 know, but you knocked out all those crucial villages. I
7 think when we counted them one year, there was about
8 3,000 little guys knocked out.

9

10 And I'm glad and I thank Mike for talking
11 about the coho, you know, our people in Klawock and
12 Craig, the old timers like that coho in February, you
13 know, I never liked it myself, but, you know, the old
14 timers really like it, and Mike thank you for mentioning
15 it.

16

17 This is the time of year our old people,
18 the elders of our tribe in Klawock go up the creek and
19 get humpies with a spear. One of our elders named Elwood
20 Thomas got thrown in jail because he was getting, his
21 falltime delicacy by a spear in the Klawock and they
22 threw him in jail overnight.

23

24 The clams, talking about customary and
25 traditional knowledge, my grandmother told me and my
26 grandfather told me when I was starting to notice things
27 and I spent a lot of time with my grandpa, he said, our
28 people never touch the clams until the sockeye jumped.
29 And so me and my cousins, that's how we did it.

30

31 I've been to ANWR, you know, those people
32 live off the land, and I'm glad this board is created,
33 you know, because those people really live off the land,
34 I've been up there several time. And, I, myself, in this
35 day and age can't live like that because they don't have
36 any running water and fuel is excessive and groceries are
37 expensive.

38

39 And this is for Floyd and Mike, when we
40 were going to do that First, We the People March, I was
41 with the agency that started that and I was sitting with
42 a bunch of Athabascan friends from different parts of the
43 Interior and one of those guys, my friend said I wish
44 there was more Tlingit guys here because they were great
45 warriors and that's what we are, you know, we're not
46 chauvinistic, we're not feministic, or anything, we just
47 have a genuine concern for our people. And I appreciate
48 all you people are doing. And, Dr. Schroeder, Bob, he's
49 a good friend of mine, you know, I seen him in Angoon one
50 time. And Matt Kookesh, who's Floyd's brother come in

00478

1 with a bucket one Christmas and he had a bucket of water
2 and something in there and I said, hey, yan (ph), and I
3 grabbed it out of there and he said don't hurt him, you
4 know, that's the first time those people seen yan up
5 there.

6

7 (Laughter)

8

9 MR. SKAN: So once again, thank you very
10 much for the opportunity, you know, to provide some
11 comments, and I appreciate your efforts.

12

13 CHAIRMAN LITTLEFIELD: Thank you for your
14 comments. Next.

15

16 Mr. Demmert.

17

18 MR. DEMMERT: We would like to invite you
19 to Klawock. But I've never participated in a meeting
20 like this. I've applied to be on your Council but I was
21 determined not eligible. And for a good part, I'd like
22 to say that it's funny that I do have some education
23 behind me, but it's one thing that we have done with
24 employment in our rural communities, it's either you're
25 over qualified or you're not eligible. So we seem to
26 have a hard time getting from A to B, you know.

27

28 But anyway, I would like to say,
29 something that I always thought and I was thinking about
30 it back here, is that, adversity creates controversy and
31 controversy creates issues and processes like this here
32 has to be resolution to these issues and I think you guys
33 did a very good job.

34

35 So thank you.

36

37 CHAIRMAN LITTLEFIELD: Thank you, very
38 much. Next.

39

40 Ms. Hildebrand.

41

42 MS. HILDEBRAND: Thank you, Mr. Chairman.
43 Ida Hildebrand. I just wanted to thank each of you
44 individually for all your assistance and patience with us
45 on the video projects. And to also say thank you and I
46 appreciate and honor each of you as Council members for
47 the tremendous work you do with very little thanks and
48 certainly no pay.

49

50 Thank you. I appreciate you.

00479

1 CHAIRMAN LITTLEFIELD: Gunalcheesh. Ha
2 Wa Ho Ho. Bill Thomas taught me that.

3
4 (Laughter)

5
6 CHAIRMAN LITTLEFIELD: All right, anybody
7 else. Who's next. Mr. Kessler.

8
9 MR. KESSLER: Hi. Steve Kessler with the
10 Forest Service. Council it was thrilling to be here at
11 my first meeting with you in my new position with the
12 Forest Service. I really appreciate the work that you
13 do, I hope that some of the experience that I have with
14 the Forest Service and with subsistence, I've lived in
15 three different places in Southeast Alaska will be
16 helpful in the future that we can be sure that your
17 issues that you want addressed get moved up through the
18 system, up to the Federal Subsistence Board. That any
19 time that any of you want to contact me, you're welcome
20 to do that. I'm direct Staff to our Federal Board member
21 on the Forest Service -- Regional Forester Denny Bachor.

22
23
24 Also I'd like to invite all of you, if
25 you ever are up in Anchorage, my office is co-located
26 with the Office of Subsistence Management with the Fish
27 and Wildlife Service, please stop by and I'll look
28 forward to seeing any of you there, and I plan to be
29 coming to as many of these meetings as I can in the
30 future.

31
32 I think you had a very interesting and
33 wonderful meetings and the deliberations are going very
34 well and coming to some very appropriate conclusions.

35
36 CHAIRMAN LITTLEFIELD: Thank you, Mr.
37 Kessler, and welcome aboard.

38
39 Any others that want to comment. Final
40 comments. Tom.

41
42 MR. MORPHET: I want to thank the ANS for
43 the great refreshments, which were great. But I also
44 want to let the members of the Council -- this is Tom
45 Morphet from United Fishermen of Alaska, know that
46 typically when I have a meeting I invite the local tribes
47 to my public meetings but if any tribes would like me to
48 come to the tribal office and make a presentation, I can
49 also do that. Typically I try to schedule my travel so I
50 can do a lot of things at once. So I may not be able to

00480

1 come immediately but my next swing through the area,
2 that's an option for members to take back to their
3 tribes.

4

5 CHAIRMAN LITTLEFIELD: Thank you, for the
6 halibut information you were able to share with us as
7 well as the other information. For those of you that
8 don't know, they have a pretty good web page if you look
9 that up. And your web page is?

10

11 MR. MORPHET: Get a pen, it's
12 www.subsistmgtinfo.org. So this was not my idea for a
13 domain name, I assure you.

14

15 (Laughter)

16

17 MR. MORPHET: But it's
18 subsistmgtinfo.org. And one of the things that I do
19 there is try to give concise answers to questions such as
20 what is personal use, some of the -- and some of the
21 differences between State and Federal management. The
22 idea is that for a lot of these background questions it
23 can be a resource for people.

24

25 CHAIRMAN LITTLEFIELD: Thank you. Any
26 others in the audience. Ms. See.

27

28 MS. SEE: Mr. Chair. Members of the
29 Council. I just wanted to thank all of you for hearing
30 out the information that Fish and Game brings to these
31 meetings. We are hopefully doing a better job all the
32 time of getting the right people here to provide the
33 background information. And we certainly try to
34 anticipate based on the issues the people that we should
35 have here, it's difficult with our schedules, but we try.
36 And if there's anything you need from us, please let me
37 know, but we also, you know, really try to make sure that
38 we're addressing information. We know you don't always
39 like hearing what we have to say and we sometimes
40 disagree on conclusions, which are understandable, we
41 have different missions. But we do appreciate the
42 consideration you give us, the thoughtful consideration
43 you give all these issues.

44

45 And I want to especially acknowledge Ms.
46 Wilson for being such a gracious member and a good
47 example, and I will miss you on the Council.

48

49 CHAIRMAN LITTLEFIELD: Thank you, very
50 much. Any other members of the audience before we get to

00481

1 the table up here.

2

3 Lillian.

4

5 MS. PETERSHOARE: Mr. Chairman, and
6 respected members of the Council. I wanted to thank you
7 for this opportunity. I also wanted to extend a special
8 thanks to Bob and Cal and Steve for inviting me to come
9 to the Council. I have heard about this Council and I
10 have heard wonderful things about it and it was really
11 fabulous to be here this week and experience personally
12 your dedication and your commitment. I know you struggle
13 with really difficult issues and sometimes those issues
14 pain you, but thank you for persevering and for going the
15 course. It just is wonderful mentoring for those of us
16 who experience this, who witness this.

17

18 So I also wanted to share that this is my
19 first year in tribal government relations so, please, if
20 you have an opportunity to mentor me further I would
21 appreciate that. If you feel that I can play a role in
22 an issue that impacts your community, please let me know.
23 My name is in the back of that little booklet with my e-
24 mail address.

25

26 Thank you.

27

28 CHAIRMAN LITTLEFIELD: Thank you, very
29 much. Any other members in the audience that would like
30 to comment.

31

32 (No comments)

33

34 CHAIRMAN LITTLEFIELD: Final comments.

35

36 (No comments)

37

38 CHAIRMAN LITTLEFIELD: Okay, we're going
39 to bring it up here and we'll start over here first with
40 Mr. Dave Johnson.

41

42 MR. JOHNSON: Thank you, Mr. Chairman.
43 Just a couple brief comments. I also want to thank ANS
44 for the lunches. Both Sharon Demmert and Forest Anderson
45 did an excellent job on providing lunches for the Council
46 for most of the people that were here actually.

47

48 Also Craig Community Association
49 president Millie Stevens, as you know served as a RAC
50 member on this Council expressed concern that she could

00482

1 not be here and appreciation for the fact that the
2 Council chose to have the meeting in Craig and to have
3 their meeting in this facility here at CCA.

4

5 And lastly, Dale Kanen, as most of you
6 probably know, the district ranger for Craig really
7 wanted to be here, Dale, much of his career here in
8 Alaska has been involved in subsistence, both as a ranger
9 and as the former subsistence coordinator on the Sitka
10 area and has family in Sitka as most of you know, too.
11 Dale will be going back to DC and there was a meeting
12 that he wanted to not have to attend but was kind of told
13 that he would attend, so he wanted to make sure that the
14 Council knew that his wishes were that he would be able
15 to be here and kind of share this time together with many
16 of you that he has worked with for probably the last 20
17 plus years. So I just wanted to just share that with
18 you.

19

20 And, again, appreciate the opportunity
21 and privilege to be able to work with all of you.

22

23 CHAIRMAN LITTLEFIELD: Thank you, for
24 your service. Mr. Casipit.

25

26 MR. CASIPIT: Thank you, Mr. Chair. I'd
27 like to thank the Council for their patience with us and
28 their forgiveness for our mistakes and other things that
29 we may not quite do right. I also would like to thank
30 our Staff, the fisheries biologists that came and did so
31 well in presenting the analysis.

32

33 I'd also like to thank Craig Community
34 Association and ANS for their hospitality and their
35 wonderful snacks and lunches and this beautiful facility.
36 In closing I'd just like for all of us to keep in our
37 hearts and our prayers, Jeff Reeves and his family in
38 this time that they're going through right now.

39

40 So with that, I'll close.

41

42 CHAIRMAN LITTLEFIELD: Thank you, Cal.
43 I'm going to go this way to the Court Reporter, and then
44 we'll come to Dr. Schroeder and then we'll start with the
45 Council. Don't forget to turn on the mike.

46

47 (Laughter)

48

49 REPORTER: I just want to say thank you,
50 my name is Salena.

00483

1 MR. SCHROEDER: Your name?

2

3 CHAIRMAN LITTLEFIELD: Your Name?

4

5 (Laughter)

6

7 REPORTER: Yeah, Salena. I haven't been
8 with the Council for a couple of meetings but I'm back
9 now and I enjoy working with you.

10

11 That's it.

12

13 CHAIRMAN LITTLEFIELD: Thank you. Dr.

14 Schroeder.

15

16 MR. SCHROEDER: Thank you, Mr. Chair. In
17 my coordinator role I always have at least one or two
18 announcements to make so I have two announcements, one is
19 that anyone who wishes to get to the Hollis ferry
20 tomorrow morning needs to sign up on a yellow -- this
21 yellow pad so we can arrange transportation and we hope
22 to be able to accommodate everyone; we'll see what the
23 list looks like.

24

25 Secondly, we had an enjoyable evening
26 last night, unfortunately people didn't eat their way
27 through the salmon that Mr. Hernandez provided, so we
28 have a problem there. We have another problem with
29 people not eating their way through the berries that Dr.
30 Garza provided. And there could be a serious problem of
31 people not working their way through the beverages that
32 many people provided.

33

34 (Laughter)

35

36 MR. SCHROEDER: So we'd like some
37 assistance with that and you're not off the hook until
38 things are cleaned out. We also have this evening at
39 what Steve has been referring to as the Net Shack, next
40 to Sheltered Cove, Mr. Terry Fifield has graciously
41 offered to come and do one of his wonderful presentations
42 on some of the archeological features of Prince of Wales
43 Island. And he's wonderful to listen to and so we invite
44 you over, encourage you to come over and if you BYO meat,
45 we'll turn on the official government grill so you can
46 have even more to eat.

47

48 With those announcements aside, I just
49 very briefly thank the.....

50

00484

1 UNIDENTIFIED VOICE: What time?

2

3 MR. SCHROEDER: Probably pretty quick,
4 Mr. Fifield's coming at 7:00 o'clock.

5

6 CHAIRMAN LITTLEFIELD: In five minutes.

7

8 MR. SCHROEDER: In the morning the bus
9 will need to leave at 6:00 a.m. to load a vehicle on to
10 the Hollis Ferry at 7:00 a.m., so that's our departure
11 time.

12

13 I find these meetings always to be a
14 great pleasure. They're both the highlight and bane of
15 my yearly work. I particularly appreciate the efforts of
16 Staff to make these meetings happen. The way my Forest
17 Service colleagues pitch in to get things done. I really
18 like being able to work with my subsistence friends and
19 have them captured for three days straight instead of
20 just a short phone call.

21

22 From the Council, I continue to learn
23 from all of you. I think I've known most Council members
24 now for a decade or more. And fortunately I'm not aging
25 at all but I now have friends that are moving into elder
26 status so I feel very lucky that way. But, again, thank
27 you for excellent work and a very good meeting.

28

29 CHAIRMAN LITTLEFIELD: Thank you, Dr.
30 Schroeder. And we'll now go to Council and we'll start
31 with Mr. Hernandez.

32

33 MR. HERNANDEZ: Thank you, Chairman.
34 Yeah, it's been a very interesting meeting. I thank the
35 people of Craig for hosting it. And most of all I look
36 forward to these meetings as a means to learn more than I
37 know before I got here. And this was a great opportunity
38 to gather some more knowledge.

39

40 Thank you.

41

42 CHAIRMAN LITTLEFIELD: Ms. Phillips.

43

44 MS. PHILLIPS: Chairman Littlefield.
45 These meetings are always a humbling experience for me.
46 And I want to start out by introducing myself, I'm
47 Patricia Phillips, daughter of Dora Mukpik from Barrow
48 and daughter of Eli Daranof from Afognak Island. And my
49 Haida name is Choda Lumba. I was adopted by my husband's
50 grandfather, Edward Hamilton of Hydaburg. My children

00485

1 are Haida, members of the Tlingit-Haida Tribe. I say
2 that because though I am not of Prince of Wales Island, I
3 have a connection to the people of Prince of Wales
4 Island, and I take my charge seriously of trying to
5 represent the region that I live in. And, though, my
6 decisions may be questioned at times, I do it with the
7 best of intentions for the common good and for the
8 continuation of subsistence rights.

9

10 Thank you.

11

12 CHAIRMAN LITTLEFIELD: Thank you, very
13 much. Mr. Douville.

14

15 MR. DOUVILLE: Thank you, Mr. Chairman.
16 I'd like to thank the ANS ladies for treating us so well
17 with the food and the Craig Community for letting us use
18 their facility, and it was good to see you all again.

19

20 Sometimes I'm confused, we support issues
21 like cruise ships going into Yakutat Bay where I don't
22 think we have any real jurisdiction, and it was pointed
23 out that Mr. Hernandez' resolution was out of turn, so
24 sometimes I'm not sure what we can and can't do, however,
25 no disrespect, I think that I made my point clear that it
26 is, in my mind, involves subsistence. So at sometime I
27 would like clarification as to what we can and can't do
28 in that respect.

29

30 Marilyn, I wish you well on whatever you
31 do.

32

33 MS. WILSON: Thank you.

34

35 CHAIRMAN LITTLEFIELD: Thank you for your
36 comments. And I'm going to go by Marilyn, I'm going to
37 give her the last word, and we'll go over to this side to
38 Mr. Kitka.

39

40 MR. KITKA: Thank you, Mr. Chairman. I
41 haven't talked a whole lot today, I've been suffering
42 with a head cold and my throat has been sore off and on
43 and I haven't been able to talk a whole lot. But every
44 time I come back to you guys, and this is only my second
45 time, I feel like I learn a little more. I thank the
46 Staff for all the books I get. And I've got tremendous
47 reading to do yet. So thank you.

48

49 (Laughter)

50

00486

1 CHAIRMAN LITTLEFIELD: Thank you. Mr.
2 Kookesh.

3
4 MR. KOOKESH: Okay, thank you very much.
5 I've sat on this RAC for four years and I've learned a
6 lot and I've met lots, many people, many people I enjoy
7 seeing again when I always return to these meetings. I
8 certainly enjoyed Marilyn, and I wish Marilyn success. I
9 know Marilyn mentioned something when she was handing
10 over the gavel to my friend, Mr. Adams, here, about all
11 the joys and heartaches that she experiences sitting
12 here, and I, too, feel the same thing. Being the
13 volunteer, you know, I know they'll never fire the
14 volunteer. Somebody will pull it, but.....

15
16 (Laughter)

17
18 MR. KOOKESH: I enjoy it. There's
19 challenges here for me and this is interesting for me. I
20 like to believe that in my role here that I have
21 something to offer you. I always kind of like to favor
22 the Roberts Rules and the proper protocol if we're going
23 to do resolutions, and I always I have only one focus,
24 it's like the fish, I just only know one direction on
25 resolutions and there are things laid out for us that we
26 have to abide by and following it.

27
28 I certainly enjoy what we've
29 accomplished. I don't always enjoy coming here. I want
30 to say that if Mr. Schroeder ever offers to take you on a
31 three hour tour, don't go.

32
33 (Laughter)

34
35 MR. KOOKESH: Please, don't go.

36
37 (Laughter)

38
39 CHAIRMAN LITTLEFIELD: Thank you, Mr.
40 Kookesh. Mr. Adams.

41
42 MR. ADAMS: Thank you, Mr. Chairman. It's
43 always good to be able to come to these meetings. I just
44 came back from a few days down in Reno. I didn't spend
45 any money down there, I went to reunion and then I came
46 here, so it's going to be about 12 days since I've been
47 home and I'm just wondering if my wife still knows me
48 anymore.

49
50 Unlike Mr. Kitka, I do not thank the

00487

1 Staff for sending me all of the material that I get.

2

3 (Laughter)

4

5 MR. ADAMS: Because it means that I have
6 to sit down and read it sometime, you know, but that's
7 the job that we have all taken upon ourselves and I think
8 this is a great responsibility that we, as RAC members
9 have is to be able to make decisions that will benefit
10 the users of our subsistence resources.

11

12 It's always a pleasure to come and meet
13 each and every one of you, although we don't associate
14 very much it's just being here among this great body of
15 people that really makes me feel like, you know, I'm
16 really involved in something important.

17

18 I think my shoes are bigger than
19 Marilyn's, but I know that I have a big role to play here
20 as the Secretary. It was the first time -- well, about
21 the second time that I ever got railroaded into an office
22 like this, but I will do my best to try to fulfill that
23 responsibility.

24

25 And so good luck until the next time, and
26 look forward to the next meeting.

27

28 CHAIRMAN LITTLEFIELD: Thank you, Mr.
29 Adams. My older brother, Mr. Stokes.

30

31 MR. STOKES: Thank you. I've really
32 enjoyed this meeting. It was especially exciting getting
33 here.

34

35 (Laughter)

36

37 MR. STOKES: Bob Larson and I ended up in
38 Seattle.

39

40 (Laughter)

41

42 MR. STOKES: But I really do appreciate
43 all the Staff and especially, Cal, he's been real helpful
44 to me, and Bob. Each time I come to these meetings I
45 learn a little bit more.

46

47 But being hearing impaired has it's
48 disadvantages, I couldn't quite tell whether John said to
49 Marilyn, I've known you since the mid-80s or when you
50 were in your mid-80s.

00488

1 (Laughter)

2

3 MR. STOKES: Well, since this is a
4 subsistence meeting, I would like to tell you just a
5 little story. Helga and Oly were shipwrecked and they
6 were living off the land. And after a few days, Helga
7 said to Oly. Oly, ya Helga, she said, you've got
8 something I want and I got something you want, can we get
9 together, oh, ya, Helga, you got Copenhagen?

10

11 (Laughter)

12

13 CHAIRMAN LITTLEFIELD: My older brother,
14 thank you, for those comments.

15

16 (Laughter)

17

18 CHAIRMAN LITTLEFIELD: Okay, let me start
19 off with something I should have done a day or two ago,
20 and that was thank the ANS. And I would like Mr. Demmert
21 and Mr. Skan, if you could get a chance to thank those
22 members of the ANS for us, they really did a good job.
23 We had plenty of food here, more than anybody wanted to
24 eat and I was remiss, I should have thanked them today at
25 noon while they were still here, and if you could pass on
26 our appreciation for us I would appreciate it.

27

28 MR. SKAN: We will do it for one sockeye.

29

30 (Laughter)

31

32 CHAIRMAN LITTLEFIELD: Okay, okay, we
33 have to go to Mr. Hernandez for that.

34

35 (Laughter)

36

37 CHAIRMAN LITTLEFIELD: Anyway, the other
38 was the Craig Community Association. I realize that
39 Millie wasn't here and John is on some other business,
40 too, but we learned a lot from those people before when
41 they addressed us in Ketchikan and I'd like to express
42 our appreciation from the Council for the use of the
43 community association, it was a good building, I'm really
44 impressed with this.

45

46 I want to also thank all of the members
47 of the Council, first, because -- and I'm going to go to
48 them before I thank Staff because I don't know whether
49 you all realize it, I'm sure most of you do, but this
50 Council serves for free, they're volunteers. They don't

00489

1 get any more for this, I think you get about \$50 a day
2 which I think puts you well below the poverty line, and
3 they're here because they're dedicated. This Council is
4 here because they believe in what they're doing and they
5 bought off on Title VIII. And I want to express my
6 thanks to the Council for their diligence and duty.
7 Their commitment to duty, to be here. I think it's real
8 important -- they don't get recognized very often by
9 anybody and I can't say how happy I am that they serve.

10

11 I'm reminded of something that my
12 brother-in-law, from Angoon, Floyd told me about three
13 years ago when I first, my first meeting on the Council,
14 which was on the other side of the island in Hydaburg.
15 And there was about six or seven us crammed into a
16 vehicle, just smashing around the road and coming over,
17 and I said a few things about how this was a horrible
18 trip. And Floyd reminded me, he said, you can't bitch,
19 you volunteered for it.

20

21 (Laughter)

22

23 CHAIRMAN LITTLEFIELD: And I guess that's
24 true, because we all volunteered. Every one of us, and
25 even on the bad ride that we took and everything, we try
26 to take that all in stride and the Council does and I
27 appreciate that.

28

29 One last thing, I left Marilyn for last
30 and with reason because this is her last address to the
31 Council as a Council member. She was correct saying that
32 we don't say goodbye, and to all the Staff here first --
33 I guess I better get them before I go. The Staff, I
34 appreciate all the work that you've done, I know you guys
35 have to work and spend hours, I don't believe you get
36 paid like we do either, but at least you get some pay.
37 And thanks for all the work that you've done, we couldn't
38 do this without you.

39

40 And Marilyn, Su ya kosa tin ee, you've
41 got it. Thank you.

42

43 MS. WILSON: Well, I don't know how to
44 start. Usually I talk real easily at the end of the
45 meetings. I'm just going to say that I'm going to miss
46 all the Council members. I respect each and every one of
47 them and it's been a joy working with everybody. And
48 also, the Staff and the Federal, the Forest Service, the
49 State Fish and Game. And I have a lot of thank you's to
50 do here tonight. It was really appropriate for Steve

00490

1 Kessler to sit there with me and give me this beautiful,
2 beautiful plaque, because we used to be -- he used to be
3 on the State Fish and Game, he used to report to us on
4 the TLMP, oh, we never could understand it, but every
5 year, every year he came back and tried to explain it.

6

7 (Laughter)

8

9 MR. SCHROEDER: You have that Salena?

10

11 REPORTER: (Nods affirmatively)

12

13 MS. WILSON: And, Salena, I want to say
14 thank you, too, it's good to see you again. She was
15 teaching me how to eat and I still haven't done it yet.

16

17 (Laughter)

18

19 MS. WILSON: Oh, I want to thank the
20 Forest Service for this because I got all confused and it
21 was such a shock to get this and a wonderful surprise so
22 thank you to the Forest Service for this. And also for
23 the wonderful book, Council members. It's going to be a
24 treasure in my family forever, and especially with all
25 the names in there.

26

27 Thank you so much for letting me serve on
28 this Council and to be with you all. Thanks, and so
29 long, see you next time, maybe.

30

31 (Applause)

32

33 CHAIRMAN LITTLEFIELD: The meeting is

34 adjourned.

35

36 (END OF PROCEEDINGS)

00491

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

C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 320 through 490 contain a full, true and correct Transcript of the VOLUME III, SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken electronically by Salena Hile on the 8th day of October 2003, beginning at the hour of 9:00 o'clock a.m. in Craig, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 22nd day of October 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04 □