

**SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING**

October 8, 1998

AMERICAN BALD EAGLE FOUNDATION BUILDING
Haines, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

William C. Bill Thomas, Chairman
Dolly Garza, Vice Chairman
Patricia Phillips, Secretary
John F. Vale
Gabriel George
Herman Kitka, Sr.
Mary Rudolph
Mim McConnell
Lonnie Anderson
Alan Sorum
Marilyn R. Wilson
Vicki LeCornu

Regional Coordinator:

Fred P. Clark

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P R O C E E D I N G S

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(On record - 9:00 a.m.)

5 CHAIRMAN THOMAS: Good morning everybody. Before we
6 call the order, I understand there's a gentleman; what's his
7 name again, Art, for an invocation -- so if you would please.

8
9 UNIDENTIFIED VOICE: Oh Creator, grandfather and God to
10 us all. We ask your help at this time. This is us gathered,
11 hear our call. You know our needs. Show us the way. We ask
12 blessing on this group, patience, love, understanding, all
13 those things that make this a productive time. I would say, is
14 there any remover of difficulties (indiscernible). Say praise
15 be God, he is God. Honor his service and all abide by his
16 bidding. I ask this in the name of all my relations.

17
18 CHAIRMAN THOMAS: Thank you very much. Well, that was
19 a wonderful start. Okay, following our agenda, we're going to
20 suspend of the roll call until after the opening comments are
21 made to give our secretary a little more time to get them
22 aligned like she would like them. But at this time we'll call
23 the meeting to order. And we do have members to offer remarks
24 of welcome and greeting. And we're not going to limit those
25 that wish to do so. But our order of introductions and doing
26 that we'll begin with the City, and the City being in this case
27 until something different happens -- the City is on her way.

28
29 MAYOR: I would like to welcome everyone here but I
30 have a two-edge welcome, I'm also the president of the American
31 Bald Eagle Foundation, which is this building you see which we
32 created in 1982 and helping the Eagle -- the Chilkoot Bald
33 Eagle Center, and also as the Mayor of the City of Haines would
34 like to welcome you here. The city in the wintertime
35 employment is non-existent, so anytime you good folks come to
36 this community and drop off a couple of dollars, it stays here
37 a long time and we're very thankful for that. And if you have
38 any concerns or any questions or thoughts or suggestions to
39 make, the next conference we have here in our area, please feel
40 free to let me know, and again, welcome. Thank you.

41
42 CHAIRMAN THOMAS: Thank you. Next up we have Kim
43 Strong representing the Alaska Native Sisterhood.

44
45 MS. STRONG: I'd like to welcome you here to Chilkat
46 Valley. Everybody makes their own references to where you're
47 at, the Chilkat Valley. I represent the Alaska Native
48 Sisterhood Grand Camp. I'm the Alaska Native Association Grand
49 President. And I also represent the Alaska Native Sisterhood
50 Camp No. 8 as their president in Klukwan, and there comes my

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1 reference to the Chilkat Valley. We're not part of Haines, we
2 live out in Klukwan and we're the Chilkat Indian Village of
3 Klukwan, 22 miles out the highway. So that's where my village
4 comes from, is this Chilkat Village. And it's a great
5 privilege to be able to come in and welcome you here into our
6 community and represent us on your commission. I know that you
7 guys have a lot of work to do and you've been doing a lot of
8 work. And now that the Federal government's taking over our
9 subsistence, it's even a lot more work for you folks here
10 representing us subsistence users. And I can only appreciate
11 and not even fully comprehend the amount of work that you would
12 have in front of you. And so under those lights I just want to
13 say, welcome to our valley and the appreciation from Grand Camp
14 for your hard work, for not only our people but for all
15 subsistence users. We don't consider this a -- just a
16 livelihood, it's a way of life. It goes to the essence of who
17 we are as Native people. Not only fish and game, but being
18 able to go out and pick berries and get some of the nutritions
19 that we get from our land. So again, I want to welcome you to
20 our valley and have a good meeting, and great progress.

21
22 Gunal Cheesh.

23
24 CHAIRMAN THOMAS: Camp Fire -- Camp Fire here? Two
25 hats.

26
27 UNIDENTIFIED VOICE: All right. I'm back again. My
28 Tlingit name is King giesh. I, too, recognize the seriousness
29 of why you're here and probably realize that you have the best
30 place to do what you got to do. Apparently these things can't
31 be done in Juneau. You know, the history of this last few
32 years and subsistence has been, I think, pathetic for Alaskans.
33 This is a subsistence state, nation. And these problems are
34 solvable, but it's going to take consultation. When we gather
35 eggs for thousands of years, the birds are still here. And
36 they say, hey, you can't do that. Well, you know, we've got
37 500 years of history here to look at. There's a balance that
38 can be established, we're a peaceful people. But the political
39 issues within the state need to recognize who owns what and
40 what our spiritual responsibility to this land is. I'm really
41 -- you know, there was no intent to lecture, this is a
42 welcoming speech, and I think you're probably missing the point
43 here. We are really grateful that the forces have chosen
44 Haines to be this focal point. And you have the responsibility
45 -- you have our prayers and great deal of effort has been put
46 into this so that the forces that are involved can be channeled
47 and understood, worked with and we can have a productive effort
48 here in these next three or four days. And with that, welcome
49 to Deshu, this is the end of the trail for those of you who
50 don't understand that literal interpretation of the village of

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1 Haines. I thank you.

2

3 CHAIRMAN THOMAS: Thank you. Lee Clayton, IRA.

4

5 MR. CLAYTON: Good morning members of the Council here
6 and members of the public. My name is Lee Clayton. I'm
7 president of Chilkoot Indian Association, the Federally
8 recognized tribal government for the Native Community of
9 Haines. My Tlingit name is Stay Yat. I'm a Kaagwaantaan,
10 Eagle Wolf. My grandfather's people are Southern Tutchone from
11 Shou Say, Dalton Post in the Yukon. My grandmother's people
12 are Tlingit from the village of Kluktoo.

13

14 These meetings have great importance to the Native
15 peoples. It is important that our fathers in Washington
16 understand the value to us of our traditional hunting and
17 gathering practices. Our ability to gather Native foods is our
18 identity, our spirituality, it has defined who we are since
19 time immemorial. The word, subsistence, is not accurate enough
20 to describe the traditional hunting and gathering of food.
21 There's more value than just that of food to subsist. This
22 practice also has great cultural and spiritual value to Native
23 people. It brings us together. It unifies us. We share at
24 gatherings. Young people hunt and gather for the elders, in
25 this way they show respect. It is a tool to teach our children
26 and make them feel a part of their world and their people. It
27 is an integral part of our social and economic network as
28 tribal people. To us all things in nature have significance,
29 have a spirit that is honored in our regalia and crests. That
30 is why the furs, feathers, eggs and flesh hold such importance.

31

32 As a dependent of the first inhabitants of this valley,
33 I extend a warm welcome on behalf of the Chilkoot Indian
34 Association to the Federal Subsistence Regional Advisory
35 Council. We wish your Board to have a high level of
36 achievement toward developing regulations that will promote and
37 sustain our Native harvesting practices. We hope you enjoy
38 your stay in our beautiful valley and we are pleased that
39 Haines was chosen as your meeting place.

40

41 Gunal Cheesh.

42

43 CHAIRMAN THOMAS: Thank you. We always appreciate the
44 opportunity to hear from leaders from whichever community we're
45 meeting in. And are there any more, anybody else here that is
46 from a different part of the community or an outcast?

47

48 MS. WILSON: I have some people I'd like to introduce.
49 My husband, Paul Wilson, would you stand up and say a few words
50 and say welcome.

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1 CHAIRMAN THOMAS: Oh, him again. Come on Paul.

2
3 MR. WILSON: I'd like to welcome all of you, especially
4 the representative from Haines. She's really marvelous. And
5 she's really doing a great job. I think some of it's kind of
6 rubbing off on me because I can do my job and do it happily.
7 So the Board has helped me in this respect. I heard this
8 valley is beautiful, I never realized how beautiful it was
9 until I went to Orange County, which is very flat. And the
10 birds were sitting on the ground and I told Marilyn, I says,
11 you know why the birds are sitting on the ground, she said, no,
12 they don't know which way north is. There's no landmarks.

13
14 Welcome. The Native is very spiritual, we respect. We
15 embrace all living things. God bless all of you.

16
17 CHAIRMAN THOMAS: And we have an ANS member from our
18 ANS camp in Haines. Della. Della Brouillette.

19
20 MS. BROUILLETTE: Hi. I'm also a council member from
21 the Chilkooot Indian Association.

22
23 MS. WILSON: And Tom Stevens in the back near Paul.
24 He's from Klukwan. He stays up in Klukwan.

25
26 MS. BROUILLETTE: He's an IRA council member, too.

27
28 MS. WILSON: Pardon?

29
30 MS. BROUILLETTE: He's an IRA council member from
31 Klukwan.

32
33 MS. WILSON: Oh, he's also an IRA council member.

34
35 CHAIRMAN THOMAS: Okay. Well, thank you. It's really
36 a pleasure to be in Haines. The hospitality's been wonderful.
37 The weather's been as wonderful. Accommodations, what can I
38 say, you know, it's been a great place to meet. It's -- we
39 thought it was kind of small at first, but it affords us a
40 little more cordiality. And I see my friend, Jack Capp, back
41 there; nice to see you Jack. And there's many of you that I
42 have seen in the past and some of you I've seen just during
43 this trip and I want to welcome all of you and invite you to be
44 as much part of this quorum as you would like to be. The only
45 time that takes on a different character is when we bring items
46 to the Council for consideration and action. So anytime before
47 that you're welcome to participate in anything, with anything
48 you want to offer.

49
50 Nice to see the Council members. I'm glad everybody

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1 got here safe. Everybody has a little different means of
2 traveling once we get to Juneau, but we all made it. And I'm
3 looking forward to a productive meeting. I want to thank you
4 Staff for their work they did with putting together the options
5 with regards to c&t's that we're going to be considering. If
6 we start using acronyms around here that some of you might not
7 be familiar with, don't be afraid to interrupt and ask for
8 clarification. C&T in this case is customary and traditional.
9 That is the results of the work of a task force that was
10 created at the last annual Board meeting. And we met on two
11 occasions. And our dialogue wasn't as organized as what they
12 have in the options they presented, and I commend them for
13 being able to take -- extrapolate from whatever they heard from
14 us to put in a form like that and still say focused on what we
15 were trying to say. So I think they did a wonderful job in
16 those respects and we continue to appreciate that.

17
18 And Fred, do you have a comment?

19
20 MR. CLARK: I just wanted to make note since you were
21 talking a little bit about the meeting process, I wanted to
22 make sure that the Council and the audience were aware that
23 each day there are two specific time frames set up for public
24 comment, at 11:00 o'clock each day. There is a specific time
25 set up for people from the community who might not be able to
26 come for the whole meeting can just use that opportunity to
27 give testimony or give observations should they wish. And also
28 at the end of the day just before we finish up there'll be
29 another opportunity for the public.

30
31 CHAIRMAN THOMAS: Thank you for the clarification.
32 With that.....

33
34 MS. MENKE: Excuse me.

35
36 CHAIRMAN THOMAS: Yes.

37
38 MS. MENKE: I was wondering if it would be possible,
39 maybe you were planning on doing it anyway, but if you could
40 have introductions of everybody here because I don't know who
41 you all are.

42
43 CHAIRMAN THOMAS: We'll be happy to do that. I'll do
44 that, I'll introduce everybody at the table as I ask for
45 comments. I'm going to try to kill two birds with the same
46 shot. That might not be the most appropriate, and if it's not,
47 we'll go back to a different style of introductions.

48
49 Let's see this calls for Council members. Robert's
50 pretty much a Council member. They're just general comments,

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1 Robert, if you'd like to participate.

2

3 MR. WILLIS: Well, I'll just say that for those who
4 don't know me, I'm Robert Willis. I'm a wildlife biologist
5 with the U.S. Fish and Wildlife Service stationed in Anchorage.
6 I work in the Subsistence Management Office. And I cover
7 Southeast Alaska, Southcentral Alaska and Kodiak/Aleutians.

8

9 CHAIRMAN THOMAS: Thank you.

10

11 MS. MENKE: If you could just say your name again?

12

13 MR. WILLIS: Robert Willis.

14

15 MS. MASON: I'm Rachel Mason. I'm an anthropologist
16 working with the Council. And with Robert and with Fred, I'm a
17 member of the Regional team that works with this Council. And
18 also like Robert I work with the Kodiak/Aleutians and the
19 Southcentral Councils also. And I work out of Anchorage.

20

21 MR. CLARK: My name is Fred Clark. I'm the coordinator
22 for this Council. I work for the Forest Service out of Juneau.

23

24 MS. PHILLIPS: Mr. Chair.

25

26 CHAIRMAN THOMAS: Patty.

27

28 MS. PHILLIPS: May I conduct the roll call and
29 establish a quorum?

30

31 CHAIRMAN THOMAS: Sure.

32

33 MS. PHILLIPS: Ms. Dolly Garza.

34

35 MS. GARZA: Ha dai.

36

37 MS. PHILLIPS: Ms. LeCornu.

38

39 MS. LeCORNU: Here.

40

41 MS. PHILLIPS: Mr. Nickerson. Absent. Mrs. Wilson.

42

43 MS. WILSON: Here.

44

45 MS. PHILLIPS: Mr. Anderson.

46

47 MR. ANDERSON: Here.

48

49 MS. PHILLIPS: Ms. McConnell.

50

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1 MS. McCONNELL: Here.

2
3 MS. PHILLIPS: Ms. Rudolph.

4
5 MS. RUDOLPH: Here.

6
7 MS. PHILLIPS: Mr. Sorum.

8
9 MR. SORUM: Here.

10
11 MS. PHILLIPS: Mr. Kitka.

12
13 MR. KITKA: Here.

14
15 MS. PHILLIPS: Mr. Thomas.

16
17 CHAIRMAN THOMAS: (In Tlingit).

18
19 MS. PHILLIPS: Mr. George.

20
21 MR. GEORGE: Ha dai.

22
23 MS. PHILLIPS: Mr. Vale.

24
25 MR. VALE: Here.

26
27 MS. PHILLIPS: Patricia Phillips. Here. Twelve

28 members present, a quorum is established.

29
30 CHAIRMAN THOMAS: Thank you, Madame Secretary. Quorum

31 has been established. Mr. Kake.

32
33 MR. ANDERSON: I have a new name, I'm Lonnie Kake.

34 I've lived there for about 40 years or so.

35
36 CHAIRMAN THOMAS: Well, we've got to have more than

37 that from a new name.

38
39 MR. ANDERSON: Okay. I've been on the State Fish and

40 Game Advisory Committee through the early -- late '70s and

41 early '80s when the Federal group was organized, applied and

42 selected and have been on here for nine years or something like

43 that. And hopefully we are seeing some of the fruit that those

44 past years are slowly producing here today. Thank you.

45
46 CHAIRMAN THOMAS: Dolly.

47
48 MS. GARZA: My name is Dolly Garza. I'm a Haida and

49 Tlingit. I'm from Prince of Wales originally. I live in

50 Sitka. My interest in being on this Council is to insure that

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1 the subsistence rights are protected. In trying to represent
2 Sitka's interests I have always brought forward the need to
3 include fisheries and to include plants in the protection. And
4 as long as I'm on this Council I will continue to work toward
5 that. I work with Herman Kitka, who is another member from
6 Sitka and we work well together. I would like to add that, to
7 thank you for your welcome here to Haines and the force that
8 brought us here was Marilyn. She is a very strong force for
9 your area and I would like to let you know from Haines and
10 Klukwan that you are well represented in having her here. She
11 speaks very well. And she makes sure that the needs of these
12 areas are addressed.

13
14 MR. GEORGE: My name is Dei shee tan from Angoon. The
15 other name I go by is Gabriel George. And I've been on the
16 Regional Council since it began. I was also on the Fish and
17 Game Advisory Committee in Sitka when I first got into fish and
18 game management committees. And that was in '76 I think or
19 '77, or something like that, a long time ago. My interest has
20 been subsistence and subsistence uses. I try to speak out very
21 loud. I hope clearly. And I hope to the point to protect
22 subsistence. I'm happy to be here at Deshu. This is not the
23 first time that (Tlingit) has come through Deshu a few hundred
24 years ago so it's good to be back. Thank you.

25
26 MR. SORUM: My name is Alan Sorum. I'm a resident of
27 Wrangell. I'm the harbor master there, assistant harbor
28 master. We have a small outfit of guys. The subsistence
29 lifestyle is of great interest to me and I truly appreciate the
30 way the people of Haines have treated us and the things they
31 have done for us. I'm really pleased to be here.

32
33 MS. McCONNELL: I'm Mim McConnell. I started out life
34 on the East Coast of the United States and migrated to Alaska
35 in 1975 where I've raised two children. And spent 13 of the
36 years since '75 in Port Alexander and learned to thoroughly
37 appreciate and value the subsistence lifestyle. I've greatly
38 depended on it because we were broke most of the time and so we
39 ate a lot of fish and venison. And also since that time became
40 involved in fish and game politics, I suppose, and commercial
41 fished for a living and got involved in it from that approach
42 originally with the Fish and Game Advisory Committee, I was
43 chairman of it in Port Alexander for about eight years, and
44 since -- let's see, was on the Regional Council back in '89.
45 And when the Federal government took over the game issue,
46 suddenly I started gaining more of an understanding of the
47 subsistence and what that means. And as the topic has been
48 discussed quite heavily in Alaska in recent years, I've gained
49 even more of an understanding of what it means. And I've
50 really come to value the whole way of life that it represents.

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1 And I am quite committed to preserving that. I think it's an
2 integral part of what Southeast Alaska is, what Alaska is, and
3 well worth preserving. It's so hard to find anywhere else.
4 And as the state grows and more people realize what a wonderful
5 place it is, I think it's even more important to protect what's
6 here and not let it disappear. And so that's why I'm here on
7 this Council. And thank you very much for your hospitality
8 here in Haines, and it's a very friendly place, I've been very
9 impressed. I was only here once before for a fair back in the
10 late '70s, and it's been a pleasure being back. And I agree
11 with Dolly, that Marilyn is a wonderful Council member and
12 she's a delightful person and she does a good job. Thank you.

13
14 MS. RUDOLPH: I'm Mary Rudolph. My birth name is
15 Geana' Awk. I'm from Hoonah. I'm Choo-Koa-nadi from the
16 original people from Glacier Bay. And also the IRA Hoonah
17 Indian Association president. I'm magna chairman. And this is
18 my second term on the subsistence committee and it has been a
19 joy. I feel like this group is my other family. I walk into
20 the embrace of the whole Council as we come together. And this
21 is my third time being in Haines and I still got lost this
22 morning. I was walking in the other direction and a lady was
23 kind enough to bring me back here so that's why I'm late again.
24 So I guess this isn't unusual for our Council for me to be
25 lost. And I'm enjoying my visit here and appreciate the
26 welcome.

27
28 CHAIRMAN THOMAS: I think Mary does that as a matter of
29 practice. Last year she got lost in Yakutat and was salvaged
30 by a nice looking policeman. And she was hoping for two times
31 in a row but it didn't work out this morning. But we're glad
32 she made it.

33
34 My name is Bill Thomas. I was born in Klawock, raised
35 in Craig. My father's family's from Hoonah, my mother's
36 family's from Kake. My Tlingit name is Jux-schu-atei'. I just
37 learned that Lee is my uncle. He is of my father's people.
38 And I've had the good fortune of being born prior to the
39 technologies that we have at our disposal today. For one
40 thing, I think, chairs were even a luxury for the most part
41 prior to my reaching high school. And there wasn't such a
42 thing as a floor covering unless it was a hide of some sort.
43 And so we never had a name for that way of living, it was just
44 life for us all by itself, a four letter word. And the state
45 was so small then, the world was so small -- so large then that
46 nobody in their wildest dreams anticipated that there would be
47 a radical change in accessibility and uses and determinations
48 and eligibility and qualifications and these kinds of things,
49 which we've all become familiar with and try to understand the
50 necessity of it all. And try to continue being a part of that

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1 -- part of the life and be a contributor in its ability to
2 continue.

3
4 I appreciate the Staff from the State and from the
5 Federal government that we've had at our access from the time
6 we started here. They were involved with a lot of the ground
7 work, a long time before I got here. And it gave us a base to
8 start at. It was a base that was flexible enough to take
9 change and still have the meaning it intended to have. It had
10 more minds study it and consider it to make those changes. My
11 good friend just walked in Joe Hotch. He looks like a lost
12 soul here, but Joe and I go back with Alaska Native Brotherhood
13 fisheries close to 30 or 40 years ago. And so this is not a
14 new forum for us. We appreciate the legislation that supports
15 what we're trying to do. I am always respectful of the quality
16 and caliber of the Council members that this region has been
17 consistently able to produce. It's been a wonderful working
18 group. I get to take a lot of credit for a lot of what they do
19 and I try to keep it from them as long as I can but sometimes I
20 can't hold it all, I have to share it with them.

21
22 But I'm looking forward to another good meeting, and
23 again, I welcome all of you in the audience and members at the
24 table. And we'll talk to you some more. Thank you.

25
26 MS. WILSON: I'm Marilyn Wilson. I live here. I've
27 lived here since '66. I was born in Juneau. My dad was from
28 Killisnoo, my mother was from Sitka. I lived in Skagway. I've
29 lived in Hoonah. I lived in Wrangell. So essentially we're
30 here as a Council to take care of all of Southeast not just our
31 different areas. So I like to say that, that I'm part of all
32 of Southeast because my ties are from so many different places.

33
34 And I started in subsistence work because our ANB and
35 our ANS here in Haines, all of the Haines people, we almost
36 lost all of our subsistence use because at that time it was a
37 big upheaval, I think the regional -- the State Regional
38 Council. So it got all of us active and we started becoming
39 members of the State Fish and Game and we got into the active
40 part of keeping our subsistence because we almost lost it. And
41 so all these years we've been getting our food and we never
42 worried about it. So this is essentially why I'm here, back in
43 '89 is when it all started. And I've been on the State Fish
44 and Game Advisory Committee and I was on this Council since the
45 beginning. It's sometimes a lot of work. We get lots of help
46 from the State people, the Federal people, and we have a good
47 working relationship with everybody because we're all trying to
48 take care of our what they call, subsistence, on paper, but we
49 don't -- a lot of us don't like that word, we like like
50 customary and traditional or cultural and traditional. But I'm

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1 glad to be here.

2

3 And thank you to everybody for all the good words
4 they've said about me; I'm not used to that. Everybody
5 welcome. Our Council members, I formally welcome you to Haines
6 and to the Chilkat Valley.

7

8 CHAIRMAN THOMAS: Thank you. Vicki.

9

10 MS. LeCORNU: I'm Vicki LeCornu. I'm from Hydaburg. I
11 think I've served on here about three years but I've been
12 involved all my life, so I think this is the right place for
13 me. I've gotten a lot of, I think, accomplishments, but the
14 rewards that I didn't expect are like coming to Haines and
15 seeing where Marilyn lives and going to the other villages and
16 just working with the Council; it was a reward that I didn't
17 expect so I really enjoy it.

18

19 CHAIRMAN THOMAS: John.

20

21 MR. VALE: Hello everyone, my name's John Vale. I'm
22 from Yakutat. I'm a commercial fisherman and active
23 subsistence harvester. I've been a part of the State Advisory
24 Committee in Yakutat for about 20 years and have been chairing
25 that group for the last 10 years. And as such, I've
26 represented Yakutat's interests in front of the various fish
27 and game boards and Federal program. I very much appreciate
28 being a part of this group and looking out for the interests of
29 all the subsistence users in Southeast here. And nice being
30 here in Haines. It's the first time I've been able to spend
31 any time here. It's a lovely place and I'm looking forward to
32 the next couple of days to continue seeing what we have here.
33 That's all, thank you.

34

35 MR. KITKA: My name is Herman Kitka. My Tlingit name
36 is (Tlingit), Kaagwaantaan leader from Sitka. I've been
37 involved through the Alaska Native Brotherhood and subsistence
38 since 1937. And up to the present I'm still involved with the
39 cultural, traditional subsistence use of the Native people
40 through salvation. I try to protect what we have left. We've
41 been forced into so little in the subsistence lifestyle that it
42 worried the Alaska Native Brotherhood Grand Camp and their
43 instructions they gave me is not to compromise anymore, but to
44 protect what we have under Title VIII, ANILCA.

45

46 MS. PHILLIPS: I'm Patricia Phillips from Pelican,
47 Alaska. My husband, James' grandfather, (Tlingit) gave me the
48 name Choda Lumba. He's from the Hydaburg area. But my
49 mother's from Wainwright and my father's from Ouzinkie near the
50 Kodiak area. But I was born in Mt. Edgecumbe. Lived on Mt.

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1 Edgecumbe, in Sitka, Juneau, Douglas, Elfin Cove and I've spent
2 the last 26 years in Pelican. We have four sons, ages four to
3 16. And I very much appreciate the invocation that was
4 presented this morning and the reference to our ancestors
5 speaking through him. And I feel similar, that our ancestors
6 are speaking through me to maintain a way of life and to bring
7 it forward for my children and grandchildren. Thank you.

8
9 CHAIRMAN THOMAS: Thank you. Jack.

10
11 MR. CAPP: I'd like to say a couple words, Mr.
12 Chairman. Nice to see you again. Thank you. My name is Jack
13 Capp, I'm with the Forest Service in Juneau. On behalf of the
14 Forest Service I'd like to say how grateful the Forest Service
15 is for the work of the Council. We know that it's important to
16 you but it takes you away from other things that are important
17 to each of you in traveling all the way to Haines. But we are
18 very grateful. And your work honors the importance of
19 subsistence to the people of Southeast Alaska and all over
20 Alaska. And one more thing, as Jim Kaplan is acting Regional
21 Forester, we have somebody here that's working in the spot Jim
22 had before as Deputy Regional Forester and I'd like to
23 introduce Jim Gladden. Jim is from Oregon, a Forest Supervisor
24 in the Rhode River and he's here through December and is
25 working with us in subsistence.

26
27 Thank you, Mr. Chairman.

28
29 CHAIRMAN THOMAS: Jim, are you an orator? A speaker?

30
31 MR. GLIDEN: I'm not much of a speaker but I might just
32 say a couple things.

33
34 CHAIRMAN THOMAS: Okay.

35
36 MR. GLIDEN: Okay. I really appreciate the opportunity
37 to be here.

38
39 MR. CLARK: Could you come up to the microphone?

40
41 COURT REPORTER: I'd like everybody to come and talk in
42 the microphone if you're going to address the Council just
43 because it's a public record.

44
45 MR. GLIDEN: Okay, I can do that.

46
47 COURT REPORTER: Thank you.

48
49 CHAIRMAN THOMAS: Thank you.

50

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1 MR. GLIDEN: This will be short because I really hadn't
2 intended to say anything.

3
4 CHAIRMAN THOMAS: Well, you got 45 minutes.

5
6 MR. GLIDEN: Oh, well, in that case. I'd rather stand
7 if that's okay. I'm on temporary assignment up here behind
8 folks and trying to keep things going. One of the things that
9 I've been very much interested in since I've been up here is
10 the issue of subsistence. I was actually raised a long ways
11 away from here in Northern Minnesota. Our communities and the
12 Native tribes there are essentially -- deal with the same kind
13 of things, and in many ways have not been able to maintain what
14 I see that you're trying to do here.

15
16 I really appreciate -- actually haven't been in Haines
17 before. I was amazed as I came up on the ferry yesterday and
18 this morning with the beautiful day out there, I'm just amazed
19 at what I see. It's a beautiful place and I'm really looking
20 forward to today, watching and very grateful for the
21 opportunity to listen to each of you and learn more about what
22 subsistence is about. Maybe not the word as much as how it
23 really feels inside and the way it works. So thank you for
24 that.

25
26 CHAIRMAN THOMAS: Thank you. Mim.

27
28 MS. McCONNELL: I just want to -- I realize I forgot to
29 mention where I'm living. I live in Sitka on a 30 foot
30 sailboat year-round, and that's where home is right now. Thank
31 you.

32
33 CHAIRMAN THOMAS: Okay. Is there anybody else from
34 audience that perhaps might like to.....

35
36 MS. WILSON: Mr. Chair, I'd like to see Joe Hotch
37 speak.

38
39 CHAIRMAN THOMAS: I wouldn't. Joe, would you like to
40 offer some comments?

41
42 MR. HOTCH: Not right now, maybe later this morning.

43
44 CHAIRMAN THOMAS: Okay. When you're ready just give me
45 a hi sign. Fred.

46
47 MR. CLARK: I'd just like to acknowledge the presence
48 and good works of our Court Reporter, Salena Hile.

49
50 COURT REPORTER: Thank you.

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1 MS. MENKE: My name is Kathleen Menke.

2

3 COURT REPORTER: Could you please come up.

4

5 CHAIRMAN THOMAS: We like to hear you say your name a
6 couple of times.

7

8 MS. MENKE: My name's Kathleen Menke. I live in
9 Haines. I was born in Orange, and I finally found my way home,
10 I think. My parents hunted and fished in Wyoming. I lived in
11 Colorado for many years where I worked on fisheries and water
12 shed issues there. I kind of worked to keep a dam when I was
13 in Colorado. And I worked on many stream flow issues there.
14 Then I moved to Idaho and I worked for a newsletter on --
15 Columbia, salmon issues and then I discovered Haines where
16 things were still right with the world and there was enough
17 wild fisheries left for people and for eagles and for bears and
18 for everybody. And I have decided to make this my home. And
19 my goals are to -- are particularly oriented towards fisheries
20 and water sheds, working to keep a sustainable harvest of the
21 fishery for our entire community. And subsistence is important
22 to me. The first people I met here were Paul and Marilyn. I
23 was writing a story -- trying to write a story about hooligan
24 harvest and they were very open, they were sharing, and I did
25 that for Native People's magazine. It was published last year.
26 And last winter I was another unemployed person in Haines and
27 so I just kind of took on a project of my own. I proposed to
28 Pacific Fishing magazine to write a story about subsistence in
29 Alaska. And ended up working a couple of months on that and
30 they took a short little story, and then I convinced Paul
31 Hoberstein (ph), trying to do a story in his newspaper that's
32 published in Portland. And I haven't got paid for this yet so
33 it's kind of a heart and soul project for me.

34

35 But I'm just here because I wanted to know all of you
36 and understand how you feel and what you're working toward and
37 maybe understand how I can be part of the process, maybe as a
38 writer, in helping you to meet the goals. And I am currently
39 the secretary of Alaska Native Sisterhood here. And I am
40 grateful for the friendship of that committee. And thank you.

41

42 CHAIRMAN THOMAS: Thank you.

43

44 MS. WILSON: Kathleen, I'd like you to forgive me for
45 not introducing you. She's on of our ANS member, secretary.

46

47 MS. MENKE: I'm interested in actually knowing who
48 everybody is; if we could do it quickly.

49

50 CHAIRMAN THOMAS: What the audience as well?

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1 MS. MENKE: Uh-huh.

2

3 MR. KELLEY: I'll go ahead and start. I'm Scott
4 Kelley. I'm the Forest Fisheries manager and biologist for
5 Alaska Department of Fish and Game. As such, I currently am
6 responsible for subsistence fishing management.

7

8 MR. ERICKSEN: My name is Randy Ericksen. I'm also
9 with Fish and Game and I represent the Division of Sport Fish.
10 I'm the sport fish area management biologist for this area.

11

12 MR. JOHNSON: I'm Roadkill Johnson. I'm with the
13 Forest Service in Craig.

14

15 MR. STORASTKA: I'm Vic Storastka. I'm a fisheries
16 biologist from Sitka working with the Department of Interior,
17 Park Service, Fish and Wildlife Service on fishery issues.

18

19 MS. DETWILER: I'm Sue Detwiler. I'm a policy analyst
20 with the Fish and Wildlife Service, Office of Subsistence
21 Management. And I'm also the coordinator for the interagency
22 Staff Committee that advises the Federal Subsistence Board and
23 also the coordinator for the Federal Subsistence Board.

24

25 MS. WOOLWINE: I'm Phyllis Woolwine. I'm a botanist
26 for the Ketchikan area, Forest Service. And in addition to my
27 other responsibilities as botanist, have taken on the
28 coordinator role for the Special Forest Products Task Group for
29 the region. And I am learning a lot here this week. And I
30 really appreciate all the help in learning more about the
31 issues that are so close to so many of us this week.

32

33 MR. CAPRA: I'm Jim Capra with Glacier Bay National
34 Park, Park Ranger and coordinator for the Park for Title VIII
35 subsistence.

36

37 MR. CAPP: Well, like I said before, I work for the
38 Forest Service in Juneau, Director of wildlife fisheries,
39 ecology and water shed and subsistence. And right now, I'm
40 representing the Forest Service on the Federal Subsistence
41 Board.

42

43 MS. PAIGE: I'm Amy Paige. I'm a researcher with the
44 Division of Subsistence, State Fish and Game.

45

46 MR. TUREK: I'm Mike Turek with the Division of
47 Subsistence from Juneau. I'm glad to be at another meeting and
48 it's good to see everybody.

49

50 MR. McCALLUM: Good morning, I'm Mark McCallum. I work

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1 for the Forest Service in Petersburg. I'm an archeologist.
2 And recently assumed the responsibilities of subsistence
3 coordinator. We serve the communities of Kake, Petersburg and
4 Wrangell. And I wanted to come up and learn a little bit more
5 about the issues that the Council is dealing with and get to
6 know you as individuals. Thank you.

7
8 MR. SCHROEDER: I'm Bob Schroeder, Regional Program
9 Manager for the Division of Subsistence in Juneau. And it's a
10 real pleasure to be here again, be back with friends and
11 colleagues I work with Southeast.

12
13 MR. HOTCH: You can't see us back here.

14
15 CHAIRMAN THOMAS: Okay. Thank you all for doing that.
16 I think that adds a positive touch to our agenda. That brings
17 us up to consideration of the agenda and the approval of the
18 agenda. Any suggestions to anybody, has everybody had a chance
19 to look at the agenda? Do you guys want to approve the agenda?

20
21 MS. GARZA: Mr. Chairman, I move that we approve the
22 agenda as a guide?

23
24 CHAIRMAN THOMAS: Move to approve the agenda as a
25 guide. Is there a second?

26
27 MR. ANDERSON: Mr. Chairman, I second.

28
29 CHAIRMAN THOMAS: There's a second.

30
31 MS. McCONNELL: Yes, I have a question about.....

32
33 CHAIRMAN THOMAS: Discussion.

34
35 MS. McCONNELL: I just have a question about the -- we
36 were given two draft resolutions on the table here this morning
37 that I haven't really had a chance to look at. Is that
38 something that we need to add on to the agenda or is there some
39 room for that on there to bring these up?

40
41 CHAIRMAN THOMAS: Mim, what the motion calls for is to
42 allow for that to be added at any point.

43
44 MS. McCONNELL: Okay. So you want to just go ahead and
45 vote on the motion?

46
47 CHAIRMAN THOMAS: No.

48
49 MS. McCONNELL: Okay.

50

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1 CHAIRMAN THOMAS: You want to put it on there.

2
3 MR. ANDERSON: I move to.....

4
5 MS. GARZA: We didn't vote on the motion.

6
7 CHAIRMAN THOMAS: Yeah. Fred.

8
9 MR. CLARK: Those are just something that I brought to
10 bring to your attention. And you should really have them for
11 awhile to look over them.

12
13 MS. McCONNELL: Okay. We maybe want to add them on
14 later.

15
16 MR. CLARK: Before you bring it to the table.

17
18 MS. McCONNELL: Okay. Okay, so I guess it's.....

19
20 CHAIRMAN THOMAS: And.....

21
22 MS. McCONNELL:call for the question.

23
24 CHAIRMAN THOMAS: To adopt the agenda as a guide. In
25 other words, it's not going to be locked in granite when we get
26 done.

27
28 MS. WILSON: Call for the question.

29
30 CHAIRMAN THOMAS: All those in favor say aye.

31
32 IN UNISON: Aye.

33
34 CHAIRMAN THOMAS: All those opposed say no.

35
36 (No opposing votes)

37
38 CHAIRMAN THOMAS: The motion was adopted, our agenda as
39 a guide. If you've all had the chance to read the minutes of
40 March 9th through 11th, it makes reference to our meeting in
41 Saxman; what's the wishes of the Council?

42
43 MS. LeCORNU: Mr. Chairman.

44
45 CHAIRMAN THOMAS: Yes.

46
47 MS. LeCORNU: I wanted to question on Page 5, that I
48 don't know if this is verbatim, but when Bill Knauer came to
49 talk to us this is not what he said. He told us that we could
50 not restrict any non-subsistence hunters and I took difference

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1 with that at that time and questioned him. So I think that's
2 incorrectly recorded there.

3
4 CHAIRMAN THOMAS: It seems to me like when he made the
5 first reference to restricting was at a different meeting.

6
7 MS. LeCORNU: No, this is the one.

8
9 CHAIRMAN THOMAS: Okay, what do you wish to do with it?

10
11 MS. LeCORNU: I'd like to find out exactly what he told
12 us because I was quite shocked at what he told us; that we
13 could not restrict non-subsistence hunters.

14
15 CHAIRMAN THOMAS: We'll have to dig it out of the
16 transcript.

17
18 MS. LeCORNU: I would appreciate it.

19
20 CHAIRMAN THOMAS: Okay.

21
22 MS. LeCORNU: Because I want it recorded verbatim.

23
24 CHAIRMAN THOMAS: Okay. Do we have a transcript here?

25
26 MR. CLARK: Lonnie is this the transcript of the
27 meeting you have here? Did you find the notation that they're
28 talking about.

29
30 MR. ANDERSON: Well, I see the restricted -- it's right
31 in here.

32
33 MR. CLARK: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Fred.

36
37 MR. CLARK: I believe Lonnie has located the passage.

38
39 CHAIRMAN THOMAS: Okay.

40
41 MR. CLARK: Shall I read it?

42
43 CHAIRMAN THOMAS: Yes.

44
45 MS. LeCORNU: Yes.

46
47 MR. CLARK: Mr. Knauer: Thank you, Madame Chairman and
48 Council members. Just note, the State season and harvest limit
49 in Unit 2 is four bucks, August 1 to December 31. You need to
50 remember that any regulation that you recommend would effect

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1 only the subsistence user. Should you choose to eliminate the
2 doe season, that effects only subsistence users. Should you
3 choose to shorten the season on your end, individuals, even
4 subsistence users could still hunt under the lengthened season
5 that the State has. Also it is not necessary to further
6 restrict the non-subsistence user if you so choose to remove
7 the doe season or shorten the season. It is not specifically
8 required. There was a similar situation that the court
9 examined in Unit 15(A) for moose, in which, there was an antler
10 restriction that was placed on the subsistence user and the
11 court examined whether or not that restriction could be placed
12 without eliminating the non-subsistence user and they
13 determined that it could be.

14
15 CHAIRMAN THOMAS: Okay. I think we got the context out
16 of there. Is that what you're.....

17
18 MS. LeCORNU: Yeah. I don't think it's clear in what's
19 stated here though.

20
21 MS. WILSON: I think the whole sentence or comment
22 should be in there?

23
24 MS. LeCORNU: I would like it all included because it
25 was so confusing to me to hear it, and I would like it entered
26 in the record so I could look at it.

27
28 CHAIRMAN THOMAS: Okay. So we'll ask that the Recorder
29 -- do you do that, Salena?

30
31 COURT REPORTER: Fred does the minutes.

32
33 CHAIRMAN THOMAS: Fred does that, okay, take from the
34 transcript the total language used, with that specific
35 reference and include that.

36
37 MS. LeCORNU: Can you include that?

38
39 MR. CLARK: Okay. And that is in the meeting minutes
40 that we want it clarified?

41
42 MS. LeCORNU: Uh-huh.

43
44 MR. CLARK: Which page?

45
46 COURT REPORTER: Page 5.

47
48 MS. LeCORNU: Page 5.

49
50 CHAIRMAN THOMAS: Page 5, Proposals 9 to 11, continued.

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1 MR. CLARK: Okay.

2

3 MS. LeCORNU: Yeah, I would just really appreciate
4 reading the whole -- because it's not clear to me here.

5

6 CHAIRMAN THOMAS: Further adjustments to the minutes?

7

8 MS. McCONNELL: I move that we adopt the minutes as
9 adjusted.

10

11 CHAIRMAN THOMAS: Okay, it's been moved to adopt the
12 minutes as amended.

13

14 MS. McCONNELL: Amended.

15

16 MS. WILSON: I second that motion.

17

18 CHAIRMAN THOMAS: Moved and seconded. Discussion.

19

20 MS. RUDOLPH: Question.

21

22 CHAIRMAN THOMAS: All those in favor say aye.

23

24 IN UNISON: Aye.

25

26 CHAIRMAN THOMAS: Those opposed say no.

27

28 (No opposing votes)

29

30 CHAIRMAN THOMAS: Motion carries. Regional Council
31 member reports. Okay. Since our meeting -- where did we have
32 our meeting last year? Saxman wasn't it?

33

34 MS. McCONNELL: Saxman.

35

36 CHAIRMAN THOMAS: Yeah, yeah. Since that meeting, that
37 was the meeting that we developed our recommendations to take
38 to the Board. And we did so and you have a copy of that action
39 in the packet on the specific action of the Board. So at that
40 Board meeting we had a discussion, we had a combined meeting
41 with the Board and the Chairs of the Regional Councils. And
42 one of the discussions at that meeting was, what are we going
43 to do with c&t's. Everybody had a little different view with a
44 little different feel for how to work with customary and
45 tradition. Because as it has evolved, it seemed to look like a
46 different animal all the time. So the Chairman chose to
47 appoint a task force to review the different concerns from
48 different Regional Advisory Councils and try to come up with
49 something that would fit as a general application to this
50 process of subsistence management. And we met on a couple of

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1 times, not everybody was able to attend.

2
3 That's another thing about the expanse of this
4 involvement. You take a state the size of Alaska, while I'm in
5 Ketchikan trying to find something to do besides watching TV,
6 there's somebody in Bristol Bay hauling gear or somebody up in
7 the Interior running a trap line. So it's very diverse and not
8 everybody has the same time available to make it to these
9 meetings. Resulting from that, I was one out of three members
10 that attended the first meeting, and two out of three that
11 attended the second meeting that was representing the Advisory
12 Councils. But we had a lot of help. The Staff that was
13 assigned to work with the task force did a wonderful job. They
14 had people within and out of the office, that if they weren't
15 asked to help that offered their help and made a pretty
16 cumbersome project with some direction to consider anyway, and
17 that direction is in the form of those options you find in your
18 packet as well. As we get into discussing c&t's, those will be
19 the crux of our discussions. We can go beyond that when we get
20 to that point, but that's where we'll be starting. And so like
21 I said, we met a couple of times on that.

22
23 And so that was the only meetings that I had between
24 the Board meeting and now. At our last meeting we sent a
25 letter to the people who were doing the cleanup work at the
26 pulp mill in Ketchikan trying to get an assessment of the
27 proximity of the pulp mill with regards to some of the waste
28 that was dumped in that area to determine whether or not there
29 were toxins or what condition the area was left in. And I got
30 a copy of an initial report, I don't know whether each of you
31 got a copy yet -- did everybody get a copy?

32
33 IN UNISON: (Affirmative)

34
35 MS. McCONNELL: No.

36
37 MR. CLARK: It's kind of hard to mail things to you.

38
39 MS. McCONNELL: I heard about it though.

40
41 CHAIRMAN THOMAS: But anyway in a nutshell, it's
42 perfectly clean, everything's healthy. There was no harm done
43 there in 50 years of dumping. And all of our concerns were
44 just an emotional, hysterical reaction. But the studies are
45 continuing. They gave us preliminary graphs and they never
46 closed the door on questions, they gave us their finding. If
47 we have problems with those findings, we do have the liberty --
48 they've given us contact people, addresses and just made it
49 very easy for us to make specific references, which I thought
50 was very generous of them. So they did respond to our

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1 questions is the point I'm trying to make here. So if we have
2 any further questions of them at a later time, well, we're
3 welcome to do that.

4
5 So that was the limited involvement I had since our
6 last meetings. Are there reports from other members of the
7 Council? Any committees or task forces? John.

8
9 MR. VALE: Mr. Chairman, just a brief report on the
10 activities of the Wrangell-St. Elias Subsistence Resource
11 Commission. We met last spring and one of the main topics of
12 discussion was a proposed one year residency requirement.
13 Council members may remember addressing that at our last
14 meeting. And the Commission is proposing for new people who
15 move into a resident zone community, that they should reside
16 for at least one year before becoming eligible to take
17 subsistence resources. At our meeting last spring, when the
18 Commission took that issue up we -- some Commission members
19 felt that we should make an exception for people who are moving
20 from other Park resident zone communities and our proposal was
21 amended to do so. The Commission was really split on that
22 issue. And so we haven't taken any final action. Next week,
23 the Chairs of the Subsistence Resource Commissions will be
24 meeting in Anchorage, either myself or the vice chair will be
25 attending that. And we'll raise this issue with those folks to
26 see what they think about it and we'll likely take some action
27 on it when we get together this winter. So I just wanted to
28 give you that brief report.

29
30 The other issue I'd like to bring your attention to is
31 for the last year or two we've been -- it's a local issue for
32 Yakutat, presently the Park Service doesn't allow the use of
33 all terrain vehicles in the Wrangell-St. Elias Park. I
34 shouldn't say they don't, they're extremely restrictive. They
35 only allow them in one small area, basically amounting to a
36 mile or so. And we're attempting to get the Park to loosen up
37 on those restrictions. Locally, we've been using all terrain
38 vehicles since the '40s and we have some documentation of that.
39 Back in that time it was jeeps that were available to people,
40 and you know, since ATVs have come along, we're using those.
41 But we're not allowed to use them presently in the Park and
42 that's a real problem for people locally. They think that's
43 unfair. It really subparts their attempts to take subsistence
44 resources, particularly moose. And at some point in the
45 future, we may need the Council to address this. But at this
46 time we're going to continue to work with the Park to try to
47 make that change.

48
49 And that's all I have, thank you.

50

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1 MS. GARZA: Fisheries -- the fisheries resolution you
2 worked on?

3
4 MR. VALE: Well, we have that on the agenda here, I
5 thought we'd address that when we get to that point.

6
7 MS. GARZA: Okay.

8
9 CHAIRMAN THOMAS: Thank you, John.

10
11 MS. RUDOLPH: Mr. Chairman.

12
13 CHAIRMAN THOMAS: Mary.

14
15 MS. RUDOLPH: I wasn't actually going to make this
16 meeting because of the concerns we have in our village. We've
17 been having meetings with the State and the Federal concerning
18 fisheries in Glacier Bay. And five alternatives were brought
19 up at the last meeting we were at where United Allied
20 Fishermen, Friends of Glacier Bay, different organizations have
21 put an alternative together. And through the whole
22 alternative, Hoonah is mentioned but it's always in the
23 background. We still are invisible in the reports that are
24 given, but we are part of the report. As the president, I had
25 an informal meeting with Randy King and Wayne Howell and I had
26 talked to them and told them the alternative that they came up
27 with still didn't apply to us as a tribe of Hoonah and
28 questioned why we couldn't come up with our own alternative.
29 So they thought it was a great idea that we come forward with
30 our own alternative. We don't have that much fishermen, and
31 crab fishermen, but when we do move into Glacier Bay it's our
32 sacred land. We move in there with a lot of solemn moment
33 before we enter into Glacier Bay. So they have been willing to
34 work with us. Everyone, all different organizations are moving
35 forward to give us a helping hand during the process of putting
36 this together. And I finally got our Board together to meet
37 last week and finally passed a resolution addressing the
38 alternative. It's been a busy season for people because of the
39 low prices and everything. So as soon as they passed it, we
40 had a staff meeting, they came up with alternatives of what
41 they thought should be in there that applied to us as a tribe.
42 So with that, they met yesterday and they met today and I
43 really was torn between trying to finish this up for our people
44 and trying to get here. But I thought it would be helpful if I
45 could mention here at this meeting what our goal has been.
46 It's been a trying year for our people.

47
48 And I also so on there where they were going to bring
49 up the Migratory Bird Act, and that has been part of the -- one
50 of the issues we've been fighting on for Glacier Bay. It's

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1 been in the newspapers, it's been on the radio, it's been on
2 fliers. A lot of our younger men have been taking a strong
3 stand -- voicing a strong opinion about not working with the
4 tribe. So it is a concern of ours as we're moving into this
5 delicate area of showing what our usage of sea gull eggs and
6 our different subsistence use out of Glacier Bay. So when I
7 seen it in there that part of our discussion was going to be on
8 the lawsuit we had on TLMP, so there was -- so between that and
9 worrying about what was going to be on this one, I stayed an
10 extra day to help our staff come up with ideas on what we could
11 put together when we meet with the State next week and Federal.
12

13 So that was the reason why I wasn't here for the
14 retreat. And I was, I think, one of the ones that thought it
15 was a great idea to have a retreat so we can go over some of
16 the issues before we have our meeting. But we did have an
17 important meeting where we were discussing the alternative and
18 coming up with ideas and like I said, we've had people calling
19 from different organizations, whether it be the State and the
20 Federal, and giving us some ideas and giving us direction that
21 I think years ago we would have truly opposed and felt there
22 was something tied to it. But now as I work and got to know
23 everybody, realized everybody had concerns for the tribes and
24 the villages it's been a little easier in getting a working
25 relationship and a little easier to listen to the comments, the
26 ideas -- or the help that's been offered to us.
27

28 So that was one of the reasons I was really debating on
29 whether to come, but I found this was just as important as what
30 we were doing and it fell in line with what we're trying to
31 accomplish.
32

33 Thank you.
34

35 CHAIRMAN THOMAS: Mim.
36

37 MS. McCONNELL: Yes, I wanted to mention that our last
38 meeting I had mentioned something about the Tongass Community
39 Futures Conference. And as I was chairman of the Tongass
40 Committee Alliance that sponsored the conference. It was held
41 in the beginning of April in Sitka and it went well. And I
42 wanted to apologize to Council members that you have not
43 received a conference summary yet. They came out a few weeks
44 ago and there will be some here in the morning and you can each
45 have a copy and take home with you and it is interesting to see
46 what the people at the conference came up with. There were
47 about 75 people that attended from all over Southeast. Some
48 people from up North, and some people from the Lower 48 also
49 attended. And there was very favorable response to the
50 conference. And one of the things that stands up to me the

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1 most is the comments that I heard a lot were people were amazed
2 at how much everyone had in common from one community to the
3 next, really similar issues that they were facing and finding
4 ways to deal with the issues.

5
6 So anyway, just wanted to alert you to the fact that
7 those summaries will be showing up here tomorrow and you can
8 get more informed. And there will be extra ones too for other
9 people.

10
11 MS. WILSON: Mim, what conference is that you're
12 talking about?

13
14 MS. McCONNELL: It was the Tongass Community Futures
15 Conference.

16
17 MS. WILSON: Okay.

18
19 MS. McCONNELL: Yeah, it was about the future of
20 Southeast Alaska and sustainable communities and helping to
21 preserve our lifestyle and likewise. And how to go about doing
22 it.

23
24 MS. WILSON: I seen that. I got a flyer.

25
26 MS. McCONNELL: Yeah. You would have gotten a flyer,
27 yeah.

28
29 CHAIRMAN THOMAS: Thank you. Any other members have
30 anything?

31
32 MS. RUDOLPH: Can I make one last comment?

33
34 CHAIRMAN THOMAS: No. Go ahead.

35
36 MS. RUDOLPH: One of the things we noticed on the
37 Migratory Bird Act that Southeast doesn't have a representative
38 in this committee. And I think that I would like to see one
39 being represented for Southeast because I see a lot of issues
40 that apply up North as some of the problems we're having down
41 here. And a lot of areas, it's always been an outcry of mine
42 from the beginning that a lot of times we're not heard as a
43 village and a lot of times they are unaware of what our
44 lifestyle is. I was up at the AFN meeting a couple years ago
45 and I was amazed to meet some of the people from different
46 villages that had no idea of the concerns we had. So I would
47 like to see someone placed in there from Southeast and also
48 have one of their meetings down here so that some of us could
49 be aware of some of the problems or some of the issues they're
50 addressing during these meetings.

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1 Thank you.

2

3 CHAIRMAN THOMAS: Thank you. Does everybody back there
4 have a copy of the agenda? Okay. The part that we're on is we
5 have a provision in our agenda that because of the involved
6 nature of members of our Council with other assignments, a lot
7 of what they do as Mary just said so, and complimentary to what
8 we do here as a Regional Advisory Council. So we try to
9 incorporate that background or try to exchange supplemental
10 uses one way or another. So that's what that was all about.

11

12 Dolly.

13

14 MS. GARZA: A quick comment to Mary, I'm on the
15 Indigenous People's Commission on Marine Mammals and we're
16 having a joint meeting with the Migratory Bird people next
17 week, so if we draft a resolution I would be glad to carry that
18 forward. The meeting is Monday.

19

20 I have two things to report on, Mr. Chairman, and I
21 think I brought them both forward but I'd like to put in
22 another plug. One is that I am working with the University on
23 doing a study of Native processed foods. It's an issue that
24 over the years people in rural communities, there are deaths
25 over the years from Native processed foods, generally from
26 fermented foods. Fermented heads, fermented eggs, seal oil has
27 caused a couple of deaths in rural Alaska. So we would like to
28 do a study of the safety of those foods. If anyone has any of
29 those foods we can pay for the shipment to get them up to
30 Kodiak to get them tested. We will provide you with
31 information on the nutritional value of that food as well as
32 whether or not there's any bacteria in there that could cause
33 harm to you. We're also looking at smoked fish. That
34 information would be provided back to you, confidentially, and
35 then in summary, a report. What we hope to get out is some
36 information on where are the critical points to make sure that
37 if you're home processing these foods, that you don't do what
38 some people are doing and causing these deaths. And we
39 understand that, you know, 99.9 percent of these foods are
40 perfectly safe, but we do have young people that are not
41 learning from their elders and are learning incorrectly so we
42 need to get the proper process out. So I would appreciate any
43 help I could get from you.

44

45 The second thing is that Sitka Marine Mammal Commission
46 is doing survey on the distribution in abundance of sea otter
47 and I have several surveys. Patricia's been quite helpful. I
48 have a survey from Gabriel. But if any of you spend time on
49 the water, I would like to be able to survey you or Jack Logan,
50 the tribal biologist will corner you in the next two days.

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1 Thank you.

2

3 CHAIRMAN THOMAS: I have to share with you that I'm
4 under contract with your RAC to make some of those products
5 you're talking about, so be advised. Thank you, Dolly. Those
6 are good points you made? There's a lot of people that
7 literally die from food prepared like that. When it's done
8 right, it's as safe as healthy ice cream cone. If it's not
9 done right it's as healthy as an atom bomb. So those are one
10 of the things that we just have to learn about, taking care of
11 home processed foods like that, especially if it's not going to
12 be put up for commercial use.

13

14 Thank you, Dolly, that was an important reminder.

15

16 Update, Fred.

17

18 MR. CLARK: Would now be an appropriate time to kind of
19 get into the record the activities and results of the Council
20 over the last couple of days in the retreat? Would that be a
21 good thing to get into the record?

22

23 CHAIRMAN THOMAS: Sure.

24

25 MR. CLARK: I guess I'd be happy to do that?

26

27 CHAIRMAN THOMAS: Okay.

28

29 MS. McCONNELL: Could we take a short break first?

30

31 CHAIRMAN THOMAS: Break. Okay.

32

33 (Off record)

34

34 (On record)

35

36 CHAIRMAN THOMAS: Let's call the meeting back to order.
37 We have some additional stuff for our update this year, I'm
38 happy to say. Prior to today we spent two days meeting over in
39 the other room with trying to put together a retreat format and
40 conducted like a retreat where we were kind of isolated as a
41 working group that typically works together. And just kind of
42 do a review on some of what we do and kind of get a feel to see
43 if each member or each participant was on the same curve with
44 the person next to them. I think we found that we were and I
45 think with Fred's excellent facilitating that he gave us some
46 guidelines and procedures on how to proceed and we adopted
47 those and it was very flexible and it was very relaxed. I was
48 wondering if it was going to be productive, but it was. In
49 fact it was very productive and we came out with a clean
50 document that I'll ask Fred to share with us at this time.

1

2 MR. CLARK: Thank you, Bill. The Council went through
3 a series of discussions, customary and traditional use
4 determinations, why we do customary and traditional use
5 determinations; the advantages and disadvantages. And really
6 just kind of was a brain dump type of exercise. So we got all
7 that captured on flip charts and I have copies of kind of what
8 they came up so we'll have copies of that for anybody that
9 wants them. We also had presentations from Dave Areosmith who
10 did a presentation of working at ecosystem levels with agencies
11 and communities. He came as the TPIT, or the Tongass Plan
12 Implementation Team representative. We had a presentation on
13 alternatives to clear-cutting. And also Phyllis Woolwine gave
14 us a presentation on the Special Forest Products Policy. One
15 of the big discussion issues that the Council had had -- was
16 dealing with jurisdictional aspects for upcoming fisheries,
17 subsistence management responsibilities.

18

19 At the end of the day we came together to do an action
20 plan, kind of a strategic action plan for the Council. And we
21 have copies of that as well. I'll supply copies to the Court
22 Reporter and make copies available for folks in the audience as
23 well. But essentially the Council came up with a mission
24 statement. And then a series of goals and objectives that
25 followed from that. Briefly the mission is to protect cultural
26 and traditional lifeways now and for the future. Pretty short,
27 succinct and to the point. Four goals are taken essentially
28 directly from Title VIII of ANILCA. Review and evaluate
29 proposals for regulations, policies, management plans and other
30 matters -- first goal. Second goal, is to provide a public
31 forum to deal with subsistence management issues, concerns.
32 The third is to encourage local and regional participation and
33 decisionmaking. And finally, to prepare an annual report.

34

35 Those are essentially four things that come directly
36 from Title VIII, Section .805.

37

38 Then they developed a series of objectives to go into
39 those, and I won't read all of those at present but you're
40 welcome to look at them if you wish. The feeling about the
41 discussion in general was that there were a lot of really good
42 ideas that were brought up, in general, especially, with the
43 customary and traditional use determinations. The Council
44 never did come to a full consensus on what should or should not
45 be done, which is very appropriate for the workshop/retreat
46 sort of a setting. So we'll hear a lot more about that during
47 this meeting as well. And that's just a brief summary of two
48 days worth of work.

49

50 CHAIRMAN THOMAS: Okay, thank you Fred. Legislative

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1 actions. Were you going to cover those as well?

2

3 MR. CLARK: Well, when this agenda was first put out,
4 it was prior to the adjournment of the special session of the
5 Alaska State Legislature. And I guess the update is that
6 everybody knows that the State Legislature did not put it out
7 to vote to Alaska people whether or not to have an amendment to
8 the State constitution. The other Legislative action that's
9 pending right now is that there are -- there's wording, as the
10 last time I looked into it, the last couple days, wording in
11 the Senate -- or the Appropriations Bill for Interior that
12 would be either a partial or a complete moratorium upon
13 implementing Federal Subsistence Fisheries jurisdiction. So
14 we're just kind of waiting to hear about that at this point.
15 There may be other people who have more detailed information
16 about those and so I'd welcome their comments at this time.

17

18 CHAIRMAN THOMAS: Probably nothing defined yet.

19

20 MR. CLARK: That's about for the Legislative Actions.

21

22 CHAIRMAN THOMAS: Okay, thank you.

23

24 MS. GARZA: How long.....

25

26 MR. CLARK: Until the Congress acts on the bills.

27

28 MS. GARZA: Okay. I guess the reason I was asking
29 that, isn't there -- aren't they about -- did they just start
30 again or do they have a deadline on which they're working?

31

32 MR. CLARK: Well, I know that there's already a --
33 well, what's it called, the type of.....

34

35 UNIDENTIFIED VOICE: Continuing resolution.

36

37 MR. CLARK: Continuing resolution had already been
38 drafted up and ready to be signed because it didn't look likely
39 that Congress was going to finish the budget business prior to
40 the end of the fiscal -- or prior to the adjournment of
41 Congress. So the date is somewhat up in the air.

42

43 CHAIRMAN THOMAS: That was a good answer to a tough
44 question. Following that you had listed Federal Subsistence
45 Fisheries Management; does that fall under the same -- does
46 that include some of that last statement?

47

48 MR. CLARK: I would suggest that this would be a good
49 heading under which to have a presentation by Sue on Federal
50 Subsistence issues.

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1 CHAIRMAN THOMAS: Are you ready, Sue?

2
3 MS. DETWILER: Yes.

4
5 CHAIRMAN THOMAS: Okay.

6
7 MS. DETWILER: Thank you, Mr. Chair, and members of the
8 Council. For the record, I'm Sue Detwiler and I work in the
9 Anchorage office of the Fish and Wildlife Service and
10 Subsistence Management. This fisheries is an agenda item on
11 all the Regional Council agendas for this round of meetings,
12 and the purpose of the agenda item is to update you on the
13 status of expansion of Federal subsistence fisheries management
14 into navigable waters with reserved water rights. And it's
15 also an opportunity for us to brief you on what happened to
16 your recommendations on the proposed rule for fisheries
17 management. So those are the two things we want to accomplish
18 at this time. And I would refer you to Section E in your
19 Council book that has two, three pages of briefing points that
20 quickly summarize the sequence of events that led us up to this
21 point. It talks briefly -- it talks about changes to the final
22 rule based on people's comments on the proposed rule. And it
23 talks briefly about the next steps that we'll be taking. And
24 for the benefit of people in the room who may not be up to
25 speed on how we got to this point I'll just briefly summarize
26 that.

27
28 I think probably most people are aware that up until
29 1995, the Federal Subsistence Program took the position that
30 the subsistence priority in Title VIII only applied to lands
31 within Federal public lands and, including non-navigable waters
32 and a very few navigable waters. That was changed with the
33 Katie John court decision in 1995 in which the Ninth Circuit
34 Court of Appeals said that those -- that the Title VIII
35 subsistence priority also applied to navigable waters in which
36 the Federal government has reserved water rights, and the court
37 directed the Federal agencies to identify those areas that had
38 Federally preserved water rights. We were fortunate enough to
39 have Congress impose a moratorium on us implementing the
40 court's decision to expanding to navigable waters. This is, I
41 think, the third year of the moratorium. The moratorium was on
42 implementing, it wasn't on planning so we have been able to do
43 some planning. Right now the moratorium is scheduled to end on
44 December 1st after which time we will have subsistence
45 management of fisheries on certain navigable waters in the
46 state.

47
48 We started the planning process a couple of years ago
49 and now we've had preliminary hearings throughout the state and
50 we also asked the Regional Councils for comments. Last

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1 December we published a proposed rule that included all of the
2 regulations in the subsistence program that included our
3 proposed changes to encompass fisheries management in the
4 navigable waters in which we have reserved water rights. That
5 proposed rule, you reviewed it at your March meeting and it
6 delineated our proposed jurisdiction. The key point there is
7 that jurisdiction was proposed to be slightly different for
8 Forest Service lands than it was for Department of Interior
9 lands, all the other agencies lands and the Department of
10 Interior. The Department of Interior navigable waters
11 included all of those waters within conservation system units
12 regardless of the lands within those CSUs that encompass those
13 waters. And that's as opposed to Forest Service interpretation
14 of and Department of Agriculture interpretation of reserved
15 water rights. The result of which was that the lands had to be
16 adjacent to Forest Service lands. So there was some
17 corporation or other private land inholdings within a forest
18 that were -- that encompassed those navigable waters, those
19 navigable waters would not have been included in Federal
20 subsistence jurisdiction even though they were within a larger
21 forest.

22
23 The proposed rule also responded to a petition by the
24 Native American Rights Fund and the Northwest Arctic Regional
25 Council and several other Native and non-Native subsistence
26 advocates that requested the Secretary to include in the
27 proposed rule an explicit acknowledgement of the Secretary's
28 authority to assert jurisdiction off of public lands for
29 hunting, fishing and trapping activities that were resulting in
30 a failure to provide for subsistence opportunities on Federal
31 public lands.

32
33 CHAIRMAN THOMAS: Sue, can I ask you a question now
34 without interrupting your train of thought?

35
36 MS. DETWILER: Sure.

37
38 CHAIRMAN THOMAS: Getting back to the differences of
39 the land managers and the differences of jurisdiction and these
40 kinds of things, will those differences be in an elaborated
41 form so that if people -- to remove any confusion of their own
42 to look at the differences and understand them better, rather
43 than thinking they're all generically the same?

44
45 MS. DETWILER: The way I understand it's going to be in
46 the final rule is there will be a list of the Federal land
47 areas that include navigable waters within which we have
48 jurisdiction. And that will specifically say waters within the
49 Chugach Forest, Tongass Forest, Glacier Bay National Preserve,
50 not the Park and Wrangell-St. Elias. And then that actually

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1 brings up a point that's further along in my presentation, is
2 that it will also list specific navigable marine waters. It
3 will specify the exact marine waters, where it applies.

4
5 CHAIRMAN THOMAS: Thank you.

6
7 MS. DETWILER: So the proposed rule that you reviewed
8 last March also had customary -- some fairly brief and generic
9 regulations authorizing customary trade. And they also adopted
10 the State subsistence fishing regulations for Subpart C and D.
11 So those proposed regulations were circulated broadly for
12 review last year. We had comments from all 10 Regional
13 Councils. We held 31 public hearings and received 74 written
14 responses for a total of 243 comments. There was some generic
15 areas that people commented on and I'll briefly list them,
16 there are six.

17
18 One was that we didn't adhere to the procedural
19 requirements that we should have. People said that we should
20 have done an EIS. They also felt that our regulatory
21 documentation was inadequate. People pointed out what they
22 thought were flaws in our adhering to various executive orders,
23 regulatory flexibility and so on.

24
25 A second comment was people commenting -- people had
26 lots of disagreements on which navigable waters the Federal
27 program should extend to. People also commented that the
28 Federal subsistence program had no legal authority to extend
29 their jurisdiction off of public lands. In terms of more
30 specific regulations, people commented that the customary and
31 traditional sue determinations should take into account the
32 State Board of Fish, c&t determinations that have been adopted
33 since 1990.

34
35 The issue that elicited the most public comments had to
36 do with customary trade. Comments on customary trade were all
37 over the board, ranging from people saying that there should be
38 absolutely no cash sale of any subsistence taken fish or
39 wildlife to there should be absolutely no restrictions on cash
40 sales of subsistence taken fish or wildlife or their parts.
41 And a big concern that was brought up with respect to customary
42 trade was that the way that the regulations were written would
43 allow for subsistence caught fish to enter the commercial
44 market.

45
46 And then the final general category of comments was
47 that to reduce confusion, Federal regulations should be as
48 consistent with the State regulations wherever possible. And
49 your -- the Southeast Regional Council comment was that waters
50 within -- that were withdrawn under the Tongass -- the 1907

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1 proclamation establishing the Tongass National Forest should be
2 included in Federal subsistence fisheries management, and that
3 will not occur in the final rule. The rationale is that the
4 water rights in the Tongass proclamation that were reserved
5 were reserved for the purposes of managing upland resources and
6 marine waters are not generally necessary for managing upland
7 resources, therefore, they don't constitute reserved water
8 rights and therefore they won't be included in Federal
9 subsistence fisheries jurisdiction.

10
11 CHAIRMAN THOMAS: Is that additional language now?

12
13 MS. DETWILER: It's draft language.

14
15 CHAIRMAN THOMAS: Oh, draft? Okay.

16
17 MS. DETWILER: Nothing is final yet, but that's the
18 gist of the current thinking.

19
20 CHAIRMAN THOMAS: Okay.

21
22 MS. DETWILER: So that was the Regional Council comment
23 and that was what's going to happen in final rule relative to
24 the Regional Council comment. And with regard to the other
25 comments that have come in on the proposed rule, there are
26 several changes that will be made. One is to revise definition
27 of waters that are included so that all of the agencies have
28 the same definitions, and that effects Forest Service lands
29 primarily. And the gist of that is that all -- that
30 jurisdiction will extend to all inland waters adjacent to and
31 within those units.

32
33 CHAIRMAN THOMAS: What's DOA and DOI?

34
35 MS. DETWILER: Department of Agriculture and Department
36 of Interior.

37
38 CHAIRMAN THOMAS: I should have known that. Thank you.

39
40 MS. DETWILER: And as I mentioned earlier, another
41 specific change that will be made will be to include a specific
42 listing of all the marine waters that are included as having
43 reserved water rights. We will modify any existing fish c&t
44 determinations so that they incorporate the changes that the
45 State has made since 1990. And as an aside there, you see
46 listed in there that we're also going to include c&t
47 recommendations that Southeast Council made concerning trout
48 smelt and hooligan.

49
50 The next item on your list on the second page is to

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1 continue revising the regulations so that they're consistent as
2 much as possible with State regulations, except for a few
3 decisions that the Board made that don't effect this area but
4 they effect Kodiak/Aleutian Region.

5
6 CHAIRMAN THOMAS: I have one more question on the first
7 page on the last -- under the current thinking.

8
9 MS. DETWILER: Uh-huh.

10
11 CHAIRMAN THOMAS: On drafting a final rule.

12
13 MS. DETWILER: Yes.

14
15 CHAIRMAN THOMAS: I'm wondering what
16 extraterritoriality is?

17
18 MS. DETWILER: You must have a different version than I
19 have. Extraterritoriality is the Secretary's authority to
20 assert jurisdiction off of public lands over hunting and
21 fishing and trapping activities if those activities off of
22 public lands and under State jurisdiction are resulting in a
23 failure to provide for subsistence opportunities on public
24 lands. And an example of that would be if there's a caribou
25 herd on State lands and non-subsistence users are taking enough
26 of those caribou so that not enough move back on to Federal
27 lands to provide the recognized subsistence opportunity, then
28 the Secretarys have the authority to restrict or eliminate
29 those off Federal public lands activities. But I would also
30 add that that authority exists and it has been supported in
31 case law, but it's very rarely been used. And the indications
32 that we're getting is that it would be rarely if ever exercised
33 in the subsistence program.

34
35 CHAIRMAN THOMAS: I would think they would find a
36 different term. It sounds like a pretty good provision to have
37 in your pocket.

38
39 MS. DETWILER: Uh-huh.

40
41 CHAIRMAN THOMAS: But it's a wild one. Rob.

42
43 MR. SCHROEDER: Sue, are you done?

44
45 CHAIRMAN THOMAS: No.

46
47 MR. SCHROEDER: Oh, okay, I'll wait until you're done.

48
49 MS. McCONNELL: I got a question.

50

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1 CHAIRMAN THOMAS: Okay.

2

3 MS. McCONNELL: Sue on the next one down from that --
4 well, I guess maybe you don't have the same paper, but it says,
5 retain the.....

6

7 MR. CLARK: What section?

8

9 MS. McCONNELL: Section 10(D), whatever the roman
10 numeral is, language that says that the Federal Subsistence
11 Board can identify where additional water rights exist.

12

13 CHAIRMAN THOMAS: Eighteen.

14

15 MR. ANDERSON: Eighteen.

16

17 MS. McCONNELL: Eighteen, thank you. Yes, it is 18 --
18 I just didn't want to take the time to figure it out. When I
19 read things like that to myself, I just don't retain the blank
20 language that says that. So anyway the point -- my question
21 is, identify where additional water rights exist; is that
22 referring to something specific? Somebody has something in
23 mind when they wrote that?

24

25 MS. DETWILER: There might have been areas that were
26 overlooked that the Federal government actually has reserved
27 water rights to. And there also are areas that are still
28 transition as far as who owns those lands, and so when those
29 lands -- if some of those lands revert to Federal ownership,
30 then this simply reserves the Board's right to identify those
31 waters.

32

33 MS. McCONNELL: So it doesn't have anything to do with
34 marine waters outside of -- between two headlands?

35

36 MS. DETWILER: Not per se, no.

37

38 MS. PHILLIPS: Sue, I'm trying to understand what you
39 were saying, reserved waters have different definition under
40 the Department of Interior and under the Department of
41 Agriculture?

42

43 MS. DETWILER: They formerly did. The Department of
44 Agriculture had a different definition for reserved water
45 rights, but to be consistent throughout the State on all lands.
46 The definition was changed so that they're all consistent.

47

48 MS. PHILLIPS: Okay. So like I'm not understanding why
49 the Federal -- the fisheries management can't include marine
50 waters when if you look at Glacier Bay National Park, their

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1 jurisdiction extends out to include marine waters. And you
2 know, they're now going under a public process too that people
3 can comment on that includes marine waters in their
4 alternatives. So if you're trying to be consistent, and it's
5 all under the Federal government, I'm not really understanding
6 why they can't include marine waters under fisheries
7 implementation.

8
9 MS. DETWILER: The consistency had to do with
10 interpreting whether or not the inland waters within those
11 reserves had to be adjacent to Federal lands or not, and the
12 Department of Interior was saying it didn't and the Department
13 of Agriculture was saying it did. That was a separate issue
14 from how -- from agencies interpretations of reserved waters
15 under the various enacted legislation for those separate land
16 units. And the Tongass -- so the language in the Tongass
17 proclamation is different than the language for other areas.

18
19 CHAIRMAN THOMAS: Dolly.

20
21 MS. GARZA: I hadn't thought of that, Patty, but that
22 certainly is an excellent point. I have one comment and one
23 question, I guess. From the first page where we had c&t
24 determinations recommended by RACs, so there was several
25 additions from Yukon Delta and Southeast, now, in Southeast, I
26 know one of, at least, Herman's soap box is that c&t from the
27 State perspective did not include all of the salmon species and
28 I know that we, as a Council, recommended that all the salmon
29 species be included as c&t but you mentioned only trout,
30 hooligan and smelt. So will king salmon, coho, those ones that
31 are missing be included in c&t determinations?

32
33 MS. DETWILER: The proposed rule with those exceptions,
34 did not include request for specific changes to c&t
35 determinations. And the thinking was that it's more
36 appropriate for those specific regulatory requests to go
37 through the regulatory cycle. So those changes wouldn't be
38 made in the final rule, you'd have to resubmit them as part of
39 the annual regulatory cycle which would start in March so that
40 they'd go through a fuller evaluation process.

41
42 MS. GARZA: Okay. Jumping ahead to the next page, I
43 see that you have a process to get a finalization and there is
44 no Regional Council comments to proposed final rule. And so I
45 guess I'm wondering, Mr. Chair, if based on her verbal report,
46 if we need to submit comments to the Federal Subsistence Board
47 so when they take this up at the end of the month, they will be
48 reminded of what some of our primary concerns are; the reserved
49 water issue, that some of the salmon species are not included
50 and there may be other things that I've forgotten, but if it's

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1 not in there, I think we need to bring it back up so that when
2 they're sitting down in Anchorage at the end of this month,
3 they remember what our concerns are.

4

5 Thank you.

6

7 CHAIRMAN THOMAS: Would a proposal with that language
8 coming from us submitted or would a resolution?

9

10 MS. DETWILER: You could certainly submit whatever you
11 want but at this date -- at this late point in the process, I
12 don't think those changes would be incorporated in the final
13 rule.

14

15 CHAIRMAN THOMAS: It's always worth a try. Robert.

16

17 MR. SCHROEDER: Sue.....

18

19 COURT REPORTER: Wait, wait.....

20

21 MR. SCHROEDER: I thought I could just talk loud?

22

23 COURT REPORTER: You can but you still have to come to
24 the mic.

25

26 CHAIRMAN THOMAS: You know the rule.

27

28 MR. SCHROEDER: Sue, when we were doing the
29 Department's review of the last draft it included two areas
30 which were somewhat surprising to us. One was Whale Bay on
31 Baranof Island south of Sitka and the other was areas around
32 Sukkwan Island. And I think it might be useful for you to
33 comment why those areas are in and those would be marine waters
34 where Federal jurisdiction would obtain for the purpose of
35 subsistence?

36

37 MS. DETWILER: In other words, you're saying that those
38 areas were included after the proposed rule was.....

39

40 MR. SCHROEDER: Yes. And if they're in there they
41 could be of concern to -- particularly to residents of Hydaburg
42 and Sitka.

43

44 MS. DETWILER: The immediate answer to your question is
45 just reached -- I've just reached the depth of my knowledge, I
46 don't know about specific areas that were changed in the review
47 after the proposed rule was mentioned. But I did want to
48 mention the three specific areas that will be listed in the
49 final rule are McNaughton Island, former Hydaburg reservation
50 and Annette Island fishery reserve.

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1 And then to get back to your request for me to comment
2 on that, I apologize I don't have that specific information and
3 maybe there's someone in the room who does.

4
5 MR. STORASTKA: Yes, I have. Whale Bay, McNau.....

6
7 COURT REPORTER: Wait, wait.....

8
9 MR. CLARK: Come on up. Please state your name for the
10 record.

11
12 MR. STORASTKA: Vic Storastka, Forest Service, Sitka.
13 In regards to McNaughton Island, what was originally was a
14 mistake, it's not the McNaughton Island at Whale Bay, it's
15 McNaughton Island off Gavanski Island in Sitka, so that's in
16 error. And the Hydaburg, it's -- the question was -- as it
17 reads, the Hydaburg area, all the submerged land and water
18 within the former Hydaburg reservation including Sukkwan
19 Island. So apparently that was withdrawn at one time as an
20 Indian reservation; is that correct?

21
22 MS. LeCORNU: Uh-huh.

23
24 MR. STORASTKA: So it was withdrawn Federally and so
25 Sukkwan Island was included, that's why it's reserved.

26
27 CHAIRMAN THOMAS: Thank you.

28
29 MR. STORASTKA: You're welcome.

30
31 CHAIRMAN THOMAS: We really appreciate the resources
32 that are coming forward with these because it makes it so much
33 easier on Sue trying to recall some of these things, and so we
34 appreciate your help. We're really enjoying interrupting your
35 presentation, Sue, also.

36
37 MS. DETWILER: The only other comments just to finish
38 out the briefing statement that you had is the next steps and
39 basically the Federal Subsistence Board will be reviewing the
40 final rule at the end of October sending it off to Washington
41 where it will be reviewed and published as a final rule in
42 January. Assuming that there's no moratorium, then we would
43 anticipate having -- starting the regulatory process next year.
44 We don't anticipate many changes to the regulations for the
45 next fishing season, but you would be reviewing -- or you would
46 be developing proposals at your March meeting and then
47 reviewing the analysis of the proposals at your fall meeting
48 next year and then the changes would be effective in 2000.

49
50 CHAIRMAN THOMAS: Having said that, have you had a

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1 chance to give thought to maybe anticipate a little different
2 proposal preparation style than we've used in the past? Will
3 there be more urgency? Will there be more requirements to be
4 more accurate and this type of thing?

5
6 MS. DETWILER: Yeah, there's a whole lot of things that
7 we need to work out in terms of the process and that's one of
8 them. You know, obviously the proposal format that we have now
9 is going to have to be modified.

10
11 CHAIRMAN THOMAS: Obsolete, yeah.

12
13 MS. DETWILER: You know, there's all kinds of things
14 that we're struggling with right now and that's one of them.
15 If you have suggestions we'd sure like to hear them.

16
17 CHAIRMAN THOMAS: Okay. I don't have any but I know
18 there's a lot of minds working here that may come up with
19 something like that. And Lonnie's got one already.

20
21 MR. ANDERSON: Mr. Chairman, thank you. I'm thinking
22 about some of the future selections, you know, by tribal
23 corporations of Federal lands that would border on these,
24 whatever these -- what provisions have been made to take that
25 into account?

26
27 MS. DETWILER: Well, let me start out by saying that
28 lands that have been conveyed to the Native Corporations, no
29 matter where they are in the state, they don't fall under the
30 Federal Subsistence program. One change that has been made in
31 the final rule is to include lands that have been selected but
32 not yet conveyed that are within larger Federal land units.

33
34 CHAIRMAN THOMAS: Gabe.

35
36 MR. GEORGE: Yeah, I assume there's an exception there,
37 the Mitchell Bay area, which is titled to Kuchni group, that is
38 co-managed with the Secretary of Agri -- the Forest Service and
39 Agriculture. And they have joint management 660 feet from mean
40 high tide up so that would sort of fall in under the Federal
41 management -- I mean they have a management responsibility
42 there so I assume that that goes along with the subsistence
43 management and adjacent to -- that was one of the questions I
44 asked a while back when you wanted to close it -- they wanted
45 to close deer season through emergency order except on all
46 State lands and they said exactly what you said that, you know,
47 corporation lands are going to be closed because they're
48 private and I said well, what about Mitchell Bay, I knew the
49 answer but I asked and waited about four or five days before
50 they came back and said.....

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1 MS. DETWILER: Who owns Mitchell Bay?

2
3 MR. GEORGE: Mitchell Bay it's owned by Kutznegoo,
4 Inc., 660 feet from mean high tide up, and all the islands in
5 Mitchell Bay. It's one of the important areas of Angoon for
6 hunting. And when they were going to close it down, the State
7 was going to close the deer season down, emergency, after
8 everybody got -- subsistence deer hunt, I asked if Mitchell Bay
9 was going to be also closed because it was, like you said, the
10 corporation owns title to the land, the Forest Service retains
11 ownership of the trees and the subsurface. And then we also
12 have in ANILCA a provision for co-management and the Secretary
13 of Agriculture is supposed to consult and cooperate with
14 Kutznegoo and the residents of Angoon on management in that
15 bay. So for your information and for the Council, I assume
16 that's also exempt in this case as a.....

17
18 MS. DETWILER: Yeah, that sounds like a unique
19 circumstance and my gut reaction is that if the title to the
20 land is in private lands, then it wouldn't fall under Federal
21 management. But it sounds like you have a different kind of
22 arrangement worked out there and so I wouldn't want to say
23 categorically that it doesn't apply. And I'll look to see if
24 Vic has a response to that.

25
26 MR. GEORGE: And Mr. Chairman, while they're thinking
27 about that one, what about -- and you mentioned prior
28 reservations and reserves. I know that there's trust property
29 which for trust property, if the government owns the land for
30 somebody and the tribal entities have trust property, I know
31 Kake does, it's questionable whether Angoon does or not, but
32 there's other communities that have trust property and I
33 believe Kake has some tide lands and I don't know how far out
34 that extends, and I don't know if that goes into their -- where
35 their stream is and all, but I assume it would also be part of
36 the whole system as Federal, because it is Federally -- trust
37 lands are Federally owned for someone.

38
39 MS. DETWILER: Uh-huh.

40
41 MR. GEORGE: And that's also not in there.

42
43 MS. DETWILER: Is it managed by BIA?

44
45 MR. GEORGE: BIA -- well, the Secretary of Interior
46 authorized somebody to manage it and it's like any other
47 Federal bureaucratic institution where somebody has final say,
48 but then somebody way down the line does manage it. And in
49 this case I think Tlingit/Haida does unless they went out on
50 their own, and Kake Tribal does. Lastly, the Native allotments

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1 around Southeast, there's very few but there are some, and I
2 don't know if any go out into the tidelands, but certainly
3 there's streams and whatnot owned by -- that are actually owned
4 by Alaska Natives. But the Federal government has a trust
5 responsibility to manage it or helping the management of it.
6

7 MS. DETWILER: With regard to the Native allotments, if
8 they've been certificated to the Native owner, then they no
9 longer fall under the Federal program.

10
11 MR. GEORGE: But the Federal government does have a
12 trust -- I mean, they can't do anything without the Federal
13 agencies stepping in. You can't sell it, you can't -- you
14 know, there are a lot.....

15
16 MS. DETWILER: Right.

17
18 MR. GEORGE:of things you can't do without the
19 Federal managers.

20
21 MS. DETWILER: You might check with the BIA
22 representative on that. Because they've taken the position
23 that -- BIA has taken a position that once it's certificated
24 it's out of the Federal program.

25
26 MR. STORASTKA: Those lots haven't been.....

27
28 COURT REPORTER: Wait.....

29
30 MR. STORASTKA: This is Vic Storastka again from Sitka.
31 Those lands have not been included in the definition of
32 Federally reserved. Federally reserved have been those that
33 have been withdrawn either by Secretarial order or executive
34 order or Presidential proclamation. So that I suppose that
35 doesn't mean at some future date a decision could be made to
36 that regard, but at the present time, they're not included
37 within that definition.

38
39 MR. GEORGE: You mean the lands in the Mitchell Bay
40 area?

41
42 MR. STORASTKA: Right, right.

43
44 CHAIRMAN THOMAS: Okay.

45
46 MS. WILSON: What does certificated mean? The lands
47 certificated?

48
49 MS. DETWILER: It's the part of the process that BIA
50 uses in -- in other words, adjudicating Native allotments.

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1 They start out as Federal lands and then Natives make their
2 claim to them as allotments and then they go through a series
3 of steps, one of which is getting the certificate of or title
4 of ownership to them. And it's at that point that -- before
5 that point, the Federal government considers them to be Federal
6 lands for the purposes of the subsistence priority but after
7 the owners get their certificate of ownership, the Federal
8 government doesn't consider them to be made public lands for
9 the purposes of Title VIII.

10

11 MS. WILSON: Never heard of it.

12

13 CHAIRMAN THOMAS: Vicki.

14

15 MS. LeCORNU: Yeah, I'm really glad to hear that
16 Sukkwan Island and the former Hydaburg reserve has been
17 included, because it's not something that's going to go away
18 for any of the people here. And if we can accommodate people
19 before -- and I don't want to be special in this, I think, you
20 know, Kake has reserved water rights and the court has found
21 that once they're reserved, they're for a purpose, and the
22 purpose was for the livelihood of those people in that town.
23 So I'm really glad that Sukkwan and Hydaburg reserve are
24 included, but I hope we can also look at the other areas and
25 deem them equally considered. And also I have a question for
26 Sue, it says, retain language from proposed rule for customary
27 trade, that is, customary trade is permitted, except that
28 subsistence taken fish cannot be sold into the commercial
29 market, however, prepare alternative language that customary
30 trade will be permitted by the Board only on a case by case
31 basis. The Board will recommend an option prior to -- I just
32 would like a little bit more background on that.

33

34 MS. DETWILER: Well, I'm glad you brought that up I
35 forgot to mention it in my presentation. And the way that the
36 customary trade regulation was written in the proposed rule
37 that you saw is that it was permissive. In other words, it
38 allowed for customary trade practices sort of in a blanket way.
39 People could say, okay, this is customary trade, we're going to
40 go ahead and do it and the regulations wouldn't prohibit that.
41 But because of the comments that we got from people who were
42 afraid that the regulation was too permissive and that there
43 would be too much opportunity for opportunist to take advantage
44 of it, and so subsistence caught fish under the guise of
45 subsistence, but actually be making a commercial profit off of
46 them and not really be engaging in subsistence uses, what's
47 going to go before the Board is the same permissive regulatory
48 language, but also an option for the Board to include language
49 that is restrictive. In other words, the alternative language
50 would say that customary -- would say that the Board has to

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1 approve customary trade practices before they're legal. In
2 other words, the existing language that's going before the
3 Board now would allow for customary trade and that would be it.
4 And the alterative language that would go before the Board
5 would disallow customary trade unless it's specifically
6 approved by the Board. And the other comment that is going to
7 be in the explanatory material, the preamble that comes out,
8 discussing the final rule is a comment that the Board recog --
9 the Secretarys recognize that customary trade differs
10 throughout the region. And a lot of comments came in saying
11 that customary trade needs to be defined on a regional basis
12 not on a state wide basis, and so the Board is anticipating
13 that it's going to be working with the Regional Councils to
14 define what's appropriate for customary trade in each of their
15 regions.

16
17 MS. LeCORNU: Thank you.

18
19 CHAIRMAN THOMAS: Gabe.

20
21 MR. GEORGE: Thank you, Mr. Chairman. May I read just
22 a couple of paragraphs here from ANILCA?

23
24 CHAIRMAN THOMAS: Uh-huh.

25
26 MR. GEORGE: Under the ANILCA it says that, and this
27 pertains to Mitchell Bay, all rights, title and interest in the
28 rocks, pinnacles, islands, inlets and all land from mean high
29 tide to a point 660 feet inland of all shorelands, including
30 the shores of lakes and adjacent to inland waters of Kutznegoo
31 Inlet to the range line separating Range 68 east and Range 69
32 east, Copper River Basin meridian, and including those parts of
33 Mitchell Canal through Favorite Bay, west of that line, subject
34 to the following reserved rights of the United States. All
35 timber rights are reserved subject to subsistence uses
36 consistent with Title VIII of this Act. The right of public
37 access and use of such area subject to regulation by the
38 Secretary of Agriculture to ensure the protection of the
39 resources and to protect the rights of quiet enjoyment of
40 Kutznegoo Incorporated granted by law, including subsistence
41 uses consistent with Title VIII of this Act.

42
43 That sounds like somebody wrote in agreement with us
44 and somebody else is denying that, you know. But it sounds
45 clear to me that our subsistence rights in that area would be
46 -- was contracted with the Secretary of Agriculture through
47 ANILCA.

48
49 MS. DETWILER: Okay, I don't have a response to that.
50 But what I will do is call back to our office and see if

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1 they're aware of that and how they're going to treat that. And
2 Dave just gave me the reference to it so I can call the office
3 and find out, and I can get back to you on that.

4

5 MR. GEORGE: Thank you, Mr. Chairman.

6

7 CHAIRMAN THOMAS: Okay, thank you.

8

9 MR. VALE: Mr. Chairman.

10

11 CHAIRMAN THOMAS: John.

12

13 MR. VALE: When Sue's done with her report, I had a
14 comment I wanted to make; are you finished?

15

16 MS. DETWILER: I'm finished, thank you.

17

18 MR. VALE: Yeah, as the Council members will recall at
19 our last Council meeting last spring when comment period was
20 open for the proposed rule, we drafted a resolution and
21 submitted as our comments on the proposed rule and in addition
22 to that, in our annual report, we requested a solicitor's
23 opinion as to our resolution. Also at that time and at
24 previous meetings we were told by the Forest Service that the
25 waters of the Tongass would not be included because the Tongass
26 was withdrawn for timber and minerals and not for waters. And
27 we were told that that was based on the opinions of the
28 solicitor's office or whatever that is called with the Forest
29 Service. And we requested that information so we could further
30 review the proposed rule and it has not come to us. And in my
31 reading of .805, it's the Council's responsibility to advise
32 and recommend strategies on policies and recommendations to the
33 rulemaking authority, and when those recommendations are not
34 followed, the reasons should be spelled out in writing to the
35 Council so that we can clearly understand the purposes of that.
36 And you know, we have not received any response in writing,
37 nothing from the solicitor's office, and at this critical time,
38 I think that that was extremely important for us to participate
39 in this process. And in the absence of receiving that, it's my
40 feeling that our efforts here are not being appropriately dealt
41 with. I believe since the proposed rule does not cover the
42 vast majority of our subsistence fisheries and the marine
43 environment, that there is no greater issue of importance to
44 the subsistence users in Southeast Alaska. And it's my feeling
45 that the agencies have failed miserably and including us, in
46 this aspect of the proposed rule by not giving us that legal
47 opinion as to why these reserved waters or the waters of the
48 Tongass that were part of that proclamation that created the
49 Tongass were not included.

50

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1 And I further believe that we need to take action as to
2 that. And I also feel that, you know, perhaps we can submit
3 our resolution directly to the Federal Subsistence Board
4 expressing the concerns that I have just listed. And I further
5 believe, since we haven't, in my opinion, been adequately
6 involved in this process by not having this legal analysis,
7 that no action should be taken on the proposed rule until we
8 are adequately involved in this process; that's my opinion.
9 And as a result of that, I would propose a motion that we
10 submit our resolution to the Federal Subsistence Board along
11 with my comments and any other comments that other Council
12 members may have in addition. That's a motion.

13
14 MS. McCONNELL: Second the motion.

15
16 CHAIRMAN THOMAS: With regards to the motion, as you
17 were speaking I listed that for an action item following
18 general Regional Council proposals. That will be part of that
19 category, and it may not happen today. And what I'm hoping not
20 do is create a committee to work on that, think it out and --
21 like we've done in the past. Put a committee together, get the
22 language in there that you want and it will probably broaden
23 the distribution of that document. Is that okay?

24
25 MR. VALE: Yes.

26
27 MS. McCONNELL: Uh-huh.

28
29 MR. VALE: That's good for me, thank you Mr. Chairman.

30
31 CHAIRMAN THOMAS: You bet.

32
33 MR. VALE: Then I withdraw my motion until that time.

34
35 MS. McCONNELL: I withdraw my second. I'll be on the
36 committee.

37
38 CHAIRMAN THOMAS: Okay.

39
40 MS. GARZA: Mr. Chairman.

41
42 CHAIRMAN THOMAS: Dolly.

43
44 MS. GARZA: Mr. Chairman, I certainly speak in favor of
45 the request by John and by the process that it be taken up
46 under action items. The other thing that I would request that
47 we include in addition to the resolution regarding reserve
48 waters is to a resolution which I have drafted that would ask
49 the Federal Subsistence Board to include king and coho.
50 Because it's my understanding that it was included in the

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1 initial reviews and it's my error, I guess, that I read wrong.
2 But I don't think that it's too late, the Federal Subsistence
3 Board certainly has the right and opportunity to make changes.
4 I think once it goes out in January that it will almost be too
5 late because it will be much more difficult to get once this
6 hits a much broader public process. This injustice needs to be
7 fixed now. And so I would be glad to have somebody type this
8 up and it could be forwarded to the action group and hopefully
9 cleaned up and voted on.

10
11 CHAIRMAN THOMAS: Well, as far as the action group,
12 you'll be working with Chairman Vale.

13
14 MS. GARZA: I won't be here.

15
16 CHAIRMAN THOMAS: You're leaving today?

17
18 MS. GARZA: In the morning.

19
20 CHAIRMAN THOMAS: Well, it can be done tonight. So
21 there'll be a committee of three. I say that with a certain
22 amount of gist but it's a lot more seriousness because, Dolly,
23 you have the qualified background with the intent of that
24 language that you have, and it's critical. And I think it's an
25 area that Mim and Chairman John and the four of you have
26 mentioned, at least, the third time since we've been here. And
27 I really feel that you folks are in a position to come up with
28 the language we need and then we'll give it a little broader
29 distribution and see if we can't get some results from it.

30
31 I certainly agree with the aspects and I agree with the
32 assessment on how it was dealt with so far. No fault of Sue's
33 however, but we're glad you're here Sue so we can at least look
34 at somebody when we're disappointed.

35
36 MS. DETWILER: I just had one quick comment and I
37 haven't looked at the State c&t determinations, but I'm
38 wondering if your c&t determinations are reflected in the
39 State determinations, because if -- they're not, okay.

40
41 CHAIRMAN THOMAS: Well, maybe, you know, like we've
42 done in the past, we've incorporated people that had those
43 kinds of ideas on the committees. Is that acceptable to this
44 committee at this time?

45
46 MS. McCONNELL: What are you asking?

47
48 CHAIRMAN THOMAS: That everybody from almost every
49 agency at the meeting come up with better writings for writing
50 documents like that.

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1 MS. McCONNELL: Oh, any help is welcome I would think.

2

3 CHAIRMAN THOMAS: Would you be willing to be a resource
4 for this committee?

5

6 MS. DETWILER: Certainly.

7

8 CHAIRMAN THOMAS: Okay, thank you.

9

10 MS. PHILLIPS: Mr. Chairman.

11

12 CHAIRMAN THOMAS: Patty.

13

14 MS. PHILLIPS: I have some questions I'd like to ask
15 Sue.

16

17 CHAIRMAN THOMAS: Okay.

18

19 MS. PHILLIPS: On the next steps listed in our book, it
20 talks about developing cooperative management strategies with
21 the State. And I'm wondering why cooperative management
22 strategies with Native organizations aren't included?

23

24 MS. DETWILER: There is a focus on cooperating with the
25 State right now because they have the information, they're the
26 managers. They're the ones who are going to be making in-
27 season decisions. They're the ones with the management plans
28 that allocate among all the users in the State. And they're
29 the ones with the regulatory process that we need to make sure
30 coincides with ours. And so there's just a lot of things that
31 we do that we need to make sure that we're aware of and they're
32 aware of our processes and hopefully we can both adjust our
33 processes so that it runs smoothly. It doesn't mean that we're
34 going to be co-opted by the State. It means that their system
35 exists whether we like it or not and we have to work with them.
36 So we're working with them right now so that each side can get
37 a better idea of where the other side is coming from. And also
38 we're trying to get a better idea of how they work so we can
39 develop our processes so that it works smoothly.

40

41 And I know that there has been talk about having
42 cooperative agreements like we do with the wildlife program for
43 different components of the program. We do something similar
44 with Native organizations now with wildlife, wildlife
45 components, harvest information and harvest ticketing and that
46 sort of thing. So one of the things that we're going to be
47 doing, I think it's listed, actually as a specific item in
48 there, is looking at what -- how we can cooperate with other
49 groups besides just the Department of Fish and Game.

50

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1 CHAIRMAN THOMAS: I might not be totally accurate -- I
2 might not be any accurate, but it's my understanding that
3 there's a certain amount of co-management or cooperative
4 existence between the State and some tribes? I don't know that
5 to be the absolute truth, but that's my sense that it is. Do
6 any of you folks from the State know anything like that? Okay,
7 I could be totally wrong here.

8
9 Robert.

10
11 MR. SCHROEDER: Bill, I couldn't quite hear your
12 question?

13
14 CHAIRMAN THOMAS: Oh, Patty's question was how come
15 this didn't include tribes in the management aspect of the
16 final rule? And as the discussion went on, it seemed like in
17 the back of my mind that there was some cooperative management
18 with some tribes and the State? Is that not the case?

19
20 MR. SCHROEDER: Mr. Chairman, Bill. I think those
21 things are being pursued in different areas of the State. The
22 State's working really closely right now in Yukon-Kuskokwim
23 River Delta, for example, to deal with the fish crises there.
24 And I think that that's basically an issue is an example of
25 something that transcends whether other State positions or
26 State and Federal rivalries -- and just by way of comment, I
27 think I, myself, would like to look at -- to put a focus when
28 we think of fisheries management on things like that which are
29 successful and where the State and Federal government and local
30 groups, city governments and tribal councils all work to help
31 out people who are really in need. And I think if we put
32 something that is a success in front of us, it provides a much
33 better model than the numerous other models we have available
34 which are times when things didn't go right and when there were
35 strong differences of opinion.

36
37 On the score of fisheries management since I've grabbed
38 the microphone here, Bill?

39
40 CHAIRMAN THOMAS: Sure.

41
42 MR. SCHROEDER: I also would really urge all of us not
43 to be prisoners to past issues on fisheries management and to
44 allow agencies to work professionally together and to.....

45
46 CHAIRMAN THOMAS: We went through that yesterday.

47
48 MR. SCHROEDER:come up with some system that, in
49 fact, works, because we're talking about people's livelihoods
50 and we're talking about natural resources that are extremely

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1 rare in the modern world and basically important to all
2 Alaskans as well as very important to subsistence users.

3
4 CHAIRMAN THOMAS: Well, I'm kind of saddened that you
5 didn't notice the new me.

6
7 MR. SCHROEDER: Thanks, Bill.

8
9 CHAIRMAN THOMAS: Thank you.

10
11 MR. VALE: Mr. Chairman.

12
13 CHAIRMAN THOMAS: It's time for priorities to kick into
14 our agenda. Klukwan ANS will be serving lunch here at noon.
15 And on the menu is coldcuts and salads. It will be delivered
16 and served to you at 12:00 noon. It's a fundraiser. And today
17 is not a day for a free lunch. But it's very close to the noon
18 hour and I wanted to make the announcement because when you're
19 the leader of a pack you have to be prompt and accurate. So
20 far I've been prompt.

21
22 John.

23
24 MR. VALE: Thank you. I just had one question for Sue.
25 And that is, regarding our update here. It says, Senator
26 Stevens introduced ANILCA amendments in the Appropriations Act.
27 And I was wondering if you could provide some more information
28 about that? And I know that the Governor's task force proposed
29 a number of amendments to ANILCA that I believe many people
30 were quite alarmed with and I'm wondering if those amendments
31 are what we're talking about here and if you could provide some
32 more information as to what that is?

33
34 MS. DETWILER: The amendments that the Knowles
35 Administration proposed went to the Legislature, the
36 Legislature failed to come up with a resolution or come up with
37 a proposed constitutional amendment to go before the voters.
38 At least one of the moratoriums that was included in the
39 Congressional legislation was contingent on the appropriate
40 action by the State. The State did not take that action, so
41 that moratorium is no longer viable. And I know of two other
42 Congressional moratori -- two other bills with moratorium
43 language in them. One was stand alone language that was
44 introduced, I think, by Young some time ago. And I think that
45 one was bound to fail because it was stand alone legislation.
46 And the Clinton administration vowed to veto it or Clinton
47 vowed to veto it.

48
49 And the second moratorium language was included in a
50 Parks omnibus bill. I'm not sure where that stands right now.

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1 And if there was one that was likely to pass, that would have
2 been it because it was only a rider on a bigger bill that was
3 more popular. And that -- the information that I have is
4 probably not up to date. The only thing I can add is what I
5 read in the paper a week ago or so saying that Babbitt would
6 consider a moratorium if the right provisions were included.
7 And I understand there's things going on back in Washington
8 right now towards developing moratorium language. But at this
9 point we don't have anything certain and so -- and chances -- I
10 can't say what the chances are so we're proceeding as if there
11 will not be a moratorium and we'll have to implement this on
12 the 1st.

13
14 MR. VALE: Okay, thank you. So that means that there
15 haven't been any changes to Title VIII.....

16
17 MS. DETWILER: No.

18
19 MR. VALE:in terms of definitions or.....

20
21 MS. DETWILER: No.

22
23 MR. VALE:such like that?

24
25 MS. DETWILER: Right.

26
27 MR. VALE: Okay, thanks.

28
29 CHAIRMAN THOMAS: Is that it, Sue?

30
31 MS. DETWILER: Uh-huh.

32
33 MS. PHILLIPS: Mr. Chairman.

34
35 CHAIRMAN THOMAS: Patty.

36
37 MS. PHILLIPS: In the resolution I had some concerns
38 that I would like addressed. And that was that bag limits are
39 not enough according to the testimony we've received from
40 previous meetings. And that if the final rule is accepted in
41 January, then there is a 30 day administrative appeal process
42 which this Regional Council could submit an appeal to. And
43 that there should be a Federal liaison to the State Fish Board
44 concerning specific subsistence issues or proposals.

45
46 CHAIRMAN THOMAS: Do you want to give that to the
47 committee or do you want to serve on the committee?

48
49 MS. GARZA: For the new member.

50

0052

1 CHAIRMAN THOMAS: Yeah, the new member.

2

3 MR. GEORGE: Yeah, the new member.

4

5 CHAIRMAN THOMAS: We're always thankful for volunteers
6 that are willing to serve beyond the call -- above and beyond
7 the call. Are you volunteering for the committee?

8

9 MR. VALE: Do you have those comments written down
10 Patty?

11

12 MR. STORASTKA: Mr. Chairman, just to make a comment
13 about the c&t if I may. I don't know if I got a copy of the
14 draft here, Section 24 under customary and traditional use
15 determinations, it talks to salmon. And in the definition of
16 salmon it includes all five species. So it does include
17 chinook or kings and cohos.

18

19 CHAIRMAN THOMAS: But it makes reference only to trout.

20

21 MR. STORASTKA: Section -- trout -- let me see if I can
22 find it, I just had it. Section 13, salmon, dolly varden,
23 trout, smelt and hooligan.

24

25 CHAIRMAN THOMAS: Oh, I see, okay. So it's inclusive?

26

27 MR. STORASTKA: Inclusive, all five species.

28

29 CHAIRMAN THOMAS: You won already.

30

31 MS. GARZA: I won already.

32

33 MS. McCONNELL: That was easy.

34

35 MR. ANDERSON: Mr. Chairman, what's wrong with halibut?

36

37 CHAIRMAN THOMAS: You have to talk to NPFMC.

38

39 (Off record comments)

40

41 MS. LeCORNU: So is that included? Is that something
42 somebody can ask?

43

44 MS. DETWILER: You mean for halibut?

45

46 MS. LeCORNU: Yeah.

47

48 MS. DETWILER: Generally halibut aren't included under
49 the Federal Subsistence program. Number one, they're caught in
50 marine waters and I believe they're also subject to a different

0053

1 statute. They're managed by the North Pacific Fisheries
2 Management Council.

3
4 MS. LeCORNU: I don't think they can be excluded. I
5 mean you read ANILCA, it says fish. I don't see where you can
6 exclude it. I don't understand.

7
8 MR. VALE: Mr. Chairman.

9
10 MS. McCONNELL: So let's ask them?

11
12 MS. LeCORNU: Yeah, let's ask.

13
14 CHAIRMAN THOMAS: John.

15
16 MR. VALE: In the back of Title VIII, I don't know if
17 it's Page 16, I'm not sure of the exact numbers, there's a
18 paragraph that exclude a number of treaties, of which halibut
19 is also migratory birds, and so it is specifically excluded.

20
21 MS. LeCORNU: Can you show me.

22
23 MR. VALE: Title VIII on the last paragraph.

24
25 MS. GARZA: Just following that argument, Vicki, I mean
26 somewhere in the beginning of ANILCA and I'm not real familiar
27 with that document, but I know that the argument has been made
28 that the Federal government can reach beyond its designated
29 bounds if it needs to do that in order to protect subsistence.

30
31 MS. LeCORNU: Is that the extraterritoriality?

32
33 MS. GARZA: Right. And that's where halibut would fit
34 in. I mean that is such an important part of subsistence that
35 the Federal government should reach beyond its bounds.

36
37 CHAIRMAN THOMAS: Okay. We're going to break for lunch
38 and we're going to gather our coherency and we're going to come
39 back with a more relaxed attitude. And we're not going to be
40 hysterical, we'll have halibut back after lunch. So please
41 stay for the fundraiser. Tip generously. And 1:30 -- 1:00
42 o'clock.

43
44 MR. ANDERSON: 1:00 o'clock.

45
46 MS. GARZA: Now, the Haines people when they welcomed
47 us, explained that employment was very -- unemployment was very
48 high and they really need a cash economy boost, so it's our job
49 to eat and go spend, so I say 1:30.

50

0054

1 CHAIRMAN THOMAS: 1:30.

2

3 (Off record)

4 (On record)

5

6 CHAIRMAN THOMAS: Okay, we finished up with our Federal
7 Subsistence Fisheries Management agency reports. That moves us
8 into number 8 on our agenda, agency reports. Okay, so are
9 there any tribal councils, regional village corporations,
10 municipalities, et cetera here to give us a report of any kind?
11 Okay, hearing none, ADF&G.

12

13 MR. CLARK: Mr. Chairman, I think we do have a tribal
14 council.

15

16 CHAIRMAN THOMAS: Okay. Where's he at? Oh, Jack -- we
17 don't recognize Sitka Tribe. Come on. Yeah, right there at
18 the table. Give us your name, who you represent.

19

20 MR. LORRIGAN: Thank you, Mr. Chair. My given Tlingit
21 name is Kle' see eesh, it was given to me by Helen Butler in
22 Sitka. My name is Jack Lorrigan, I'm the tribal biologist for
23 the Sitka Tribe. And most of our council cannot make it as
24 they are traveling other places so I have been designated as
25 the tribal voice, so to speak, for today.

26

27 There were four points of concern that the tribal
28 council wanted you to hear, whether or not you can address them
29 right now remains to be seen on December 1st.

30

31 We have a large herring stock in Sitka, that's our
32 first point. The tribal council has a desire to have a 10 year
33 moratorium on the fishery which probably won't happen. But we
34 went to the Board of Fish and were able to get an increased
35 threshold from 7,500 tons to 20,000 tons.

36

37 CHAIRMAN THOMAS: What's that mean?

38

39 MR. LORRIGAN: That means that in order for the
40 commercial fishery to be open 20,000 tons of herring biomass
41 have to be available to the fishery. If it's not there then
42 the fishery doesn't open and those fish are allowed to spawn
43 unhindered. The herring stocks around Southeast Alaska,
44 there's only a few major fisheries left, Sitka Sound is the
45 largest, Port Hoodan had a small one, Dukarelli Bay and Craig
46 and Klawock have an open pound -- or a pound fishery and the
47 Klishakes has a gillnet fishery. And there's some small bait
48 fisheries around Southeast.

49

50 But we were able to prove at the Board of Fish hearings

0055

1 spring and winter of '97 that the historical levels are not
2 there anymore. Herman Kitka was able to testify to that point
3 also. We believe that on December 1st, questions about
4 jurisdiction may apply to herring and the herring spawn at the
5 mean high tide or the high tide level. You may have some
6 jurisdiction over that. And because of that, you would become
7 our new Board of Fish for this particular resource. We just
8 wanted to put that seed in your brain to think about if you
9 have jurisdiction over salmon in the Federal waters, humpies
10 and chums spawn on intertidal and so do the herring. And so we
11 just wanted the Council here to understand that view.

12
13 The Washington State Department of Fish and Game has
14 classified their herring stocks as a forage fish, protecting
15 them for, more important, commercial fisheries such as halibut
16 and salmon. They're protected for the sole purpose of being a
17 food fish for the -- for putting on weight on all the different
18 marine mammals and fish that consume them. So that's the
19 herring point we wanted to make.

20
21 The second point is Kianyee is a plants commission with
22 the Sitka Tribe that's was newly formed this spring. The
23 council believes that c&t determinations may apply to plants
24 through ANILCA through the legislative record. It's a
25 renewable resource. And ANILCA -- do you want to that
26 particular point, Dolly?

27
28 MS. GARZA: I think it's referenced several places in
29 ANILCA, sometimes it says fish and wildlife and then as we
30 talked about it yesterday, it also says, fish and wildlife and
31 other natural resources. And so Sitka Tribe, you know, asserts
32 that subsistence includes plants and they should have c&t. I
33 can attest it to the berries that I am eating.

34
35 MR. LORRIGAN:: Cedar bark and spruce roots.

36
37 And our third point is even though we understand you
38 probably can do nothing about halibut fishery, the tribal
39 council would like to have some expressed support for their
40 stance in the Sitka Sound area. They have designated an
41 exclusionary of, in Sitka Sound, being the derby boundaries.
42 The sport and charter boats, particularly charter boats and the
43 larger commercial vessels do not retain halibut inside these
44 boundaries. So that the Sitka Sound area is available to the
45 local subsistence user. Right now it's just a gentlemen's
46 agreement which doesn't appear to being adhered to. You see a
47 lot of small halibut, chicken halibut being retained in waters
48 very close to Sitka which it's very difficult for local users
49 to get out. Even the charter boats anymore are having to go
50 out further and further away from Sitka to get halibut for

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1 their charter clients. If it's at all possible for the Council
2 to express any support to the tribe in this matter we'd really
3 appreciate it.

4
5 And this one I don't really understand but I'll try to
6 explain it, it's the Katie John issue. I've heard mention of
7 it this morning about the waters in the forest, i.e., the
8 waterways between the islands, that they may fall in the
9 jurisdiction. And from what I'm hearing this morning that
10 issue still needs to be resolved. The tribe is in support of
11 having those waters included in your jurisdiction, so those are
12 the points I was asked to bring up and let you hear.

13
14 Thank you for listening. And we would like to invite
15 you back to Sitka anytime you want to come back.

16
17 CHAIRMAN THOMAS: Okay, thank you. Question. John.

18
19 MR. VALE: Thank you, Mr. Chairman. With regards to
20 halibut, I saw a letter recently from the -- I believe it was
21 the North Pacific Fisheries Management Council expressing
22 general support for communities and areas in the state
23 developing exclusive zones for subsistence, personal use. And
24 I don't have a lot of information about that, but I believe
25 there's some opportunity there to work with those folks and try
26 and do what you said you wanted to accomplish, that area around
27 Sitka.

28
29 MR. LORRIGAN: We'd like to see the local management
30 happen. I have not seen the report, but I've heard second hand
31 that, I believe, the studies that show that a lot of halibut
32 are very territorial. And once you remove them from their
33 territories it's a long time before other halibut move in or
34 the less desired species move in and occupy those niches. So
35 when you clean an area out of halibut, it's going to take a
36 long time for it to come back. And knowing first hand of the
37 people in Sitka, they have a lot of small boats, it's hard to
38 -- Sitka Sound used to be a given to go out and get halibut but
39 now, like I said, even the charter boats are having to go
40 further and further afield to get something for their clients.
41 And they usually have a bigger -- more capable craft for heavy
42 water. So it's a growing concern in Sitka.

43
44 MR. SORUM: Mr. Chairman.

45
46 CHAIRMAN THOMAS: Alan.

47
48 MR. SORUM: Are you seeing problems with other species
49 like the problems you're having with halibut? I mean you guys
50 have problems like with crab or anything else? Is the same

0057

1 thing happening?

2

3 MR. LORRIGAN: Ling cod have been restricted in Sitka
4 Sound really for the commercial guys, but I'm not sure if
5 there's a size limit in Sitka Sound yet but there may be talk
6 of it. Have you heard anything about it, Mim?

7

8 MS. McCONNELL: Uh-huh. (Negative)

9

10 MR. LORRIGAN: I haven't either. For some reason that
11 was a rumor but it's unsubstantiated.

12

13 MS. GARZA: One of the issues with crab is that at the
14 end of the day several of the charter boats have crab pots that
15 they allow their guests to use so that the guests can get crabs
16 and then they cook it up for their dinner that night, so
17 they're sort of jumping through this loop hole and it has
18 substantially increased the amount of crab taken by non-locals
19 in Sitka. So it is an issue.

20

21 MR. LORRIGAN: And we're also seeing sea otters move
22 into traditionally well used crab areas but that's a different
23 issue.

24

25 CHAIRMAN THOMAS: Mary.

26

27 MS. RUDOLPH: I know last April when we were in Juneau,
28 he was talking about charter boats, there was a couple of
29 charter boats that had come in with their customers and they'd
30 have the whole dock lined up with halibuts all the way down to
31 the small ones. What other fishermen have to watch for doesn't
32 apply to the charterers. So whether that has to apply --
33 whether it's because of the halibut and you're saying there's
34 none for Sitka charter boats, this dock, they'd have pictures
35 taken where the dock was all lined up with chicken halibut.

36

37 MR. LORRIGAN: Yeah, I know the commercial fishermen
38 are restricted to a 32 inch size limit, but there's no limit
39 for sport or charter or subsistence. From what I've observed
40 in Sitka, a lot of charter halibut fishing is occurring on the
41 outside of Kruzof and the outside of Bjorkia. They're out in
42 the Pacific Ocean for the most part and that's places I can't
43 get to and I know a lot of local people can't get to.

44

45 CHAIRMAN THOMAS: Okay, anything else.

46

47 MR. LORRIGAN: No, sir.

48

49 CHAIRMAN THOMAS: Thank you.

50

0058

1 MR. LORRIGAN: Thank you.

2

3 CHAIRMAN THOMAS: What I would probably suggest for
4 some of those issues is to have as much done on that as you can
5 prior to whatever happens on December 1st. And if at some
6 point, we do become involved in some of those areas, we can
7 take them forward at that time.

8

9 Okay, any other tribal organizations? Regional or
10 village corporations. Municipalities.

11

12 MS. WILSON: Our tribal people left, they were here
13 this morning.

14

15 CHAIRMAN THOMAS: That was your tribe?

16

17 MS. WILSON: Part of it.

18

19 CHAIRMAN THOMAS: Well, you're going to have to adopt
20 this bunch as your tribe, I think. Okay, et cetera. Any et
21 cetera's -- no. Alaska Department of Fish and Game, statewide
22 and area biologists, anthropologists.

23

24 MS. GARZA: Mr. Chairman.

25

26 CHAIRMAN THOMAS: Dolly.

27

28 MS. GARZA: So for clarification for Jack's
29 presentation, I guess I would like to know if we pulled
30 something together tonight asking for support for herring and
31 halibut issues, whether or not that could be brought back
32 tomorrow for consideration? Because we sort of -- you know, he
33 gave us this request to support him and we all listened to it
34 and then didn't act. So would that be a possibility?

35

36 CHAIRMAN THOMAS: We can do that but I don't know how
37 far it will go since it's a premature proposal.

38

39 MS. GARZA: Right. But it could be just some
40 expression of support that we support Sitka Tribe's efforts in
41 these areas.

42

43 CHAIRMAN THOMAS: Sure, not a problem.

44

45 MS. GARZA: Start writing.

46

47 CHAIRMAN THOMAS: You got it? I mean writing. Robert,
48 I'll appoint you as the Chair of that committee at the table.

49

50 MR. SCHROEDER: Thank you, Mr. Chairman, Bill. With me

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1 is Mike Turek from Alaska Department of Fish and Game, Division
2 of Subsistence. And a little bit later in our discussions,
3 Mike will be replaced by Amy who has -- Amy Paige who is also
4 the with the Division, who has some things to go over as well.

5
6 CHAIRMAN THOMAS: Okay.

7
8 MR. SCHROEDER: I get to wear two or three hats for the
9 Department today. And the first one would be as the
10 Department's representative. And I'd like to thank the Council
11 for being open to representation by the Department and to say
12 on behalf of the Department, that the Department's committed to
13 cooperating fully with the Regional Council, and that we really
14 encourage you to call on us for any information. I'll note
15 that we also have Department Staff, Randy Ericksen and Scott
16 Kelley here who were introduced earlier with the Commercial
17 Fisheries Division within the Department who have been
18 regularly attending Regional Council meetings to try to start
19 getting some understanding of how the Council process works.

20
21 Ms. Detwiler talked about State level discussions on
22 how the Department will interface with the Federal Subsistence
23 program. I don't have anything more to add to that than what
24 Sue already mentioned, except that there is a real commitment
25 to professional cooperation and to providing the Federal system
26 it needs. And I would really urge you to expect that and make
27 sure you get it. And by that I mean you should call on your
28 Fish and Game Staff and see them as public servant who are
29 there to provide you with information to the best of their
30 ability. And I think you'll receive a good return on that
31 investment of faith.

32
33 But we also could use as this situation evolves, I
34 think the Department of Fish and Game really could use help
35 from the Regional Council because this will be new territory
36 and it will be a territory where it will be useful to find out
37 what it is that you need for your task. And I think I
38 personally don't see this as really any different from some
39 other tasks that was put on the Department of Fish and Game
40 where Department Staff need to deal with a new situation and a
41 new process. And there's a little bit of a feeling out phase
42 that that goes through wherein people develop personal
43 relationships and figure out what kinds of information and what
44 level of detail works in a new process. So I encourage you to
45 give it a chance and I think it could work out real well.

46
47 Now, my more familiar hat is as regional program
48 manager for Division of Subsistence. If I've got that hat on
49 now I'd like to thank you and thank you as representatives of
50 your communities for the assistance that you've given us in the

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1 research work that we do -- or that we've done since your last
2 meeting or over the last year. And I'm really aware that in
3 the business of collecting subsistence information, that it
4 only works if members of the public and particularly
5 knowledgeable members of small communities contribute a lot of
6 their time and even more important than time, is knowledgeable
7 that's been very hard earned. And without that, our efforts to
8 provide good documentation, what subsistence uses are in
9 Southeast wouldn't get anywhere. So that's a really sincere
10 thanks and we look forward to continuing this relationship in
11 the future.

12
13 The Division has been involved -- we basically do -- I
14 was trying to think, what do we do? Well, we do kind of two
15 things if you think -- if we're into dividing things into two
16 categories. One is we do research, and we'll talk a little bit
17 about some of the things that we've been up to. The other is
18 we try to get that research to be used in public policy. On
19 the research side, over the last year we continued with our
20 efforts to document seal harvest. That's been a continuing
21 project over the last six years. And a number of you, at
22 various times, have either helped us make lists of seal hunters
23 in your communities or done interviews as local researchers or
24 sacrificed your husband to be interviewed for us. That's been
25 a really successful project. We now have longitudinal data
26 that covers seven years of seal harvest in Southeast Alaska and
27 it's state wide. And that research has been used, real
28 actively, to protect and insure the continuation of seal
29 harvest in Southeast Alaska.

30
31 One thing that's really interesting about the marine
32 mammal project is that we have very few management issues that
33 arise in the course of a year concerning seal harvest. And I
34 was kind of wondering why that's the case and there are quite a
35 few reasons. But two that stand out are that, one, the seal
36 populations are basically in real good shape in Southeast
37 Alaska. So we don't have a problem of resource shortages.
38 Related to that is we don't get calls in of waste or improper
39 use of seals or other things that basically people misbehaving
40 or behaving inappropriately in seal hunting. The second part
41 is that seal hunting, of all the resource harvesting that's
42 done in Southeast, is one which is basically regulated under
43 local control. And following systems of belief and practice
44 that have been developed by the seal hunters and their uncles
45 and uncles' uncles, over generations. So perhaps we have
46 something to learn from this as a model for effective
47 management of wildlife populations.

48
49 A second area of research that we've been involved in
50 in the last year is concerning household surveys with your

0061

1 support. I looked through my file and it seems that every six
2 months or so the Regional Council sends in a letter saying that
3 you need to do more subsistence research and these are some of
4 the things you should do. And it's because of that support
5 that we've been able to proceed, both with the cooperation of
6 the communities where we do the work and also through the
7 significant arm twisting that you do of State and Federal
8 agencies, telling them that you think that this is important.
9 We don't have time to go through everything today, but your
10 Regional Council Coordinator and I have been reviewing the
11 research needs for Southeast Alaska in the subsistence realm
12 and we'd really invite comment on that after we circulate it
13 around to see if we're matching up with what the needs are for
14 this Council as well as the obvious other needs of State and
15 Federal agencies.

16
17 Kind of a third research area that I think is real
18 important is that we spend time trying to figure out better
19 ways of presenting subsistence information, such that it's used
20 more and serves to avoid unnecessary restrictions on
21 subsistence uses, if we're talking about land management or
22 regulation that may have unnecessary adverse impacts to
23 subsistence. So at various times we've circulated around maps
24 showing subsistence uses. We've attempted to take local
25 knowledge and translate it into a form that can fit into the
26 policy and political process. Again, we try to send those
27 things around as much as possible and really invite your
28 comments, and better yet, suggestions on how to do that better.
29 All this is -- the research things that we do are trying to put
30 some quantifications, visual depictions, some analytical words
31 on subsistence, even though deep down we know it's a matter of
32 heart; it's a matter of life, which I don't think that the
33 numbers or the maps or the technical reports capture
34 particularly well. But I do hope that the products we produce
35 help you out when you were representing your communities on
36 subsistence issues.

37
38 The secondary area that I see as important in the work
39 we do has to do with making sure subsistence data are used in
40 different arenas and assisting subsistence users in specific
41 issues. I wrote down a few things here. I mentioned earlier
42 the significant Department involvement in disaster relief and
43 Division involvement of disaster relief. Which isn't effecting
44 our area but has been real important to the Yup'ik people in the
45 Yukon-Kuskokwim area. This last year we worked pretty much
46 with Sitka in various data questions concerning the cleanup of
47 the mill site and have a very good -- close rapport with the
48 Sitka Tribal staff, we're working on that. We had a number of
49 issues where community representatives called up and needed
50 changes, relatively minor extensions in subsistence fishing

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1 periods and we were able to work some of those through the
2 Department and to help get people the fish that they needed
3 when there was no biological reason for them not to do so.

4
5 The fourth thing I wrote down is I always have to ask
6 you to do something. I'm going to be giving Council copies of
7 -- a few copies of a report that's out on brown bear, brown
8 bear management in Southeast, as well as the proposals that are
9 coming up for the Board of Game meeting to be held the 23rd in
10 Ketchikan. I think it would be real important if the Council
11 can comment on its views of bear management. The proposals
12 that have come before the Board are a vehicle for the Board of
13 Game to discuss this bigger issue. And it's an important
14 chance to weigh in. One other area where I think we're
15 sometimes effected is, I've dealt with, not all of you,
16 definitely some of you throughout the year, in action alerts,
17 where there is a real need, like with this bear issue, for
18 there to be some community involvement and some weighing in of
19 subsistence users on specific issues. And when that works it
20 seems to be a real effective part of what we do. I'm bringing
21 that up right now, not just to tell you how wonderful the
22 Division is, but to also encourage you to call up and talk to
23 our staff about various subsistence issues that seem like
24 they're happening and we may, because we're centrally located
25 in Juneau and spend all day long on these things, we may have
26 information that helps you formulate your community's response
27 to things.

28
29 That's kind of a brief overview of what we're up to.
30 We're hoping in the coming year to continue in a similar round
31 of activities which include both research and getting results
32 of research into action.

33
34 I'd like to turn it over to Mike and I'm going to
35 embarrass him because I want him to say a couple of words about
36 a really neat book he finished, relationship of National Park
37 Service and Parks and Native Americans. And unfortunately Mike
38 did this work, not on Alaska Parks, but on Parks elsewhere,
39 however, I believe that he's uncovered some real patterns
40 there. And then Mike's also going to talk about the deer
41 report which we completed based on last years work and provide
42 you with a brief update on what we know about deer from our
43 recent book.

44
45 MS. WILSON: Can I ask a question.

46
47 MR. SCHROEDER: Certainly.

48
49 MS. WILSON: Before you start Mike, I wanted to ask
50 about we had some trouble, I think Paul and I were already gone

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1 and we weren't here, but somebody was seal hunting in this area
2 that we've been seal hunting forever. But it just so happens
3 that this area has an influx of lots of homes now, and within
4 the last 20 years. And I guess some of the people didn't like
5 our seal hunters in that cove shooting in there, and I don't
6 know what came of it unless our group back here knows what
7 happened. I'd like to know, what is the jurisdiction of the
8 Federal government in this area of Haines?

9
10 MR. SCHROEDER: Mr. Chairman, Marilyn. I think if -- I
11 thought that was more than a year ago that we had that seal
12 hunting issue.

13
14 MS. WILSON: It is, oh.

15
16 MR. SCHROEDER: And I know there was a complaint filed
17 because some people lost seals. And the seals were there at
18 low tide so they could have been retrieved. Basically seal
19 hunting is managed under the Marine Mammal Protection Act, and
20 coastal Alaska Natives can hunt seals, that's basically what
21 the Act says and they can also engage in trade in seals or seal
22 products.

23
24 MS. WILSON: Okay.

25
26 MR. SCHROEDER: I think about the only thing that would
27 come as far as this hunting, close to home, would be -- in
28 terms of the law would be if there's some public danger, firing
29 large caliber rifles close to where people were living or if
30 there was a local ordinance which I don't think exists here.
31 The other piece of that is that somehow or another we've done a
32 poor job at teaching people about certain subsistence uses.
33 Because what comes to mind when you said that is I know I've
34 done interviews with people who basically have to hide their
35 seal hunting because they're worried about the response of
36 people when they bring in dead seals. Just as an aside, in
37 Juneau, I've seen people cutting things up on the dock that
38 certainly don't look like fish but you can't quite tell that
39 they're seals unless you know what a seal looks like.

40
41 MS. WILSON: Thank you.

42
43 MS. GARZA: Mr. Chairman.

44
45 CHAIRMAN THOMAS: Dolly.

46
47 MS. GARZA: And before we get on to Mike we do have a
48 few more tribal citizens who might not have realized that we
49 weren't operating on Indian time and might have been prepared
50 to make a presentation. I know at least one of them has to

0064

1 leave sometime in the afternoon.

2

3 CHAIRMAN THOMAS: Do either of you have a presentation
4 to make to the Council?

5

6 MS. WILSON: We have our Native subsistence
7 commissioner back there.

8

9 CHAIRMAN THOMAS: Well, he said no. I used to push him
10 around but he's my elder now, I can't do that.

11

12 MS. WILSON: I think Snuffy might have something to
13 say, he's our Native subsistence coordinator.

14

15 CHAIRMAN THOMAS: Well, he brought paperwork. Well,
16 you guys might as well fill up your coffee cups, because he's
17 got a whole bunch of reference material.

18

19 MR. PATA: Mr. Chairman, I really don't have much of a
20 presentation now. I'm sorry I haven't been able to be here for
21 the whole meeting but my house is under construction and I'm
22 trying to take care of that and be here at the same time and I
23 might have a couple of questions that might sound irrelevant or
24 you might have covered already but I'm not sure.

25

26 CHAIRMAN THOMAS: Okay.

27

28 MR. PATA: One thing that I would personally like to
29 know is we have a lot of Federal subsistence laws but how does
30 that effect us right here because we are not on Federal land
31 here right now?

32

33 CHAIRMAN THOMAS: Sue.

34

35 MR. PATA: Because we're covered just strictly by
36 State, are we not?

37

38 CHAIRMAN THOMAS: Sue, do you have anything about that?
39 If there's no Federal land here what's the Federal law got to
40 do with them?

41

42 MS. DETWILER: What I would say is that the Federal
43 Subsistence laws apply on Federal public land and that's in
44 this area, the Tongass. They don't apply on city lands or
45 Native corporation lands. Yeah, you're right this belongs to
46 the City of Haines, and so Federal subsistence law does not
47 apply here.

48

49 CHAIRMAN THOMAS: It doesn't Snuff. We just like to
50 spend money here.

0065

1 MR. PATA: Right. I mean that's fine, I mean I really
2 appreciate having this meeting here so that we can all learn.

3
4 CHAIRMAN THOMAS: Uh-huh.

5
6 MR. PATA: But I have time and time again, on behalf of
7 my people, asked -- for instance we're going to have a
8 potlatch, why can't we go out and get a moose or harvest some
9 fish or something for the potlatch? And the only response I
10 really got from the State was that we think you can do it for a
11 funeral but not for the moose's funeral. And then he called me
12 after he made that statement and told me that we could not
13 harvest a moose here for traditional purposes. Because if they
14 let us do it they would have to let the Elks Club do it and on
15 down the line and I said, no, because it's our tradition, it's
16 not the Elks tradition.

17
18 And so I'm trying to see if there's any way we can
19 utilize the Federal laws in our favor here. I mean we've done
20 things for years and either it's legal by what the State writes
21 or it's illegal by what they write, not by what we do. And
22 what we do has been traditional all of our life. But when you
23 put it on a piece of paper that says you can't do it, how does
24 that change us, you know. I mean it's just a concern that a
25 lot of people, my people here, have had.

26
27 CHAIRMAN THOMAS: Have you guys ever addressed that
28 through a proposal?

29
30 MR. PATA: Not directly through a proposal, no.

31
32 CHAIRMAN THOMAS: I can't think of a more effective way
33 unless State people here can give me a more effective way. The
34 proposal system is a system that's adopted by both the State
35 and Federal to where it gives you a form that's all made out.
36 It shows you where to list the existing regulation and then
37 there's a space here to provide how you want to change that and
38 then it's got some qualifiers underneath. The benefits or the
39 disadvantages about it. And in many cases, the Department will
40 help you write a proposal.

41
42 MR. PATA: Okay, now, can the Federals help us?

43
44 CHAIRMAN THOMAS: Sue.

45
46 MS. DETWILER: Yes. We do have a provision in the
47 Federal Subsistence program that allows for special permits for
48 customary and traditional ceremonies like potlatches and we've
49 actually done that for Kake this year. They asked -- they had
50 a culture camp and they wanted to harvest a deer and it was to

0066

1 show the kids the customs and traditions associated with
2 harvesting deer. And so we had a special -- the Board granted
3 a special permit for that. And we get several requests like
4 that each year. So you know, if people want to harvest
5 something on Federal public lands as part of a ceremony or
6 potlatch or something, they can send in a request to the
7 Federal Board.

8
9 MR. CLARK: Mr. Chairman.

10
11 CHAIRMAN THOMAS: Fred.

12
13 MR. CLARK: I think it might be good to do a little bit
14 of clarification. Haines is surrounded by State land, that's
15 the white spot here on the map as you can see. But all this
16 green on here is Federal public land, so both sides of Lynn
17 Canal, as you go down the canal is on Federal public lands. So
18 all of the regulations that we're talking about apply on those
19 lands. So if you're doing your hunting on Forest Service lands
20 that are down Lynn Canal then all of the Federal subsistence
21 regulations apply including the ceremonial hunt.

22
23 MS. DETWILER: Yeah.

24
25 MR. CLARK: They just would not apply, the mainland
26 right here by Haines; it wouldn't apply in that area. So some
27 of this actually does do you some good already.

28
29 MS. WILSON: That would be for goat hunting across
30 there, across the bay on that Federal land and Sullivan Island,
31 I think it's Federal land also.

32
33 MR. PATA: I'm not so sure whether Sullivan Island is
34 Federal. Does it show it on that map that you have there? I
35 don't have a map here, Mr. Chairman, I'm sorry.

36
37 CHAIRMAN THOMAS: I don't either.

38
39 MR. CLARK: I'm sorry, this map is not good enough to
40 answer that question.

41
42 CHAIRMAN THOMAS: Yes.

43
44 MR. ERICKSEN: Excuse me, my name is Randy Ericksen and
45 Sullivan Island is in the Forest Service lands, so it would be
46 Federal.

47
48 MR. CLARK: Thank you.

49
50 CHAIRMAN THOMAS: Thank you.

0067

1 MR. PATA: So I wasn't sure of the answer I got, if the
2 Federal Subsistence Board could help us develop proposals also
3 on this or other things that pertain strictly to state -- would
4 they be of any help to us if we asked them to help us submit a
5 proposal or is that going to far?

6
7 CHAIRMAN THOMAS: No.

8
9 MR. PATA: Because that's just one that's on mind right
10 now. I have another one.

11
12 CHAIRMAN THOMAS: Is there a provision around the rest
13 of the state that allows for that; is that right? There's a
14 provision on the books that allows for that?

15
16 MS. DETWILER: The Regional Council can submit a
17 proposal for the State and as Staff to the Regional Council we
18 can help you prepare it?

19
20 CHAIRMAN THOMAS: Yeah.

21
22 MS. DETWILER: A proposal to the State?

23
24 CHAIRMAN THOMAS: Okay.

25
26 MR. PATA: Good, that answers that question. I have
27 one other question.

28
29 CHAIRMAN THOMAS: We only are going to answer two.

30
31 MR. PATA: I'm glad Mr. Chairman that you're here
32 because I've known you for years and you've always had an
33 answer, whether it's right or wrong but you always have an
34 answer.

35
36 The other question that I have a great concern with and
37 Randy Ericksen here is well aware of that we have been working
38 on but I think we need to submit a proposal about closing
39 Chilkoot Lake to sockeye fishing because of the decline in the
40 run at the Chilkoot is detrimental. It's been going downhill
41 for years. And once the fish have gone through the weir it's
42 considered escapement and when you get up there and start
43 fishing these fish that have been counted and right in the
44 spawning grounds, I believe that that area should be closed.
45 That's our feeling here in town. And they did an emergency
46 closure this year for the lack of fish but if the run starts to
47 build, basically the State would have -- could take that back
48 off. But I think it's something that needs to be addressed
49 here locally, it's of great concern. And I'm sure Randy
50 realizes what I'm talking about, for quite a while, don't you?

0068

1 CHAIRMAN THOMAS: Do we have a subsistence reg here
2 that mentions Chilkoot Lake in it and the existing provisions?
3 I'm asking that so that if we do write a proposal with regards
4 to that, we need to know what the existing language provides
5 for and request a change to that to satisfy what you're asking
6 for.

7
8 MR. PATA: Mr. Chairman, not only am I referring to any
9 subsistence, but I'm also referring to sport fishing. Can we
10 do anything in that line?

11
12 CHAIRMAN THOMAS: Yes, State proposals, yeah.

13
14 MR. PATA: Because that's where it's being very
15 detrimental. The sport fishermen are going right on the
16 spawning grounds and catching these fish that are ready to
17 spawn. And even though they do a catch and release, I believe
18 that any fish that's ready to be spawning and you hook them, it
19 is very detrimental to them.

20
21 CHAIRMAN THOMAS: Has it been determined that the
22 stocks are in peril? Are they strong enough to support the
23 fishery that they're getting now?

24
25 MR. PATA: No. I think Randy could probably answer
26 better than I can. I don't have the figures with me but
27 there's been a steady decline over the last 10 years, Randy, or
28 is it longer than that?

29
30 MR. ERICKSEN: Since '89.

31
32 MR. PATA: Since '89 it's been steadily going downhill.
33 And the escapement this year was very, very low. And being
34 that that effects not only the subsistence or the sport
35 fishermen and the commercial fishermen, they have stopped the
36 commercial fishermen from fishing on this side. There's been
37 some subsistence fishing on that side in the water, but the
38 sport fishery is right up in the lake where the fish are
39 considered in the spawning grounds, and that's the biggest
40 concern right there.

41
42 CHAIRMAN THOMAS: Well, we got to do it in a
43 gentlemanly fashion. We can't say that somebody else is doing
44 something wrong. We got to put it in some sense that it's
45 going to make everybody feel good by doing something good. And
46 I'm not sure where to start with that. I'm hoping that since
47 it's State regulated and it has more to do with the State than
48 anything else, that someone from the State will say well, we'll
49 be happy to help you address that. But if it was a Federal
50 activity, we'd have done that by now. But we'll help you where

0069

1 we can, I guess, is all I can say.

2

3 MR. PATA: Thank you, Mr. Chairman. That's mainly what
4 I'm asking is that if we need some help, I'm asking for some
5 help here.

6

7 MS. GARZA: Mr. Chairman.

8

9 CHAIRMAN THOMAS: Dolly.

10

11 MS. GARZA: I guess I would say at least one avenue of
12 providing assistance is assuming that there is Federal takeover
13 to protect subsistence uses of fisheries as of December 1, that
14 this could be one of the first topics that are brought up.
15 Because what the subsistence protection implies is that you
16 would regulate the resource to ensure subsistence opportunities
17 are met. If subsistence opportunities are declining because of
18 harvesting in the lake, then it would seem that the Federal
19 Subsistence Board, under this new authority would have the
20 right to regulate that take in order to ensure subsistence
21 needs are met. So it would seem like this is a classic case of
22 where we are able to act.

23

24 MR. PATA: I have a question for you. If the Feds take
25 over the subsistence, will that be including here, we're in
26 State lands?

27

28 MS. LeCORNU: Navigable.....

29

30 MR. PATA: What about the lake is a navigable water?
31 Is that going to be so or is that still being debated; that's
32 my question to you?

33

34 CHAIRMAN THOMAS: That's what you get for being so
35 autonomous?

36

37 MS. LeCORNU: It's navigable waters.

38

39 MR. GEORGE: But it has to be adjacent to -- I believe
40 in this case, part of -- well, it doesn't answer the whole
41 question but are the rivers -- you know, whole reserve, then
42 that would automatically be part of it.

43

44 MS. McCONNELL: Uh-huh.

45

46 CHAIRMAN THOMAS: I think the best we can do in terms
47 of technical assistance is to sit down with you, review an
48 existing provision for harvest in that area and try to come up
49 with language that would be attractive to the people that make
50 those decisions.

0070

1 MR. PATA: Okay.

2

3 CHAIRMAN THOMAS: And have it make good sense to them,
4 but that's about all we can do.

5

6 MR. PATA: Okay.

7

8 CHAIRMAN THOMAS: I have confidence that they will
9 respond, it's just that they have to have something to respond
10 to, so I think those are all good questions.

11

12 MR. PATA: Well, Mr. Chairman, at this time that would
13 end my comments for now. I might have something later on. I
14 would like to thank you for the time and for the answers that
15 you have given me.

16

17 CHAIRMAN THOMAS: You're welcome.

18

19 MR. PATA: Thank you.

20

21 CHAIRMAN THOMAS: Thank you.

22

23 MS. WILSON: I would like to say thank you for coming
24 Snuffy and bringing all these things up. It's very important.
25 Thanks.

26

27 CHAIRMAN THOMAS: And it isn't Snuffy, this is Charles
28 Pata, everybody.

29

30 MR. VALE: Mr. Chairman.

31

32 CHAIRMAN THOMAS: John.

33

34 MR. VALE: I'd like to let you know that if the lake is
35 surrounded by State lands then it wouldn't come under the
36 Federal program. However, under the State program they will be
37 taking proposals for Southeast Alaska in the coming year, and
38 the proposal deadline would be April 10th for that and they'll
39 send out a call for proposals later this winter. So I believe
40 from what I heard from you that you would have to go with the
41 State program and submit a proposal to them. And there will be
42 an opportunity for that this winter.

43

44 CHAIRMAN THOMAS: Is there an office here, a
45 State.....

46

47 MR. PATA: I can deal with Randy or somebody.

48

49 CHAIRMAN THOMAS: You got those proposal forms?

50

0071

1 MR. TUREK: The Division of Subsistence would be more
2 than happy to work with Mr. Pata in both the fishery and the
3 ceremonial permit.

4
5 CHAIRMAN THOMAS: So we'll leave you in their hands,
6 Snuffy.

7
8 MR. PATA: Okay. Well, you know, again, I'd like to
9 thank you, and regardless of whether we're on Federal lands or
10 whether we're on State lands, I feel that we're still all one
11 people but we just have to work out a viable solution for
12 everybody.

13
14 Thank you.

15
16 CHAIRMAN THOMAS: Okay, thank you. You had us pretty
17 divided there for awhile, but we're coming back around. I
18 appreciate the State for volunteering to assist with that,
19 thank you very much.

20
21 Joe.

22
23 MR. HOTCH: Are you the Chairman or.....

24
25 CHAIRMAN THOMAS: That was uncalled for Joe.

26
27 MS. McCONNELL: It was said with a slight sneer wasn't
28 it?

29
30 MR. HOTCH: Can I read this first? Mr. Chairman, I'd
31 like to make some statements but before I do that I'd like to
32 tell you a story I heard. There was a well to do couple and
33 the wife really likes diamonds and there's one special diamond
34 she's looking for. And she went overseas and looking around in
35 the store she found the beautiful diamond she's been looking
36 for. And I'm going to charge you with, that's why I'm telling
37 you. And she found the diamond in a store so she sent a
38 telegram home to her husband, I found the beautiful diamond
39 that I've always wanted and it's only -- it's \$25,000. So the
40 husband wrote a note back, no, diamond is too expensive. He
41 forget to put the period behind the no.

42
43 I'm telling you this because I want you to put the
44 period right where I tell you.

45
46 CHAIRMAN THOMAS: Okay.

47
48 MR. HOTCH: Members of the Southeast Alaska Federal
49 Subsistence Regional Advisory Council. I will address you as
50 employees of the Interior Department today. My name is Joe

0072

1 Hotch. I wish to speak on my own behalf and as an elected
2 officer of Chilkat Indian Village IRA Tribe, a Federally
3 recognized tribe organized by the Raven and Eagle of Chilkat.
4 I point this out to you because the IRA was organized to
5 negotiate with the Federal and State governments on behalf of
6 the tribe and to exercise it's government-to-government
7 relationship on internal and external issues of importance to
8 the Chilkat tribe. I would like to call your attention to the
9 days of which inherent use and occupancy of lands and waters
10 upon which the Chilkat and Chilkoot tribes exercised its
11 traditional and customary uses of subsistence within 2.6
12 million acres of land which extends from Berner's Bay up to 42
13 Mile Canadian Border.

14
15 I would like to state that my rights as an Alaska
16 Native and tribal member is being made a mockery of by the
17 State of Alaska and the Federal governments by not coming to an
18 agreement on public law, 96-487 December 2, 1980. It has been
19 18 years of mockery that Alaska Natives have endured with
20 patience because the State and Federal governments cannot come
21 to an agreement. The Chilkat tribe suggests to you, the
22 Federal Subsistence Regional Advisory Council, that under
23 Section .809, Title VIII, Chilkat and the Secretary enter into
24 a cooperative agreement for Chilkat to manage subsistence as
25 expressed in Section .809 and should the Federal government on
26 December turn over management to the State of Alaska, our
27 demand be transferred to the State of Alaska. The last
28 paragraph in the Chilkat IRA Constitution Article VII reads,
29 all officers and employees of the Interior Department are
30 ordered to abide by the provisions of the said constitution and
31 bylaws signed by Oscar L. Chapman, Assistant Secretary, March
32 4, 1941. I have a whole document here that I will hand over to
33 you, Mr. Chairman.

34
35 Enclosed documents are the Bureau of Indian Affairs
36 Mission Statement. This is the task force that I served on for
37 two years. And it's a very important document because each
38 state has a disclaimer clause in it. Alaska is not the only
39 state that has a disclaimer. All the states, 48 states have
40 disclaimer. And it shows in these that -- and I also have HR
41 90-54 which was bill in Congress September 12th, 1977. This is
42 where all treaties were supposed to have been revoked. We
43 always here that there is no treaty in Alaska, but you look at
44 the last page it says, including any Alaska Native village or
45 regional or village corporation. So that is important for you
46 to remember. I also have a copy of a letter to Grand President
47 Richard Stitt supporting the boycott that was held in Juneau,
48 Chilkat supported the boycott and we were hurt by the ANB
49 pulling back from that boycott. I have testimony by me,
50 November 18, 1992 on sovereignty in Alaska Indian Country and

0073

1 IRAs. I have also a letter of testimony of February 21, 1996
2 relating to the definition of Indian Country which is dependent
3 tribe, reservation and allotments. So these are Indian Country
4 that we're talking about. I was invited to Whitehorse to speak
5 at the symposium. It is called; Managing Salmon for the
6 Future. I had four areas to address, cultural significance,
7 traditional methods, future developments and relate to the
8 symposium theme. I know this will shed some light on why we
9 always address our need as Native people. The Canadian people
10 accepted these statements that I made. I have -- each Native
11 community in the 1800s had a police appointed by the United
12 States of America and we have one here dated February 1, 1891,
13 all the Native communities. We know how to deal with our law.
14 This is the point, we know how to deal with rules that are made
15 -- written. I have a copy of an agreement here between Harbor
16 Packing Company and the Natives of here in Haines. It's
17 written, an agreement on fisheries. Alaska Packers Association
18 could not -- they brought in all their boat tenders and
19 everything to this area but they couldn't touch the fish until
20 they had an agreement with the tribal chief and there's a
21 signature here by Kodawat. And the stakes that are available
22 are right on the Haines tribal land here right by the Mission
23 Church.

24
25 I'd also like to point out that our people in the early
26 days did not need fishing licenses, but our leaders said we'll
27 cooperate with the United States. We have a license here that
28 was given to -- granted to one of our chiefs here, Mike
29 Kredonahow, that was in May 16, 1918. We have tried to deal
30 the best we can with fishing laws. Our people were the best
31 stewards, we were good stewards here. We had five canneries
32 here. Three on the other side and two up in Chilkoot. And my
33 dad said there was 500 gillnetters and we didn't run out of
34 fish because we knew how to manage it. Lastly I have a packet
35 here, we sent all this information to Ada Deer, Assistant
36 Secretary of Interior, Bureau of Indian Affairs, May 10, 1994.
37 I don't know if she looked at it, but from what I hear somebody
38 else picked it up and it didn't reach her desk. But everything
39 that we talk about here, it's also in the document that was
40 sent to Ada Deer. It has a resolution, 001-94, Title Tlingit-
41 Haida Central Council is not a tribe. Two, letter April 16,
42 1993, the Alaska Native Commission Chairman, Mike Irwin. We
43 also sent Mike Irwin the same documents because they were
44 supposed to be dealing on our behalf and from what I know and
45 heard, Mike Irwin did not produce this to the people that we
46 wanted him to produce it to. And we also have the mission
47 statements that I just talked about and public comments before
48 BIA task force.

49
50 We received letters from Don Young and Mike Gravel and

0074

1 the other ones saying that they would fight for our rights. We
2 have copies of this in here. And when we talked to Ted
3 Stevens, sometimes he changes. I know I sat at the meeting in
4 Juneau on Indian Country and he told the people from up North
5 that every one of you Natives will not receive a penny for your
6 education. He had a closed door meeting there in Juneau at
7 that big center there in town. But their letters are here
8 saying that they would help us.

9
10 And we have some material here that relates to wild
11 food resource harvests in Klukwan, 1996. This is the way we
12 harvest the different foods in this area. And the other one
13 is Chilkat River salmon harvest. And the last one in here is
14 the regional comparisons. This is going to be important for
15 you folks to look at because the Southeast region is different
16 from the other regions. So this is important that you look at
17 it because there's comparisons here that we want you to look at
18 on behalf of our tribe and on behalf of the two tribes here in
19 Haines and Klukwan. And I am sure I can answer some questions
20 if you have any questions.

21
22 CHAIRMAN THOMAS: Vicki.

23
24 MS. LeCORNU: I'm really glad to hear you bringing up
25 the real facts of Indian Country. And I'd like to hear you
26 state that list again, the short list of dependent Indian
27 communities.

28
29 MR. HOTCH: Well, I'm going to give this to Bill, this
30 whole thing.

31
32 MS. LeCORNU: Thank you.

33
34 MR. HOTCH: And then he'll probably distribute it.

35
36 MS. LeCORNU: Well, the reason I'm asking is because a
37 lot of people don't believe there's Indian Country in Alaska
38 anymore because of the court case and it's just not true.

39
40 MR. HOTCH: Well, the way Indian Country came to Alaska
41 was -- well, we were a district at the time. The military came
42 to Wrangell and here. And the military couldn't bring in
43 liquor to the two areas because of those Indian Country --
44 unless it was Indian Country. So the U.S. Army captain sent a
45 letter to the President of the United States, and I think I
46 have all those.....

47
48 MS. LeCORNU: Indian Liquor Law.

49
50 MR. HOTCH: What's that?

0075

1 MS. LeCORNU: The Indian Liquor Law.

2

3 MR. HOTCH: Yeah. So I say, as long as there's liquor
4 in Alaska, this Indian Country.....

5

6 MS. LeCORNU: That's right.

7

8 MR. HOTCH:will stand.

9

10 MS. LeCORNU: That's right.

11

12 MR. HOTCH: Anymore questions?

13

14 CHAIRMAN THOMAS: Covers a lot of countries. Well, I
15 didn't know that. I've never had the -- I've never been in any
16 forums that went over these topics, I'm interested in hearing
17 and seeing what they are.

18

19 MR. HOTCH: It's all in here.

20

21 MS. WILSON: Mr. Chairman.

22

23 CHAIRMAN THOMAS: Marilyn.

24

25 MS. WILSON: Is there a chance that we can get that
26 whole packet copied and put on record?

27

28 MR. HOTCH: Well, this is why I'm turning it over to
29 Bill so that you folks can have your own.

30

31 CHAIRMAN THOMAS: Well, I'll leave it up to you.

32

33 MS. WILSON: Well, I so move that we incorporate it
34 into the record.

35

36 MS. LeCORNU: I'll second the motion.

37

38 MR. ANDERSON: Mr. Chairman, I would amend her motion
39 to thank Mr. Hotch for submitting this to be made into a public
40 record.

41

42 MS. WILSON: Yes.

43

44 MR. ANDERSON: We thank you, Joe.

45

46 MR. HOTCH: Gunal Cheesh.

47

48 MS. WILSON: Gunal Cheesh.

49

50 MR. HOTCH: Anymore questions? You want a break?

0076

1 MR. ANDERSON: Further discussion.

2
3 MS. LeCORNU: Question.

4
5 CHAIRMAN THOMAS: All those in favor say aye.

6
7 IN UNISON: Aye.

8
9 MS. GARZA: Mr. Chairman, I just want to thank Mr.
10 Hotch for providing us with that history. I've, over time, had
11 contact with Mr. Hotch and I'm just impressed that how well
12 this area preserves their history, keeps their documents in
13 tact and can pull them back up to demonstrate what their rights
14 are and what the obligations to them are. I have never seen
15 that in another community to where they could just go back pick
16 it up, you know, in Sitka, I'm ashamed to say, we do something,
17 we put it away and then sometimes we forget where it is. So
18 it's wonderful to see that.

19
20 MR. ANDERSON: Who was your secretary?

21
22 MR. HOTCH: My wife put it together for me.

23
24 MR. ANDERSON: Just wanted to get that out.

25
26 CHAIRMAN THOMAS: Well, see Joe is traditional and
27 you're political.

28
29 MS. WILSON: His wife is our ANS president.

30
31 CHAIRMAN THOMAS: Okay, we have an introduction.

32
33 MS. WILSON: Mr. Chairman, I would like to introduce
34 our Haines ANS president, Georgie Hotch, Joe Hotch's wife.
35 Would you please stand up Georgie and say hello.

36
37 CHAIRMAN THOMAS: How come they never clapped for
38 Snuffy and Joe. Well, any other tribal. Lee, you got a tribal
39 comment to make?

40
41 MR. CLAYTON: I think I'll make mine tomorrow.

42
43 CHAIRMAN THOMAS: Any ethnic criticisms you'd like to
44 share with us? Okay, not hearing any we'll take a two minute
45 break and let Mike get his thoughts back together. We
46 apologize to Mike for the interruptions and thank him for his
47 support.

48
49 (Off record)

50 (On record)

0077

1 CHAIRMAN THOMAS: Okay, we're back in session. Again,
2 we apologize to Mike and you guys are taxing the new side of
3 me. Mike, go ahead, please.

4
5 MR. TUREK: Thank you, Mr. Chair. I'm Mike Turek with
6 Alaska Department of Fish and Game, Division of Subsistence.
7 And I'll be pretty brief today. I'm going to discuss.....

8
9 CHAIRMAN THOMAS: We're back in session, please.

10
11 MR. TUREK: I'll briefly discuss Prince of Wales deer.
12 We have a final report. You saw the draft in the winter. The
13 final's essentially the same report. There's some minor
14 changes in the introduction but the data's all the same.
15 Unfortunately, the reports that are supposed to be here today
16 aren't here, hopefully they're on their way. But Fred Clark
17 has plenty more, if they don't get here today we'll get a copy
18 to you real soon.

19
20 Also looking at the deer, we did household harvest
21 surveys on Prince of Wales Island, in Craig, and Hydaburg last
22 year and we're just starting to get the data back from our data
23 manager. So we're just starting to look at those deer numbers.
24 One thing that we do have is the Department of Wildlife
25 Conservation their deer ticket survey, mail in survey data for
26 this past year for '97/98 has a reference to GMU 2 Prince of
27 Wales Island. There appears to be, according to the return
28 data -- the ticket return data, there appears to be a decline
29 in harvest this past year. And I've made a copy of the two
30 paragraphs mentioning that and I'll give that to Fred and he
31 can make more copies for you and I won't read it out to you,
32 but you can take a look at that. But at this point, this is
33 the first year this has shown up, we don't know yet if it's an
34 indication of a trend or not, we'll just keep an eye on it.
35 But what it is is it's a head's up, we got to pay close
36 attention, as you have been, to deer on Prince of Wales Island.

37
38 CHAIRMAN THOMAS: Have you made a list of possible
39 contributing factors?

40
41 MR. TUREK: They do mention that. The Department does
42 mention in that in here, what may be contributing to that. And
43 it's just, you know, the standard issues of logging, roads,
44 wolves.

45
46 CHAIRMAN THOMAS: Okay.

47
48 MR. TUREK: And that's really about all I have on the
49 Prince of Wales deer. Bob mentioned my book, I won't blow my
50 own horn but if anybody's interested in a copy.....

0078

1 MR. SCHROEDER: Go ahead.

2

3 MR. TUREK: If anybody's interested in a copy, I can
4 get them for you quite a bit cheaper than you get them in the
5 store so just let me know.

6

7 Yeah, and I think, John, you'll find it real
8 interesting it's on parks in the Lower 48 but it's issues that
9 are the same as up here. We did want to include Alaska in the
10 book but we realized right away that that's a whole 'nother
11 story, primarily because of ANILCA and just the expanse of
12 Alaska. Park Service doubled in size with the ANILCA parks, so
13 that book took us 14 years to write, and so we didn't want to
14 spend another 14 years just adding a chapter on Alaska. But I
15 have worked with Mary and the people in Hoonah a bit on Glacier
16 Bay. And Glacier Bay's real interesting because of it being an
17 old park, a hard park. So the Park Service has essentially
18 taken the same approach in Glacier Bay as they have in Glacier
19 in Montana or the Everglades or the other parks where there's
20 been a long history of Native use. So I think you'll find it
21 real interesting.

22

23 MR. SCHROEDER: Mike, could you just -- I know we don't
24 want to take all the Council's time but could you just describe
25 the methodology you used because that might be relevant to the
26 way some of the Council members want to approach their Park
27 issues.

28

29 MR. TUREK: Well, one thing we did is we did a lot of
30 document research, in both the Parks and in the National
31 Archives in Washington, D.C., and that turned up a lot of --
32 that was like a treasure chest. So there was a good document
33 -- good record of documents showing what's happened in a lot of
34 the Parks. And we also did a lot of field work in the Parks, a
35 lot of interviewing; we interviewed over 200 people and that
36 included tribal members. So it was mostly primary research,
37 meaning original documents and interviews because there really
38 hasn't been any work done in the area, very little written
39 about National Parks and Native Americans. So it was -- one of
40 the reasons it took so long was the field work, you know, from
41 the Everglades to the Olympic Peninsula, but it was also very
42 enjoyable. But the documents were real revealing and it was
43 what you got in the National Archives -- they were pretty easy
44 to get a hold of, which we also -- I also did a similar project
45 with Glacier Bay and the Tlingit of Hoonah. And the documents
46 are -- it's a rich source of information on the history of the
47 Native use of these Parks. So luckily it has been documented
48 in most of the Parks. But our approach was probably -- Bob
49 Keller, who my co-author was, historian, and so our approach
50 was historical but a lot of contemporary issues, a lot of

0079

1 interviewing. So it was sort of a multi-disciplinary approach
2 of history, political science and environmental studies.

3
4 MS. GARZA: So we can let you know about copies?

5
6 MR. TUREK: Yeah, I can get you copies so just let me
7 know and I'll order -- I can order them right from the press.

8
9 MR. ANDERSON: Do you give a discount on two or more?

10
11 MR. TUREK: We might be able to work something out.

12
13 MR. ANDERSON: That's on the right track.

14
15 MR. SCHROEDER: You get signed copies.

16
17 MR. GEORGE: Is every third one free?

18
19 (Off record comments)

20
21 MR. TUREK: I think maybe some traditional trade.

22
23 MS. PHILLIPS: Mr. Chair.

24
25 CHAIRMAN THOMAS: Patty.

26
27 MS. PHILLIPS: Mike, going back to the POW survey, what
28 was the percent of harvest decreased by? You said that -- does
29 that paragraph show it?

30
31 MR. TUREK: Yeah. From the.....

32
33 MR. SCHROEDER: Mr. Chairman, Patty, we have some
34 preliminary data that we'll provide to Fred for his use; we had
35 a decline in the mailout survey which is this final data that
36 had the rural harvest going from 1464 in 1996 to 1306. We
37 provided you kind of all the gory detail in the large blue
38 book, and so what we did in this set is we just added another
39 year on so when you get your blue book you'll be able to kind
40 of see what's going on. You could also take a look at our kind
41 of early numbers here which are just basically putting another
42 year on what you already got.

43
44 MS. McCONNELL: What blue book are you talking about?

45
46 MR. TUREK: This is the final version of the draft that
47 you got already this winter.

48
49 MS. McCONNELL: Okay. So we'll be getting the one, a
50 copy?

0080

1 MR. TUREK: Yeah, they're on their way up here
2 probably, as we speak.

3
4 MS. McCONNELL: Okay.

5
6 MR. SCHROEDER: And there's definitely one volume here
7 for reference.

8
9 MR. TUREK: Yeah. We can leave this here.

10
11 MR. SCHROEDER: This series of graphs and charts simply
12 adds one year on to graphs and charts that are already in that
13 document and already reviewed.

14
15 MS. McCONNELL: I see.

16
17 MR. TUREK: Yeah, this document has up to '96/97 deer
18 season. And this '97/98, this past year is the one that shows
19 the decline.

20
21 MR. ANDERSON: But Mike, is that.....

22
23 CHAIRMAN THOMAS: Dolly.

24
25 MR. ANDERSON:is there a graph that shows.....

26
27 CHAIRMAN THOMAS: Dolly.

28
29 MR. ANDERSON: Oh.

30
31 MS. GARZA: Did you ask to be recognized?

32
33 MR. ANDERSON: No. I withdraw that statement. Dolly.

34
35 MS. GARZA: I guess I'd like to have a feeling for -- I
36 know that this Council has lent or written support for these
37 efforts in these last couple years on the subsistence surveys.
38 Have you finished enough that you are no longer in a financial
39 crunch or do you need continued support from this Council to
40 wrap things up or will there be surveys done in other areas
41 that may also need, you know, a letter or resolution of
42 support?

43
44 MR. SCHROEDER: Mr. Chairman, Dolly, we definitely need
45 your support and I guess I started out years ago being
46 embarrassed asking for support, but I basically feel that if
47 we're successful at what we do, we're doing work which is
48 relevant to subsistence management so that we're, in some
49 sense, doing your work for you. So yes, we do need support.
50 Our State funding is not adequate to undertake new subsistence

0081

1 research in Southeast Alaska. This current legislature has
2 spoken with its actions on the subsistence issue. This past
3 year we received some support from forest Service, both from
4 the district office and region; the district office in Craig.
5 And we also received some support for doing surveys from the
6 Forestry Sciences lab through funding they had available from
7 TLMP. But, yes, definitely, if you think it's useful for us to
8 proceed, please suggest that.

9
10 Our plan for this coming year, given the situation on
11 Prince of Wales would be to complete surveys in communities on
12 Prince of Wales. And then we have a good baseline study of
13 quantitative data for all the communities on the island. Right
14 now, Prince of Wales is something of a hot spot for management
15 issues in Southeast, so that's why we're focused there.

16
17 MS. RUDOLPH: Mr. Chairman.

18
19 CHAIRMAN THOMAS: Mary.

20
21 MS. RUDOLPH: I was wondering, there was a letter in
22 one of the newspaper, a letter of concern on the Regional
23 Advisory Council because of our ruling on the doe season; was
24 that also addressed in your book there on Prince of Wales
25 Island?

26
27 MR. TUREK: I think the letter you're -- just recently,
28 in the last month or two?

29
30 MS. RUDOLPH: Yes.

31
32 MR. TUREK: Yeah. There's no mention of that in our
33 report.

34
35 MR. SCHROEDER: There will be as part of -- because the
36 doe season was an issue on Prince of Wales, we did include a
37 series of questions in our most recent round of household
38 surveys in Hydaburg, Craig and Klawock, where we basically
39 asked people's opinion of the doe season as well as some other
40 issues. We don't have those data for you yet because we don't
41 have the results out.

42
43 MS. RUDOLPH: Will that be available to the Council?

44
45 MR. TUREK: Yes.

46
47 MR. SCHROEDER: Yes, definitely. And I think the
48 vehicle would be, when we have those data in hand, we'll work
49 through Fred to get those distributed. I anticipate those
50 pieces of information will be available in about a month.

0082

1 MS. RUDOLPH: I would to see it because only for the
2 fact that the Regional Advisory Council position being
3 questioned, you know, on subsistence, the feeling that we
4 hadn't really addressed the subsistence users. And I think it
5 has been a major concern for the Regional Advisory Council so I
6 just want to make sure we do get a report on it.

7
8 Thank you.

9
10 MR. SCHROEDER: Just one other comment, given our past
11 experience on Prince of Wales, I think definitely all the Staff
12 kind of feel it's a hot issue and you don't want to get your
13 fingers burned. What I keep in mind is that the issue and the
14 management questions there do come out of concerns of people on
15 the island. And so if those concerns weren't there, we
16 wouldn't need to be paying attention to that situation and
17 there wouldn't be proposals and kind of tough decisions that
18 you guys have to make.

19
20 CHAIRMAN THOMAS: Are you making reference to that doe
21 hunt?

22
23 MR. SCHROEDER: I was thinking of the doe hunt and also
24 the situation a couple of years ago concerning the non-
25 subsistence hunters.

26
27 CHAIRMAN THOMAS: Those two things are always going to
28 be around.

29
30 MR. SCHROEDER: They're going to be around. And you
31 know, so I think that basically the Council was and may in the
32 future have to respond to more issues with Prince of Wales deer
33 simply because the issues are there.

34
35 CHAIRMAN THOMAS: Yeah, we respond, but unfortunately
36 we're not the utopia of decisions.

37
38 MR. SCHROEDER: No magic wands.

39
40 CHAIRMAN THOMAS: We have the courage it takes, we just
41 don't have the clout. Anyway, was there more?

42
43 MR. SCHROEDER: Yes. If you're done with Mike, I
44 invite Amy Page for a minute.

45
46 MR. VALE: Question for Mike.

47
48 CHAIRMAN THOMAS: Okay.

49
50 MR. VALE: Well, we just got your little written report

0083

1 here and I see there was a decline in effort. And I'm just
2 wondering if you were able to attribute the decline in harvest
3 to a decline in effort, hunting days?

4
5 MR. TUREK: Unfortunately we haven't analyzed that
6 data. That comes from the Wildlife Conservation Division and
7 their ticket returns. And I really couldn't tell you if -- I
8 couldn't answer that.

9
10 CHAIRMAN THOMAS: The roads are bad, not everybody's
11 got four wheel drive.

12
13 MR. SCHROEDER: We were -- basically I think we're in
14 the heads up category on wanting to tell the Council what we
15 know based on where we're at in looking at these data right
16 now. But basically we're not saying yes there is some action
17 needed; we don't know. And rather than -- what we wanted to do
18 was present data which provided a little bit of update to the
19 larger report.

20
21 CHAIRMAN THOMAS: Will that be considered biological
22 information?

23
24 MR. TUREK: I'm not a biologist, I can't answer that.

25
26 MS. WILSON: I have a question for Bob. Bob, while
27 you're up there, your office has been doing research on
28 historical village sites or place names or is it another
29 office?

30
31 MR. SCHROEDER: Mr. Chairman, Marilyn, over the years
32 -- well, I think we can feel real good about working with local
33 communities on documenting place names, starting probably about
34 10 years ago in Hoonah. Then we also helped Southeast Native
35 Subsistence Commission in some grant writing, and we've
36 assisted where we've been able to. Most of that work in the
37 last few years, let's see, two of our staff members did work in
38 Angoon, that was Matt Kookesh and Marty Betts was up here, as
39 you know, recording place names up here. A good deal of that
40 work has been done by Dr. Tom Thornton, who, after working with
41 us went to the University of Alaska Southeast. And I know
42 Sitka is also pretty far along on its recording of place names
43 for the Sitka area.

44
45 MS. WILSON: Well, I was wondering if we could make use
46 of it as a Council, these place names, like the historical
47 facts, historical places, similar to why we want Joe Hotch's
48 information? To go back on it when we need it, as background
49 or -- is it possible for this Council to have a copy of the
50 place names so it would be on record?

0084

1 MR. SCHROEDER: Mr. Chairman, Marilyn, as probably most
2 of you know, place names in Southeast Alaska are a property
3 item, and when the documentation has been done the tribes have
4 chosen to maintain exclusive control over their information.
5 And so.....

6
7 MS. GARZA: Could we be at ease for a minute?

8
9 CHAIRMAN THOMAS: I'm at ease.

10
11 MS. GARZA: Well, it looks like people are leaving and
12 we can't hear.

13
14 MS. McCONNELL: I think they're probably just on break.

15
16 MR. SCHROEDER: I can always turn the volume up. I
17 think the way to get that information is to work with
18 individual tribes. And that's what we've been doing when we
19 get requests at Fish and Game, we refer to the tribes and then
20 if the tribe says okay and we happen to have information on
21 hand then we release it.

22
23 MR. TUREK: Mr. Chair.

24
25 CHAIRMAN THOMAS: Mike.

26
27 MR. TUREK: One thing I might add is, speaking of Tom
28 Thornton, the book that he edited on, the Goldschmidt & Haas
29 report, has just come out from the University of Washington
30 Press. I don't have a copy with me but it will be a very
31 valuable book for all the Natives of Southeast. I've seen it,
32 they did a very good job on the maps, that Goldschmidt & Haas
33 did, showing the traditional use areas of the villages. So
34 that's something else that you'll be real interested in seeing
35 as soon as it's available. I checked on the web site for
36 University of Washington Press and it's not there yet but it
37 may be there now, that was last week. And I did see a copy of
38 it, when Tom Thornton came through town he had a copy. So
39 that's something to be aware of and to get a hold of. But I
40 think it will be a very useful document.

41
42 MS. WILSON: Now what was that name again?

43
44 MR. TUREK: It's the Goldschmidt & Haas Report that is
45 in a book form. I can't remember the exact name, it's a
46 cooperative effort between the SeaAlaska Foundation and
47 University of Washington Press.

48
49 MS. RUDOLPH: Would we be able to get this Haas Report?

50

0085

1 MR. TUREK: We should be able to get it through the
2 press itself. Unfortunately, like I say, when I checked their
3 web site, their fall catalog didn't include it. But it should
4 be available since Tom had a copy of it.

5
6 MS. RUDOLPH: Yeah, I would like to try to get one
7 because of what we're doing.

8
9 MR. TUREK: So it should be in the bookstores in
10 Southeast soon.

11
12 MS. WILSON: Thank you, Mike.

13
14 CHAIRMAN THOMAS: Patty.

15
16 MS. PHILLIPS: Can you identify areas of high deer
17 harvest in post-geographic proximity to each POW community?
18 Based on the studies you've done, can you identify specific
19 area that have the higher deer harvest that are in close
20 proximity to the community?

21
22 MR. TUREK: Yeah, we'll be able to do that. We do have
23 some of that now but we'll do it with the updated data we get
24 from the results from our surveys last year, which we're just
25 starting to look at. We did ask for location of deer harvest,
26 so we plan on doing some mapping that way and so we will have
27 that information later this year.

28
29 MS. PHILLIPS: What is the harvest capability? How
30 would you define harvest capability?

31
32 MR. SCHROEDER: Patty, there are different models --
33 well, let's see, back up a little bit. If we were dealing with
34 a species where you really can know how many animals are
35 there.....

36
37 MS. PHILLIPS: Deer on POW.

38
39 MR. SCHROEDER: Well, we can't see them, they stay in
40 the trees. For some species in the state you can do an aerial
41 survey and come up with a number of how many caribou there are
42 in a certain areas and you just basically count them all. With
43 deer in Southeast Alaska, it's real tough to figure out what
44 number of deer are there. Habitat capability refers to models
45 that were jointly developed by U.S. Forest Service scientists
46 and Fish and Game scientists to estimate the number of deer
47 that could -- a piece of ground could support over time. And I
48 can't go further on that because I haven't really made the
49 models myself. I haven't examined them. So that sets
50 something, if you will, a maximum or full number of deer. And

0086

1 against that, managers work on a harvest objective, which for
2 deer in Southeast Alaska, the Department of Fish and Game said
3 that it's okay to harvest 10 percent of the deer for the year,
4 which creates fairly good hunting conditions.

5
6 Just one other thing, habitat capability in Southeast
7 is most influenced by weather, so that real cold winter are the
8 limiting factor in Southeast. And because of that, the
9 elimination of real high volume old growth timber eliminates a
10 lot of real valuable deer habitat. So the habitat capability
11 goes way down if that land management takes place.

12
13 MS. PHILLIPS: Could you tell me if deer harvest
14 exceeds 20 percent of harvest capability on POW?

15
16 MR. SCHROEDER: Mr. Chairman, Patty, we could say that
17 with a lot of discussion and analysis and work with both Fish
18 and Game biologists and Federal biologists. In other words,
19 that's the sort of thing that you'd want to look at real
20 closely. Our uncertainties there are that the habitat
21 capability, this model is simply a model so it has its own
22 characteristics. We also have questions about whether we have
23 really good data on the harvest levels. So we have consistent
24 data on harvest levels from the mailout surveys, however, we
25 also find when we do the more expensive and more accurate
26 household surveys, that people get a lot more deer than they
27 report on the mailouts. We could do a quiet, don't show your
28 hands here, but most people in this room are deer hunters, and
29 I won't ask you to say whether your turn in your harvest
30 report, Mr. George, or not, but if in the quietness of your own
31 mind, you answered that question no, then you'd realize that
32 there could be problems with this data source.

33
34 CHAIRMAN THOMAS: Gabe is a unique situation all the
35 time, so.....

36
37 MR. SCHROEDER: So I guess there is, you know, Park
38 science, we can make graphs and charts and maps and then a lot
39 is art and also the local knowledge of people who are dealing
40 with the species on a day-to-day basis.

41
42 MS. PHILLIPS: So what sort of a swing could you
43 predict saying that harvest capability -- I mean from 10 to 30
44 percent or is it -- could you give a fairly close estimate on
45 deer harvest on POW? Or would it be determined by area on POW
46 or.....

47
48 MR. SCHROEDER: Patty, I'm not really prepared to get
49 too far on that right now. Basically we might quickly get into
50 the art, in that, it wouldn't be a fair answer to simply work

0087

1 with numbers and then you turn the handle and some number comes
2 out and there's a problem. What we found is when we do that
3 sort of analysis, that we identify a lot of problems that
4 aren't problems and then we miss things that are real important
5 to local people. So I think both the biological scientists and
6 the people -- there needs to be more talk amongst the
7 scientists looking at the so-called hard data as well as
8 community contact to answer these questions.

9
10 I don't know if Mr. Willis has anything to add on that.
11 But I can punt over there in that direction.

12
13 MR. WILLIS: I can't answer Patty's question either,
14 Bob. But what I would add is that in looking at this data we
15 need to be very careful that we're not trying to measure
16 something with a micrometer and then cut it with an ax. I tend
17 to look at the overall picture and not try to go specifically
18 on what percentage of harvest capability we think is coming off
19 a particular piece of land. It's a little premature for us to
20 be making evaluations and predictions right now because we
21 don't have all the information. That's a long winded way of
22 saying I can't really answer your question either, except that
23 we do need to be very cautious, as Bob said, in trying just to
24 use the numbers we have in front of us, turn the crank and have
25 it spit out a figure.

26
27 MS. PHILLIPS: Mr. Chair.

28
29 CHAIRMAN THOMAS: Patty.

30
31 MS. PHILLIPS: I guess I'm going to follow-up with
32 that, if we're heads up on deer population harvest on POW
33 decreasing and we're not sure if it's because of population
34 decreases, but if it is because of deer population decreases,
35 that this Council not only can recommend that non-subsistence
36 users not be able to harvest that deer, but this Council could
37 also recommend to the land management agency which oversees
38 Prince of Wales Island, that we wish certain timber harvest
39 practices to be handled in the best management practices
40 possible, which includes adaptive management timber harvests
41 which will cause an increase in the budget to conduct those
42 sort of timber harvest practices in order to ensure an
43 increasing population of deer for subsistence users.

44
45 I hope I said that right.

46
47 MR. ANDERSON: That was a long breath.

48
49 MS. McCONNELL: That was good.

50

0088

1 CHAIRMAN THOMAS: You know, while you were doing all
2 that, you know, I can remember when questions like that Robert
3 could answer in his younger years, you know. He never had to
4 stop and think. Now, he stops and thinks and when he comes
5 back to the resolution he forgot what he went back to think
6 for. So we're going through a change here. But I have a
7 question, you made reference when it gets real cold on POW,
8 what's real cold out there? To me if it's below 45, that's
9 pretty damn cold -- cold weather.

10
11 MR. SCHROEDER: Mr. Chairman, what I was talking about
12 is the number of deer that can be supported in an area in
13 Southeast is a lot climate dependent. Deer, getting toward the
14 northern end of their range.

15
16 CHAIRMAN THOMAS: Right.

17
18 MR. SCHROEDER: And I think you guys know about that.
19 So I'm also taking an informal poll about whether this is going
20 to be real cold winter in which.....

21
22 CHAIRMAN THOMAS: It's already cold.

23
24 MR. SCHROEDER:which could change our deer
25 situation. I don't know if the Council can pass any
26 resolutions about the weather or not, but.....

27
28 CHAIRMAN THOMAS: We have a committee that will take
29 care of that tonight.

30
31 A question, so much of POW has been clear-cut, what is
32 the behavior -- or what's the character of say deer in an area
33 like that in a snowfall? That question never occurred to me
34 until just now.

35
36 MR. SCHROEDER: Mr. Willis.

37
38 MR. WILLIS: To be specific to Prince of Wales, we have
39 the area biologist for the U.S. Forest Service here and I might
40 want to ask him to answer that specifically for Prince of Wales
41 since we have him here rather than usurp his local knowledge
42 with my own general knowledge.

43
44 CHAIRMAN THOMAS: I was just curious because I know
45 that every time something happens -- when habitat disappears
46 regardless of how large or how small, it has some impact on the
47 critters that depend on that habitat. And when it's been
48 disrupted on the scale that Prince of Wales has been disrupted,
49 I'm wondering what happens when you got a combination of say a
50 hard wet snow and then a cold snap? Would these critters

0089

1 otherwise be out there, I'm assuming browsing, is there
2 anything left out there to browse on? I have a hard time to
3 keep from being facetious because it's been so heavily impacted
4 in many ways out there. And so I'm just wondering what -- I
5 know that there's very few places that are against the odds of
6 survival like they are on Northern Prince of Wales Island.

7
8 MR. JOHNSON: Mr. Chairman, Council members, Dave
9 Johnson, for purpose of the record. I was hoping I wouldn't
10 have to be in this seat for the first time in a long time, but
11 since I'm here, to answer your question -- I believe the
12 question was, what do deer do on Prince of Wales in the event
13 that you have a significant snow fall or significant
14 climatological or climatic event? In response to that it
15 depends on the area of Prince of Wales and it depends on what's
16 adjacent to the areas that have been harvested.

17
18 Now, by our own environmental impact statements and I
19 believe by the Forest plan, we indicate in there that there has
20 been X amount of winter habitat harvested in certain VCUs,
21 which is another unit that's similar to the wildlife analysis
22 area. And so depending on what part of the island or what part
23 of Unit 2 you're looking, which also includes some of the other
24 islands, and also with respect to the Native corporation lands
25 adjacent to those lands; in some cases there's very little
26 habitat to go into. Now, this is not a significant issue for
27 about the first 30 years. Now, Matt Kerchof (ph), if he was
28 here, I would defer to him on the exact age of those stands or
29 those units when second growth has reached a height where
30 there's very little forges and shrubs that are important deer
31 forage, okay.

32
33 The second aspect is that one of the observations I've
34 made in the 12 years, the short time I've been there, is that
35 we appear to have some deer that do migrate to these important
36 wintering areas or winter habitat, if it's available, but in
37 some cases even with the habitat there in what I would consider
38 a fairly deep snow, the deer seem to be -- seem to stay okay.
39 And one of the important habitat components that really hasn't
40 been looked at a lot, I don't think, and perhaps some of you
41 here that are deer hunters can better tell me if I'm off base
42 on this one is mid to -- roughly mid-elevation in certain
43 places, there's a lot of a cedar component. And it seems like
44 that if there's enough cedar to intercept snow in that middle
45 elevation range that that's kind of the transition zone where
46 the deer will kind of hang out in a year when there's maybe too
47 much snow up high, but not enough to really force them down.
48 So they kind of move around in that middle habitat or mid-
49 elevation type habitat.

50

0090

1 So to answer your question, Mr. -- it's kind of a long
2 answer, Mr. Chairman and Council, it just really depends on
3 what part of Unit 2 you're talking about. But in certain
4 portions.....

5
6 CHAIRMAN THOMAS: Well, I was making reference to any
7 place that's been clear-cut. I guess to be more specific,
8 something recently, maybe this year even, where everything is
9 still freshly cut?

10
11 MR. JOHNSON: If it's freshly cut generally my
12 observation is that the deer can get around okay, assuming
13 again, they don't have to go too far, you know, how far they
14 have to range across the clear-cut. If there's -- again,
15 depending on what's next to it. But I think when it was
16 mentioned the other day by Mim, a lot of these areas have these
17 travel corridors that these deers have historically used, even
18 when there was harvest in those areas, timber harvest, and
19 they've been able to move along these Class III streams and
20 where we have buffers now, these seem to work as real good
21 travel corridors for them to move up and down slope.

22
23 So again, on certain portions where there's been a lot
24 of harvest and the harvest is approaching that 30 year
25 category, the amount of ability for those deer to move around
26 and for them to find forage in a severe winter event is pretty
27 tough.

28
29 CHAIRMAN THOMAS: Yeah, one of the reasons I asked that
30 was that winter related tragedy we had in Ketchikan in 1969,
31 when we had about a five foot snowfall and then it got
32 extremely cold. The snow crusted just enough to support a
33 wolf, it wouldn't support a deer. And they couldn't get back
34 up into the woods. They were all -- the ones that were on the
35 beach died down there. In George Inlet, alone, the first mile
36 they walked they counted 150 carcasses. I can't imagine
37 anything more severe than that.

38
39 MR. JOHNSON: Right. I guess the other good news, Mr.
40 Chairman, is that generally out there in Unit 2, we haven't had
41 a real severe winter event in recent history. And I think
42 depending on who's records you read it's roughly somewhere back
43 in the '70s that we had the last major snowfall and some of you
44 that have been around Southeast, perhaps Vicki or others that
45 were on Prince of Wales, we've just been very fortunate to not
46 have a severe winter.

47
48 I guess I'd just make one other comments, Mr. Chairman,
49 I'm going to be leaving here shortly and I just want to take
50 this opportunity to express my personal appreciation to all the

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1 Council members for the interest that you've had in the
2 management of deer in Unit 2. And as already been said here by
3 a number of people, it's because of your efforts and interest
4 in this important resource to the rural residents of these
5 areas that we've been able to get funding to do some of the
6 work that Bob and others have been able to do, so I just
7 applaud you for your efforts because I know you're taking time
8 away from family and work to do this work, and I appreciate
9 that.

10
11 CHAIRMAN THOMAS: I'm taking time away from retirement.

12
13 MS. GARZA: Mr. Chair.

14
15 CHAIRMAN THOMAS: Dolly.

16
17 MS. GARZA: Thank you, Mr. Chair. I guess trying to
18 follow-up on what Patty was asking and also what you were
19 asking, is just a fundamental question of, did this Council
20 neglect in its duties to protect this resource or was it
21 environment that caused this decline in harvest over the last
22 two years? Because looking at this information makes me feel
23 like we either did something wrong or we didn't do something
24 right.

25
26 CHAIRMAN THOMAS: It's probably premature at this time.

27
28 MR. WILLIS: Mr. Chair.

29
30 CHAIRMAN THOMAS: Robert.

31
32 MR. WILLIS: I'll speak to that a little bit, it is
33 premature. I don't think the Council neglected its duties at
34 all. First of all, we dealt with just a few months ago,
35 actually. And if you'll recall we were at the end of a mild
36 winter, it had been a very mild winter the winter before. When
37 that happens, there's not enough snow to bring the deer down to
38 the road system and harvest typically goes down. We looked at
39 all the other game management units in Southeast Alaska and saw
40 the same pattern. Harvest was down all over. In fact, the
41 harvest on Prince of Wales was not down proportionately as much
42 as some of the other units.

43
44 The 1997 data that Bob and Mike brought today is really
45 premature to try to draw a conclusion from that. As John
46 pointed out, there was, I think 10,000 fewer hunter days
47 expended. People didn't hunt nearly as much this year, which
48 may have been a factor. Bob and Mike and Dave and I were
49 talking over lunch about the data and I asked if they had done
50 this work up for the other areas, the other game management

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1 units and they had done it for Unit 4 and the harvest was down
2 in Unit 4 also, although not as much as in Unit 2. So there's
3 too many possible causes right now to make a statement that the
4 harvest is down and this is a trend. We don't have the pellet
5 count data yet to look at either.

6
7 So my answer to your question is, no, I don't think the
8 Council was derelict in its duty at all. I think the Council
9 beat this issue to death last year. And I told somebody at
10 noon, I don't remember who it was, that I may have been the
11 only person who was somewhat pleased to see the Council split
12 down the middle over this issue because I went into the meeting
13 and told you it's six to one or half-dozen to the other.

14
15 CHAIRMAN THOMAS: Dolly.

16
17 MS. GARZA: Thank you. So then when will the pellet
18 count data be available or at what time should the Council
19 either decide that we did the right thing or that we need to
20 reconsider the actions that we've taken or not taken?

21
22 MR. WILLIS: I don't know exactly when the pellet count
23 data will be available. They send me a booklet. When it is,
24 that's generally the first I know of it. You know, we just
25 started the doe permit this year to try to get a real handle on
26 how many does are being harvested, and I'd like to have at
27 least one years data on that before I start making any
28 conclusions. So I'm hoping we'll have at least one, maybe two
29 years data before we have to deal with this issue again.
30 Obviously if something drastic shows up this year, then we may
31 have to look at it sooner than that.

32
33 MR. JOHNSON: Dave Johnson, to respond to that. Dolly,
34 the information with regards to the doe permits, there's a real
35 encouraging note that we are having a lot of people come in and
36 pick up doe permits this year being a requirement -- a legal
37 requirement this year for the first time. A lot of people are
38 interested. We've gotten out a little more public information
39 as to why we have these doe permits, that it's not just another
40 restriction, but it's a way for us to get information to help
41 better manage the deer population and that response has been
42 pretty positive. We've also just gotten requests from Wrangell
43 and Petersburg for permits so we know that there's people up on
44 that end that are also interested in what's happening with the
45 permit side.

46
47 The other thing is, with respect to the pellet data,
48 there will be a lot of additional information that will need to
49 be looked at here. Bob's work, the deer pellet work, we've got
50 some road analysis work that's going on also on the north end

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1 of the island now, as part of a bigger picture to protect
2 habitat to ensure access for subsistence use. And so that's
3 another thing that we're looking at on the island as well.

4
5 So thanks.

6
7 CHAIRMAN THOMAS: With all this looking, you think we'd
8 be in better shape. I'm just teasing. Well, thank you,
9 Robert, I was kind of feeling bad here that there was a
10 possibility that we made a mistake and I'm glad you clarified
11 that. I feel better now, but that was pretty close. Bob.

12
13 MR. SCHROEDER: Mr. Chair, if we buried the POW deer,
14 we invite Amy Paige.

15
16 CHAIRMAN THOMAS: I don't know if we want to bury it,
17 we might push it aside for a little while. But it's kind of
18 amusing at this point.

19
20 MR. SCHROEDER: Before I introduce Mary, I'd like to --
21 I have three copies of this bear report I referred to earlier
22 and I have some copies of the Board of Game proposals which
23 will be dealt with at the October 23rd meeting. So I'm just
24 bringing that up again in case someone wishes to work on those
25 issues and see if there are things in the proposal book that
26 would benefit from private or Council comment.

27
28 Amy's been with our subsistence staff for quite a
29 while. She's worked a great deal on state wide issues, on
30 migratory bird work, and on developing a data base which
31 includes all of our subsistence quantitative data for the
32 state. For the last two plus years she's been in Southeast and
33 she's taken a real active role in our household survey
34 projects. So I asked her to just describe a little bit what
35 we're doing and what our plans are.

36
37 MS. PAIGE: Well, I don't know if I can add too much.
38 Bob's described the fact that we are, with your help, been able
39 to get active in doing the household surveys to update the 1987
40 TRUCS data that so any agencies seem to depend on.

41
42 And we were able to do 10 communities in the first
43 year, that's two years ago, including this area. We do our --
44 over the years, since TRUCS, the Division has developed a
45 fairly standardized form for asking people about all the
46 different resources they use throughout the whole year, so we
47 call it our baseline survey. And people are asked to recall
48 what they've harvested over the 12 month period. And we have
49 gotten wonderful cooperation from all the communities so far in
50 Southeast that we've gone to and we've usually tried to --

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1 we've always tried to contact the local IRA Council, which some
2 of you may be involved with, to make sure the communities want
3 us to be there. We've had very good cooperation. The
4 interviews run about an hour if people have been active
5 harvesting and we've been really pleased that people seemed
6 really to get interested as they go along and had very low
7 refusal rate. Much lower than you'd normally get, a social
8 science survey of this kind, in the communities, here and in
9 other parts of the state. So we hope eventually that we'll do
10 all of the 31 some communities in Southeast that we did in
11 TRUCS.

12
13 In '97 we worked in Angoon, Kake, Point Baker, Port
14 Protection and Sitka in what we call Central Southeast. And
15 here in Northern Southeast we did Haines, Klukwan, Hoonah, Game
16 Creek, Whitestone Logging Camp. And then last year we were
17 able to go to three communities on Prince of Wales, Craig,
18 Klawock and Hydaburg.

19
20 I have a set of the preliminary, very draft and very
21 summary reports for the first 10 communities for the first year
22 with the harvest numbers per capita, pounds. I was planning to
23 give those to Fred Clark so that if you wanted to have a look
24 at that he'll be able to make copies for you. All of these
25 reports were given to the local community IRAs and city groups
26 that we worked with. So presumably, you know, people have had
27 a chance to see that. We hope to do a much more thorough
28 report to really look at the data and digest it a little bit
29 more. At this point it's fairly preliminary. And the
30 footnotes to some of the resource uses have not been included
31 in this report. So where we have to expand from surveyed
32 households to the wider communities, sometimes that doesn't
33 work when you're talking about things like seals; where the
34 non-Native people are not active hunting seals. So we usually
35 have a footnote to explain that maybe these seal numbers, the
36 better numbers for seal harvest are from our NPMF surveys.
37 Those footnotes are not included in these reports.

38
39 So that's all I had to say.

40
41 MS. WILSON: Amy, is this still funded by the Federal
42 government to the State?

43
44 MS. PAIGE: As far as I know.....

45
46 MS. WILSON: Or is it Federal?

47
48 MS. PAIGE:the funding for follow-up years has
49 not been secured yet. So we're still looking for help in where
50 that money's coming from. Perhaps the Forest Service will be

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1 able to find some funding for that depending on how the Federal
2 -- whether it takes over.

3

4 MS. WILSON: I remember we had meetings in all the
5 villages and some of the villages were worried about how this
6 information was going to be used. And at that time we
7 understood it to be only -- it was only going to last maybe
8 three years or so and that's been about five years ago it
9 started, I think. So how long is this going to continue; I
10 guess that's my question?

11

12 MS. PAIGE: I'll refer to Bob.

13

14 MR. SCHROEDER: Mr. Chairman, Marilyn, in trying to
15 decide what would be a good way of collecting subsistence data
16 for Southeast and how often you need to do it we kind of went
17 through various questions over both what you can feasibly do
18 with budget, what's possible to do, and also really considered
19 the burden that doing research in a community and surveys puts
20 on the community. Because people have to take time out of
21 whatever they were doing to participate in the survey. What we
22 would very much like to do is have Southeast on a five year
23 rotation such that we would have an update in each community
24 every five years. So that would mean that we'd hit Pelican
25 every five years with similar methodology. But we're not
26 funded to do that.

27

28 In my opinion, that would be a good balance point
29 between the imposition on the community and the cost of doing
30 research because it's expensive to do this stuff. And balanced
31 against having groups like the Regional Council or the Board of
32 Game or Board of Fisheries or Plans using data that's really
33 just too old to be useful because things change in Southeast
34 communities. So we'd like to be on a five year rotation, which
35 we haven't established yet, largely due to the funding
36 situation.

37

38 MS. WILSON: I have one more question. How is this
39 information being used and who is using it?

40

41 MR. SCHROEDER: Marilyn, the procedure is we complete
42 work, it's reviewed at local community level, and then it
43 becomes general baseline information for subsistence. I
44 couldn't list all of the places this has been used in the last
45 year. One that really comes to mind is that we worked a lot
46 with Sitka and worked with the tribe in doing the survey work
47 with Sitka in '97. And that work was real important for
48 ongoing tribal concerns based on the cleanup of the mill site.
49 So that's an example of where that would be used.

50

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1 Data get used generally for representing what
2 subsistence use is in a community. We provide the information
3 back to communities so that they can use the data and the
4 reports and control that information in use in all kinds of
5 planning reports, documents, grants, so that's basically the
6 direction.

7
8 CHAIRMAN THOMAS: Bob, with regards to the same concern
9 that Marilyn had, I haven't looked at a survey for years, and I
10 was wondering in your approach to doing these surveys, is there
11 anything that the people being surveyed can read as to the
12 ambitions of these surveys, specifically?

13
14 MS. PAIGE: When we approach a household to do the
15 survey, we usually have a general description of what the
16 project is about and what we -- what kind of.....

17
18 CHAIRMAN THOMAS: Is it something they can read?

19
20 MS. PAIGE: Yes, something in print that we hand them.
21 It's usually just a very brief one page description of the
22 project.

23
24 CHAIRMAN THOMAS: Okay. I say that because a lot of
25 times, over years of experience, people in many different areas
26 for different reasons have been burned, and now they're a
27 little more -- you'll -- see you Dave, thank you. So this is
28 why we try to be an advocate to see that they get some lead-in
29 information around these types of things so that they'll be
30 more comfortable and more supportive of whatever project you're
31 having. And if funding continues to be a problem, we all buy
32 raffle tickets pretty readily, you know, so we help where we
33 can.

34
35 MS. PAIGE: We've tried to provide a fairly detailed
36 description of the project to the IRA council when we first go
37 to a community to discuss whether they'd like us to do it
38 there. And so we do describe the project.

39
40 MR. SCHROEDER: Yeah, the two vehicles, as Amy was
41 describing, the one vehicle, for basically public consent would
42 be a contact through the representative organizations, which
43 would be tribal councils and city councils. And basically
44 that's a first line of saying, should this work be done? And
45 then there's the question of individual consent. And I think
46 those are real important. Because any information collected
47 about a community could -- it could conceivably cause harm, so
48 I think people really need to think about that.

49
50 CHAIRMAN THOMAS: I got a question from the audience.

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1 MS. WOOLWINE: Yesterday when I was listening in on
2 some discussions of the c&t determinations.....

3
4 MS. GARZA: Can you sit down so she can hear you.

5
6 COURT REPORTER: Could you give me your name.

7
8 MS. WOOLWINE: I'm sorry, this is Phyllis Woolwine,
9 Forest Service Ketchikan area, botanist. There was concern
10 yesterday about c&t determinations and some communities having
11 troubles with, you know, having the resources and know how to
12 document and establish their cultural and traditional uses.
13 I'm just sort of putting one plus one together and correct me
14 if I'm wrong, but couldn't -- is this a real valuable resource
15 to establishing that? If you're systematically going
16 throughout Southeast Alaska from community to community and
17 doing these surveys, isn't that a real valuable.....

18
19 CHAIRMAN THOMAS: To us, yes. But to somebody that
20 doesn't understand, that might have some doubt, no.

21
22 MS. LeCORNU: Well, I have a comment on that. I think
23 you're correct in asking that question because like Bob said,
24 it could harm us. And I think the first line should be us
25 here, and this survey should be asking not what your past use
26 is but the results should be -- questioning that we're
27 following in the annual report, what is it that your community
28 needs? Instead this information is going to be used wrongly,
29 it's going to be applied wrongly, it has past use, it has
30 nothing to do with the future use. So I think those questions
31 should be asked and it could cause harm. It's not always
32 helpful if you aren't asking the right questions. It would be
33 great if they were asking the right questions.

34
35 CHAIRMAN THOMAS: Good point. Some questions are good
36 historically and some are good for management.

37
38 MS. WOOLWINE: Thank you, Mr. Chairman.

39
40 MS. WILSON: Mr. Chairman.

41
42 CHAIRMAN THOMAS: Marilyn.

43
44 MS. WILSON: I used to work for the State Fish and Game
45 as one of the surveyors. And at that time the questions were
46 real good. I have no beef. I just wanted it to be brought
47 out, what the information is used for and how long ago it
48 started and it was only going to be for a few years but now
49 it's continued to be an ongoing thing. So I just want
50 everybody to know how things can change.

0098

1 CHAIRMAN THOMAS: Okay. We're all acting pretty good.
2 Next. Thank you very much.

3
4 MS. PAIGE: Thank you.

5
6 MR. SCHROEDER: Mr. Chairman I only have one more hat.

7
8 CHAIRMAN THOMAS: Okay.

9
10 MR. SCHROEDER: And that hat is to let you know that I
11 will be changing my work assignments over the next month or so.
12 This will be the last time I get to work with you in the
13 capacity of Division of Subsistence. I'll be taking a position
14 with the Forestry Scientists laboratory, being the regional
15 social scientist. So I'll be conducting research through that
16 outfit in the future. So that research should be similar to
17 what I've been doing here except with a longer time span. The
18 goal will be, again, to collect information that helps inform
19 and create better public policy for the Tongass. I wanted to
20 mention this because I plan on calling on you and still taking
21 more of your time and experience in this new job. So that's my
22 third and last hat.

23
24 CHAIRMAN THOMAS: I don't remember seeing a proposal
25 from you asking to do that.

26
27 MS. McCONNELL: Is that a State position again?

28
29 MR. SCHROEDER: No, this would be with Forestry
30 Sciences lab, which is the research branch of Forest Service.

31
32 MS. McCONNELL: Okay.

33
34 CHAIRMAN THOMAS: Well, it was nice knowing you and
35 we'll look forward to meeting you again some day and getting
36 reacquainted with a new hat and everything. Thank you for all
37 that you've brought to us and all that you've shared with us.
38 And much of our experience comes from the resources that you
39 provided and we don't want you to feel that those aren't
40 appreciated. In fact, we're elated that we had that
41 opportunity. Thank you very much.

42
43 MR. SCHROEDER: Thank you, Bill.

44
45 MS. WILSON: I just wanted to announce that the fruit
46 and vegetables that were provided was provided by our Chilkoot
47 Indian Association, our Haines IRA.

48
49 CHAIRMAN THOMAS: Where your fruits provided by Annette
50 -- or sorry about that Lee. Thank you very much. It's 4:00

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1 o'clock, some people had to leave, is there anybody -- oh, Jack
2 you've got to leave, don't you? I didn't see a proposal about
3 that either.

4
5 MR. CAPP: I'm sorry, Mr. Chairman. Whenever the
6 dispatcher says our plane leaves is when we're going.

7
8 CHAIRMAN THOMAS: Okay, we'll we're thankful for the
9 time you were able to spend with us. It's always good to see
10 you. Have a good trip back and have a successful Board
11 meeting.

12
13 MR. CAPP: Thank you.

14
15 CHAIRMAN THOMAS: And I'll be getting some information
16 to you.

17
18 MR. CLARK: Yes, thank you very much.

19
20 CHAIRMAN THOMAS: You bettcha. Let's take a two minute
21 break. Fred.

22
23 MR. CLARK: Before we break, I'd like to bring
24 something up to the attention of the Council, if I may.

25
26 CHAIRMAN THOMAS: Okay.

27
28 MR. CLARK: Kind of a housekeeping thing. Around lunch
29 time I distributed these yellow papers, these are your travel
30 itineraries. These are the things to fill out to be sure that
31 you're reimbursed appropriately for all your expenses for the
32 trips and things like that. Please make sure that you fill
33 those out, put them in the envelope and mail them back to
34 Janice, okay, if you don't, she jumps on me, and I'll jump on
35 you.

36
37 CHAIRMAN THOMAS: Thank you.

38
39 MS. GARZA: Do we know where dinner is tonight?

40
41 CHAIRMAN THOMAS: Dinner.

42
43 MS. WILSON: Dinner will be at 6:00 o'clock at the ANB
44 hall.

45
46 CHAIRMAN THOMAS: 6:00 at the ANB hall.

47
48 MS. GARZA: Mr. Chairman, I had asked one of the ANS
49 members to call to the Sheldon Museum to see if they would stay
50 open a little longer because there's some really nice Native

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1 art and it's a very nice Native museum, they've agreed to stay
2 open until 5:30. So I'm requesting that we break at 5:00 so we
3 could zoom over there and visit it before we go to the dinner.

4
5 CHAIRMAN THOMAS: Okay.

6
7 MR. ANDERSON: It's five after 5:00 now.

8
9 CHAIRMAN THOMAS: You guys are just working hard to let
10 me have a break, but let's take two minutes and we'll stretch
11 our legs out.

12
13 (Off record)
14 (On record)

15
16 CHAIRMAN THOMAS: Fish and Wildlife Service, update on
17 Migratory Bird Treat Amendments, and regulatory process. This
18 is for our information only.

19
20 MS. DETWILER: Thank you, Mr. Chair. This should be a
21 short report. Migratory birds are not within the jurisdiction
22 of the Federal Subsistence Management -- I see you raising your
23 cane, so I'll just hold back.

24
25 CHAIRMAN THOMAS: Break is over.

26
27 MS. DETWILER: Migratory birds are not within the
28 purview of Title VIII Subsistence Management Program, but I
29 have been asked to be the emissary for the Migratory Bird
30 Program to just give you a status update on migratory -- the
31 amendments to the Migratory Bird Treaty Act what activities are
32 going on now.

33
34 Last September or October the Senate ratified
35 amendments to the Migratory Bird Treaty Act that allow for
36 subsistence taking of migratory birds and their eggs from March
37 through September. Those activities formerly were illegal.
38 Since the treaty has -- treaties with Canada and Mexico now
39 have been amended, we're going about developing regulatory
40 scheme for regulating that taking. And I guess there are two
41 main points that I want to make. One is that the amendments
42 call for subsistence users to have a meaningful role in
43 management of the summer time taking, and so it -- they've
44 mandated the development of what they call management bodies.
45 The management bodies will be composed of representatives of
46 Natives, the State and Federal entities. And the hearings that
47 are being held throughout the state right now are designed to
48 gather public input on how those management bodies should be
49 formed and how they should operate. In other words, how many
50 management bodies there should be, what their roles should be,

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1 how the regulatory process will interact with the regulatory --
2 with other State and Federal regulatory processes and so on.

3
4 CHAIRMAN THOMAS: Do you have any idea what their
5 ambitions are with regards to regulation? Is that to at least
6 maintain a stable balance; is that -- something of that nature?

7
8 MS. DETWILER: Yeah, the idea is simply to legalize
9 subsistence taking that has already been occurring. It's not
10 intended to make additional opportunities.

11
12 CHAIRMAN THOMAS: It's been occurring? I am really
13 ashamed of my tribe and community. Continue please.

14
15 MS. DETWILER: The other point that's important to
16 Southeast is that the treaty language recognized that there
17 were some areas in the state that don't have subsistence uses
18 of migratory birds from March to September, and Southeast
19 Alaska was one of the areas. The other areas include
20 Anchorage, the Matanuska Susitna Borough, Fairbanks. So as it
21 stands now, Southeast Alaska is not included as a subsistence
22 use area for migratory birds. However, there was an exception
23 made. The treaty ammenders recognized that some of the
24 communities in Southeast do harvest gull eggs, and so there are
25 provisions for Southeast communities that exhibit customary and
26 traditional harvesting of migratory bird eggs.....

27
28 CHAIRMAN THOMAS: Another question.....

29
30 MS. DETWILER:to apply for a subsistence -- to be
31 able to harvest under subsistence regs.

32
33 CHAIRMAN THOMAS: Are there any birds in this area that
34 don't migrate? I don't know, I'm really ignorant to that kind
35 of information. I ask that so I can just safely assume it
36 probably makes reference to anything that flies?

37
38 MS. DETWILER: Migratory birds, yeah. Ducks, geese,
39 swans, gulls, obviously.

40
41 CHAIRMAN THOMAS: Except for these here, I understand
42 that.

43
44 MS. DETWILER: Camp robbers, don't, yeah.

45
46 CHAIRMAN THOMAS: Okay, thank you. Continue on, sorry
47 to interrupt.

48
49 MS. DETWILER: That was the end of my presentation.

50

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1 CHAIRMAN THOMAS: Mary.

2

3 MS. RUDOLPH: Sue, I was wondering on our work with
4 trying to setup our traditional use of sea gull eggs. There
5 was a practice that was always done by our tribe, how the sea
6 gull eggs were picked. And there wasn't a real overabundance
7 that was brought in, whatever was there that they knew which --
8 where they could get, which one they can take, which nest they
9 can take out of. But one of the things that was proposed to
10 our tribe or mentioned to our tribe was that we could maybe
11 possibly work with what you're saying, but we would have to
12 move further out to get the sea gull eggs and not our
13 traditional usage area; not where we actually pick from. We
14 would have to move further out. So how does that stay within
15 ANILCA for us as a tribe?

16

17 MS. DETWILER: Well, I guess there's two questions.
18 And the first thing is your reference to ANILCA, it doesn't --
19 migratory birds aren't managed under ANILCA, they're managed
20 under.....

21

22 MS. RUDOLPH: I mean the Migratory Bird Act, I'm sorry.

23

24 MS. DETWILER: The second response is -- and I'm not
25 familiar with all the ins and outs of the treaty language, but
26 it might be premature to say that you're going to move out from
27 where you already -- where you have customary and traditionally
28 harvested. My understanding is that what you need to do is
29 wait until the regulations come out I would imagine and then
30 file for a permit or whatever they're going to call it to be
31 able to harvest -- file for a customary and traditional use
32 determination and give all of the information about your
33 customary and traditional harvesting activities to whatever the
34 management body is that's going to be developed.

35

36 MS. RUDOLPH: I know the Park Service has been doing
37 study with us and I talked to one of the ladies that was
38 helping to put this together and she told me that just about
39 every tribal member that spoke never ever spoke other than the
40 sacred ground of Glacier Bay for us. So she said there was
41 hardly any that swayed from the tone of abusiveness, maybe a
42 few of our younger boys have been at the -- always feeling they
43 can challenge but not working with the tribe -- we are working
44 on this sensitive issue and it is a big concern of ours. And I
45 think a few years back there was one kind of an elder guy that
46 went there and brought home, I think, maybe four or five eggs
47 and gave one to each elder person in the village and my mom was
48 one of them; she got one egg. For days she had that one egg in
49 her fridge, and never ever touched it until the day when she
50 couldn't stand it anymore, then she cooked it. But it was such

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1 a momentous time for her, she didn't want to lose the moment of
2 what she got.

3
4 And so it is that valuable for us as a tribe of Hoonah,
5 and a lot of our kids have really lost the way we were raised
6 and the way we use it and the way we ate it. And for them a
7 lot of them have never seen a sea gull egg, never seen a sea
8 gull egg, so this is a very, very sensitive issue for our tribe
9 right now. We're working towards trying to get our voice to be
10 heard on Glacier Bay because there's been so many issues that
11 have gone over us that we haven't really been involved in and
12 now getting the tribe involved in this one is really something
13 we're working hard towards resolving and hoping we could have a
14 good working relationship with the Park Service as they're
15 making their decision. That's the reason I think why it's
16 really important that Southeast get on the committee and
17 Southeast be one of the places where they're having their
18 meetings because a lot of us in the Southeast, the IRAs, the
19 tribal councils, aren't able to travel all the way up north for
20 the meetings because there's no funds available for us to
21 travel.

22
23 MS. DETWILER: I'm glad you pointed out Park Service.
24 I know that they have different regulation or -- Glacier Bay,
25 especially, has different regulations or actually different
26 statutory language concerning subsistence and I'm not sure how
27 that interacts with subsistence taking of migratory birds or
28 their eggs. So that's something you'd have to -- obviously you
29 are already working with the Park Service.

30
31 MS. RUDOLPH: Well, this was -- they're the ones that
32 have made the decision that we move further out rather
33 than.....

34
35 MS. DETWILER: Yeah, and that's.....

36
37 CHAIRMAN THOMAS: I've never heard of anybody gathering
38 eggs in Southeast after the month of June.

39
40 MS. DETWILER: The cut off.....

41
42 CHAIRMAN THOMAS: I think they're all walking around by
43 then.

44
45 MS. DETWILER: Well, there's.....

46
47 CHAIRMAN THOMAS: See I missed the season one time.
48 John. They're all tough to pluck.....

49
50 MR. VALE: Are you going to have any interaction with

0104

1 the people dealing with migratory birds when you go back or are
2 you just sort of giving us the reports?

3
4 MS. DETWILER: I'm just conveying the information that
5 I have. And I forgot to mention that it's also in your book
6 behind Tab F. If need be I can convey information. It's
7 probably better coming directly from the Council. And the
8 contact person for the program is actually listed in the book
9 as well, his name is Bob Stevens. He'd be the person to
10 contact directly.

11
12 MR. VALE: Mr. Chairman, I'd like to make sure that
13 when we get to our action items that we take this up at that
14 time and follow through on Mary's request to try and get
15 somebody involved in that management group. So I'd like to
16 make sure that happens. And I just wanted to offer a comment
17 and that is that, I've been somewhat involved in these process
18 here about bringing about these changes in the Migratory Bird
19 Act. And I've talked to people in the Staff that were
20 involved, Fish and Wildlife Staff that were involved in this
21 and the first I've ever heard of Southeast not being included
22 is here today at this meeting. And I guess I'm shocked, in
23 that, we're not, at least to the extent of these bird eggs
24 already going to be automatically included. It's disappointing
25 that we're going to have to continue to work to get these uses
26 recognized.

27
28 And also I'd just like to bring it to your attention
29 that there are other bird eggs besides gull eggs that are taken
30 traditionally in Yakutat, we take tern eggs as well. And I
31 know there are others out there. And so it's not just gull
32 eggs, it's bird eggs, a variety of bird eggs. And so that's
33 all, I just -- oh, and one other thing, it says Southeast is
34 not included. I'm a little curious where Southeast is. I know
35 a lot of folks where I live, as much as we're included in the
36 management program here, don't really consider our area
37 Southeast. We consider our area the North Gulf Coast, or the
38 Eastern North Gulf Coast, and Southeast ends somewhere around
39 Cape Spencer. So I would hope that would be recognized.

40
41 CHAIRMAN THOMAS: You're getting unique as Angoon over
42 there.

43
44 MR. VALE: So that little bit of trivia, I think, you
45 know, you could relate that.

46
47 MS. LeCORNU: Who made the boundaries?

48
49 CHAIRMAN THOMAS: I guess there's more birds than I
50 knew about, too. Thank you.

0105

1 MS. GARZA: I guess one further comment, this is one of
2 the issues that was brought to the ANB fisheries committee and
3 Herman and I have been directed to -- and perhaps it will be
4 brought up in the action items tomorrow, but we also have an
5 access problem as does Hoonah, where the traditional harvest
6 area, St. Liz area is a bird sanctuary, and we as a Native
7 community have been under the assumption that we're not able to
8 harvest there and yet when we look into it we find that other
9 people can get on that island. There's photographers, there's
10 researchers and yet we're not supposed to go there and collect
11 what is traditionally collected there.

12
13 MR. CLARK: Mr. Chairman.

14
15 CHAIRMAN THOMAS: Fred.

16
17 MR. CLARK: I've been talking to a number of people the
18 last couple of days about this issue and people have been
19 relating stories to me about how they use gull eggs
20 specifically, and it's remarkable the similarity of use. It's
21 a very well established, it's easy to document that the use and
22 conservation ways of the people in Southeast; it's really
23 consistent. So kind of along those lines, a guy named Dan
24 Brown lives in Juneau, going to school in Juneau and he's
25 apparently from Hoonah and Glacier Bay area, he's going to be
26 here after -- he'll arrive here after our meeting is over, so
27 he would like to come tomorrow and provide some testimony about
28 the uses of gull eggs in Glacier Bay. Just to let you know
29 that he's coming.

30
31 CHAIRMAN THOMAS: Good.

32
33 MS. PAIGE: Our household survey has documented bird
34 egg or gull egg use or in the cases of some communities it was
35 reported as other sea bird eggs, which we are assuming are
36 mostly gull but may be only. And it's my understanding when I
37 was doing the state wide work on migratory birds that it
38 wouldn't be that the Southeast didn't have subsistence use of
39 birds, it's just that the treaty amendments dealt with the
40 illegal so-called spring harvest. The period between March and
41 September. So presumably, harvest of migratory birds at other
42 times, subsistence or otherwise still goes on.

43
44 CHAIRMAN THOMAS: They don't mate any other time.

45
46 MS. PAIGE: Well, many birds to stay around actually, I
47 believe, in Southeast, there are many resident flocks.

48
49 CHAIRMAN THOMAS: Okay, thank you. We might have to
50 give a crash course on migratory birds I guess. I can see

0106

1 we're moving out of range pretty fast here. But Sue, thank you
2 very much that was a good report. Park Service.

3
4 MS. McCONNELL: Forest Service.

5
6 CHAIRMAN THOMAS: What about Forest Service? Forest
7 Service.

8
9 MR. CLARK: I do have a slight, short update.

10
11 CHAIRMAN THOMAS: We like to stay with organized
12 organizations. Fred.

13
14 MR. CLARK: I will stay organized then. I just wanted
15 to give the Council a brief update on our efforts in the Forest
16 Service in trying to put together a panel of Forest Service
17 scientists, Forest Service managers and holders of traditional
18 ecological knowledge. Two years ago at Grand Camp, the Forest
19 Service made a commitment to the Native people of Southeast to
20 establish a panel of these people to try to bridge western
21 science and western management in the Forest Service with
22 traditional ecological knowledge in communities. The idea
23 being that there's a great deal that the Forest Service can
24 learn from the folks in the communities about traditional ways
25 of looking at the landscape and vice versa, that people in the
26 communities in developing this sort of relationship can learn a
27 great deal from Forest Service specialists, because of the
28 types of tools that they have at their disposal. Perhaps
29 people in the communities could develop research questions for
30 Forest Service scientists so that they could develop, you know,
31 particular things that they want to look at and the Forest
32 Service scientists go out and look at it.

33
34 Since that time we've had one group meeting of the core
35 group, which is just a few people trying to figure out how to
36 approach a larger get together. And what this smaller group
37 came up with is putting together a conference about a year from
38 now. Forest Service people and people from the communities to
39 talk about this issue, presentations by elders, Forest Service
40 scientists. We really don't have a clear agenda figured out
41 yet, we're at the very beginning stages and I'm kind of
42 coordinating this effort so it's my hope that I can engage all
43 of you in that as well for advice and how to go about it, who
44 should be involved, how to do it appropriately.

45
46 I will leave it at that.

47
48 CHAIRMAN THOMAS: You came to the right forum by golly.
49 Thank you. Anybody else for Forest Service? Any questions of
50 Fred first? Any comments for Fred?

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1 MR. CLARK: I'm glad I'm so clear.

2

3 CHAIRMAN THOMAS: Any gestures for Fred? Anything for
4 Fred at all? Okay, Forest Service.

5

6 MS. WOOLWINE: Thank you, Mr. Chairman, Council. It's
7 a pleasure to be here presenting again. Phyllis Woolwine,
8 botanist for the Ketchikan area Forest Service. In addition to
9 my other tasks as a botanist, I did accept the position as
10 coordinator for the Special Forest Products Task Group. Just
11 to give a little bit of overview of what this is all about,
12 what the Forest Service officially now calls Special Forest
13 Products is basically the other stuff in the forest that people
14 use whether for personal use, traditional use or commercial use
15 that, as somebody suggested today, you don't cut down with a
16 chain saws so the other plants, basically, and also parts of
17 trees that are not convertible into board feet.

18

19 The commercial harvest of special forest products in
20 the Lower 48 has been growing very, very rapidly, at a rate at
21 which managers have had a lot of problems and difficulties with
22 coming up with strategies for dealing with something that kind
23 of snuck up on them. Although there have been few applications
24 in Alaska for commercial harvest of special forest products, we
25 foresee that it's going to get here. And watching what's going
26 on in the Lower 48, our present policy development, this -- the
27 idea is to be pro-active and start to come up with some answers
28 before we're scrambling for them, you know, when we have an
29 opportunity to sit back and think about it clearly and try to
30 learn from what's going on down there.

31

32 One thing that is not a part of this policy development
33 process is the actual active promotion of commercial special
34 forest product harvest in Alaska. That's not part of what
35 we're doing. We're not trying to create an industry where
36 there is none, we just want to come up with some answers to
37 questions and issues that have come up in a really big way when
38 those few applicants for commercial have come forward. And we
39 have not permitted -- pretty much all of those have been turned
40 down because of all the unanswered questions in the big and
41 very sensitive issues.

42

43 The policy development process began last year, 1997,
44 in November when the appointed Special Forest Products Task
45 Group first met led by Dale Kanen, District Ranger for Craig
46 District. Since that time, two generations of a draft strategy
47 for management of special forest products in Alaska -- and let
48 me just clarify, this isn't just about the Tongass, this is for
49 all National Forest lands in Alaska, so basically the Tongass
50 and the Chugach. It's a region wide policy that we're working

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1 on. So since that November meeting, two versions of a strategy
2 have been generated. The current revision which is now in
3 progress which is why I can't hand it out to you at this time,
4 it will be forthcoming, however, it's currently being revised.
5 That new draft will go out for public scoping in November. And
6 public input to that which we will be actively soliciting from
7 all of the public and other agencies, et cetera, and pretty
8 much everyone. That will be incorporated into a final draft
9 which will then be implemented as regional policy.

10
11 Just to kind of kick off and set the stage here, the
12 policy, as it's currently written, starts by dividing special
13 forest products uses into two groups, commercial and non-
14 commercial uses. The non-commercial, including subsistence
15 use, non-subsistence personal use and cultural and traditional
16 use, all of these non-commercial categories, commercial use
17 includes commercial harvest and also harvest that will --
18 that's part of research -- research harvest that is intended
19 toward developing a commercial product. So even if they're not
20 manufacturing something right then, if they are -- if they're
21 doing research to try to come up with a new product, that will
22 be treated as commercial use. And then after kind of dividing
23 the use -- the types of uses, the policy focuses on the
24 regulation of commercial harvest and does not attempt to
25 regulate or restrict subsistence or personal harvest. So the
26 focus is really on the commercial use and managing that.

27
28 Perhaps the biggest issue surrounding this policy
29 development is the Native concern about commercialization of
30 their traditionally used plants. It's a very important issue,
31 it's a very sensitive issue and it's a very complex issue. We
32 recognize this, the task group recognized this from the very
33 beginning of the process. And from the very beginning of the
34 process we therefore made a conscious choice to involve tribes
35 in the development of the regional policy from the beginning.
36 Now, I need to talk a little bit about why and how we're doing
37 that because some non-Native individuals and groups have
38 objected on the basis, well, that's unfair, why not go to
39 everybody first? And that has been a contentious issue in
40 itself, the fact that we have consulted tribes first. And I'm
41 just going to tell you why for the clarity in the record for
42 why we are consulting with tribes first.

43
44 Alaska Native tribes and Vicki and others may actually
45 take exception to this but for the purposes that we've been
46 working under in the task group, for the most part Alaska
47 tribes don't have treaty lands or treaty gathering rights in
48 the same way that they do in the Lower 48, at least, recognized
49 at the level that they are in the Lower 48. And without those
50 protections, the treaty gathering rights and the reservation

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1 lands, to protect their traditional uses, Alaska Natives have
2 had to rely on the trust relationship with the United States
3 government and to support their subsistence use and to cultural
4 and traditional use on National Forest lands. And in addition
5 to that, and I -- does somebody have a copy of ANILCA I can
6 refer to?

7
8 Thank you, a well marked up copy.

9
10 CHAIRMAN THOMAS: I've got an unbiased copy right here.

11
12 MS. WOOLWINE: Unbiased -- let's see, how do I navigate
13 here.

14
15 MR. CLARK: Mine's unbound.

16
17 MS. WOOLWINE: I just want to reference here for the
18 purpose of answering to that concern about why do -- why and
19 how can we consult with Native tribes before consulting the
20 public at large. We have a special relationship because of the
21 IRA -- Indian Reorganization Act and recognition of Federally
22 recognized tribes. We have a relationship, an obligatory
23 relationship, a government-to-government relationship to
24 consult with tribes on issues that effect their concerns. And
25 Section .809, if I can find it here, just to cite it, Section
26 .809, cooperative agreements; it says the Secretary may enter
27 into cooperative agreements or otherwise cooperate with Federal
28 agencies, the State, Native corporations, other appropriate
29 persons and organizations and acting to the Secretary of State,
30 other nations which includes Federally recognized tribes to
31 effectuate the purpose and policies of this title, being Title
32 VIII.

33
34 So based on that and based on recognition of the
35 importance of the use of special forest products to Native
36 groups and based on this trust relationship that we're bound to
37 uphold, this is why we could have done this government-to-
38 government with tribes first. And that relationship is
39 different by law than the relationship between the U.S.
40 Government and citizen, special interest groups. Okay, so that
41 may make some people unhappy, but nonetheless, for our purposes
42 and our policy development process, that's the way it is and so
43 we've been acting on that. We are going to be soliciting input
44 from, like I said, in the next phase from all members of the
45 public and all interest groups and that input will be included
46 and incorporated into the next draft which will be the final
47 draft.

48
49 The current revision of the policy has incorporated the
50 input from tribes and other Native organizations from that

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1 consultation process that we went through first.

2

3 And the next thing that's a little confusing and takes
4 some explanation is how to protect. Again, when we talk about
5 concern about protecting subsistence livelihood, that, you
6 know, how do we do that with special forest products? First of
7 all I want to just acknowledge that the task group agrees with
8 Sitka Tribe and Kiyanee, in that, we recognize special forest
9 products is a subsistence issue. And I think somebody already
10 has read from this Section .803 and if I can navigate my way
11 around here again, .802, excuse me, which states, non-wasteful
12 subsistence uses of fish and wildlife and other renewable
13 resources shall be the priority consumptive uses of all such
14 resources on public lands of Alaska, et cetera, et cetera. So
15 plants are other renewable resources or in other places it says
16 wild renewable resources. So for our purposes they are covered
17 under ANILCA. So right off the top, our strategy would -- if
18 there was, again, a conflict between uses would prioritize
19 subsistence use.

20

21 We also recognize that there is a concern about
22 cultural and traditional uses by people who may not live in a
23 rural subsistence community. For example, Ketchikan or Juneau
24 and also other people who rely, at least, partially on these
25 wild plants to supplement their livelihoods who may not again
26 live in a subsistence community. And in recognition of that
27 use, we have prioritized what we call, personal use, which is
28 the non-subsistence personal use of the special forest products
29 as sort of the next tier in the hierarchy of preference if we
30 are going to protect harvest for users. And after that would
31 come non-commercial research and then after that would come
32 commercial use which had a -- excuse me, commercial use or
33 research, which had, as it's goal, development of a commercial
34 product. And then if -- again, if there is a conflict between
35 these types of uses, the higher priority would be the preferred
36 user.

37

38 Some people have voiced concern about cottage industry
39 and wanting to protect that in the face of potentially
40 increasing larger scale commercial demand. And that's one,
41 again, that's very tricky for us to deal with because we need
42 to address these concerns, which we do want to address, but we
43 need to do it in such a way that does not appear arbitrary and
44 capricious, that's -- it goes against the way we work. First
45 of all, off the top, the customary trade and barter, as covered
46 by ANILCA is protected by that Act. So what it would be would
47 be a cottage industry that was not protected by ANILCA that
48 would be of concern. And again, without -- the only real way
49 so far that we've found to -- well, we've thought of a couple
50 of ways of doing -- of taking care of that and there may be

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1 other things involved and we, again, are continuing to actively
2 solicit solutions to these kinds of difficult issues. The more
3 input we get the better. But again, we're going to managing a
4 resource. If a resource is limiting, less say it's not so
5 limiting that it's a problem for subsistence or personal use or
6 we're talking about an area that's not used by subsistence or
7 personal users, but it becomes a concern for commercial use, if
8 the -- if the resource is limiting there's going to be say a
9 limit set on harvest quantity of a given plant. Okay, maybe
10 there's going to be no harvest at all based on limitations of,
11 you know, the supply, but there may also be a limitation of
12 harvest quantity which would be enough for a cottage industry
13 but not enough for, you know, Mega Corporation to come in and
14 fill all their bottles and market them around the world. So
15 there are going to be management concerns just about
16 sustainability and ecological concerns that may factor in in
17 terms of how the resource is going to be distributed.

18
19 But on the other hand, it would be very difficult for
20 us to justify saying, you know, you can have a commercial use
21 and you can't because, you know, we like your product better or
22 the way you're making your product. We have to have something
23 we can standby and justify legally.

24
25 In addition to that, I might say that for small scale
26 harvest this permitting process needn't be a barrier to that,
27 okay. If there are not major cultural or conservation issues,
28 it could be as easy as walking down to Forest Service and
29 filling out the paperwork and paying 10 bucks if there's no big
30 issue surrounding it, okay. On the other hand, we have, based
31 on feedback from Native groups, we have developed a project
32 level process, a detailed project level process strategy that
33 would incorporate feedback from the local community, namely the
34 local Native tribes and any other groups or individuals that
35 were concerned about the resources in that area. So when an
36 applicant came along, first of all they'd be subject to any
37 existing restrictions, and -- which may be an area or a plant
38 species that is off limits to commercial harvest, but then that
39 application would be subject to review by the local Native and
40 other groups and anybody else. I mean it would be open for
41 public review as well to anybody who came and wanted to look at
42 it. But every one would automatically be sent to the local
43 tribe for review. And that feedback would be incorporated into
44 the district ranger's decision of whether or not to or how much
45 to permit or where to permit for a given product application
46 for commercial harvest.

47
48 But you know, aside from this process, you know, if the
49 community is not having a problem with the cottage industry
50 that exists there, then it really needn't be a barrier to that,

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1 especially the existing cottage industries.

2

3 I want to talk a little bit about areas of harvest and
4 these are things -- many of the things I'm talking about are
5 items that came up in our review process with our consultation
6 with Native tribes and other Native groups. The project level
7 process that I just described is a product of that feedback. A
8 lot of Native groups wanted to see, okay, you're going to
9 consult us but how are you going to consult us and when you
10 view the next draft, you'll see that in there, it's like a
11 couple of pages, or at least a page and a half on actually
12 what's going to happen to ensure this tribal review.

13

14 Another strategy that is about protecting the resource
15 and sustainability of the resource especially with regard to
16 priority of users or uses and we have -- in terms of harvest
17 area, prioritized the types of places where you could go and do
18 commercial harvest, okay. So let's say somebody comes and
19 wants to harvest willow bark and -- or let's say they want to
20 do cedar bows, okay, just to look at something that would be in
21 an actual forest area, the top priority area for harvest of
22 that type would be in a place that is already going to receive
23 a major impact. They're going to build a road there. All
24 those trees are going to get cut down and it's going to get
25 covered with shot rock anyway, there's going to be a clear-cut,
26 you can go in and take the cedar bows and make your wreaths
27 from these trees that are going to be knocked down anyway. So
28 that would be a minimal impact and would be a coordination of
29 management types that would minimize the impact. So then if
30 that were not available and this is a concern in the Chugach,
31 is that, well, we don't do timber harvest, so okay, then the
32 next tier would be in the timber production land use
33 designation. So if actual disruptive management wasn't going
34 to happen then you would go to an area that was already
35 designated for that type of a use, for that type of commercial
36 use and that would be the next priority for commercial use.
37 And then below that would be modified landscape, et cetera, et
38 cetera. And there's a lot of land use types that are going to
39 be off limits from commercial harvest based on their -- the
40 goals of that land use designation. Usually it says something
41 to the effect of, you know, management will be toward
42 maintaining the natural character of the landscape. So you're
43 not going to have someone go through there and, you know, mow
44 down the understory, which we wouldn't do any mowing down;
45 that's another issue.

46

47 Let me mention one thing that came up in tribal review
48 that you'll see in the next draft and it was the subject of
49 devil's club. There were a number of different groups,
50 especially in the Tongass who submitted lists of plants that

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1 they said, you know, these are very important to us we don't
2 want to see commercialization of these plants. The one plant
3 that was -- consistently showed up on every one of those lists
4 was devil's club, and the degree of concern about devils club
5 was significantly higher clear across the Tongass than any
6 other plant. So we are, at this point, taking a strategy and
7 again, this is going to be subject to continued review and
8 feedback, but to restrict devil's club from commercial harvest
9 on the Tongass. And we have had to draw the line between the
10 Tongass and the Chugach on that because we did not get the same
11 feedback from the Chugach. To the contrary, we got feedback
12 from the Chugach that said we want to have the option of
13 commercial harvest of devil's club. So what we've said is on
14 the Tongass, when there is a clear voice, consistent voice
15 about commercial harvest of devil's club during our
16 consultation, we are going to attempt to restrict that species
17 from commercial harvest. So any further concerns of people who
18 would like to do commercial harvest, we would have to direct
19 them to other, you know, State or private or the Chugach or
20 somewhere else and not do that on the Tongass where it's a big
21 concern.

22
23 And then the other plants that varied from local
24 district to local district, that will then not be ignored, but
25 rather will be dealt with on a district level. So on a project
26 by project basis, when a permit comes up -- there was a plant
27 that was listed by KIC that was falsehalbor was one of the
28 plants, but none of the other areas it came up. So let's say
29 somebody applies for falsehalbor at Ketchikan district, well,
30 that then is going to be subject to review at the local level
31 and then depending on the issues, it will be worked out through
32 consultation and then again, the district ranger will make the
33 ultimate decision about what, how much, where and whether that
34 falsehalbor would be permitted. So this gives a lot of
35 flexibility and control at the local level to take care of the
36 local issues that are -- that can't be handled at this regional
37 scale.

38
39 Another concern that's been voiced is about monitoring
40 of this and enforcement of regulations for commercial harvest
41 of special forest products. We do have a management strategy.
42 And to some degree, the amount of special forest products
43 harvested that is permitted for commercial use is going to be
44 limited by our resources for monitoring that because we do have
45 a monitoring strategy in place, and we recognize what happened
46 with sea cucumbers and that they didn't have a monitoring
47 strategy in place and we don't want to get into the same hole.
48 So we do have a monitoring strategy and we also have a -- we've
49 addressed enforcement. That if there is -- there are specific
50 -- you know, they're already laid out in 36 CFR, the penalties

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1 -- types of penalties for types of violations of this sort.
2 And the monitoring, again, will be directed, not only toward
3 enforcement, but also toward gathering information because this
4 is new for us and we want to be gathering information as this
5 happens. Maybe issuing a permit saying you can take 10 percent
6 of the stems of such and such a plant on this area, designated
7 area here that's not an area of contention for subsistence or
8 personal use. And they go through -- we visit them while
9 they're doing it, we see that they're doing it properly. We
10 visit after they're done, we see that they haven't caused any
11 other major damage and then we visit a year and then maybe a
12 few years more down the road, to check and see what the
13 recovery rate has been for that plant.

14
15 And based on the information, let's say, it doesn't
16 come back quite like we hoped it would, we would then alter --
17 the district would then be able to alter the regulations that
18 go with permitting that plant. We'd talk about either
19 harvesting less or waiting longer between harvests for an area.
20 Some way of feeding back that monitoring information, back into
21 the permitting system so that we have an adaptive management
22 thing going on.

23
24 CHAIRMAN THOMAS: Mary.

25
26 MS. RUDOLPH: I was wondering, have you gotten very
27 much support from the villages concerning your study of plants
28 and stuff? I know we've had kind of hesitation about giving
29 information for this because the younger ones sharing it with
30 everyone and then the abuse starts it after it's shared. And
31 so right now what we're trying to do is compile a history of
32 the different plants and it's a real wide variety. How do you
33 know which ones are -- you know, are you just overall or -- are
34 you getting much support from the villages?

35
36 MS. WOOLWINE: We've heard different concerns about
37 that, about whether or not to share the information with the
38 Forest Service. Concerns about how that information's going to
39 be used. And pretty much that's up to the individual tribes
40 and the individual Natives in terms of what information they
41 feel comfortable sharing with the Forest Service in terms of,
42 you know, helping us with management of the resource. If you
43 feel like you're at a lesser risk, in terms of your resource by
44 sharing the information, you may then want to share the
45 information and say, we're concerned about this plant, you
46 know, this is very important to us and we want to maintain, you
47 know, our own needs before you go permitting to some commercial
48 company or somebody that wants to harvest it for sale. You may
49 feel, you know, you're at less risk doing that. Or you may
50 feel that you're at lower risk by keeping that information to

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1 yourself and not potentially publicizing the fact that it's a
2 real useful plant.

3
4 And that's pretty much a judgment call that the tribes
5 will need to make. We're not in the business of jotting down
6 people's recipes and specific ways of using it. That's not
7 part of what we're doing. But if tribes want to collaborate
8 with us on the management of these species, then the
9 information, you know, has a potential to help us regulate what
10 is harvested where in terms of maintaining subsistence
11 resources.

12
13 MS. RUDOLPH: Well, I look at it almost as delicate as
14 the Migratory Bird Act, that study that's going on now, and I
15 feel the same way with the plants also. For it to come to the
16 tribal council and then have the Forest Service or whoever make
17 the deciding decision, you know, I have a little trouble with
18 that. And I was just kind of curious how that was taken by the
19 tribes.

20
21 MS. WOOLWINE: Oh, you mean in terms of the project
22 level process and tribal review and then the ranger having the
23 ultimate decision?

24
25 MS. RUDOLPH: Being part of one of them.

26
27 MS. WOOLWINE: Yeah, for better or worse, the district
28 ranger, as the line officer in charge of managing that land,
29 you know, is -- number 1, he's responsible to consult with the
30 Native tribes on a government-to-government basis, and that's a
31 responsibility the district ranger -- and to hear the concerns
32 of the local tribe. On the other hand, it -- you know, with
33 all of the different, you know, issues that are out there, it's
34 also ultimately the district ranger's responsibility to make
35 the final decision on it. And for better or worse, that's kind
36 of what we have right now.

37
38 On the one hand we can get -- we do have that special
39 relationship, that government-to-government relationship that
40 is on a different level than, you know, your average interest
41 group. On the other hand, you know, ultimately we cannot turn
42 over the final decision either. That's just kind of the way
43 the district ranger, as the manager has to handle it.

44
45 MS. RUDOLPH: Thank you.

46
47 CHAIRMAN THOMAS: Anybody else? Fred.

48
49 MR. CLARK: It might be worth reemphasizing that the
50 policy really deals with access and harvesting styles and

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1 things like that in the field. Who can go, and where they can
2 do it and how they can go about that. But it absolutely does
3 not cover things that get into intellectual property rights
4 use. And being such an intellectual group, I thought you might
5 like to remember that.

6
7 MS. RUDOLPH: Thank you, Frank.

8
9 MR. ANDERSON: Mr. Chairman, we have Hudson Bay tea
10 being shipped out of Kake already, commercially. So I can see
11 where problems could arise down the line.

12
13 CHAIRMAN THOMAS: I was wondering what you were going
14 to call that.

15
16 (Off record comments)

17
18 CHAIRMAN THOMAS: Okay, we're going to stand in recess
19 until 9:00 o'clock tomorrow. Dinner's at 6:00 at the ANB hall,
20 \$5 a plate and it's going to be a full course meal.
21 Everybody's invited.

22
23 MS. McCONNELL: There's also an Irish -- world renowned
24 Irish dance thing tonight at the Chilkat building down here.

25
26 (Off record)

27
28 (PROCEEDINGS TO BE CONTINUED)

29 * * * * *

