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1 SOUTHEAST ALASKA SUBSISTENCE  
2 REGIONAL ADVISORY COUNCIL

3  
4 Public Meeting  
5 Hydaburg, Alaska  
6 October 11, 2000

7  
8 Volume I

9  
10 MEMBERS PRESENT:

11  
12 William Thomas, Chairman  
13 Dolly Garza, Vice-Chair  
14 Bert Adams  
15 Floyd Kookesh  
16 Clarence "Butch" Laiti  
17 Richard Stokes  
18 Mary Rudolph  
19 Patricia Phillips  
20 Michael Douville  
21 Marilyn Wilson  
22 John Littlefield  
23 Harold Martin  
24  
25 Fred Clark, Coordinator  
26  
27 Susan Reilly, Recorder



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P R O C E E D I N G S

(On record)

CHAIRMAN THOMAS: Call the meeting of the Southeast Alaska Regional Council to Order. First off we'll hear from Wes Morrison, Mayor Elect of Hydaburg.

MR. MORRISON: I got elected Mayor as a write-in candidate, haven't been sworn in, but as Mayor elect I would like to welcome Council and the other attendees and we extend our welcome to Hydaburg.

CHAIRMAN THOMAS: Thank you. We're happy to see people from the community here. People from Thorn Bay, I see the Mayor of Thorn Bay. Are you still the Mayor, Bill? And, anyway, Bill, good to see you. Is there anybody else, INA or ANB or Rick?

RICK: Mr. Chairman, I think my daughter is coming up Vicki LeCornu, she was on the Regional Council, she's getting her kids off to school and she's running late.

CHAIRMAN THOMAS: Okay.

RICK: I'd like to testify on behalf of the city of Hydaburg, since I requested (indiscernible - away from microphone) first meeting was 1978. I hope I can offer a little insight.

CHAIRMAN THOMAS: Okay. Do we have the sign-in sheet for testifying? Yeah, we have some, I don't know whether it's cards or sheets. If there's more than one person that feels like they want to testify today, fill one out, otherwise we'll just recognize Rick when the time comes. And everybody that wants to speak will have an opportunity to speak. If you want to speak sooner or later, we can arrange for that. Nobody will be denied the opportunity to speak.

There will not be any cross examinations on reports. If anybody has any reports questions to and from an individual will be focused on the content that was reported and that's all. So there's not going to be any cross examining, we're not going to ask you questions about something we have in the back of our minds that didn't have to do with the information that you presented. There will be a time later, though, we'll take time, if there's

50 something on the mind of somebody that think they might

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1 have a response to that, we'll do that in a more informal  
2 fashion, but for the record we'll deal with comments and  
3 statements and all reactions will be relevant to any  
4 comments made, so that's where we're at.

5  
6 So if that's the extent of the welcoming from the  
7 community, we thank you for that -- yes.

8  
9 MS. CARLE: Yeah, on behalf of the Hydaburg  
10 Cooperative Association we'd like to extend a welcome and  
11 to everybody (indiscernible - away from microphone).

12  
13 CHAIRMAN THOMAS: We appreciate that, thank  
14 you very much.

15  
16 RECORDER: Mr. Chairman, I'm not getting  
17 these comments.

18  
19 CHAIRMAN THOMAS: That's my mistake. When  
20 you have something to say, no matter how small it is, will  
21 you please come and use the microphone on this table  
22 because we want to pick all this up for the recorder to be  
23 part of our record. And it's just a format that's been  
24 established, it's a harmless one. It's easy for us to say  
25 that, but we know how tough it is sometimes to come from  
26 the audience to come to a table to speak. But if you would  
27 do that, we'd appreciate that.

28  
29 Wes Morrison, he was the Mayor, he was the first  
30 speaker. And what was your name again?

31  
32 MS. CARLE: Jan Carle.

33  
34 CHAIRMAN THOMAS: Jan Carle, okay, good.  
35 Yes.

36  
37 MR. HANNAN: Want me to come up there?

38  
39 CHAIRMAN THOMAS: Yes. Just sit in the  
40 chair, it's all designed for you.

41  
42 MR. HANNAN: Okay. I guess -- first, I'm  
43 the Forest Service representative for Prince of Wales so  
44 far, so I'd like to welcome everyone on behalf of the  
45 Forest Service. My name is John Hannan, I'm a fisheries  
46 biologist.

47  
48 CHAIRMAN THOMAS: Thank you very much.  
49 Well, I want to acknowledge all the Council members that

50 made it here. Some of you I'm seeing for the first time

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1 this trip. I'm not going to mention any names or look at  
2 anybody with a snide look or anything like that, but I'll  
3 keep my secret all day long, Dolly, and logistics coming to  
4 Hydaburg in October could be tricky, so we used every  
5 possible means of transportation we could drum up and some  
6 of flew, some of us came by boat, but I think we're all  
7 here, I think everybody is here that's going to be here.

8  
9 MS. GARZA: Lonnie's not.

10  
11 CHAIRMAN THOMAS: Lonnie got some municipal  
12 problems and so he might held up with that. Their water  
13 system has been giving them fits, so -- I thought he should  
14 have changed his priorities, but I was the only one that  
15 thought that way.

16  
17 Okay. Roll call. Let's see Vicki is not here.  
18 What do you do in the case of -- how about Fred doing the  
19 roll call for us?

20  
21 MR. CLARK: I can do that. Bert Adams.

22  
23 MR. ADAMS: Here.

24  
25 MR. CLARK: Floyd Kookesh.

26  
27 MR. KOOKESH: Here.

28  
29 MR. CLARK: Bill Thomas.

30  
31 CHAIRMAN THOMAS: Here.

32  
33 MR. CLARK: Butch Laiti.

34  
35 MR. LAITI: Here.

36  
37 MR. CLARK: Dick Stokes.

38  
39 MR. STOKES: Here.

40  
41 MR. CLARK: Mary Rudolph.

42  
43 MS. RUDOLPH: Here.

44  
45 MR. CLARK: Patricia Phillips.

46  
47 MS. PHILLIPS: Present.

48  
49 MR. CLARK: Michael Douville.



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1 MR. DOUVILLE: Here.

2  
3 MR. CLARK: Marilyn Wilson.

4  
5 MS. WILSON: Here.

6  
7 MR. CLARK: John Littlefield.

8  
9 MR. LITTLEFIELD: Here.

10  
11 MR. CLARK: Harold Martin.

12  
13 MR. MARTIN: Here.

14  
15 MR. CLARK: Dolly Garza.

16  
17 MS. GARZA: Here.

18  
19 MR. CLARK: And Lonnie Anderson is absent.  
20 Mr. Chair, we have a quorum.

21  
22 CHAIRMAN THOMAS: Okay, quorum has been  
23 established. Is there any staff members or other guest  
24 that would like to make any introductory comments at this  
25 time?

26  
27 (No audible responses)

28  
29 CHAIRMAN THOMAS: Okay. Overview of the  
30 Council notebook. Fred.

31  
32 MR. CLARK: Before we get started I'd like  
33 to introduce Winnie Kessler, whose the Director of the  
34 Regional Office for Wildlife Fisheries, Ecology and  
35 Watersheds. She's recently started and she will be  
36 assuming some of the Federal Subsistence Board's  
37 responsibilities from Jim Caplan and I'd like to introduce  
38 her.

39  
40 MS. KESSLER: Mr. Chair, I want to  
41 (indiscernible - tape malfunction)

42  
43 CHAIRMAN THOMAS: Thank you. Dolly.

44  
45 MS. GARZA: Mr. Chairman, I just have a  
46 question of protocol. We do have two new Council members  
47 and I don't know if we have to formally seat them and if we  
48 have a process to thank the two Council members that are no  
49 longer on the Council.



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1                   CHAIRMAN THOMAS: No, we don't have that  
2 etiquette or protocol. When the Secretary appoints them  
3 that's is and we don't take time out to express our thank  
4 yous that served on here, we're just a rough, tumble, crude  
5 kind of bunch of people. So does that help any?

6  
7                   (Laughter).

8  
9                   CHAIRMAN THOMAS: Okay. I would -- is  
10 there two missing, are the two not here on the Council now,  
11 Vicki and Millie? By all means, that's a good point, thank  
12 you for bringing that up. That is one of the important  
13 protocols, contrary to what I mentioned just a little  
14 earlier is to be sensitive, appreciative to people that  
15 have served on here, it's a volunteer opportunity and it  
16 uses a lot of talent, energy, time to do this. And people  
17 come here to share their experience or idea and they work  
18 as a conduit of information from their respective  
19 communities. And it's combining the conduit communication  
20 from 13 communities, which gives us a chance to represent  
21 the region of Southeast Alaska with a little better  
22 knowledge an effectiveness. But, by all means, we do want  
23 to extent our thank yous to Millie and Vicki and welcome  
24 Harold and John serving in their place. We know they'll  
25 never fill the shoes that were left, but they're only men,  
26 they're only human, so we'll have to forgive them.

27  
28                   (Laughter)

29  
30                   CHAIRMAN THOMAS: But I think Fred's got  
31 some more appropriate activities he does in the cases of  
32 changes like this. Can you share those with us, Fred?

33  
34                   MR. CLARK: If it the Council's wish I will  
35 make a certificate of appreciation for both Millie and  
36 Vicki and get them around to everybody so everybody that's  
37 on the Council can sign them. And we can then either  
38 present them at a meeting or mail them to them, you know,  
39 whatever the Council's wishes are.

40  
41                   CHAIRMAN THOMAS: Okay.

42  
43                   MS. GARZA: Mr. Chairman, if we could also  
44 get an explanation of how Council members are selected and  
45 whether or not it's this body that selects the Council  
46 members or some mysterious body somewhere out there.

47  
48                   CHAIRMAN THOMAS: Could you give us the  
49 people involved in the selection or the agencies involved?



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1 MR. CLARK: Sure, I'd be happy to do that.  
2 The way the selection process works is that the Federal  
3 Subsistence Program has established a series of criteria  
4 that are looked at as people apply. There's a call for  
5 applications that goes out with a timetable in which people  
6 can apply, and that's coming soon. So people apply, there  
7 is some criteria that people have to meet. One is that  
8 they have to be a resident of the region. You don't have  
9 to be a Native, you don't have to be a rural resident, but  
10 anybody who lives within the region is eligible to apply.  
11 They also have to be willing to attend meetings and travel.  
12 But those are really kind of the two basic criteria.

13  
14 And then there are other criteria that are looked  
15 at, including such things as knowledge and understanding of  
16 subsistence uses (indiscernible) and some other things that  
17 are looked at. And those all applicants [sic] are  
18 interviewed, check their references. In some cases, not  
19 all the references, but most references are check. That's  
20 done by a team of people who are agency representatives,  
21 people who work for the Forest Service, and Park Service in  
22 Southeast are part of that team.

23  
24 After the regional teams does their interview and  
25 summaries, they look at a few things like (indiscernible -  
26 tape malfunction) to the Federal Subsistence Board. The  
27 Federal Subsistence Board then makes a recommendation to  
28 the Secretaries of Interior and Agriculture and it is the  
29 Secretaries who ultimately appoints members to the Council.

30  
31 CHAIRMAN THOMAS: One other question. Is  
32 the Advisory Council part of the selection process?

33  
34 MR. CLARK: The Advisory Council is not  
35 part of this process.

36  
37 CHAIRMAN THOMAS: Okay.

38  
39 MR. CLARK: The only time the Advisory  
40 Councils are on the list of recommendations, some Council  
41 members will put on the list of people to contact, other  
42 people they know, but other than that, the Council doesn't  
43 have a role in the selection.

44  
45 CHAIRMAN THOMAS: Does that cover that for  
46 you, Dolly?

47  
48 MS. GARZA: Uh-huh.

49

CHAIRMAN THOMAS: Okay. Any kind of

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1 inquiries like that are encouraged welcomed as the meeting  
2 goes on because if there's something that you don't have  
3 clear in your mind and if we're able to give you an answer,  
4 we'll be glad to take time to do that.

5  
6 Fred.

7  
8 MR. CLARK: I'd also like to point out that  
9 we have copies of the new Operations Manual back on the  
10 back table here and it explains the process I just talked  
11 about.

12  
13 CHAIRMAN THOMAS: Okay. Dolly.

14  
15 MS. GARZA: I think one of the other points  
16 I would like to make, or at least clarify, is that I get  
17 the impression from talking to people that they still  
18 believe that Council seats are for communities and so  
19 people will say oh, that's the Wrangell seat or that's the  
20 Prince of Wales of seat. And we need to let the public  
21 know in general that they should apply in a year when they  
22 have an interest and not just a year when they see that  
23 community member seat is up. And so, like, Sitka, someone  
24 could apply every year.

25  
26 CHAIRMAN THOMAS: That's another good  
27 point, it would be a good opportunity to explain to people  
28 that this is a Regional Advisory Council. Just because you  
29 live in a particular community is not to suggest that all  
30 of the effort is going to represent that community. All  
31 the actions taken by this Council are taken as a Council  
32 and not as an individual representative. So regional means  
33 areawide, all the way from Yakutat south. So now, for  
34 instances, right now I think Mike is the Prince of Wales  
35 representative Unit 2; is that correct?

36  
37 MR. DOUVILLE: (No audible responses)

38  
39 CHAIRMAN THOMAS: So Mike will be the  
40 conduit to this meeting from anybody that lives in Unit 2,  
41 whether it's Point Baker or Cape Shackin. So that's how  
42 that works. We're not a community-based Council. Any  
43 further questions?

44  
45 Ida.

46  
47 MS. HILDEBRAND: Thank you, Mr. Chair. Ida  
48 Hildebrand, BIA Staff Committee member. I just wanted  
49 emphasize the fact that Title VIII mandates that the

50 candidates or applicants be residents of the region and be

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1 knowledgeable about subsistence uses.

2

3 CHAIRMAN THOMAS: Thank you. Mr. Burgess.

4

5 MR. BURGESS: Mr. Chairman. My name is  
6 Victor Burgess and the point your making, the main part of  
7 my testimony (indiscernible - tape malfunction)

8

9 CHAIRMAN THOMAS: If you're in the posture  
10 to do that now, if you have your notes lined up like you  
11 want them, you can do it now or just let me know when  
12 you're ready and we'll make time for you.

13

14 MR. BURGESS: I can do it now, if I can go  
15 back and get my notes and everything.

16

17 CHAIRMAN THOMAS: Okay, we'll take a 20  
18 second break while you get your stuff together.

19

20 MR. BURGESS: Okay.

21

22 (Off record)

23

24 (On record)

25

26 MR. BURGESS: Did I break the record,  
27 Mr. Chairman?

28

29 CHAIRMAN THOMAS: You broke another record,  
30 Vic.

31

32 MR. BURGESS: Well, I think I'll do the  
33 whole testimony right now and hope that I get everything  
34 now.

35

36 This is my opening address, Mr. Chairman. Don't  
37 misprocess -- I want to speak to my record in 1978 in the  
38 two communities in Alaska and tell you this whole process.  
39 And I've been, hopefully, representing the community for 22  
40 years, so I have a bone of contention here as far as what  
41 occurs because, number 1, under Public Law 280 the tribes,  
42 which haven't been determined who is the tribe in Hydaburg,  
43 the tribes have to give their consent to anything. So my  
44 point would be that there if there any isn't consent it's  
45 basically illegal. And I got the book with me about Public  
46 Law 280.

47

48 Our remarks today speak in the absence of any real  
49 community participation in Title VIII of ANILCA. The

50 Memorandum of Understanding is an agreement between the

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1 Federal government and the State of Alaska. Now, that's  
2 what confuses me, Mr. Chairman (indiscernible - tape  
3 malfunction) some problem with the language.

4  
5 CHAIRMAN THOMAS: You're doing fabulous.

6  
7 MR. BURGESS: I'll present this from a  
8 (indiscernible - tape malfunction)

9  
10 CHAIRMAN THOMAS: You're doing fine.

11  
12 MR. BURGESS: A Memorandum of Understanding  
13 is an agreement between the Federal government and the  
14 State of Alaska. It deals with two incompatible  
15 principles. The State of Alaska's principle of sustained  
16 yield versus the Federal government principle of self-  
17 determination by way of public participation as  
18 (indiscernible - tape malfunction) Title VIII, Section 805  
19 of ANILCA.

20  
21 My first example is, then, the participatory  
22 regulation and the State of Alaska's defamiation to comply  
23 with Section 805, A, B, D, G requires the State  
24 (indiscernible - tape malfunction) which provide the  
25 definition preference participation, specified in Section  
26 803, 804 and 805. The State has adopted Section 803, the  
27 definition, and Section 804, the preference, word for word,  
28 Title VIII of ANILCA.

29  
30 Because regulations are recognized and  
31 (indiscernible - tape malfunction) Alaska ability, the  
32 State of Alaska variously, jointly, drafted regulations  
33 (indiscernible - tape malfunction) any user group that's  
34 eligible to be on the local Advisory Council. Any  
35 community region is eligible to participate on the  
36 Southeast Regional Council with all these diverse interest  
37 (indiscernible - tape malfunction)

38  
39 In the draft staff analysis this year on  
40 (indiscernible - tape malfunction) the Alaska Board  
41 (indiscernible - tape malfunction) 1989, the Bureau of  
42 Indian [sic], Division of Subsistence applied the Board's  
43 eight criteria. A C&T was applied to individual  
44 communities (indiscernible - tape malfunction) At that time  
45 12 communities, Angoon, Craig, Haines, Hoonah, Hydaburg,  
46 Kake (indiscernible - tape malfunction) Klawock,  
47 (indiscernible - tape malfunction) and Yakutat were  
48 identified as having customary and traditional uses.

49

As a member resident in Hydaburg since 1978, the

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1 State's Southeast (indiscernible - tape malfunction)  
2 Council, my memory of this event is somewhat different.  
3 This was the first year, since 1978, the community with  
4 adverse interest (indiscernible - tape malfunction) were  
5 not present and that the members of the State Regional  
6 Advisory Council that were present at the regular meeting  
7 made recommendations (indiscernible - tape malfunction)  
8 that these 12 communities be recognized as customary and  
9 traditional communities. These were the only positive and  
10 constructive recommendations made with 11 years of  
11 (indiscernible - tape malfunction) now, 10 years later,  
12 from 1990 we are faced with a worse situation  
13 (indiscernible - tape malfunction) we are only covertly  
14 recognized in the Federal (indiscernible - tape  
15 malfunction) Regional Advisory Council.

16  
17 Therefore, the (indiscernible - tape malfunction)  
18 we again make a recommendation under the authority of  
19 Section 805 A(3)(e)(iv) (indiscernible - tape malfunction)  
20 participation in 805, by right of ANILCA, Hydaburg Advisory  
21 Committee recommends that a positive strategy as outlined  
22 in Section 805 A(3)(d)(iii) that the Southeast Regional  
23 Council identify specific communities which meets the  
24 following criteria and can show a long history of customary  
25 and traditional use, that should be limit by the voters,  
26 not (indiscernible - tape malfunction)

27  
28 The basic things that I'm saying could be kept in  
29 this criteria, but (indiscernible - tape malfunction)  
30 tribal villages, not of a modern and (indiscernible - tape  
31 malfunction) where the majority of the residents are Native  
32 and/or a real community with a well-recognized  
33 (indiscernible - tape malfunction) community (indiscernible  
34 - tape malfunction)

35  
36 I would like to speak to three other issues at that  
37 this time, Mr. Chairman (indiscernible - tape malfunction)  
38 part of the testimony. We're basically -- well, we're  
39 making a statement, maybe, if we're not going to present  
40 something, possibly as an independent community  
41 (indiscernible - tape malfunction) and we're not insulting  
42 the Hydaburg Fishery Advisory Committee (indiscernible -  
43 tape malfunction) Memorandum of Agreement that cannot  
44 protect the conservation of the wild and renewable  
45 resources as they used to be years ago, renewable resources  
46 for their livelihood.

47  
48 CHAIRMAN THOMAS: Thank you, Victor. One  
49 observation I had with your comments, you referred to the

50 State Advisory Council, I think they identify their groups

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1 as committees. Each community had a committee.

2

3 MR. BURGESS: That's right, I may have made  
4 a misstate.

5

6 CHAIRMAN THOMAS: And as a result of a  
7 committee in each community they didn't have what we would  
8 call our Regional Advisory Council, and so they would take  
9 input from each individual community, a representative of  
10 each communities' interest, for lack of a better word, at  
11 those meetings and they would forward them to the  
12 Department for their consideration and it's only a guess on  
13 my part, I haven't been active in the leadership role.  
14 I've been on committees but I was never in a leadership  
15 role on that, so there's a difference there.

16

17 And not finding any argument with you comment, the  
18 Feds still have jurisdiction on Federal public lands, the  
19 State has authority on lands that don't involve the same  
20 characters. (Indiscernible - tape malfunction) but there  
21 are differences, some of those differences yet have to be  
22 defined. But what we'll do with your comments, you're  
23 offering amendments to ANILCA, that is something we  
24 can't.....

25

26 MR. BURGESS: No, I'm not offering any  
27 amendments, Mr. Chairman.

28

29 CHAIRMAN THOMAS: Amendments?

30

31 MR. BURGESS: No, no, I saying there is no  
32 participation.

33

34 CHAIRMAN THOMAS: But what you said you  
35 want to see this in B, C, D of 805, you wanted to see those  
36 changes.

37

38 MR. BURGESS: No. No, in fact, if I spoke  
39 incorrectly -- what I'm saying is recognize the intent of  
40 Title VIII of ANILCA. I think the person before me spoke  
41 to 801, paragraph 5, and basically in that paragraph, you  
42 know, you have to be from a community -- as I understand  
43 it, because without 805 you have to be knowledgeable.....

44

45 CHAIRMAN THOMAS: Right, right.

46

47 MR. BURGESS: .....to be on this  
48 administrative 805 and to be knowledgeable you have  
49 basically represent the community from the knowledge from

50 the community, of this area, Southeast Alaska

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1 (indiscernible - tape malfunction) to develop an 804  
2 preference plan, you're going to have to do much more,  
3 you're going to have to divide territory, too, tribal  
4 territory because 804 is part of the preference for a  
5 priority.

6  
7 CHAIRMAN THOMAS: Yeah, but it's a rural  
8 priority, it's not a -- this isn't Indian law.

9  
10 MR. BURGESS: I know.

11  
12 CHAIRMAN THOMAS: A lot of people say it  
13 is.

14  
15 MR. BURGESS: No. Just a minute -- that  
16 was Congress Udall, I have to get back (indiscernible -  
17 tape malfunction) bring it back to you later.

18  
19 CHAIRMAN THOMAS: If it's not existing in  
20 ANILCA now, it's not relevant.

21  
22 MR. BURGESS: Well, it was in before ANILCA  
23 was developed.

24  
25 CHAIRMAN THOMAS: Okay, I agree with that,  
26 but it's not there now.

27  
28 MR. BURGESS: Well, it's not really  
29 important whether it's Indian country or (indiscernible -  
30 tape malfunction), the importance is that Congress -- what  
31 the Congress said it was, and they said it was Indian  
32 legislation. The courts will probably have to accept that  
33 because they do.

34  
35 CHAIRMAN THOMAS: Okay. Well, what we'll  
36 do is we'll be happy to take a copy of comments, if you  
37 have one for us, and we'll come back with satisfactory  
38 results.

39  
40 MR. BURGESS: Thank you, Mr. Chairman. I'd  
41 like to leave the floor open (indiscernible - tape  
42 malfunction)

43  
44 CHAIRMAN THOMAS: Okay.

45  
46 MR. BURGESS: .....however appropriate.

47  
48 CHAIRMAN THOMAS: (Tlingit)

49

MR. BURGESS: Thank you.

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1 CHAIRMAN THOMAS: Marilyn.

2

3 MS. WILSON: I was on the Regional Council  
4 for the State.

5

6 CHAIRMAN THOMAS: They didn't have a  
7 Regional Council.

8

9 MS. WILSON: Yeah, they did.

10

11 CHAIRMAN THOMAS: Did they?

12

13 MS. WILSON: Yeah.

14

15 MS. GARZA: Yes, they did. (Indiscernible  
16 - whispering)

17

18 CHAIRMAN THOMAS: Oh.

19

20 MS. WILSON: I was on the committee for  
21 upper end canal and how it works it that we'd have our  
22 meetings (indiscernible - tape malfunction) and vote on  
23 all the proposals.....

24

25 CHAIRMAN THOMAS: Uh-huh.

26

27 MS. WILSON: .....and if our Committee  
28 votes against a proposal (indiscernible - tape  
29 malfunction) upper end canal area, I have to vote it  
30 down.....

31

32 CHAIRMAN THOMAS: I see.

33

34 MS. WILSON: .....because (indiscernible -  
35 interrupted)

36

37 CHAIRMAN THOMAS: I see. Okay, I stand  
38 corrected, there was a Council under the State system that  
39 was comprised of the chairs of the respective committees in  
40 the communities, that I didn't know, so I was giving you  
41 improper information that I didn't have a good grasp on and  
42 thank you for the correction. But that's the last apology  
43 you're going to get out of me this meeting.

44

45 (Laughter)

46

47 CHAIRMAN THOMAS: Okay. Is there any staff  
48 people or guests that would like to make a comment before  
49 we get into our agenda?



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1 (No audible responses)

2

3 CHAIRMAN THOMAS: Okay. Do we have any  
4 more on the overview of the Council booklet? Yes.

5

6 MR. BROOKOVER: Thank you, Mr. Chair. Tom  
7 Brookover with Department of Fish and Game Sportfish  
8 Division. I've got several people with me that are new in  
9 the Department and if now is an appropriate time I'd like  
10 them introduce themselves. (Indiscernible - tape  
11 malfunction)

12

13 CHAIRMAN THOMAS: Sure.

14

15 MR. BROOKOVER: Introductions, just.....

16

17 CHAIRMAN THOMAS: Sure.

18

19 MR. BROOKOVER: Well, maybe I'll start off.  
20 I work in the Division of Sportfish within the Department  
21 of Fish and Game. I'm sure the Council is familiar with  
22 the Department (indiscernible - tape malfunction) several  
23 people here with the Sportfish Division. I've been in  
24 Sitka for three years. (Indiscernible - tape malfunction)  
25 and provide a broad mix of sport fishing opportunities for  
26 fishermen. And to my social and economic (indiscernible -  
27 tape malfunction) We've got a number of different area  
28 managers throughout Southeast Region, again, I'm in Sitka,  
29 my job is to manage the sport fisheries in the Sitka area.  
30 We basically do that by (indiscernible - tape malfunction)

31

32 CHAIRMAN THOMAS: Is that going to be the  
33 sum of your presentation at that meeting?

34

35 MR. BROOKOVER: Pretty much so.

36

37 CHAIRMAN THOMAS: Okay. That being the  
38 case -- for some of the Council members that might not  
39 know, I asked Fred to contact as many staffers that have an  
40 ologist behind their name so that we can find out what  
41 their role is in this whole scheme, to see how their  
42 individual participation impacts or contributes to the  
43 enhancement and the management of the resource. And I  
44 think -- and that's what he's doing. I think you done a  
45 good job, thank you.

46

47 Personally, I have one question. You mentioned the  
48 socio-economics in the sports industry. I was wondering  
49 what part of that would be -- how would you put socio-

50 economic in to the management of sport fishing?

00016

1 MR. BROOKOVER: I think -- this is probably  
2 a question I can't answer as well as some people here  
3 (indiscernible - tape malfunction)

4  
5 CHAIRMAN THOMAS: That's fine.

6  
7 MR. BROOKOVER: I do know that we take  
8 social aspects into consideration to work in this program  
9 for the support of fisheries on some (indiscernible - tape  
10 malfunction) critical issues.

11  
12 CHAIRMAN THOMAS: Uh-huh.

13  
14 MR. BROOKOVER: Such as resident, non-  
15 resident (indiscernible - tape malfunction) guided versus  
16 non-guided fisheries. We're basically (indiscernible -  
17 tape malfunction) and with that information for them, they  
18 can (indiscernible - tape malfunction)

19  
20 CHAIRMAN THOMAS: I see. That makes sense.  
21 So I would guess the socio-economics, with a slash in  
22 there, would probably suggest non-resident people that  
23 spend money on license, fishing tackle and whatever's  
24 entailed in participating in the fishing. Would that be  
25 anywhere close?

26  
27 MR. BROOKOVER: (Indiscernible - tape  
28 malfunction)

29  
30 CHAIRMAN THOMAS: No, that wasn't a  
31 question, that way my interpretation of what you said.  
32 See, what you said leaves room for interpretation and I'm  
33 trying to avoid that. So when you got to hear my  
34 interpretation, then it leaves you to correct it.  
35 Hopefully, when people make a presentation that doesn't  
36 leave room for interpretation. With regard to socio-  
37 economics, my thoughts of that process suggests to me that  
38 the socio part of that would be the mix of the resident and  
39 non-residents engaged in that fishery. The economics  
40 component would be the currency spent on whatever that  
41 person in that user group spends in a given community for  
42 lodging, fishing, licenses and tackle and that kind of  
43 stuff. That would be my interpretation of socio-economics.

44  
45 MR. BROOKOVER: Yeah, and I'd agree that --  
46 with your interpretation.

47  
48 CHAIRMAN THOMAS: Okay. That's the only  
49 question I have.



00017

1 MS. WILSON: I have one.

2  
3 CHAIRMAN THOMAS: Marilyn.

4  
5 MS. WILSON: In the past the Federal  
6 government used to give the State money for sport  
7 fisheries, I don't know what they call it, but there was  
8 money provided under the sport fisheries. Could you  
9 explain that?

10  
11 MR. BROOKOVER: A significant part of our  
12 funding comes from Federal Aid and Restoration Program.  
13 And that program essentially (indiscernible - tape  
14 malfunction)

15  
16 CHAIRMAN THOMAS: Okay. For information  
17 for the Council, what I suggested to the biologists that I  
18 was going to do this, I assured them that there would be no  
19 cross examination and that our questions would be limited  
20 to the information they presented. Now, if you have other  
21 questions regarding areas that they didn't cover, we'll put  
22 that on the guys that have gold bars on their shoulders.  
23 And so we want to protect (indiscernible - tape  
24 malfunction) we want to get out for the silver-tooth tiger.  
25 So that's what we're going to do. When you hear comments  
26 from biologists after this, if you would please limit your  
27 questions to the information you heard. And if you have  
28 other information, pertaining to other areas, make note of  
29 them and we'll deal with those later. We to avoid  
30 embarrassment to anybody and if we do embarrass you, we  
31 apologize and -- but we do want to avoid that at all costs.

32  
33 Any more questions for our presenter? Dolly.

34  
35 MS. GARZA: (indiscernible - tape  
36 malfunction) so I guess I won't ask you anything.

37  
38 CHAIRMAN THOMAS: Thank you.

39  
40 MS. GARZA: But a questions I do have for  
41 all these ologists that are invited here, will they be here  
42 for the full three days, so that if we do have questions,  
43 they'll have time to comment?

44  
45 CHAIRMAN THOMAS: If they're any kind of an  
46 ologists, they'll be here for three days. Did all the  
47 ologists hear that?

48  
49 (No audible responses)



00018

1 CHAIRMAN THOMAS: Thank you. If there's  
2 any people (indiscernible - tape malfunction) would you  
3 come forward and tell us who you are?

4  
5 MR. HOFFMAN: My name is Steve Hoffman and  
6 I'm the sport fish area biologist (indiscernible - tape  
7 malfunction) You know, we're responsible for managing the  
8 sport fish in the area (indiscernible - tape malfunction)  
9 Any questions?

10  
11 CHAIRMAN THOMAS: Yeah, I don't know if  
12 it's fair question, and if it's not you can regard it as  
13 not a fair question. What I was interested in is the  
14 Council becoming aware of is whatever you do in your line  
15 work and your technical expertise, what impact does that  
16 have to the enhancement to a given resource? In your case  
17 it's sport fish. Is that a fair question?

18  
19 MR. HOFFMAN: Well, initially, you know,  
20 area people or attending biologists and we -- most of us  
21 have lived in different communities and worked for the  
22 Department (indiscernible - tape malfunction) and other  
23 data for making inseason adjustments in the sport fishery  
24 and (indiscernible - tape malfunction)

25  
26 CHAIRMAN THOMAS: One more question, if I  
27 might. Do you have an indicator, such as other user groups  
28 or is there some person that has been identified to be  
29 (indiscernible - tape malfunction) with some species?  
30 Let's say salmon, I'll use Klawock River for an instance.  
31 Now given the information (indiscernible - tape  
32 malfunction) for the last couple of years, that that's --  
33 there wasn't a lot of suggestions on how to not have such a  
34 devastating impact on the escapement of the reds. Now,  
35 does any of that information get to your office or is there  
36 -- I'm wondering what you guys do in a situation like that,  
37 as a collective group of biologists.

38  
39 MR. HOFFMAN: Well, basically, we realize  
40 t(indiscernible - tape malfunction) and other aspects of  
41 managing the resource and then we work closely with the  
42 community and (indiscernible - tape malfunction)

43  
44 CHAIRMAN THOMAS: Do we have people in the  
45 field that have hands-on in this kind of stuff?

46  
47 MR. HOFFMAN: Yes, sir.

48  
49 CHAIRMAN THOMAS: Okay. This is something

50 we're trying to get clear in our minds, so that in our

00019

1 interaction, in our attempts to be part of the management  
2 team, we'll have some idea who we're working with.

3

4 MR. HOFFMAN: Yeah, you can put names and  
5 faces together.

6

7 CHAIRMAN THOMAS: Appreciate it, thank you.  
8 Any more questions?

9

10 (No audible responses)

11

12 CHAIRMAN THOMAS: Thank you.

13

14 MR. CHADWICK: My name is Bob Chadwick, I'm  
15 the sport fish biologist on Prince of Whales, Steve  
16 Hoffman's assistant. I pretty much just ditto what Steve  
17 said (indiscernible - tape malfunction) opportunity to be  
18 here for three days.

19

20 CHAIRMAN THOMAS: Thank you very much.

21

22 Matt.

23

24 MR. CARLE: (Indiscernible - tape  
25 malfunction) I'm a commercial fisherman, I was brought up  
26 on customary trade, (indiscernible - tape malfunction) and  
27 other (indiscernible - tape malfunction)

28

29 CHAIRMAN THOMAS: We're hoping for a change  
30 (indiscernible - tape malfunction) customary trade before  
31 very long. I know right now that the Feds and the State  
32 are working cooperatively and trying to come up with  
33 language. We got to forgive them, they're working with the  
34 English language, you can't do anything with the English  
35 language because every word has 15 meanings and (Tlingit).

36

37 Anyway, they are working on it. They contacted me  
38 for some of my input, I gave them some. You wouldn't  
39 happened to bring a copy of that e-mail, did you?

40

41 MR. CLARK: (Shakes head negatively)

42

43 CHAIRMAN THOMAS: Thank you. But I did  
44 send them assessment on what I see, I didn't use customary  
45 trade, I gave them a historical use of how the indigenous  
46 people use resources and mentioned when the English came to  
47 this country it was given a name -- or a name was given, it  
48 was customary (indiscernible - tape malfunction)

49 subsistence (indiscernible - tape malfunction) and so I

50 gave them as a consideration factor and I think that

00020

1 represents the majority of, at least, the Native population  
2 in the state.

3  
4 MR. CARLE: (Indiscernible - tape  
5 malfunction)

6  
7 CHAIRMAN THOMAS: Yeah, he was speaking in  
8 terms of selecting membership.

9  
10 Dolly.

11  
12 MS. GARZA: (Indiscernible - tape  
13 malfunction) and that's something that this Council has  
14 been working for. When the Federal government first  
15 (indiscernible - tape malfunction) taking over subsistence  
16 (indiscernible - tape malfunction) and it was, I think, the  
17 Southeast Council that pushed the hardest to say, no, you  
18 have an obligation to recognize subsistence, and I think  
19 that pertain especially to a community with customary and  
20 traditional uses. They're trying to recognize as little as  
21 possible and I think, you know, that's the purposes of  
22 these Councils is to be Subsistence Councils, pounding them  
23 on the door with ever annual report with every action that  
24 we try and take and say, no, it has to be a standard, it  
25 has to be more. And, so, we certainly agree with you, but  
26 it's a slow process. I mean, (indiscernible - tape  
27 malfunction) and the first thing he said was we have to  
28 increase (indiscernible - tape malfunction) has to include  
29 coho, it has to include fish and that's something that he  
30 says still.

31  
32 CHAIRMAN THOMAS: Forever.

33  
34 MS. GARZA: Forever, until finally we got  
35 (indiscernible - tape malfunction) and then, you know, it's  
36 (indiscernible - tape malfunction) continues and continues,  
37 but that's our job is to keep working toward this goal, so  
38 that our customs and traditional uses are recognized.

39  
40 CHAIRMAN THOMAS: Thank you, Dolly. Phil.

41  
42 MR. DOHERTY: Good morning, Mr. Chairman.

43  
44 CHAIRMAN THOMAS: Good morning.

45  
46 MR. DOHERTY: For the group, my name is  
47 Phil Doherty, I'm with the Alaska Department of Fish and  
48 Game out of Ketchikan and (indiscernible - tape  
49 malfunction) biologist for the sport fisheries.

50 (Indiscernible - tape malfunction)

00021

1 MS. WILSON: Mr. Chairman.

2  
3 CHAIRMAN THOMAS: Marilyn.

4  
5 MS. WILSON: Could you introduce yourself  
6 again? I think maybe my mind is not caught up yet.

7  
8 MR. DOHERTY: Yeah, Mr. Chairman,  
9 Ms. Wilson, my name is Phil Doherty. D-O-H-E-R-T-Y.

10  
11 MS. WILSON: Okay.

12  
13 CHAIRMAN THOMAS: Okay. My only concern is  
14 that (indiscernible - tape malfunction) my private stream  
15 of Wolverine Creek and that's owned by me and 512 other  
16 shareholders.

17  
18 (Laughter)

19  
20 CHAIRMAN THOMAS: (indiscernible - tape  
21 malfunction) do you know?

22  
23 MR. DOHERTY: (Indiscernible - tape  
24 malfunction) in most of Southeast Alaska the overall  
25 (indiscernible - tape malfunction)

26  
27 CHAIRMAN THOMAS: Well, we appreciate you  
28 taking the time to come and see us. And with that, we'll  
29 take a break. Let's take a coffee break, a smoke break.

30  
31 (Off record)

32  
33 (On record)

34  
35 CHAIRMAN THOMAS: We're going to begin.  
36 Have a seat and then give your name again.

37  
38 MR. BEDFORD: All right. My name is Dave  
39 Bedford. (indiscernible - tape malfunction) members of the  
40 Advisory Committee, I wanted to thank the people of  
41 Hydaburg for their hospitality (indiscernible - tape  
42 malfunction) with you folks. As I strolled through the  
43 audience, my name is Dave Before, I'm the Executive  
44 Director of Southeast Alaska Seiners, I'm also the Chair of  
45 the Issues Committee for the United Fishermen of Alaska.

46  
47 I wanted to mention (indiscernible - tape  
48 malfunction) some things that are related to the issues  
49 (indiscernible - tape malfunction) First off, simply

50 stated, the (indiscernible - tape malfunction) fishery of

00022

1 Alaska and Southeast Alaska (indiscernible - tape  
2 malfunction)

3  
4 First off, I represent fishing, about 20 to 25  
5 percent of (indiscernible - tape malfunction) between the  
6 Federal subsistence program and the State managed  
7 fisheries, and I think the reason for that is that it  
8 appears, to me at least, that the subsistence management  
9 program that the Federal government is looking at is  
10 (indiscernible - tape malfunction) particular stocks of  
11 standing are of interest to particular communities. And  
12 State management generally (indiscernible - tape  
13 malfunction) of people who are opposed to (indiscernible -  
14 tape malfunction) but there's some difference in management  
15 philosophy. I don't believe that that necessarily  
16 (indiscernible - tape malfunction) some cooperation and  
17 some hard work to try to arrive at a point where  
18 (indiscernible - tape malfunction)

19  
20 One of the things I've been working on very hard  
21 over the last few months are Federal legislation that I  
22 think will provide us some opportunity for arriving  
23 (indiscernible - tape malfunction)

24  
25 First off, in the Southeast Alaska area, back in  
26 Washington, D.C. over the last couple of years  
27 (indiscernible - tape malfunction) appropriations that have  
28 been generated for Pacific salmon recovery. (indiscernible  
29 - tape malfunction) but it's not limited to (indiscernible  
30 - tape malfunction) which would include in that funding  
31 (indiscernible - tape malfunction) the opportunity to use  
32 some of that money for (indiscernible - tape malfunction)  
33 habitat restoration.

34  
35 Now, I recognize there are some stocks,  
36 particularly sockeye stocks in Southeast Alaska that we may  
37 identify typically though the Federal resource monitoring  
38 program. (Indiscernible - tape malfunction) so what we've  
39 done here is try to identify a source of funding  
40 (indiscernible - tape malfunction) up to the city of  
41 Anchorage and they are trying to encourage (indiscernible -  
42 tape malfunction) in Southeast Alaska.

43  
44 Now, on top of these appropriation bills, there's  
45 also an unauthorized bill. The authorizing bill would  
46 permit elders to appropriate (indiscernible - tape  
47 malfunction) 2001 to 2005. That bill reportedly is out of  
48 the House of Representatives (indiscernible - tape  
49 malfunction) Again, that made it out of the House, I don't

50 believe it's going to go through the Senate, but it will

00023

1 also (indiscernible - tape malfunction)

2

3 On a statewide level, we were working on -- I don't  
4 know if you have followed it all over the news, the caribou  
5 (indiscernible - tape malfunction) Act that was sponsored  
6 by Representative Young in the House of Representatives. I  
7 have to say it's a fairly difficult piece of legislation  
8 (indiscernible - tape malfunction) a ping-pong net where  
9 (indiscernible - tape malfunction)

10

11 As it stands right now (indiscernible - tape  
12 malfunction) within the appropriations bill and we're not  
13 sure exactly what (indiscernible - tape malfunction) we're  
14 hoping that some of our program (indiscernible - tape  
15 malfunction) create the opportunity for Alaska to use  
16 Federal funds that would be generated by this act.  
17 (indiscernible - tape malfunction) for two different  
18 programs, the first of (indiscernible - tape malfunction)  
19 to channel funds to the coastal communities to get a grant  
20 (indiscernible - tape malfunction) and the third one was an  
21 educational program that would enable coastal communities  
22 to get a grant for (indiscernible - tape malfunction) to be  
23 able to purchase a fishing vessel and get an education  
24 (indiscernible - tape malfunction) State of Alaska and then  
25 run a program through the (indiscernible - tape  
26 malfunction)

27

28 CHAIRMAN THOMAS: Dolly.

29

30 MS. GARZA: Thank you for that information.  
31 In regard to CARA, I want to know who (indiscernible - tape  
32 malfunction) and it's my understanding that there was an  
33 attempt to -- that these monies would go to primarily  
34 either the State or the Municipalities and they were trying  
35 to include (indiscernible - tape malfunction) and IRAs as  
36 bodies that can apply for or accept these funds. Do you  
37 know if that was (indiscernible - tape malfunction)

38

39 MR. BEDFORD: You know, at this point  
40 nobody really knows what he final form (indiscernible -  
41 tape malfunction)

42

43 (Indiscernible - tape malfunction)

44

45 CHAIRMAN THOMAS: Thank you. That answers  
46 my question. For your information with regards to one of  
47 the conflicts between the State and the Feds that's  
48 recognized by both parties and their working on resolving  
49 those was (indiscernible - tape malfunction) I can't give

50 you a report on the progress, but those conflicts are

00024

1 recognized and they do have people assigned on working  
2 towards working on a resolution on (indiscernible - tape  
3 malfunction)

4  
5 Further questions? Butch

6  
7 MR. ADAMS: Thank you, Mr. Chairman.  
8 (Indiscernible - tape malfunction) declining sockeyes, you  
9 know, year after year. And I happened to be on field trip,  
10 you know, this summer with a biologist and a hydrologist  
11 and tried to figure out what's happening out there. We  
12 found that the estuaries and the streams and everything is  
13 very highly productive. But yet we have, you know, a dying  
14 sockeye stock in (indiscernible - tape malfunction) and as  
15 I said on the onset, you know, you can do all of the  
16 restoration and enhancement you want and you can see a lot  
17 of good work come out of it, but those little buggers are  
18 going to have to go out into the ocean for several years  
19 and then they're going to have to come back.

20  
21 I am wondering, you know, what kinds of work is  
22 being done in this area, because I don't know whether it's  
23 the mortality rate that's happening out there or whether  
24 our stocks are being intercepted by Outside fisheries. And  
25 I think that's a serious problem. (indiscernible - tape  
26 malfunction) you know, with our restoration and enhancement  
27 program and everything, you know, we're not doing this for  
28 ourselves, if that's the case, you know, we're doing it for  
29 some other people. And that's my concern.

30  
31 CHAIRMAN THOMAS: I hope the biologist are  
32 making note of that because I would not want (indiscernible  
33 - tape malfunction) response to that. That's a management  
34 issue and, Harold, did you get the gist of that? So a  
35 little later we'll ask for some (indiscernible - tape  
36 malfunction) to give some insight with regards to those  
37 comments. So -- see, you impress us so much (indiscernible  
38 - tape malfunction)

39  
40 (Laughter)

41  
42 CHAIRMAN THOMAS: Okay.

43  
44 MR. BERGMANN: Mr. Chairman, my name  
45 William Bergmann, I work for Fish and Game. Mr. Chairman,  
46 Regional Advisory Committee members, my name is William  
47 Bergmann and an I worked the Alaska Department of Fish and  
48 Game in Petersburg. I manage the Petersburg/Wrangell  
49 commercial fishery (indiscernible - tape malfunction)



00025

1 CHAIRMAN THOMAS: We'll probably  
2 afterwards, later into the meeting, we'll do some  
3 discussion on various proposals, we'll probably have  
4 questions that you might have some responses to or insight,  
5 and if you don't that's okay.

6  
7 Thank you for introducing yourself and letting us  
8 know who you are.

9  
10 MR. BERGMANN: Thank you.

11  
12 MR. SAINZ: My name is Ricardo Sainz, I  
13 work for Forest Service, Ketchikan (indiscernible - tape  
14 malfunction) District (indiscernible - tape malfunction)  
15 and I just wanted to introduce myself and I guess my role  
16 at this point is still very much (indiscernible - tape  
17 malfunction)

18  
19 CHAIRMAN THOMAS: Thank you.

20  
21 (Transcriber note: The rest of the tape is too  
22 garbled and poor to get anything other than a few words  
23 here and there. Per the notes what is not transcribed is a  
24 dialogue between Mr. Don Martin and Ms. Garza and a short  
25 discussion with Mr. Christianson)

26  
27 CHAIRMAN THOMAS: Are you discussing a  
28 proposal or.....

29  
30 MS. LeCORNU: No, this is a staff proposal.

31  
32 CHAIRMAN THOMAS: Staff proposal?

33  
34 MS. LeCORNU: Yeah.

35  
36 CHAIRMAN THOMAS: Sure.

37  
38 MS. LeCORNU: My name is Vicki LeCornu and  
39 I'm of the Haida tribe. In a recent letter to the members  
40 of the Hydaburg Advisory Committee, Dale Kanen says he is  
41 interested on determining if there was some related sockeye  
42 subsistence harvest needs not being met. The tool to  
43 determine this is through an annual report to the Secretary  
44 of Agriculture. He goes on to say that subsistence fishers  
45 harvesting sockeye in and around the sockeye streams in the  
46 Cordova Bay area have not indicated a shortage or inability  
47 to obtain sockeye during the current fishing season. How  
48 would one know this?

49

There are a couple of ways to get this information.

00026

1 The Federal Advisory Council is supposed to have knowledge  
2 of the area they are from. This knowledge would also take  
3 into account the past management practices of the State of  
4 Alaska who have not complied with ANILCA in providing a  
5 priority. Their information gathering is not consistent  
6 with the purpose of what is required of you as Council  
7 members to prepare an annual report that describes the  
8 needs of the users.

9  
10 We have further restricted subsistence users by  
11 determining that this state information gathering is  
12 collecting the correct data. For instance, we accepted the  
13 State regulations on the amount of fish that we could take  
14 as subsistence . This is severely curtailing what we  
15 consider the appropriate level to maintain a livelihood.

16  
17 Mr. Kanen again refers in his letter that the ADF&G  
18 subsistence harvest data suggests the subsistence need is  
19 being met. Again, we much object to past data of harvest  
20 and past uses to communicate future needs based on the fact  
21 that the State has restricted our use of our traditional  
22 and exclusive uses in the past.

23  
24 In a letter to Mr. William Thomas regarding our  
25 annual report, Mitch Demientieff states, local Federal line  
26 officers have also been authorized to take inseason fishery  
27 management actions for emergency closures and season  
28 extension. This does not comport with Mr. Kanen's letter  
29 saying, your request is outside my delegated inseason  
30 regulatory authority form the Federal Subsistence Board.

31  
32 The main point of our letter addressed a  
33 conservation problem that will in the future affect all  
34 users, including the commercial use (non-subsistence uses).  
35 This is not an issue that affects us for this year, but the  
36 vitality of the stocks. Please check the local knowledge  
37 on the past health of this stock and compare it with the  
38 dismal failure of a return to the streams this summer and  
39 fall.

40  
41 As I sat and struggled with the Council on these  
42 issues I can appreciate an approach that can be a guide.  
43 the strategy in ANILCA is so different from the previous  
44 sustained yield strategy of the State that we are still  
45 figuring it out. The Council needs to address the  
46 representation of the communities to not have a weighted  
47 meas against the customary and traditional users. In  
48 Section 801 there is a provision to establish an  
49 administrative structure for the purpose of enabling rural

50 residents should have personal knowledge of local

00027

1 conditions and requirements to have a meaningful role in  
2 the management of fish and wildlife and of subsistence  
3 uses. By this I can explain that there is a misunderstanding  
4 of the standard to apply to achieve their priority of the  
5 uses. We have mistakenly applied rural residency as the  
6 standard when the correct one is customary and traditional  
7 use by people who live in the rural area. This  
8 interpretation will lead you to assume that all of the  
9 Native communities have this use, rather than accepting  
10 everyone in the area because it is rural.

11  
12 In Bobby v. Alaska, Judge Holland said, again it  
13 matters not that other food sources may be available at any  
14 given time or place. The standard is customary and  
15 traditional use of game. The intent of ANILCA was to  
16 anticipate that there would be a population growth. I  
17 quote William Caldwell in response to the Kenaitze  
18 decision. "In the unique circumstances of the Kenai, where  
19 the majority of the residents plainly are not subsistence  
20 users, such a system could justifiably involve an  
21 application and permit approach designed to afford  
22 subsistence fishing and hunting opportunities to all  
23 individuals, families, groups, villages and tribes who meet  
24 the criteria for identifying customary and traditional uses  
25 of fish and game resources.

26  
27 You are in a position to affect policy especially  
28 in the make up of the Board. These people should reside in  
29 a customary and traditional use area. Even though you, as  
30 a Board, may consider all users, the priority is customary  
31 and traditional uses, otherwise you may be thwarting ANILCA  
32 by not providing a priority to customary and traditional  
33 users. I can point to Hydaburg who has no representation  
34 on this Council merely because none of you have local  
35 knowledge and requirements.

36  
37 So this brings me to the next topic, which is a  
38 failure to provide a priority to Hydaburg. If we have no  
39 representation then it's up to the Board to prepare an  
40 annual report which takes our request as a recommendation  
41 based on our anticipated needs. It is up to you to develop  
42 policy to achieve this request. Instead we did not even  
43 get a reply from this Council. Any reasons you come up  
44 with cannot be arbitrary and capricious. Such reasons  
45 cannot take into account the popularity of the request.  
46 Does the ANB endorse this cannot be a reason. Nor can a  
47 large comment response be taken into account for reasons  
48 for turning down a request. One reason would be  
49 conservation of a population. Another reason would be if

50 it would be detrimental to subsistence.

00028

1           The Council must also use ANILCA as a guide to  
2 adopt proposals for management or monitoring projects.  
3 They should at least be determining the need as outlined by  
4 the annual report to the Secretary. The final report  
5 should go to the Council for their approval giving them the  
6 final say in the outcome of the report and allowing members  
7 dissent if they choose.

8  
9           So, again, I have to say that the annual report is  
10 our only means of (indiscernible). It's real important  
11 that we get the staff working in the right direction and  
12 that we understand that we're different from the State and  
13 that the State does not have the same goals as we do. So I  
14 hope you read that memorandum of agreement. (Indiscernible)  
15 not able to work with ANILCA, it's not the same. That  
16 never came up anywhere, so our comments were just like  
17 going nowhere. So I feel that we (indiscernible) somehow.  
18 Like they say, hindsight is 20/20, so I hope  
19 (indiscernible). I hope you have more to say about it.

20  
21           Thanks, again. Thanks, Bill.

22  
23                   CHAIRMAN THOMAS: Do you want to field any  
24 questions from our esteemed Council? Dolly.

25  
26                   MS. GARZA: I think that one of the  
27 conflicts I'm trying to remember, Vicki, is not so much  
28 sustained yield, but between State and Federal, State  
29 requires under constitution that you maximize the economic  
30 benefits of the resource. And that's what -- I mean when  
31 I've gone to con-fish -- not to Phil, but to other con-fish  
32 people, they will tell you that that is what they're  
33 obligated to do and that is what is in direct conflict with  
34 subsistence because subsistence has limited economic value  
35 than any economist or sociologist tries to put a value to  
36 it. So every time we go up against that measure,  
37 subsistence loses.

38  
39                   MS. LeCORNU: (Indiscernible) because I'm  
40 progressing into another point. Why doesn't our economy  
41 have -- why doesn't our subsistence have any economic value  
42 anymore, is because it is taken away. It's take away by  
43 State regulations and it's taken away right now under the  
44 guise that subsistence fishing does not make commercial  
45 fishing. Well, (indiscernible) went to court and they  
46 understood the fact that their right was to commercial fish  
47 and so did George Alexander from Hydaburg. (Indiscernible)  
48 because George Alexander went to court. He's  
49 (indiscernible) several times and (indiscernible)

50 litigation and he went to court saying customary trade is

00029

1 not right. Another (indiscernible) went to court and he  
2 didn't (indiscernible) because he won. He went to ninth  
3 circuit court and he won and now he standard reference for  
4 customary trade. And that's what it means and that's what  
5 the State is worried about. They don't want you to have  
6 commercial fishing rights. (Indiscernible). They're  
7 assuming that because (indiscernible) get a commercial  
8 fishing license that you will want your customary trade.  
9 That's wrong. We here that live in Hydaburg always have  
10 the right to go fishing for our livelihood and that means a  
11 livelihood. So I think we need to work out the  
12 (indiscernible) and find out that, yes, commercial fishing  
13 was our livelihood. Why is it taken away? It was taken  
14 away and it was given back by ANILCA. (Indiscernible).

15  
16 CHAIRMAN THOMAS: Okay. Thank you. One  
17 thing I have to say is that the reason we're here is  
18 because of specific language in Title 8. And your efforts  
19 to the cultural priority saying that the only cultures are  
20 the Native cultures are Section A of Title 8 mentions the  
21 cultures of the Native and the non-Native in the rural  
22 community.

23  
24 MS. LeCORNU: (Indiscernible) I don't think  
25 it does. It says cultures of Natives and economy of non-  
26 Natives.

27  
28 CHAIRMAN THOMAS: Anybody got a copy of  
29 that?

30  
31 MS. LeCORNU: There is a difference.

32  
33 MR. LITTLEFIELD: It's on page 90 of the  
34 handout.

35  
36 MS. LeCORNU: I didn't bring my copy.

37  
38 CHAIRMAN THOMAS: Time out. Time out.

39  
40 MR. LITTLEFIELD: Cultural refers to  
41 Natives.

42  
43 MS. LeCORNU: That's right. And I made  
44 reference to that several times (indiscernible) other  
45 people because there's (indiscernible) in other countries  
46 that may have the same culture. They don't. There's many  
47 cultures and it's not based on race.

48  
49 MR. LITTLEFIELD: 801.1, the last sentence.

50 (Indiscernible).

00030

1 MS. LeCORNU: That's right. There's a  
2 difference. It's called a dichotomy. But your priority is  
3 to the customary user. All users from the rural area are  
4 not customary and we misunderstood that in the past.

5  
6 CHAIRMAN THOMAS: How do you define 801  
7 where it says a continuation of the opportunity for  
8 subsistence use by rural residents of Alaska, including  
9 both Natives and non-Natives, on public land? How did you  
10 find that?

11  
12 MS. LeCORNU: I don't have a copy of that.

13  
14 CHAIRMAN THOMAS: Victor is having a  
15 conniption fit back there.

16  
17 MS. GARZA: You need to come to the mike.

18  
19 CHAIRMAN THOMAS: Stay where you're at. I  
20 didn't realize you were an elder.

21  
22 MR. BURGESS: Well, I think pretty young.  
23 Mr. Chairman, my name is Victor Burgess and I lost my train  
24 of thought. There are two types of people, basically.  
25 There's Indians and others. I'm one of the others. And if  
26 I can prove customary and traditional use, then I get equal  
27 rights with the Natives. I'm too old to worry about equal  
28 rights. I'm fighting for the principal. The principal is  
29 to protect Native hunting and fishing rights. Let's face  
30 it. (Indiscernible)

31  
32 Let's take Hydaburg for instance of people that  
33 might meet the State criteria of being recognized as  
34 customary and traditional. Another good position is Craig.  
35 Craig has a Native community that used to be in the  
36 majority until the last 15 or 20 years. This is very  
37 important to understand that, that the populations are  
38 going to increase. So if you believe (indiscernible) buy  
39 real estate because it's going to go up. So what I'm  
40 saying, Craig, for instance, they have a Native community  
41 that should be represented. They have customary and  
42 traditional use. Unfortunately, they can be on this  
43 regional council, but there are some things where they  
44 can't speak to (indiscernible) this territory.  
45 (Indiscernible) have to understand that that's a preference  
46 for a priority. So when the resource gets depleted,  
47 whichever resource we're talking about, all of the people  
48 in this territory using those brief criteria in 804 won't  
49 be able to use any resource that's harvestable.



00031

1           What this means is that you can go anywhere in the  
2 southeast region and fish commercial. Let's put it this  
3 way. Let's put it this way, the way I think it should be.  
4 I could be wrong. You can go anywhere in the southeast.  
5 That's why if you read 805(2) it has to be divided into  
6 different regions to account for subsistence differences or  
7 uses. I forget the phrase. But the point is, southeast is  
8 southeast and what that will mean then that you'll have to  
9 define your subsistence needs. You'll have to start at the  
10 bottom. Title 805 isn't a top down administration, it's a  
11 bottom up. It's a bottom up.

12  
13           So you're identifying your subsistence needs --  
14 it's very complicated. The future is going to be very  
15 complicated because you've got to take numbers and you've  
16 got to translate it into dollars and you've got to have  
17 something that we call livelihood versus at least, very  
18 least, a modern living standard.

19  
20           If you've been reading the papers about the lobster  
21 fishermen in Canada, that standard was used in relation to  
22 the Navy and the standard was used in Bolt. Bolt was the  
23 one that started it and from Bolt came Michigan getting  
24 their hunting and fishing rights, Wisconsin getting this,  
25 and just this year (indiscernible) of Minnesota parts of  
26 the public law 280 state, just like Alaska, a public law  
27 280 state, a mandatory (indiscernible). And the final  
28 resolution of all these problems. But they cited Bolt.  
29 The Minnesota case, the eighth circuit and the supreme  
30 court cited Judge Bolt in the Washington decision and in  
31 that was a modern living standard. But they didn't decide  
32 that issue. All they decided -- that's why I say  
33 (indiscernible) and the courts are going to have to  
34 determine what your level of livelihood is.

35  
36           If you think it's complicated now, wait till you  
37 start doing this. What you have to remember is you have to  
38 have a starting point and the starting point is these  
39 dreams. They have to be represented.

40  
41           CHAIRMAN THOMAS: Okay. What we're going  
42 to have to do here, in order for us to be of any help to  
43 Hydaburg, we have to have a proposal of some sort to take  
44 with us because we can't make decisions at this level. In  
45 order for us to properly represent you, we have to have  
46 your exact language. If you leave it up to us for  
47 interpretation, you're in big trouble. So we need to have  
48 it coming from you.

49

MR. BURGESS: Yeah, well, I'd like to

00032

1 testify to our proposal from last year, Mr. Chairman.

2

3 CHAIRMAN THOMAS: Okay. Are you just going  
4 to testify to the same proposal?

5

6 MR. BURGESS: The second principals of --  
7 I'm not sure what Vicki did. Was it the closure you're  
8 talking about?

9

10 MS. LeCORNU: No.

11

12 MR. BURGESS: I'm going to be -- I want to  
13 talk to that very specifically.

14

15 CHAIRMAN THOMAS: Let me look at my agenda.  
16 I want to make sure I use my hammer if I need to. No, I  
17 can't use it yet. You're all right.

18

19 MR. BURGESS: Will I have to go back?

20

21 CHAIRMAN THOMAS: No, you're doing good.  
22 Stay right where you're at.

23

24 MR. BURGESS: I'm sorry. If I don't write  
25 it down, I can't remember. I've got to write that down.

26

27 CHAIRMAN THOMAS: Okay.

28

29 MS. LeCORNU: I'll just finish here  
30 quickly, Bill. (Indiscernible) under the property clause  
31 and the commerce clause (indiscernible). Natives are  
32 specifically covered under the commerce clause.

33

34 CHAIRMAN THOMAS: You won't get an argument  
35 from us. I think the board has been supportive of the  
36 recommendation from the council in any case and so far  
37 there is no -- this council has never had a conflict with  
38 what you just said. Thank you.

39

40 MR. BURGESS: Are you ready for me?

41

42 CHAIRMAN THOMAS: I'm always ready for you.

43

44 MS. GARZA: I guess I need to hear from  
45 you, Vicki. This is something we've talked about and we  
46 talk about it and we can agree with it and sometimes we  
47 don't always agree to everything exactly. Regardless of  
48 that, we have never figured out a way to go forward and  
49 you've been on this council for years, so we need your

50 advice on, okay, how do we take this forward.

00033

1 MS. LeCORNU: (Indiscernible) supposed to  
2 have close coordination between the State and Feds. Well,  
3 that never happened. There was no coordination.  
4 (Indiscernible).

5  
6 CHAIRMAN THOMAS: I'll make a suggestion.

7  
8 MS. LeCORNU: But, you know, I think it  
9 could be (indiscernible).

10  
11 CHAIRMAN THOMAS: For a place to start,  
12 call them up, send in a request and I'll assign Dolly to  
13 this project to work with Hydaburg and the sooner you get a  
14 rep from the State that can probably meet over here or  
15 maybe Ketchikan or some place, you guys get your notes and  
16 your thoughts -- huh?

17  
18 MS. LeCORNU: Why from the State?

19  
20 CHAIRMAN THOMAS: It depends on the area  
21 you're talking about.

22  
23 MS. GARZA: But I don't think it's a  
24 Hydaburg issue. I think it's a policy issue.

25  
26 CHAIRMAN THOMAS: This just seemed like a  
27 good place to start. I have to make a correction here.

28  
29 MS. HILDEBRAND: Thank you, Mr. Chairman.  
30 Ida Hildebrand, BIA staff committee member. This is just  
31 to inform you that the issue Vicki is raising on the letter  
32 that -- of request for in-season action was denied and she  
33 feels it was incorrectly denied, she's requesting the  
34 council to address this to the Federal Board, that it was  
35 an in-season action, and any other request she brings  
36 forward is a request for this council to (indiscernible) or  
37 action. And part of the -- since this is the first year of  
38 (indiscernible), the (indiscernible) and actions are  
39 further delegated by the board to the region of managers  
40 can be challenged by the council or any (indiscernible) in  
41 any area if they felt it was inappropriate and the board  
42 will evaluate if some other corrective action was  
43 (indiscernible) needs to be addressed, but the fact that  
44 Vicki was raising a local concern, the council needs to  
45 bring it to the attention of the board.

46  
47 CHAIRMAN THOMAS: Okay. So I will handle  
48 that as (indiscernible). We'll get two or three people  
49 together to be part of that group and come up with

50 (indiscernible) bring forward.

00034

1 MS. HILDEBRAND: However, the Federal Board  
2 is going to be reviewing what happened, so the action would  
3 have to be before then.

4  
5 CHAIRMAN THOMAS: Yeah. We'll do that.  
6 Thank you. Do you agree with that, Vic? Can you help us  
7 out with getting started now? Okay, Mr. Senior Center  
8 Senior Citizen.

9  
10 MR. BURGESS: (Indiscernible). Mr.  
11 Chairman, (indiscernible) their proposal. Maybe on their  
12 proposal we didn't expect any (indiscernible). All we were  
13 trying to do is get everything started. It has to start  
14 back at the bottom again. And I see in the letter to the  
15 chairman here from (indiscernible), I see here real black  
16 letters here. The black letter law I guess you might call  
17 it because it basically speaks about our proposal. I'll  
18 read you this from the bottom of the page of their  
19 proposal.

20  
21 The yearly report to the secretary, Section 805  
22 (indiscernible), which among other things provides priority  
23 numbers, acts as a warning for implementing Section 84 when  
24 it's necessary to restrict the taking of populations  
25 (indiscernible), to protect the continued (indiscernible)  
26 or to continue such use. It also helps provide a new and  
27 more logical life (indiscernible). The sum total of the  
28 report to the secretary to help develop the livelihood for  
29 each nation.

30  
31 That's why I'm saying it's extremely complicated.  
32 That's why it's very important to have continuity on this  
33 regional advisory committee. It's taken me 20 years and  
34 I'm not too smart about this. I think I know more than  
35 some people, but not as much as the lawyers and the judges.  
36 But what I'm saying is you don't have continuity, you don't  
37 have knowledge, and the continuity has to be not only on  
38 the regional chairs here but also in the community. That's  
39 just the way the thing works. And the deer hunting  
40 proposal that -- you know, it's not -- it's important.  
41 What we did last year is important this year. Okay, that's  
42 what we're trying to do this year so next year maybe it  
43 will be important next year, so that's why I wanted  
44 (indiscernible) if I may.

45  
46 CHAIRMAN THOMAS: Okay. In my response to  
47 continuity, every representative on this council is from  
48 this unit, this management unit and that's what other areas  
49 have. So this unit is essentially on one island. Unit 4

50 is on several islands. And places like Yakutat and Haines,

00035

1 (indiscernible). They have a representative. So,  
2 continuity-wise, the responsibility of the users are to get  
3 their word in writing to the representative of your  
4 management, which would be Mike in this case. Get that  
5 information to him and then he will either give it to me or  
6 Fred and then it goes from there. But we do intend on  
7 maintaining a strong continuity, advocacy and good  
8 representation. We don't have any argument with anything  
9 you're saying and we're not even going to try to understand  
10 it. All we're going to do is take it forward and represent  
11 the language that you send forward. We're not going to  
12 offer any interpretation or anything like that. We'll take  
13 it as you give it to us and we'll march with it to get the  
14 best results we can. Does it sound fair?

15

16 MR. BURGESS: Can I respond, Mr. Chairman?

17

18 CHAIRMAN THOMAS: Does it sound fair,  
19 first?

20

21 MR. BURGESS: No, I don't think so because  
22 it's not up to me to say something. It will be what the  
23 folks are going to say sometimes. (Indiscernible). I  
24 don't know what the criteria -- I heard they took one away  
25 in Zone 7, but what I basically said is that you have to  
26 have tribal lands defined or community lands defined.  
27 Craig isn't a problem, but Haidas or Tlingits, they don't  
28 have no true territory. So what should their voice be when  
29 it comes to closure? If the people that live here, even  
30 though (indiscernible) have knowledge, but I think the  
31 people that live here have better knowledge and might have  
32 (indiscernible). What I'm saying is to have true  
33 participation, you have lots of criteria to develop to make  
34 sure that we are doing this or otherwise it's going to  
35 bounce around (indiscernible).

36

37 CHAIRMAN THOMAS: I'm not disagreeing with  
38 you, but I can't change the formula for the council  
39 representation. What I'm suggesting is that we make the  
40 best use of what we have and make it to the representative  
41 from this unit. We're all working together on the same  
42 problem. I don't disagree with you, but we're working the  
43 best we can with what we've got. We have nothing to say  
44 about the make-up of the council. We're committed to  
45 representing the eligible users as defined in ANILCA the  
46 best we know how. So far we've done all right.

47

48 MR. BURGESS: Mr. Chairman, could I go on  
49 with my testimony? I agree that you're in a spot, so I'm

50 not going to.....

00036

1 CHAIRMAN THOMAS: I'm not necessarily in a  
2 spot.

3  
4 MR. BURGESS: Well, I think that you are  
5 because until the courts decide this case, everybody is in  
6 a spot.

7  
8 CHAIRMAN THOMAS: Well, we might become a  
9 tribunal unto ourselves.

10  
11 MR. BURGESS: May I.....

12  
13 CHAIRMAN THOMAS: Yes, sir. Yes, sir.

14  
15 MR. BURGESS: .....continue with my  
16 testimony?

17  
18 CHAIRMAN THOMAS: You have seven minutes.

19  
20 MR. BURGESS: Seven minutes?

21  
22 CHAIRMAN THOMAS: Yeah, you're on the  
23 orange light now.

24  
25 MR. BURGESS: Well, I'll attempt to. Vicki  
26 was a member of this council and she was recognized as the  
27 contact person for closure and that's -- I'll start off --  
28 I'll try to read this in seven minutes.

29  
30 CHAIRMAN THOMAS: My watch is kind of  
31 screwy, but go ahead.

32  
33 MR. BURGESS: The response of Forest  
34 Service for Hydaburg's request for closure nearly a month  
35 later is certainly not a timely response. The author of  
36 the letter is in one instance denying authority to close on  
37 one hand and (indiscernible) authority in fresh waters. Do  
38 you have a copy of this flyer? Could I postpone this then  
39 because I think it's very important. I can't make my point  
40 until you can read this.

41  
42 CHAIRMAN THOMAS: A request to postpone.  
43 We'll come back after lunch. Our lunch special is until  
44 2:30. Fred.

45  
46 MS. KESSLER: I just wanted to let people  
47 know that lunch is going to be available at the senior  
48 center and, Dorothy, is it available at noon?

49

DOROTHY: Yes.

00037

1 MR. KESSLER: At noon. The charge is \$8  
2 per person.

3  
4 (Off record)

5  
6 (On record)

7  
8 MR. DILTS: Thank you, Mr. Thomas. I'd  
9 like to thank you all for coming here. I thought everybody  
10 forgot about Hydaburg. Welcome here. Subsistence is very  
11 important to any village in Alaska. I'm sure you're well  
12 represented. I recognize Dolly Garza. How are you doing?  
13 And I am a little bit concerned. In '98, the Fish & Game  
14 opened up Hetta Inlet all the way up to Hetta Creek for  
15 sockeye fishing. All the way up to the mouth of the creek.  
16 They took a lot of sockeyes out of there even though our HC  
17 opposed it. Some of our villagers opposed it and some  
18 didn't, but somehow it got opened again. Anyway, I'm a  
19 little bit concerned when the fish had dropped off  
20 dramatically in Hydaburg. In fact, pacts of resolutions  
21 after the fish disaster here in Hydaburg. Subsistence  
22 users or people aren't catching as much, even by the  
23 numbers, statistically.

24  
25 Even in Klawock, we went up to our fish task force  
26 meeting, me and Ted Beeler (ph), on the fish task force  
27 representing Hydaburg. Every fisherman in Hydaburg signed  
28 the affidavit about the poor catch. The Fish & Game want  
29 to know that. In Southeast Alaska, in Prince of Wales,  
30 there's about two million fish caught commercially. No  
31 more or less. But there is a serious decline.

32  
33 As a responsible mayor and as a responsible  
34 citizen, I'm a little bit concerned. Especially when our  
35 seiners catch king salmon and we can't keep, so they throw  
36 them overboard and they die. Even after they close king  
37 salmon down, the trawlers have to throw their king salmon  
38 back into the water and they die. I don't know if all of  
39 them die, but I know it's pretty terrible, you know. It's  
40 pretty sad.

41  
42 But, anyway, I'm just filling in here for Victor  
43 Burgess. Mr. Burgess has a long history of working on  
44 subsistence. He's an important elder to our community. I  
45 know Vicki LeCornu well represents Hydaburg interest and  
46 Forest Service and fish management. I'm a bit concerned  
47 when our communities signed a resolution addressing a fish  
48 disaster. Not only that, I read Klawock's. I don't know  
49 about Craig. Maybe they're too rich to sign it. I don't

50 know. But our villages, we have to be responsible and I'm

00038

1 sure you guys go back and advise somebody else on what  
2 we.....

3  
4 CHAIRMAN THOMAS: Let me interrupt you.  
5 How it works with us and with the State, if you recognize  
6 that kind of activity as being detriment to the stocks of  
7 fish, there are proposal forms. They're not very long.  
8 Fill them out. It asks you a question, how does it affect  
9 -- and then, when you fill those out, send them to the --  
10 either to the State fish -- if it's got to do with fish in  
11 salt water, it will go to the State. You can send a copy  
12 to us if you like. If it's got to do in the streams, send  
13 it to us. We've got a similar form. They're called  
14 proposal forms and that's our first notice of a problem in  
15 any area. So we need to have that and the proposal will  
16 come from Hydaburg, but tell us what the problem is. It's  
17 got it right on the form. One page, double spaced and send  
18 that in and then we'll probably get back to you asking you  
19 for more particulars so we can make a good case out of it.  
20 So we're willing to work with you. We won't turn our back.

21  
22 MR. DILTS: Yeah. Thank you. Anyway, in  
23 fact, I'm very concerned about our community and I'm sure  
24 each one of you are concerned. Thank you.

25  
26 CHAIRMAN THOMAS: Thank you.

27  
28 MR. ADAMS: Mr. Chairman.

29  
30 CHAIRMAN THOMAS: Yes.

31  
32 MR. ADAMS: I'd like to take this  
33 opportunity to introduce the mayor from Yakutat, Mr. Tom  
34 Maloney.

35  
36 CHAIRMAN THOMAS: Hi, Tom.

37  
38 MR. MALONEY: Hi, there, Mr. Chairman. Mr.  
39 Chairman, members of the board, my name is Tom Maloney and  
40 I'm from Yakutat. I'm chairman of the advisory board of --  
41 up there on the fisheries board and also the mayor of  
42 Yakutat. When the time comes, I don't know if it's at this  
43 time here or not, I'd like to speak on Proposal 41.

44  
45 CHAIRMAN THOMAS: Now is not the time, but  
46 you're welcome to when we get there. There's sign-up  
47 sheets that look like this. Just fill them out, put them  
48 on the table back there and then we'll call on you when we  
49 get there. Thank you very much.



00039

1 MR. MALONEY: Thank you.

2  
3 CHAIRMAN THOMAS: Yes.

4  
5 MR. BEARD: I just want to introduce  
6 myself. My name is Jim Beard. I'm the fish biologist with  
7 the Forest Service in the Thorne Bay district, which is the  
8 northern half of this island, and I've had my hand involved  
9 in some of the subsistence proposal analysis and a lot of  
10 the other stuff on the island dealing with protection of  
11 fish habitat and also fish population. So I just wanted to  
12 introduce myself.

13  
14 CHAIRMAN THOMAS: Thank you very much.

15  
16 MR. BEARD: Oh, excuse me. And I'm also a  
17 member of the eastern Prince of Wales Fish & Game Advisory  
18 Committee, which makes up the communities of Kasaan, Thorne  
19 Bay, Coffman Cove and Wale Pass.

20  
21 MS. DILTS: Hello. My name is Jackie  
22 Dilts. I'm from Hydaburg here. I'm concerned about our  
23 fishing. I would like to see our people teach our young  
24 people how to live off the land. I would like to teach  
25 them -- see that they teach them how to put up our fish,  
26 our deer meat, seal meat, whatever we get from the ocean.  
27 The reason why I bring this up, because this summer I went  
28 to have surgery and I had to call my family over to put the  
29 fish up. I did it year after year as a hobby because I  
30 asked the elders how do I put these certain foods up so we  
31 can live off the land.

32  
33 When I first came to Hydaburg, I thought we were  
34 poor until how rich we were off our land and sea. I never  
35 said I was poor any more after that because, you know, I  
36 want to let you know I opened my door. A lot of people  
37 come to my house. Do you have fish? Yes. Do you have  
38 deer meat? Yes. Who go and get it for you? I teach my  
39 young son how to go get it.

40  
41 When my sisters came from Metlakatla, one is  
42 divorced, one is a widow, and my mother is divorced, I was  
43 worried about these three women out of my family out of 10  
44 that I grew up with from Metlakatla. Like I said, I put  
45 their fish up, a case of fish up, every year for each one  
46 of them so they can have something to fall back on.

47  
48 What are we going to do to teach our younger  
49 people, teenagers, how to put fish up so when they go off

50 to school and come back and put their own food up? But my

00040

1 second question came down the line when somebody says we  
2 all get cancer. Then I thought again. Has anybody checked  
3 in our smoking, how we put our fish up, how long we smoke  
4 it, where do we put our fish up, in the buckets, in the  
5 barrels or whatever. Can we find out if we're getting sick  
6 from either one of these areas? As soon as you catch your  
7 fish, you cut them, you clean them and put them away. We  
8 don't only do that to the Native families who we're  
9 teaching, but we teach the non-Natives, too. They come  
10 knocking on our door. We share. I'd like to see more  
11 parents teach the young people how to put it up when they  
12 say they don't have nothing to do in the village.

13  
14 Now look at our cold storage. It's been down 10,  
15 11 years. Why can't we teach our younger people how to  
16 work like we were taught, brought up to survive and go to  
17 work in the cannery? I worked in Metlakatla cannery for  
18 years while I was in high school growing up, helping my mom  
19 and dad with 10 other kids at home. Why can't we go back  
20 to the basic what our forefathers taught us is what I'm  
21 saying. The same way as with deer meat.

22  
23 I go home just a week ago. Nothing on the shelves  
24 in one of my sister's home. Nothing in the fridge. I  
25 bring home my fish, my deer meat, I share my halibut. We  
26 need to teach the young people how to get back to the job  
27 service of working together. I'm glad we're finally all  
28 here together from different villages. It's about time you  
29 came to Hydaburg to hear our voice.

30  
31 That was my real heart cry, but we also need to  
32 check in our fishing. Now, when we put our fish up, when I  
33 learned from my dad, it was three days smoke. When I cut  
34 back this year, it's one day. Tastes better. Just leaving  
35 one day smoke. Because your body can't handle the smoked  
36 fish as you grow older. Now I see, yeah, because our  
37 elders would say we can't eat too much because you smoke it  
38 too long. Well, we cut back and we tried it. Maybe we  
39 need to check in these issues on our fish, how we put it  
40 up. I don't know all the answers, but I'm just letting you  
41 know maybe this is what we need to do. Thank you.

42  
43 CHAIRMAN THOMAS: Thank you. You know,  
44 those are good points you brought up. However, it's not  
45 the role of this counsel to involve ourself in the  
46 community at that level. Our job is to make sure that you  
47 have the resource to work with, make sure you've got fish  
48 to catch and the deer to hunt. But you've got a good point  
49 of maintaining the practice of gathering and preserving.

50 That has to be done on the local level, people like

00041

1 yourself. The toughest thing to do is to find people that  
2 are really interested in doing that. You've got to find  
3 some sincere people. It might be two or three people, but  
4 you've got to find that many to get started. I'm really  
5 glad to hear you bring it to our attention. It's not only  
6 unique in Hydaburg. Other communities have the same  
7 problem. As modernization gets more modern, this is what  
8 happens. But those are good points and thank you for  
9 bringing them up. Carla, at last.

10

11 MS. GARZA: Hey, Bill, can I just make one  
12 point?

13

14 CHAIRMAN THOMAS: Yes.

15

16 MS. GARZA: In terms of coming to Hydaburg,  
17 we're really, really glad to be here. Just to let you  
18 know, we do rotate through the communities, so in a few  
19 years you need to invite us back, and that's how come we  
20 haven't been here, is we haven't received that formal  
21 invitation. So just wait a few years and through ANB, IRA,  
22 any counsel member, you write a letter and we'll make sure  
23 we work our way back here.

24

25 CHAIRMAN THOMAS: I'm sorry for the rude  
26 interruption, Carla.

27

28 MS. YATES: That's okay. I'm Carla Yates.  
29 I'm from Craig Community Association. We are the Federally  
30 recognized tribe for Craig. I work as an environmental  
31 specialist for almost a year now. I'm here to learn about  
32 how this whole process works. I surveyed our tribal  
33 members. Their number one concern with regard to the  
34 environment was to protect subsistence use areas.

35

36 As an environmentalist, through a grant from EPA,  
37 the way that I can work with that is to protect our natural  
38 resources as a whole and certainly subsistence fish falls  
39 under that protection. I'm currently working with a  
40 Klawock Watershed Council where they are doing some  
41 preliminary analysis of the streams and the lake there and  
42 the river to try and enhance, monitor the sockeye stocks  
43 there. We, too, are having real low runs with our sockeye.

44

45 I did review the executive summaries in trying to  
46 prepare for this meeting yesterday. I just received those.  
47 I was surprised to see so many proposals with regard to  
48 trout. I don't really have any other comment, but I was  
49 glad to see that there is a proposal to put coho -- to have

50 Federal permits to take coho. I was real glad to see that.

00042

1 And I just would like to thank you all for coming and it's  
2 good to see some familiar faces on the council. Thank you.  
3 Any questions?

4  
5 CHAIRMAN THOMAS: What do you have against  
6 trout? We have a request from one of our new council  
7 members. At this time, Harold, I'll let you have the  
8 floor, but I won't recognize you as representing Federal  
9 council. If you can speak as a council member, you're  
10 welcome to use the podium, but you can say whatever you're  
11 going to say. Do you want to speak from there?

12  
13 MR. MARTIN: Yes, Mr. Chairman, can I speak  
14 from here?

15  
16 CHAIRMAN THOMAS: Yes.

17  
18 MR. MARTIN: Thank you. Mr. Chairman, for  
19 the record, my name is Harold Martin. I am new to the  
20 council. I haven't received my official letter assignee,  
21 but Fred said I'm official, so Fred's the authority.

22  
23 I'm supposedly retired. I retired at the end of  
24 July. Before my retirement there were letters to the  
25 president of Southcentral Council asking me to sit on  
26 different organizations to complete my terms. I was  
27 working with the migratory birds. I see there's a report  
28 back there working on regional management plans now. I did  
29 sit on the reauthorization of the Marine Mammal Protection  
30 Act Committee with Dolly through the Indigenous Peoples  
31 Council Marine Mammals. I understand that didn't go  
32 through this year, so it will be under consideration next  
33 year. I do sit on the Harvest Assessment Working Group. I  
34 believe Cal is going to be reporting on that, so I won't  
35 say anything on it. I'm also on the -- I'm still chairing  
36 the Alaska Native Harbor Seal Commission.

37  
38 Two years ago we signed a co-management agreement  
39 with the National Marine Fisheries Service in Yakutat and  
40 the first week of this month we met in Juneau and we had a  
41 workshop. We had three different panels. We had a panel  
42 -- we brought in Native experts and biologists and had a  
43 panel on population monitoring, another panel on harvest  
44 monitoring and another panel on education. We're drawing  
45 up action plans that the co-management agreement calls for.

46  
47 And I also chair the Alaska Native Subsistence  
48 Halibut Working Group. We started this process about four  
49 years ago. We met first in Anchorage and about three years

50 ago we put off any action at the request of the State to

00043

1 see what happens with the government task force. Then the  
2 year following we again postponed any action pending what  
3 came out of the legislature. We all know what happened  
4 with the legislature - nothing. So this year my request  
5 from Steven Pennoyer with National Marine Fisheries  
6 Service, he asks the North Pacific Fisheries Management  
7 Council to take final action on the halibut as a  
8 subsistence resource issue.

9  
10 Let me back up and give you a little background.  
11 Several years ago there was an incident up north in areas  
12 4E where the people were taking home undersized halibut and  
13 they got cited for it. According to their culture and  
14 belief, they didn't throw anything back in the water, they  
15 didn't waste it after they bring it up and it's dead.  
16 Coincidentally, there was a resolution from Angoon that  
17 went to the Tlingit-Haida Central Council annual general  
18 assembly and we sent this resolution out to the powers that  
19 be. It went to Senator Stevens. Senator Stevens sent it  
20 over to the International Pacific Halibut Commission. The  
21 Pacific Halibut Commission sent it over to the North  
22 Pacific Fisheries Management Council and they wrote us a  
23 letter saying that they had the statutory authority to deal  
24 with this particular issue. So that opened the door.

25  
26 Prior years to that we always wrote letters and  
27 sent resolutions to the International Pacific Halibut  
28 Commission and they always slammed the door in our faces,  
29 so we never got anywhere. Well, they opened the door a  
30 little bit and we took full advantage of it. We met in  
31 Anchorage and Kodiak and this last week in Sitka. They  
32 were supposed to do the final action on the halibut issue  
33 in Portland last June, but at an April meeting in Anchorage  
34 we asked them to not do this. We told them -- we asked  
35 them this is an Alaskan issue and it should be settled in  
36 Alaska and they honored our request and designated Sitka as  
37 the meeting place for this fall.

38  
39 We met at the Sitka Centennial Hall, we presented  
40 them our preferred options and alternatives. We had full  
41 participation by the Sitka tribe. I think it was very well  
42 conducted and concerted effort. It was a team effort. But  
43 we testified before them and gave them our options, our  
44 preferred options. They asked us the status quo. Our  
45 response was that sportsfish and Federal regulations do not  
46 reflect the customary and traditional use of halibut by  
47 Native people. So we went on record as going after halibut  
48 as a subsistence resource.

49

So, in option one, to define subsistence, they

00044

1 settled on halibut subsistence regulations are needed to  
2 allow the continued practice of long-term customary and  
3 traditional practices of fishing halibut for food for  
4 families in a non-commercial manner or non-economic  
5 consumption. Subsistence is defined as a non-commercial,  
6 long-term customary and traditional use of halibut.

7  
8 In option two, eligibility, we got hung on -- I  
9 mean they got hung up on eligibility. We went after Native  
10 only, then we got word from the Governor's Office that the  
11 governor was supporting suboption A-1 and 2, which called  
12 for Federally-recognized Native tribes and other rural. We  
13 referred to this as tribal plus. There was a motion by Bob  
14 Penney and a substitute motion by Robin Samuelson, but they  
15 settled on an amendment. They went for suboption B.

16  
17 It says persons eligible for subsistence fish for  
18 halibut are Alaska rural residents as defined in ANILCA and  
19 identified in Table 5.4 entitled Alaska Rural Places and  
20 Areas with Subsistence Halibut Uses and will also include  
21 other communities for which customary and traditional  
22 findings are developed in the future. The list  
23 specifically includes the communities of Adak, Diomedes and  
24 Shishmaref. This list of eligible rural communities can  
25 only be changed by council action. The council urges  
26 communities seeking eligibility to subsistence fish for  
27 halibut to pursue a customary and traditional finding from  
28 appropriate bodies before petitioning the council. Other  
29 persons eligible to subsistence fish for halibut are all  
30 identified members of Alaska Federally-recognized Native  
31 tribes in rural areas with a finding of customary and  
32 traditional use of halibut, who have moved to an urban area  
33 are allowed to return to their area of tribal membership  
34 and exercise their subsistence rights for halibut fishing.

35  
36 This means that the people that move to urban  
37 areas, like I was born and raised in Kake, I live in Juneau  
38 now. I'm eligible to go back to Kake to do my halibut  
39 subsistence fishing.

40  
41 Two, all members of Alaska Federally-recognized  
42 Native tribes with a finding of customary and traditional  
43 use of halibut that live in an area that has become or in  
44 the future becomes urban shall allow to exercise their  
45 halibut subsistence rights anywhere in the designated rural  
46 area within the state of Alaska.

47  
48 Now this means that there's no magic number that's  
49 going to rule you ineligible. I think in ANILCA it says

50 that if you reach the population of 7,000 you're no longer

00045

1 rural. You become urban. This permits that we'll be  
2 eligible for all time. Under Federal law in ANILCA,  
3 subsistence users are identified as customary and  
4 traditional use of fish and game by rural Alaska residents.  
5 Now we tried to distance this from anything having to do  
6 with ANILCA, but it got in there somewhere.

7  
8           Legal gear for subsistence halibut fishing is set  
9 and hand-held gear of not more than 30 hooks, including  
10 long line, hand line, rod and reel, spear, jigging and hand  
11 trawl gear. Originally, we requested the one line, one  
12 skate with up to 60 hooks, but they stayed on 30 hooks.  
13 We're pretty happy with that. We can live with it.

14  
15           Option 4, allow the customary and traditional trade  
16 of subsistence halibut. Sub-option A, customary and  
17 traditional trade through monetary exchange will be limited  
18 to an annual maximum of \$400. No customary and traditional  
19 trade is allowed upon the premises of commercial-buying  
20 operations. Persons licensed to engage in a fishing  
21 business may not exchange, solicit to exchange or receive  
22 for commercial purpose subsistence taken halibut. No  
23 exchange of subsistence-caught halibut from a monetary  
24 exchange, trade or barter is allowed to enter commerce at  
25 any point.

26  
27           Now, we're asked a lot of times why \$400. Well,  
28 the options were \$100 all the way up to \$600. They settled  
29 on \$400. It was our preferred option. One of the things  
30 we had to explain was that we Natives pride ourselves in  
31 self-limitation and self-regulation when we take -- we go  
32 out to take halibut. We don't go out with the intent to  
33 sell these halibut, subsistence halibut. So, when we get  
34 enough, that's it. We're done for the summer. We try to  
35 get away from this perception that if there's 700 people in  
36 Angoon, 700 people will be out fishing all year round and  
37 this is what they try to impress on the council on the  
38 Kenai situation. \$400 is not a lot of money. We didn't  
39 think anybody would have any heartburn for it.

40  
41           Originally we said that we didn't want sale -- any  
42 kind of sale of subsistence period, but after rethinking it  
43 -- recalling when I was a young man, I used to go out and  
44 get halibut and I took what I needed and cut up the rest  
45 and let people help themselves. From time to time you'll  
46 have a person say, well, here's \$2 for gas, here's \$2 for  
47 expenses. Now, if we didn't put a monetary figure on this,  
48 that would be illegal. I would get cited if somebody gave  
49 me a couple dollars now. Of course, I lived in the day

50 when you paid 17 cents for a gallon of gas.

00046

1           Suboption B, customary and traditional trade  
2 through non-monetary exchanges allowed with anyone. That  
3 might maybe address some of Mr. Carle's concerns this  
4 morning. One of the things we felt that some of these  
5 agreements here may rub off on some other subsistence  
6 issues within the state.

7  
8           Option 5 was to define the daily bag limit. The  
9 daily limit for subsistence halibut in rural areas is up to  
10 20 halibut, except there is no limit in 4C and 4E,  
11 including Gambell and Savoonga. 4C and 4E is IFQ's and  
12 CDQ's. Explained that these people were taking home the  
13 undersized halibut that were already dead and it was  
14 against their customary and traditional use to waste  
15 anything, so the law enforcement people made an exception  
16 and they extended that.

17  
18           Option 6, a cooperative agreement with tribal,  
19 State and Federal governments and other entities may be  
20 developed for harvest monitoring, local area planning and  
21 other issues affecting subsistence uses of halibut. We're  
22 talking about regionalizing, you know, making management  
23 plans in different regions, maybe for southeast and then  
24 all the way through the coastal areas. We went strongly  
25 for co-management agreements, but the Federal government is  
26 a little bit -- well, this particular agency was kind of  
27 paranoid about co-management, so we settled on cooperative  
28 agreements. Cooperative is kind of a bad word among Native  
29 people. Over a long period of time we notice that whenever  
30 you talk about cooperative management, it generally means  
31 that we'll cooperate, they'll manage.

32  
33           The North Pacific Fisheries Management Council  
34 requests the Alaska Board of Fisheries board to recommend  
35 potential regulatory options in subsistence halibut  
36 regulations relating to legal gear, daily limits, reporting  
37 requirements, customary and traditional use, areas of  
38 tribes and rural communities and non-rural area definitions  
39 for halibut fishing areas. The council requests that the  
40 board meet on this issue during their formal 2000-2001  
41 cycle and present its recommendations to the council at the  
42 council's June 2001 meeting. Now, we were loud and clear  
43 on the fact that the State fish board had no authority over  
44 halibut whatsoever.

45  
46           Mr. Chairman, I'm pleased to announce that after  
47 four years we legitimized something that was already  
48 happening anyway. Thank you, Mr. Chairman.

49

CHAIRMAN THOMAS: Thank you, Harold.

00047

1 Congratulations to your leadership on that effort and the  
2 people you worked with. Everybody that it affects owes you  
3 appreciation of gratitude. Everyone give Harold a hand.

4

5 (Clapping)

6

7 MR. MARTIN: Mr. Chairman, Mr. John  
8 Littlefield was there. One of the people who testified.  
9 If he has any follow-up comments, I'd appreciate it.

10

11 CHAIRMAN THOMAS: Okay, John.

12

13 MR. LITTLEFIELD: Thank you, Mr. Chairman.  
14 As was mentioned, this was quite contentious. There was  
15 quite a bit of opposition from the commercial groups who  
16 didn't understand that we were basically trying to  
17 legitimize an ongoing -- recognizing what our people are  
18 already doing. If you had three halibut under the old  
19 regulations aboard your boat and there was only one person,  
20 you would be cited, but if you had your child aboard, it  
21 was legal. And it was just a means to legitimize, like  
22 Harold said, something that our people have always done.  
23 Some of the key words in here are customary and traditional  
24 and we want to stress that those are the words that  
25 hopefully this council looks forward to in the State as  
26 customary and traditional and we push that all away. It  
27 was a concerted effort. The day they voted, I didn't  
28 believe it was going to pass in the morning. The  
29 substitute motion basically threw down the hatchet and we  
30 drew the line and said we're either going to take it all or  
31 nothing and it was quite a bold maneuver on Robin  
32 Samuelson's part, I thought, but we prevailed and I think  
33 it was a good first step for recognizing customary and  
34 traditional use of halibut by our people.

35

36 CHAIRMAN THOMAS: Thank you. Well, I've  
37 been fishing 40 years for halibut and I haven't caught my  
38 quota for one year yet. I think as long as you guys are  
39 doing that you should provide us with a way to catch them.  
40 Are there any staff or public that has yet to speak?

41

42 MS. GARZA: I have a question.

43

44 CHAIRMAN THOMAS: Question first.

45

46 MS. GARZA: Either Harold or John, if you  
47 could just clarify, this was passed by the council, but it  
48 is not law yet.

49

MR. MARTIN: It has to go to the Secretary

00048

1 of Interior and when he signs it, it becomes law. We have  
2 no reason to believe that he's not going to sign it.

3  
4 MS. GARZA: Is it commerce?

5  
6 MR. MARTIN: Commerce. I'm sorry.

7  
8 MS. GARZA: Okay. Because lots of things  
9 that are passed by the council don't get passed by  
10 commerce, so we still have to hold our fingers a tad  
11 longer.

12  
13 CHAIRMAN THOMAS: Now we'll take our  
14 applause back.

15  
16 MR. LAITI: I have a question. The  
17 question is under eligibility, subsection 2, it says all  
18 members of Federally-recognized Native tribes that have  
19 lived or in the future become urban. Does that mean areas  
20 like Juneau and Ketchikan fall under this?

21  
22 MR. LITTLEFIELD: No. This is the number  
23 Harold alluded to earlier. The magic number, if you look  
24 in the book here, is 2,500 and below is presumed to be  
25 rural. 2,500 to 7,000 is a finding of customary and  
26 traditional use. Above 7,000 is presumed to be urban  
27 unless there are characteristics of a rural community. So,  
28 if you came -- an example would be Hydaburg. If it got  
29 7,000 people, it would be presumed to be urban unless they  
30 showed characteristics. Well, they would obviously  
31 continue those and you would retain those. Just because  
32 the population reached that magic number 7,000 that  
33 wouldn't stop you from -- if you were a member of a  
34 Federally-recognized tribe, you can go anywhere you want  
35 and still -- if the whole area was -- this is a bad  
36 example.

37  
38 MR. LAITI: I know what you're talking  
39 about. It wasn't retroactive to include Juneau and  
40 Ketchikan and areas like that.

41  
42 MR. MARTIN: We did all we could. You  
43 know, on things like this, you don't get everything you  
44 want. We didn't get everything we want, but we came away  
45 with more than we went in for. We tried to get Juneau  
46 recognized so they could get fish anywhere, but the best we  
47 could come out with residents or Natives living in Juneau  
48 can go back to their customary and traditional places to  
49 fish.



00049

1 MR. LAITI: We are there. Thank you.

2

3 MR. KESSLER: Mr. Chairman.

4

5 CHAIRMAN THOMAS: Fred.

6

7 MR. KESSLER: I just wanted to point out  
8 that we did make a few copies of the document that Harold  
9 was talking about and Mr. Littlefield provided. They're  
10 back on the back table. They look like this.

11

12 MR. MARTIN: Our legal counsel, Mr. Sky  
13 Starkey, is going to be coming out with an analysis of what  
14 happened at this meeting, how it affects Native  
15 communities. When it comes out, I'll make sure it gets out  
16 to everybody, all the communities.

17

18 MS. CARLE: Jan Carle with the Hydaburg  
19 Cooperative Association. I had a question on that. Was  
20 there any means of monitoring what was taken? I mean I  
21 wasn't sure if I heard that in there. And, if not, is  
22 there a place where a monitoring could be put into the  
23 proposal?

24

25 MR. MARTIN: I think it was 5 or 6. It  
26 comes under the regional management plan. It's up to you  
27 guys to put it together.

28

29 MS. CARLE: But there's no like actual  
30 monitoring in place for the plan?

31

32 MR. MARTIN: No, not yet. You'll have to  
33 develop that, establish that.

34

35 MS. CARLE: And you're not afraid that  
36 over-taking of the stock will deplete it or was that even a  
37 consideration?

38

39 MR. MARTIN: That was a consideration. I  
40 think the charter boats have already cleaned up all their  
41 shallow water. I mean that came out over and over. And  
42 they're having to go further and further. There was  
43 testimony after testimony saying that people went out and  
44 were lucky to catch one or two in a week. So I don't think  
45 they're going to -- I mean just because you're allowed 20  
46 fish a day doesn't guarantee you're going to catch 20 fish  
47 a day.

48

49 MS. CARLE: Because it sounds like a good

50 plan to me, but I just, for future -- for the future, I

00050

1 mean, you'd think you'd want a better monitoring included  
2 in the whole proposal.

3

4 MR. MARTIN: Well, I'm sure there will be,  
5 but we left that open. It has to be developed on a  
6 regional basis. Go ahead, John.

7

8 MR. LITTLEFIELD: The last -- get a copy of  
9 this in the back. The last thing that Harold read was  
10 where they -- the council actually requested the Alaska  
11 Board of Fisheries to recommend these and one of them is  
12 legal gear. They would then be setting the legal gear  
13 limits, hopefully taking this into effect, the areas where  
14 they thought it was applicable, and one of them was daily  
15 limits and reporting requirements, customary trade, so  
16 those are to be developed. It couldn't be developed at the  
17 council meeting, but they definitely recognized there was a  
18 need and they also know that historical use of halibut is  
19 estimated at around 1 percent of the total allowable catch.  
20 So that's the starting point. It's to be developed.

21

22 MR. MARTIN: One of the main reasons I  
23 believe they approved it is because of your concern about  
24 monitoring, keeping accurate data. Very much like the  
25 migratory bird treaty. It is something the Natives were  
26 already doing up north and the people in Canada and United  
27 States were not getting accurate data on how many birds  
28 were being taken every year. The situation is very much  
29 the same with halibut. They're not getting any kind of  
30 accurate data on how much halibut is being taken. The  
31 State Fish & Game Department says subsistence accounts for  
32 less than 1 percent of all user groups, so it's really not  
33 a conservation issue.

34

35 MS. CARLE: All right. Okay. Thank you.

36

37 CHAIRMAN THOMAS: Other questions?  
38 Somebody had their hand up for a comment back there?

39

40 MR. BURGESS: Mr. Chairman.

41

42 CHAIRMAN THOMAS: Just a minute, Vic. I  
43 think somebody.....

44

45 UNIDENTIFIED SPEAKER: Steve did, but he  
46 said he'd be right back.

47

48 CHAIRMAN THOMAS: Oh, okay. Vic.

49

MR. BURGESS: I wanted to finish our

00051

1 testimony, Mr. Chairman. I think Vicki wants to sit up  
2 there with me and get up and testify.

3

4 CHAIRMAN THOMAS: Do you guys have a  
5 proposal or anything to accompany your testimony?

6

7 MR. BURGESS: We have some proposals. We  
8 intend, at this time, to argue that we may have a proposal.

9

10 CHAIRMAN THOMAS: Okay. The reason I ask  
11 that question is that we can't do much with testimony if we  
12 don't have anything that it represents on paper. We're  
13 happy to listen, but we're helpless without a proposal.

14

15 MR. BURGESS: Everything that we testify --  
16 that I testified to this morning is testimony of the facts  
17 as I see it.

18

19 CHAIRMAN THOMAS: Do you want to resubmit  
20 that proposal?

21

22 MR. BURGESS: The closures is the one we're  
23 talking about. Request for closure. I don't see how you  
24 can present that.

25

26 CHAIRMAN THOMAS: No, I'm not passing or  
27 I'm not accepting. Please have a seat then. No, right  
28 here. Come on up. I'm not trying to give you a hard time.  
29 I'm just trying to configure so that we can be the most  
30 effective in your regard when this is all through.

31

32 MR. BURGESS: You go ahead and testify.

33

34 MS. LeCORNU: I think, Bill, what.....

35

36 MR. ADAMS: I would like to follow up with  
37 a point of order in our agenda. It appears to me like  
38 we're on Item No. 7 and we haven't reached Item No. 4, 5  
39 and 6 yet and I would move that we listen to new testimony  
40 and that we go back and finish up with those items. We  
41 haven't even (indiscernible).

42

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

44

45 CHAIRMAN THOMAS: Well, that's a  
46 discretionary item. But to -- stay where you are -- stay  
47 with the wishes of the council, we'll go ahead with our  
48 agenda items 4 and 5. Overview of council notebook.

49

MR. ADAMS: Mr. Chairman, I made the motion

00052

1 to do this after we hear their testimony so that we don't  
2 just let them sit up there. So that's my motion.

3  
4 CHAIRMAN THOMAS: Okay. Well, the proper  
5 time to bring that up would have been afterward. Okay.  
6 When you guys speak, try to use some volume in your voice.  
7 Okay, you guys are on again.

8  
9 MR. BURGESS: Mr. Chairman, I'll finish my  
10 testimony first. I missed our letter -- I'm not sure  
11 whether our letter to the original act or closure. Does  
12 the regional council have that?

13  
14 CHAIRMAN THOMAS: I don't know. Do we?

15  
16 (Simultaneous speech)

17  
18 CHAIRMAN THOMAS: That's just one part of  
19 it. I'll have to get it out.

20  
21 MS. LeCORNU: So maybe I guess an  
22 explanation -- my name is Vicki LeCornu. An explanation of  
23 that letter we were taking some difference with Dale's  
24 interpretation that he didn't have the authority and I just  
25 got through reading the Federal regulations. It's right in  
26 there. It says Fish & Wildlife. So that was what the  
27 letter was about, was the conservation issue, and that's  
28 also a priority. I don't know if you have questions  
29 regarding the letters.

30  
31 CHAIRMAN THOMAS: Anybody have questions?  
32 Not at the moment.

33  
34 MS. WILSON: Is it a letter to Dale?

35  
36 MS. LeCORNU: Yes. It was a letter  
37 regarding the conservation of the fish stocks in Cordova  
38 Bay.

39  
40 MS. WILSON: Dated August 15th?

41  
42 CHAIRMAN THOMAS: Is that the August 15th  
43 letter?

44  
45 MS. LeCORNU: Yes. And we got a response a  
46 month later and our protest is partly because of this late  
47 response. The efforts by the Federal managers were to  
48 coordinate a timely effort and instead I think we got some  
49 confusion from the Craig Ranger District as to their

50 authority, so that was what this letter was regarding. But

00053

1 I spoke early in my testimony on finding out about the  
2 local knowledge of these stocks and finding out and compare  
3 the previous runs that we had. Victor could probably  
4 attest to that better than I can, but what we were talking  
5 about was the conservation of the stocks and that it  
6 required -- all throughout the regulations I see it  
7 requires some kind of local participation. Implementation  
8 in -- enforcement of Federal regulations is the  
9 responsibility of the departments. Field managers will  
10 work with local communities and local biologists to ensure  
11 that community interests are addressed in any action.

12  
13 CHAIRMAN THOMAS: Excuse me. Fred, is  
14 there anybody in attendance here from the Forest Service  
15 that can maybe make reference to some of these because I'm  
16 at a loss for any kind of a response to the concern that  
17 we're listening to at the moment. If there's nobody here  
18 that can, that's fine, but if there is, I would like for  
19 them to help with this problem.

20  
21 MR. KESSLER: Sure. Mr. Chairman, I  
22 believe that Cal and I could probably give you our  
23 understanding of what the situation is and perhaps Mr. Bill  
24 Knauer can also elucidate a little bit from what happened  
25 from the end of the Office of Subsistence Management.

26  
27 CHAIRMAN THOMAS: Then what I'll do then,  
28 Vicki, during this part of it, when you address stuff,  
29 please address it to Cal and Fred and then I'll just kind  
30 of referee and then Mr. Knauer will come screaming up here.  
31 Let's do that because I kind of brokered the response. I  
32 don't think other council members can, so we'll take  
33 advantage of our staff. Is that okay?

34  
35 MS. LeCORNU: That's fine. Ready to go?

36  
37 MR. BURGESS: Just one point, Mr. Chairman.  
38 I can't understand an action like this not being part of  
39 the regional council's agenda because if you can't protect  
40 the resource, I mean you can't do anything at all.  
41 Basically you're not accomplishing anything if you don't  
42 protect the resource because we have at least three  
43 years.....

44  
45 CHAIRMAN THOMAS: What are you referencing?

46  
47 MR. BURGESS: I'm referencing Title 8 of  
48 ANILCA. You have to.....

49

CHAIRMAN THOMAS: What are you implying?

00054

1 MR. BURGESS: I'm not implying. I'm saying  
2 the law requires you to protect the wild renewable  
3 resources in 804 and 805 specifically.

4  
5 CHAIRMAN THOMAS: Are you recognizing a way  
6 that we're not doing that?

7  
8 MR. BURGESS: Yes. Yes, I am.

9  
10 CHAIRMAN THOMAS: Maybe (indiscernible).

11  
12 MR. BURGESS: What I'm trying to say is  
13 that the law requires that somebody protect the wild  
14 renewable resources.

15  
16 CHAIRMAN THOMAS: That's true.

17  
18 MR. BURGESS: Okay. So if you have -- if  
19 the Federal government will now say that the only control  
20 up the river -- you have to protect the fish. How are you  
21 going to protect them? They don't get there automatically.  
22 They come through a migratory path. And when they're  
23 intercepted, they can't get up there to spawn.

24  
25 CHAIRMAN THOMAS: That's why I suggested a  
26 proposal. See, we could listen to your philosophies for  
27 weeks on end, but if you don't give us a proposal to work  
28 with, we're not going to accomplish anything.

29  
30 MR. BURGESS: Well, Mr. Chairman, with all  
31 due respect, that's what we did with the deer proposal and  
32 this proposal is not going to go anywhere either unless  
33 some of the members insist on it.

34  
35 CHAIRMAN THOMAS: We can take  
36 recommendations. We're open to take recommendations. It's  
37 up to the board to decide whether our recommendations meets  
38 the standard of their criteria for adoption.

39  
40 MR. BURGESS: Mr. Chairman, that's  
41 basically why we're here. We're trying to recommend that  
42 you assume the authority of this region because the  
43 regional board is.....

44  
45 CHAIRMAN THOMAS: But I've got to have  
46 something to take with me, something along the lines of a  
47 proposal.

48  
49 MS. LeCORNU: Maybe I could add, Bill.



00055

1 CHAIRMAN THOMAS: Okay.

2  
3 MS. LeCORNU: We did submit a letter for  
4 consideration of closure. That is much like a proposal.

5  
6 CHAIRMAN THOMAS: You sent that to the  
7 ranger district?

8  
9 MS. LeCORNU: Yes. And that was the action  
10 required throughout the Federal regulations and there was  
11 comments that it would be cumbersome and there was  
12 assurances that this would work for the community.

13  
14 CHAIRMAN THOMAS: The thing I'm trying to  
15 point out is that you submitted a proposal to an agency on  
16 the island that didn't get to us. So we're trying to  
17 respond to your concerns defending your proposal that we  
18 don't know anything about.

19  
20 MS. LeCORNU: That's right.

21  
22 MR. BURGESS: That's right. Why didn't you  
23 get it? That's what we're saying.

24  
25 CHAIRMAN THOMAS: Well, you didn't send it  
26 to us.

27  
28 MR. BURGESS: I don't think the policy  
29 requires you to do that, sir. That's the policy of your  
30 board.

31  
32 CHAIRMAN THOMAS: The best policy is your  
33 own. Now you're telling me that you wanted me to know  
34 about this. I should have got a copy or I should have got  
35 a copy that would have mentioned our book. It should be in  
36 here.

37  
38 MR. BURGESS: Well, I don't know. I don't  
39 have the policy here, but Vicki LeCornu was supposed to be  
40 the representative of the regional council in this area as  
41 I understand the policy. Is that right, Dolly? I'd have  
42 to ask Dolly because I think she was on it, too. I'm not  
43 sure.

44  
45 MS. LeCORNU: We were all listed. I think  
46 maybe they sent a copy to them.

47  
48 MR. BURGESS: As the contact person to ask  
49 for closures.



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1 CHAIRMAN THOMAS: But, in any case, if  
2 we're to take any action here, there's got to be a  
3 proposal. It has to reach the staff committee in a timely  
4 manner so it can be included in this packet so it would  
5 receive proper analysis. And then our recommendation would  
6 be based on the analysis of that proposal. It sounds to me  
7 like it hasn't reached an analysis point yet.

8  
9 MS. GARZA: I think that one of the things  
10 that Ida had tried to bring up earlier is -- there's two  
11 concerns. One is that there was an inefficient action, so  
12 Ida said that that is something that -- and what Bill is  
13 saying is you need to write that that's your concern to us.  
14 Say we're asking the Southeast Subsistence Advisory Council  
15 to let the Federal Subsistence Board know that the action  
16 has not been properly followed and we would like you guys  
17 to make whatever changes so that doesn't happen again.

18  
19 MS. LeCORNU: Clarify roles and have a  
20 timely response.

21  
22 MS. GARZA: Right. And so.....

23  
24 MR. BURGESS: Well, I don't have the policy  
25 here, but we were following the policy as it was read to  
26 us.

27  
28 MS. GARZA: Right. But what I'm just  
29 saying -- what Bill is trying to say is that we need a  
30 letter that's to us, not just to somebody three months ago.

31  
32 MS. LeCORNU: I think what we're seeing is  
33 the failure of the Forest Service to communicate.

34  
35 CHAIRMAN THOMAS: Time out. Time out. I  
36 got a VIP from Anchorage that might share some wisdom with  
37 us.

38  
39 MR. KNAUER: Mr. Chairman, I'm Bill Knauer  
40 with the Office of Subsistence Management. I deal with  
41 policy and regulations. The point that Mr. Kanen makes in  
42 his reply is very apropos. What he indicates is that the  
43 request is not within his area of jurisdiction. Likewise,  
44 any request, no matter what it is, if it were submitted  
45 procedurally correct for everything, if it's not within the  
46 jurisdiction of the Federal Subsistence Board, could not be  
47 acted on by the Federal Subsistence Board.

48  
49 So, there's a two-part thing. One is the proper

50 submission and Mr. Burgess did submit the request for end

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1 of season action properly. There's no doubt about that.  
2 But the second part, that of it being within the  
3 jurisdiction of the Federal Subsistence Board, and in this  
4 case the delegated authority to Mr. Kanen, it was not  
5 within his jurisdiction. It was within the jurisdiction of  
6 the State of Alaska, the Board of Fisheries.

7  
8 MS. LeCORNU: Can I (indiscernible)?

9  
10 MR. KNAUER: So that is why he responded  
11 that -- he said that Federal waters include fresh water to  
12 mean high tide. Closure of State managed fisheries in salt  
13 water would take action by the Alaska Department of Fish &  
14 Game. He's explaining why he's unable to act. Even if  
15 that request had come directly to this council, although  
16 this council could have made a recommendation to the Board  
17 of Fish, the Federal Subsistence Board could not have taken  
18 action on that.

19  
20 MS. LeCORNU: Excuse me. Bill, I need to  
21 ask Bill, was it the intent of all this to cooperate with  
22 the State and have some kind of cooperation on the  
23 management of the upstream fish? It doesn't have to do  
24 with jurisdiction or ownership, it has to do with  
25 management to the priority and that required cooperation on  
26 the State's part.

27  
28 MR. KNAUER: Cooperation does not mean  
29 dictation. In other words, you know, the State is not  
30 going to dictate to the Federal government nor, in most  
31 cases, is the Federal government going to dictate to the  
32 state. He points out in his letter that there did not  
33 appear to be the information such that had warranted State  
34 closure. Now, that's not to say that further information  
35 might not reverse that opinion. But regarding the same  
36 fishery, that is a proposal -- the closure of the same  
37 fishery or a restriction of the same fishery is a proposal  
38 that should be submitted to the Alaska Board of Fish. The  
39 Federal Subsistence Board does not have any jurisdiction in  
40 that area at the present time.

41  
42 MS. GARZA: First, Victor, I'm sorry I  
43 didn't reply to you. If my name is one of the people who  
44 represents Prince of Wales, I would be glad to in any way,  
45 but I did not get a copy of this. Secondly, I think that  
46 the point that -- and, Vicki, correct me if I'm wrong, but  
47 I know one of the points that Vicki has made year after  
48 year, and we're trying to address a policy question in a  
49 letter and perhaps the wrong process, but this is a concern

50 that I know the Sitka tribe attorney -- well, previous

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1 attorney, Jude Pate, has brought up for years is that,  
2 fundamentally, if the subsistence needs are not being met,  
3 and Vicki's point is they're not being met, even if the  
4 average has been 1,600 sockeye for the last 10 years, it  
5 was under a State system where 1,600 was never enough to  
6 begin with. And so the point that Sitka tribe has always  
7 made through Jude, and he can beat me if I'm saying  
8 something improperly, is that if the Federal government is  
9 to protect subsistence for fisheries, it has the ability  
10 within its authority to reach out as far as necessary. And  
11 if that means into commercial fisheries, then that's what  
12 it means. And that, I think, is the point. But, see,  
13 that's all a real fundamental policy question that I don't  
14 think we're going to get answered with a letter to the  
15 ranger here and a response 30 days later.

16  
17 And the question I had tried to bring to you,  
18 Vicki, is, you know, you've brought up two big issues and  
19 we bring them up year after year, but we don't have a good  
20 strategy for trying to bring resolution to them. And we've  
21 had -- and I think that until we do they're going to keep  
22 coming back because it's not just Hydaburg. I mean Kake  
23 has come to us and said running across this huge channel to  
24 go over and get their 10 sockeye is ridiculous and that's  
25 what the State passed, so that's what the Federal took and  
26 that's not enough. Sitka has argued that for years.  
27 Running down to Redoubt Bay, running down to Necker Bay for  
28 20 or 50 fish a day was never enough fish to begin with.

29  
30 It's an incorrect process and we have to change  
31 that even if it means the Federal government reaching their  
32 jurisdiction beyond. And I think that is a fundamental  
33 question that somehow or another has to be addressed. It  
34 can't be addressed by this council, although we could make  
35 recommendations to the Federal Subsistence Board. But it's  
36 standing back and not just saying in this particular  
37 instance, but this is an issue that has to be confronted.  
38 Is that okay, Vicki?

39  
40 MS. LeCORNU: Yes, that's really true. Our  
41 issue though was for conservation, which is a much worse  
42 situation.

43  
44 MR. BURGESS: I mean, to us, this policy  
45 was to protect the resource. Mr. Chairman, if I could  
46 respond to the letter. The letter is really meaningless,  
47 as far as I'm concerned. I don't know who drafted it. I  
48 won't point any fingers, but I'd like to testify why and  
49 what subsistence is about. It's about two things,

50 protecting of the resource and of the subsistence users.

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1 I'd like to respond, you know, with some of the testimony I  
2 have here. If we can't protect the resource, we're sitting  
3 here for nothing.

4  
5 CHAIRMAN THOMAS: Well, we're protecting  
6 the resource the best we can with what we've got, but  
7 there's a process of proposals that need to be analyzed.  
8 What that does, that generates a group of people that know  
9 what they're doing to take a look at the supporting  
10 information regarding that proposal and if that proposal  
11 meets the standard that the data allows, then a  
12 recommendation is made from that. Without the proposal to  
13 generate that kind of activity, it's difficult for us to  
14 do. It's probably already been submitted. We've got the  
15 same kind of proposals from a different committee. It's  
16 just that they offered their proposals on a region-wide  
17 basis or on a management unit basis. See, Hydaburg offered  
18 their conservation and their proposals on a community  
19 basis. So, I don't know what else to tell you.

20  
21 MR. BURGESS: I think we have to.....

22  
23 MS. LeCORNU: The question shows that you  
24 don't make proposals for conservation issues. There was  
25 never any remedy.

26  
27 MR. BURGESS: Mr. Chairman, now let's put  
28 this in proper context. What did this refusal for closure  
29 do? How is it going to affect Cordova Bay, which produces  
30 high -- probably up to 30 million fish. There's managing  
31 on pink fish fisheries. Now, number one, what happens to  
32 these other species. The whole letter is foolish, you  
33 know, because if you can't protect the resource, what does  
34 this apply to pink salmon? What if I'm right? What if  
35 we're right that two years from now there's no pink return?  
36 What if we're right that within three years there's no dog  
37 or coho returning? What about four years if there's no  
38 sockeye. That's only four years in the future. It's  
39 already decided. There's nothing we can do about it.

40  
41 CHAIRMAN THOMAS: If we don't have a  
42 proposal to work with, how do you suggest we take your word  
43 forward?

44  
45 MR. BURGESS: That's what we're here for.

46  
47 CHAIRMAN THOMAS: Where's the proposal? A  
48 proposal should be in this book. Marilyn.

49

MS. WILSON: It seems like they did not

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1 have the right data to give to the people to say that there  
2 was a danger of a conservation.....

3

4 MS. LeCORNU: That's not our burden.  
5 That's the manager's burden to look at it. They were to  
6 review it and analyze it.

7

8 MR. BURGESS: Mr. Chairman, if I could.....

9

10 MS. WILSON: And the other thing is, too,  
11 if you went to put the proposal to the Fish & Game Advisory  
12 Committee and it went through the channels, it would seem  
13 like we, as a council, could make our comments on it, like  
14 (indiscernible) comments.

15

16 MR. BURGESS: Mr. Chairman, maybe if I re-  
17 call my -- I called Mr. Doherty after I contacted Craig and  
18 they asked me to call, so I might not have the truth of  
19 what was actually said, but I've got the basic  
20 conversation. First, I talked to him and I asked him --  
21 all we're asking for now is to move the line back because  
22 there's no fish in Notsuni (ph), there's no fish in  
23 Hydaburg Creek and there's no fish in Saltry Creek. Well,  
24 he admitted that he flew over Hydaburg, I know the day, and  
25 the season was already open, and he admitted that there was  
26 no fish in Hydaburg Creek, but he said there were some out  
27 in front of the creek. I agree with that statement. But,  
28 remember, there was no fish there. They'd been open for at  
29 least one week and starting on two weeks and they were  
30 fishing right out here.

31

32 Looking through the years, the migratory paths, the  
33 streams have been going down, down, down because they're  
34 being caught in the outside waters. That's why you get --  
35 in the letter, it mentions 1980. In 1980, they done away  
36 with the management because of the information from the  
37 fish ticketing. In other words, they used to tag fish  
38 outside. In 1952, I was out there. The first year I  
39 fished the Federal government was tagging at Snail Point.  
40 There wasn't much fish there. I had an old boat, I came  
41 back inside, I got 7,000 fish that year. The high boat was  
42 15,000. I turned in the tags. I had nearly, I think, 120  
43 tags that were tagged at Snail Point on Noise Island.

44

45 Now, the State did a lot of testing. They have all  
46 those figures there, the tagging information. They put --  
47 John Valentine, to his credit, when he was area biologist,  
48 he used that tagging information to open and close outside  
49 so we could get fish in Cordova Bay. So, if you don't have

50 immediate action, as I read that policy, there's something

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1 wrong with it.

2

3 CHAIRMAN THOMAS: Let me check for  
4 something. Proposals for fisheries.

5

6 MR. KESSLER: Proposals for fisheries?

7

8 MS. GARZA: For next (indiscernible).

9

10 MR. KESSLER: For regulations?

11

12 MS. GARZA: Yes. Till the end of this  
13 month, I think. The 20th or something.

14

15 MR. KNAUER: Mr. Chairman, the next period  
16 for fisheries proposal will start in January and run  
17 approximately through the end of March. The proposal  
18 period that's currently open is for wildlife and it will  
19 run through October 27. The other thing is, if it is a  
20 request for extension of jurisdiction beyond Federal  
21 waters, the Federal Subsistence Board has no authority in  
22 that regard. That is something that has been reserved to  
23 the Secretary of Interior and Agriculture only. So any  
24 request in that regard would be submitted through this  
25 council to the Federal Subsistence Board and then it would  
26 go to the Secretary of Interior or Agriculture for  
27 extension of Federal jurisdiction. And that is something  
28 that the secretaries have indicated will require a very  
29 high threshold to cross. It is something that has occurred  
30 only a very, very limited number of times in the past  
31 century nationwide because it is a very serious action and  
32 it is normally a very lengthy process that when it has  
33 occurred, it normally has gone all the way to the supreme  
34 court.

35

36 CHAIRMAN THOMAS: Right. Thank you. The  
37 reason I ask is I want to encourage you folks to use the  
38 proposal process because without that, while we enjoyed our  
39 dialogue and exchange with you, we're virtually helpless  
40 without a proposal. Once we get those proposals, then we  
41 can go from there. For us to agree or disagree with your  
42 viewpoints at this level is not productive and it's not our  
43 intent to be non-productive and we can't represent you  
44 without a proposal.

45

46 MR. BURGESS: Yeah, well, that's what they  
47 call cooperative federalism. But the point is, in the  
48 meantime, the resource suffers, you know.

49

CHAIRMAN THOMAS: Well, if the proposal was

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1 here by now, it would suffer less. But if we have to wait  
2 for a proposal, yes, it will suffer.

3  
4 MR. BURGESS: The way I see it working,  
5 Bill, and the committee, I see it's in the process of  
6 adjudication. We're not going to suffer here because we  
7 don't have any rights anyway, you see, but the resource is  
8 going to suffer. So I'd suggest immediate contact with the  
9 Secretary of the Interior because he has the power to do  
10 this. Just because -- the reason you have no power now is  
11 because Governor Knowles challenged the Katie John decision  
12 to the supreme court, so it's going to be -- you're going  
13 to have probably two, three, four, maybe less, hopefully  
14 less, years before they decide these issues. But, in the  
15 meantime, boy, this is the main thing, the only thing that  
16 you should be concerned with, is protecting the resource.

17  
18 CHAIRMAN THOMAS: That's what we're doing.  
19 That's exactly what we're doing. Fred.

20  
21 MR. KESSLER: I'd just like to point out  
22 that the period for submitting proposals will be coming up.  
23 That's for regulatory changes. But there's also another  
24 time period coming for proposals for information-gathering  
25 projects. So if you have ideas, if they're information  
26 needs that might illuminate, then we'd be willing to work  
27 with you in developing those. The time now is to try to  
28 work together to figure out what to get in line for next  
29 year's season so we're not in the same situation next year  
30 as this year.

31  
32 If you see a need for the secretary to extend extra  
33 territorial jurisdiction, for instance, we need to have  
34 that lined up and ready to go beforehand. But, in the  
35 meantime, we can begin discussions with the ADF&G, with the  
36 Federal staff, with the council and with the board about  
37 this issue and extend that on to other areas as well. You  
38 know, this would be a good model.

39  
40 MS. LeCORNU: So, are you saying this could  
41 be a project?

42  
43 MR. KESSLER: Yes. It's a good likelihood.  
44 What we'd need to do is -- well, Cal will talk about this  
45 later in briefings about the process by which to propose  
46 projects for the 2002 process. So that's a good thing to  
47 keep in mind.

48  
49 MS. LeCORNU: I didn't hear you, Fred.



00063

1 MR. KESSLER: Cal will be talking later.  
2 He'll be giving a briefing on the 2002 fisheries projects  
3 process.

4  
5 MS. LeCORNU: I have just one response to  
6 that and that is that when we met last spring and we talked  
7 about how to determine what is a valid project that I  
8 recommended ANILCA as a guide and that these be used to  
9 develop the annual report and the reason that annual report  
10 is necessary is it gives us substantial evidence for our  
11 claim, so we really need that work.

12  
13 CHAIRMAN THOMAS: Mary.

14  
15 MR. BURGESS: Before I close, Mr.  
16 Chairman.....

17  
18 CHAIRMAN THOMAS: She wants to talk.

19  
20 MS. RUDOLPH: Well, I was just wanting to  
21 let them know that it isn't just a concern of Hydaburg. I  
22 think it's all southeast is having the problem. My husband  
23 is a fisherman and he comes home at the end of the season  
24 with a real bad season. So the overall, I think, from all  
25 the years I've been on here, we've always been concerned  
26 about the hatcheries and which one is more dominating than  
27 the other and I think we're finally going to start  
28 demanding answers to find out because this is the worst --  
29 and he's fished for 48 years. This is the worst he's ever  
30 seen it. So I think it should be a big concern and you  
31 shouldn't be discouraged thinking that we don't care  
32 because I think we all feel the concerns you do.

33  
34 CHAIRMAN THOMAS: Patty.

35  
36 MS. PHILLIPS: Mr. Chairman, I'd like to  
37 just hear them out. I don't want to hear anymore  
38 interruptions on what they're trying to say. Give them an  
39 allotted time. We've already spent 30 minutes on this and  
40 I haven't really -- I know what the core issue is, but I  
41 feel like we haven't -- it's been adversarial rather than  
42 just to hear their issue and then close it and then move  
43 on.

44  
45 CHAIRMAN THOMAS: For your information,  
46 it's not adversarial. There's a difference between  
47 discipline, protocol and adversarial and I'm exercising  
48 both discipline and protocol. The last thing I want to  
49 have is adversarial. Victor knows. Vicki knows. We try

50 to work together. We get to understand each other through

00064

1 these exchanges. What I'm trying to avoid is to have a  
2 very talented exchange and no place to go with it. And if  
3 we don't come up with some approach, that's what we'll wind  
4 up with. I'm trying to avoid precious time used in  
5 futility. But, no, I'm not being adversarial.

6  
7 MR. BURGESS: Mr. Chairman, I'd like to  
8 close. We've tried to do all we can and I think it's a  
9 magical moment I heard this adversarial come up because our  
10 only access now is to go to court to try to get an  
11 injunction to protect the resource. If we can't get that,  
12 then we'll just have to get.....

13  
14 CHAIRMAN THOMAS: Well, the thing is,  
15 you're going to go to the court with some kind of  
16 information and a plan. If we have something like that, we  
17 can do something with it. That's the difference.

18  
19 MR. BURGESS: But you never will because  
20 even the deer proposal -- see, you're in the grasp of the  
21 State and the Federal bureaucrats and if you don't  
22 understand that you've got to fight against it, it's  
23 hopeless. Thank you. I want to thank all of you for  
24 listening to me anyway.

25  
26 MS. DILTS: Can I say something? With or  
27 without the proposal, I wish you would hear Hydaburg. If  
28 they knew they were supposed to have a letter, they should  
29 have had one here and discussed it. But let me tell you,  
30 Klawock gets to go fishing Monday through Friday 8:00 to  
31 5:00. Weekends they come to Hydaburg and fish in our  
32 stream. Now, if it ain't just Klawock and Craig and  
33 Ketchikan that come and get their fish, because people live  
34 on fish and deer meat to provide to their families, I  
35 suggest that you hear our people out and bring this back to  
36 the governor because we all need to work together. We need  
37 to get this issue together. If Federal people are going to  
38 come in, work with them. Work with them.

39  
40 You know, my grandpa had 26 kids. Do you know how  
41 many deer it took to feed his family? Twenty. Twenty  
42 deer. I don't know how much it took for our fish to put up  
43 for that year, for the summer. I don't know how much  
44 halibut it took to feed the family.

45  
46 CHAIRMAN THOMAS: Again, we have processes  
47 and proposals. Come up with an idea. We can't do your  
48 thinking for you. We can't interpret for you. We can only  
49 carry your message forward if we have a copy to carry.

50 Ida.

00065

1 MS. HILDEBRAND: Thank you, Mr. Chairman.  
2 Ida Hildebrand, BIA staff committee member. I'm concerned  
3 and I agree with Patty's statement. I don't believe these  
4 people were -- you heard their statement or allowed them to  
5 make their statement really. This is a public forum and  
6 the people of the community, any community, are free to  
7 come and state whatever is on their minds or in their  
8 chests.

9  
10 I believe what Vicki originally raised to this  
11 council and is still an issue and I shall write a letter in  
12 that regard is that they made a request for a special  
13 action and the response to that request was not timely and  
14 they're complaining that that response was not timely.  
15 It's a legitimate complaint and it is something that I will  
16 address to the Federal Board in December. Whether or not  
17 it was extraterritorial jurisdiction is a separate matter.  
18 The fact is it was not a timely response and responses on  
19 in-season management are to be timely. Thank you, Mr.  
20 Chairman.

21  
22 CHAIRMAN THOMAS: Do you have a  
23 recommendation on what we could have done with the  
24 information that was provided to us without a proposal to  
25 take with us?

26  
27 MS. HILDEBRAND: The information -- my  
28 objection or my concern is that they weren't permitted to  
29 fully state their case, just let it flow in their  
30 statement.

31  
32 CHAIRMAN THOMAS: I didn't stop them from  
33 finishing their case. All I asked for was to give us  
34 something to carry, a banner to carry for them.

35  
36 MS. HILDEBRAND: Perhaps if they had  
37 completed their statement we would have understood what  
38 that banner was.

39  
40 CHAIRMAN THOMAS: Well, perhaps. That's  
41 speculation. Butch.

42  
43 MR. LAITI: Just a comment. As a Native,  
44 we've all experienced bad judgment by Alaska Department of  
45 Fish & Game in all fisheries. I've experienced it.....

46  
47 CHAIRMAN THOMAS: We can't hear you.

48  
49 MR. LAITI: I said we've all experienced

50 bad judgment by Alaska Department of Fish & Game as Natives

00066

1 and as commercial fishermen. I've seen them wipe out fish  
2 in the north and southeast and right now they're doing  
3 drastic measures to try to rebuild those runs.

4  
5 CHAIRMAN THOMAS: Okay. We're only under  
6 comments and introduction. Okay. Having given the  
7 friendly exchange, let's do 4 and 5. Fred.

8  
9 MR. KESSLER: Thank you, Mr. Chairman. I  
10 think there was at least one other person that wanted to  
11 introduce themself.

12  
13 CHAIRMAN THOMAS: We'll do that after we do  
14 4 and 5.

15  
16 MR. KESSLER: Okay. So overview of council  
17 notebook. For those of you in the audience there's a whole  
18 box full of these books back there if you don't have one  
19 already. You're welcome to them.

20  
21 On the inside of the first page there's an index of  
22 the book and it essentially just lays out how the book is  
23 laid out. We're still under Tab A. We'll move to -- we're  
24 viewing and adopting the minutes of the public meeting of  
25 March 14th, 15th and 16th and that was the meeting in  
26 Douglas. Tab C is briefing materials. Tab D will deal  
27 with the proposals to change Federal subsistence fishing  
28 regulations. There are 15 of those analyses that we're  
29 going to need to go through. After that there is another  
30 chance for reports by tribes, agencies, anybody else that  
31 has things that they want to report. Tab F is the call for  
32 proposals to change Federal subsistence wildlife  
33 regulations, so it's the beginning of the next cycle that's  
34 going to be dealing with wildlife regulations. Under Tab G  
35 we'll have the date and place for the next public meeting.  
36 I would just point out as we go to adopt the agenda that  
37 one thing that's not on the agenda is the election of  
38 council officers. We'll need to add that.

39  
40 CHAIRMAN THOMAS: Any questions on the  
41 notebook? Okay. You've had a chance, have you, to review  
42 the agenda? What's your wishes on the agenda?

43  
44 MR. ADAMS: Mr. Chairman, I move that we  
45 accept the agenda as presented.

46  
47 MR. STOKES: Mr. Chairman, I second it.

48  
49 CHAIRMAN THOMAS: We move to accept the

50 agenda as presented and it's been seconded. Dolly.

00067

1 MS. GARZA: Just a question. Does that  
2 include the election of officers on there? Then where  
3 shall we put that?

4  
5 MR. ADAMS: I had that down as number 15.

6  
7 MS. GARZA: That's after adjournment.

8  
9 CHAIRMAN THOMAS: How about 12A?

10  
11 MR. ADAMS: 12A. Sounds good.

12  
13 CHAIRMAN THOMAS: Further discussion on the  
14 agenda?

15  
16 MS. WILSON: Question.

17  
18 CHAIRMAN THOMAS: The question has been  
19 called. All those in favor say aye. (Response of ayes)  
20 Those opposed. (No audible response) Motion carries.  
21 Next to adopt the minutes of public meeting of March 14th,  
22 15th and 16th in March. Everybody read that word for word  
23 and had a chance to digest it?

24  
25 MR. ADAMS: Mr. Chairman, I have read all  
26 the minutes and I would like to move that we accept the  
27 minutes from March 14th, 15th and 16th.

28  
29 CHAIRMAN THOMAS: You've heard the motion.  
30 Is there a second?

31  
32 MS. GARZA: Second.

33  
34 CHAIRMAN THOMAS: Moved and seconded.  
35 Discussion?

36  
37 MR. ADAMS: Question.

38  
39 CHAIRMAN THOMAS: The question has been  
40 called. All those in favor say aye. (Response of ayes)  
41 Motion carried.

42  
43 MR. LITTLEFIELD: Mr. Chairman, for the  
44 record, could you note that I abstained on that.

45  
46 CHAIRMAN THOMAS: On accepting?

47  
48 MR. LITTLEFIELD: Accepting the minutes. I  
49 wasn't here. I can't vote one way or another.



00068

1 CHAIRMAN THOMAS: Okay. Let the record  
2 reflect that Mr. Littlefield refused to vote on that. I  
3 understand there's somebody else that wants to introduce  
4 themself. You look like a reporter.

5  
6 MR. DAVIS: I'm with the Wall Street  
7 Journal. Thank you, Mr. Chairman and members of the  
8 council. My name is Brian Davis, I'm with the Subsistence  
9 Division of State Fish & Game. I work with Mike Toorik  
10 (ph) and he is sorry that he can't be here and I came in  
11 his place. We collect information on community harvest  
12 levels in southeast Alaska and we're just starting to, in  
13 our surveys in communities, get an idea of community  
14 harvest areas and making that information available for use  
15 in proposals or for defending proposals. I'll be here  
16 through the course of the meeting to answer any questions.

17  
18 CHAIRMAN THOMAS: When you say harvest  
19 areas, do you also say harvest levels?

20  
21 MR. DAVIS: Yeah, we're trying to  
22 understand how much of particular resources different  
23 communities are using as a whole.

24  
25 CHAIRMAN THOMAS: Do you feel that the  
26 information that you gather is about as reliable as you can  
27 get?

28  
29 MR. DAVIS: We do. We do surveys of as  
30 many households within a community as we can and then we  
31 use statistics to try and guess how much the entire  
32 community harvests.

33  
34 CHAIRMAN THOMAS: Do you factor that in  
35 with other user groups with the data that they have from  
36 time to time just as an overall scope of harvest?

37  
38 MR. DAVIS: You mean different user groups  
39 within the community?

40  
41 CHAIRMAN THOMAS: Yeah.

42  
43 MR. DAVIS: I'm not sure I understand the  
44 question.

45  
46 CHAIRMAN THOMAS: I'm not sure either, so  
47 let's scratch it. Any questions for.....

48  
49 MR. ADAMS: Mr. Chairman.



00069

1 CHAIRMAN THOMAS: Yes.

2  
3 MR. ADAMS: Welcome, Mr. Davis.

4  
5 MR. DAVIS: Thank you.

6  
7 MR. ADAMS: Maybe you can answer that last  
8 question by maybe explaining to us how the State is working  
9 with Fish & Wildlife -- I mean the Forest Service in  
10 harvest assessments of Kake and (indiscernible)? Can you  
11 give us some information on that?

12  
13 MR. DAVIS: I can give you a general  
14 outline of our research, some projects that we're working  
15 on. The Forest Service has been funding a division within  
16 the State Department of Fish & Game. We're helping the  
17 Forest Service to collect information like I was just  
18 describing on community harvest of different resources.  
19 So, this year sockeye salmon harvest is a particular  
20 concern and we're working with Fred and Cal in designing  
21 surveys to find out where folks are fishing, the types of  
22 gear they use to harvest sockeye in particular, the places  
23 they go and the times of year they're fishing just to get a  
24 detailed description of what the fishery is like for  
25 different communities and we'll probably be conducting the  
26 surveys in Yakutat this year and in the communities of  
27 Wrangell and Petersburg this year.

28  
29 MR. ADAMS: Thank you, sir. I just wanted  
30 to discern the fact that you are doing things in the  
31 communities in this regard. Thank you.

32  
33 MR. STOKES: Mr. Chairman.

34  
35 CHAIRMAN THOMAS: Go ahead.

36  
37 MR. STOKES: Do your surveys include  
38 halibut?

39  
40 MR. DAVIS: Yes, sir, it does.

41  
42 MR. STOKES: I was just wondering, there in  
43 the Wrangell area it's almost impossible to get a halibut.  
44 It's been two years since most any of the subsistence users  
45 have been able to catch one. Since the IFQ has been in,  
46 they start fishing early in the spring and they've got all  
47 this gear out clear up until the middle of this month. In  
48 the past, when they had the halibut derby, they had all  
49 this gear out just for a short while. Now it's out for a

50 half a year and I was just wondering if that's being

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1 addressed.

2

3 MR. DAVIS: Mr. Stokes, we don't make any  
4 management decisions as far as subsistence is concerned.  
5 We collect information on what communities harvest. So, as  
6 we go from house to house, we always take down notes of  
7 concerns people have. If that's a predominant concern in  
8 the community, you know, that the IFQ season has sort of  
9 crowded out community members to harvest their halibut,  
10 then that will be noted in the survey. And if the Forest  
11 Service has particular concerns, you know, questions  
12 pointed at IFQ let's say, for example, then we may ask  
13 folks outright -- you know, we may design a survey that  
14 asks has commercial fishing -- how has commercial fishing  
15 affected your subsistence harvest.

16

17 MR. STOKES: Then you haven't done a survey  
18 in the Wrangell area at all then.

19

20 MR. DAVIS: No, not yet. We're getting  
21 ready to this next month.

22

23 MR. STOKES: Next month. It's a bad time  
24 to (indiscernible).

25

26 MR. DAVIS: We try and reach people when  
27 they're not busy fishing or hunting. So most of our work  
28 in the communities is done in the winter.

29

30 MR. STOKES: All during the open season  
31 they fish halibut, then they pull out their long line and  
32 they put on their gill net and just as soon as the gill net  
33 is over, they put on their long line and they go again, so  
34 they're fishing all the time and it keeps the area cleaned  
35 up, especially right in front of town, and there is no way  
36 that the individual subsistence user can get a halibut.

37

38 MR. DAVIS: We understand that there's no  
39 perfectly opportune time to come to a community.

40

41 MR. STOKES: And you will be taking a  
42 survey in Wrangell?

43

44 MR. DAVIS: Yes. November and December.

45

46 MR. STOKES: How will you take the survey  
47 at this time of the year when you're talking about?

48

49 MR. DAVIS: Well, we go to people's houses

50 and we knock on their door and if they're not home, then we

00071

1 come back. So we just try to reach people that way.

2

3 MR. ADAMS: Mr. Chairman, maybe I can shed  
4 some light on this because I'm from Yakutat and.....

5

6 CHAIRMAN THOMAS: Let's have it be specific  
7 because we've got people guessing at what's being said.

8

9 MR. ADAMS: Okay. I will explain to you  
10 what I understand about what's happened in Yakutat because  
11 we did get some funding to do this exact same thing. And  
12 as president of the tribal council, I have some knowledge  
13 on what's happening here. This grant or funding cycle is  
14 going to begin, you know, probably the middle of this month  
15 and we're going to hire a project director who is now going  
16 to see this thing from beginning to end and be working with  
17 you people as well to gather information. And then  
18 somewhere in November or December we're going to advertise  
19 or we should have hired on a person who is preferably  
20 Native because they need to speak the language. And  
21 they're going to do some TEK on the surveys. You know,  
22 find out how those resources are managed and ask the  
23 people and gather all that information and data and come up  
24 with a report to be given to this body, the Federal  
25 subsistence board and whoever, you know, to be helpful.  
26 And that, to me, is what I understand this project to be,  
27 but it's, to me, one of the most important (indiscernible)  
28 we have in our community right now because we don't know  
29 what's going on really. (Indiscernible) let you know what  
30 happened in the past and how you can make things a little  
31 better for us in the future.

32

33 MR. DAVIS: I concur.

34

35 CHAIRMAN THOMAS: Floyd.

36

37 MR. KOOKESH: To answer Mr. Stokes'  
38 question, is there a program currently on board in Alaska  
39 that closes a certain area to commercial fishing to the  
40 extent of which he's talking about that allows for personal  
41 use and subsistence harvest in areas?

42

43 MR. DAVIS: I think someone from commercial  
44 fisheries would be better able to answer that. I really  
45 can't.

46

47 MR. KOOKESH: If Mr. Stokes has a question  
48 -- concern that there is no fish available for subsistence  
49 use or person use in his area, doesn't the program that

50 Sitka has, isn't that a model that's being adopted around

00072

1 the state?

2

3 MR. LITTLEFIELD: Mr. Chairman, I believe  
4 he's referring to the local area management plan, the  
5 halibut local area management plan.

6

7 CHAIRMAN THOMAS: Hold it. Hold it.  
8 Something is drastically wrong here. I had one person ask  
9 a question, we've got five people trying to convey that  
10 question to the man at the table. I want to avoid that. I  
11 want to avoid that. Unless we're talking Tlingit or Haida,  
12 let's use English. Okay. Go ahead. Finish it up, John.  
13 You have the last opportunity.

14

15 MR. LITTLEFIELD: (Indiscernible).

16

17 MS. WILSON: Mr. Chairman, may I  
18 (indiscernible)?

19

20 CHAIRMAN THOMAS: Please.

21

22 MS. WILSON: How many communities have you  
23 surveyed so far and when can a person, if we need it, like  
24 say in Haines, (indiscernible) information on our community  
25 or any other community? Since I'm sitting on this council.  
26 Is it going to be done a certain time of the year or next  
27 year? When will the survey be finished?

28

29 MR. DAVIS: Ms. Wilson, all the communities  
30 in southeast were surveyed in 1987 and it was called the  
31 TRUKs (ph) project and since that time our office has been  
32 funded slowly to go back to every other -- to every  
33 community and get more up-to-date information. Haines was  
34 part of a group of 10 communities that was surveyed in  
35 1996, I believe, and that information has been collected  
36 and analyzed and processed and you can get that information  
37 from us, from our office in Juneau, and the information is  
38 also available on the State's internet website in a  
39 database which is called the Community Profile database.  
40 The information, both old and new, from '87 and the most  
41 recent round of surveys, all that information is contained  
42 in that database for all the communities in southeast and  
43 for all the communities around the State for that matter  
44 and it's on the internet. It's open for everyone to see.

45

46 MR. STOKES: I have one more question.

47

48 CHAIRMAN THOMAS: Just ask the question.

49 Don't give him a lecture.



00073

1 MR. STOKES: Who will you notify in the  
2 community when you're going to conduct a survey?

3  
4 MR. DAVIS: We always make a point of going  
5 to either the IRA or the tribal council or the city in some  
6 cases and we do a presentation like this and go over the  
7 1987 data, which is, in most cases, at least 12 or 15 years  
8 old, and then give the council an opportunity to ask  
9 questions and usually everyone is pretty accepting, you  
10 know, we're just there to collect research, we're not there  
11 to bust anybody for any illegal activity. We're just there  
12 to create a factual description of what people are taking  
13 and what they need for subsistence in that community.

14  
15 MR. STOKES: Okay. Thank you.

16  
17 CHAIRMAN THOMAS: Further questions. Fred.

18  
19 MR. KESSLER: I'd just like to point out  
20 during break times or in the evening or whenever, if you  
21 want to corner Brian and look at some of the types of  
22 information that they're collecting or using and putting  
23 into these products, like the Community Profile database  
24 and the GIS project that they're working on right now that  
25 looks at different streams and the uses of different  
26 streams by different communities, he has that information  
27 on a laptop that he's offered to show folks.

28  
29 MS. GARZA: Could we access it through the  
30 web?

31  
32 MR. DAVIS: The web? I mean the maps, the  
33 map information? Not yet. I haven't developed it for the  
34 internet, but we're hoping to.

35  
36 MR. CASIPIT: Mr. Chairman, the project  
37 that Brian is talking about is one of the fiscal year 2000  
38 fisheries monitoring projects that was funded by the State  
39 Forest Service and he still has time under his contract to  
40 work on this, so let's not force him for his projects yet.

41  
42 CHAIRMAN THOMAS: I always feel like Brian  
43 could use some help. Okay. Before we put the game piece  
44 on, let's take a break and we'll get into public comments.  
45 We'll take a break now and we'll come back with public  
46 comments.

47  
48 (Off record - 2:54 p.m.)

49



00074

1 CHAIRMAN THOMAS: You know, your  
2 presentation was just as crystal as the Stikine River. We  
3 have a question amongst the tribunal. The survey that  
4 you're involved in, is that a State effort, a Federal  
5 effort or a combined effort?

6  
7 MR. DAVIS: It's conducted by the State  
8 Division of Subsistence. It's funded by.....

9  
10 CHAIRMAN THOMAS: That's okay. That's  
11 okay. All we wanted to know is who you're doing it for.  
12 Thank you. That's all I wanted to know. I didn't even  
13 want to know. One of the council members did. The devil  
14 made me do it. Steve Dilts has a presentation to give us  
15 under public comments. Steve.

16  
17 MR. DILTS: Thank you, Bill.

18  
19 CHAIRMAN THOMAS: This is under public  
20 comments, so get that mike.

21  
22 MR. DILTS: I'd like to put on record that  
23 the City of Hydaburg passed resolution -00-08, whereas the  
24 City of Hydaburg Council declares the community of Hydaburg  
25 has suffered tremendously due to the poor salmon returns to  
26 Cordova Bay and Hydaburg, Kaigani and (indiscernible) area;  
27 whereas the Hydaburg fishermen have done very poorly  
28 commercially fishing, also bottom fishing; whereas the  
29 Hydaburg people had a poor season subsisting for  
30 subsistence fish in general; whereas, over the years, since  
31 the Hydaburg cold storage closure, the fish community of  
32 Hydaburg has suffered all therefore due to overly harsh  
33 fishing conditions, extremely poor fish returns to our  
34 homeland, the Hydaburg City Council declares this year's  
35 season a disaster. As signed by the mayor for the city of  
36 Hydaburg and the council.

37  
38 We would like the support of this council in  
39 securing -- trying to secure some fish disaster funds from  
40 Governor Knowles' office. And we would also like help in  
41 protecting our sockeye salmon streams, maybe moving the  
42 markers out farther on the salmon streams. And I put that  
43 together the best I could as fast as I could. I'll present  
44 this to you.

45  
46 CHAIRMAN THOMAS: Thank you. But you need,  
47 Steve, is when those other proposals are being developed,  
48 we have a proposal form. Fred, do you have any more  
49 proposal forms?



00075

1 MR. KESSLER: I can get them.

2

3 CHAIRMAN THOMAS: Okay. They're easy  
4 forms. Put on there what you have and we'll do what we can  
5 for you. It's got to come to us and then we've got to read  
6 the proposal. You've got till Friday to do it, if you want  
7 to do that, and then it will give the council a chance to  
8 read to it and we can take a vote on it. Is that okay?

9

10 MR. DILTS: All right. Thank you.

11

12 CHAIRMAN THOMAS: Harold.

13

14 MR. MARTIN: Mr. Chairman, can we also get  
15 copies of the resolution?

16

17 CHAIRMAN THOMAS: Yeah. You didn't let  
18 them read it? Copies will be furnished.

19

20 MS. GARZA: Mr. Chairman.

21

22 CHAIRMAN THOMAS: Dolly.

23

24 MS. GARZA: I have a couple questions.  
25 One, I understand that these are proposals that will be  
26 submitted by Hydaburg, but they're being submitted during  
27 the wildlife opening, right, Fred or Cal? Neither one of  
28 you were paying attention. These proposals are both  
29 fisheries, but the deadline that ends on the 21st is for  
30 game only.

31

32 MR. KESSLER: The 27th of this month is  
33 game only.

34

35 CHAIRMAN THOMAS: What I had in mind was to  
36 wait until after the -- until the next cycle starts before  
37 these are (indiscernible).

38

39 MR. KESSLER: Mr. Chairman, it looks to me  
40 like this proposal is actually for a letter of support or a  
41 resolution from the council rather than a regulatory  
42 proposal.

43

44 CHAIRMAN THOMAS: Okay. How about if we  
45 get copies of that and then we'll consider it?

46

47 MR. CASIPIT: Also, for anybody interested  
48 in getting the fish change -- fish regulation change  
49 proposal forms, there's a copy of it right in this public

50 regulations booklet that everybody should have.

00076

1 MS. GARZA: Then considering that there are  
2 two proposals, one is our support in regard to their  
3 resolution for declaring fisheries disaster for this area.  
4 So, if that's the intent, then that is something we could  
5 support once we've looked at it and that may help them  
6 approach Governor Knowles in trying to get emergency funds.  
7

8 The second proposal is in regards to moving the  
9 markers in Hetta so that the seiners can't come in so close  
10 and scoop up all the sockeye. Now that would arguably be a  
11 State regulation, but is that something that we can support  
12 and submit? If Hydaburg submits that to the Board of Fish,  
13 then we can write a letter of support as the Southeast  
14 Subsistence Advisory Council.  
15

16 UNIDENTIFIED SPEAKER: That's correct.  
17

18 MS. GARZA: Okay. So it's not something  
19 that we can take action on, but we can support you in that  
20 process.  
21

22 CHAIRMAN THOMAS: That's all they're  
23 asking. That's all we can do. We give you all we can do.  
24 Under public comments, Mr. Maloney. Perhaps Mr. Maloney  
25 will move on to the next agenda item.  
26

27 UNIDENTIFIED SPEAKER: He was here a minute  
28 ago.  
29

30 MR. ADAMS: Mr. Chairman, I think he wanted  
31 to make a comment on one of the proposals, Proposal 21.  
32

33 CHAIRMAN THOMAS: I'm just teasing. He  
34 left a message here. How come you know so much about the  
35 speakers? Huh? You guys have been meeting behind closed  
36 doors before you came? We're on Proposal 21. He's got it  
37 listed here. Okay. We're still on public comments. My  
38 second mistake this year. I didn't realize he wanted to go  
39 on 21 until I just saw it, so at 21 we'll call you back.  
40 Thank you. We're still in public comment. Are there any  
41 members in the public that would like to make comment at  
42 this time?  
43

44 MS. GARZA: So, Mr. Chairman.....  
45

46 CHAIRMAN THOMAS: Dolly.  
47

48 MS. GARZA: As a general rule, as we go  
49 through the proposals, there will be times for the

50 community to make comment.

00077

1                   CHAIRMAN THOMAS: On every proposal. You  
2 bet. Every proposal the public will have an opportunity to  
3 comment. Okay. Seeing no rush to the table for public  
4 comment, we'll move to Tab C, 8A, briefing. That suggests  
5 to me that it will be short.

6  
7                   MR. CASIPIT: I'll try, Mr. Chairman.  
8 First let me introduce myself. My name is Calvin Casipit.  
9 I'm the subsistence staff biologist for the Forest Service  
10 in the regional office. If you want to, you can kind of  
11 follow along with the briefing that's in your book.  
12 There's several pages about a quarter of the way down in  
13 your book that covers the same topics I'm going to cover.

14  
15                   I guess, first of all, I wanted to say what I'm  
16 going to cover here is the fisheries resource monitoring  
17 program of the Federal subsistence program. Some points  
18 that I wanted to bring out here is, first, it identifies  
19 and brings together information on subsistence fisheries.  
20 These funds go to studies to collect information which is  
21 needed but not available. Let me say this again in a  
22 different way.

23  
24                   Our funds and our studies that we're funding is  
25 designed to supplement existing information, not replace  
26 it, so we're not going out looking to fund projects that  
27 Fish & Game or any other organization or agency is  
28 currently doing. These funds are directed at projects that  
29 we need to help the council and the board make decisions  
30 that currently isn't being collected.

31  
32                   CHAIRMAN THOMAS: Is that dictate in other  
33 words?

34  
35                   MR. CASIPIT: It's hard -- it's really hard  
36 to get some of these proposals through the process. As a  
37 person that I sit at the table and look at these proposals,  
38 it's pretty hard for us to pass proposals out of committee  
39 that are already being funded by somebody else.

40  
41                   CHAIRMAN THOMAS: You're doing a good job.

42  
43                   MR. CASIPIT: We would like to focus our  
44 information collection in three areas. That is harvest  
45 patterns or harvest assessment, subsistence harvest  
46 patterns and assessments, stock status and trends and  
47 traditional environmental or ecological knowledge.

48  
49                   CHAIRMAN THOMAS: Can we take time out?

50 Would you just elaborate on the TEK for the benefit of the

00078

1 audience? If you're at a loss, you can refer to the  
2 coordinator.

3

4 MR. CASIPIT: I would like to, in this  
5 case, refer to the coordinator because I draw on him a lot  
6 for this portion.

7

8 CHAIRMAN THOMAS: Okay. That's what he's  
9 there for. It shows.

10

11 MR. KESSLER: What shows, Bill?

12

13 CHAIRMAN THOMAS: That he draws on you a  
14 lot.

15

16 MR. KESSLER: Yeah, you can tell I'm  
17 getting worn down already. Now, what exactly would you  
18 like to know about?

19

20 CHAIRMAN THOMAS: When you say TEK, what is  
21 that?

22

23 MR. KESSLER: Well, you were at the  
24 conference, weren't you? No, just kidding. TEK is an  
25 acronym that often is used to represent traditional  
26 ecological knowledge. It's the long-term knowledge gained  
27 by people who have lived on the landscape for a long, long  
28 time. It's the experience that people, as cultures and  
29 communities, have gathered as part of their extension of  
30 their local environment to their cultural environment,  
31 expression of knowledge that isn't gathered particularly  
32 through books and through the western school system, but  
33 rather by stories, by legends, by personal interaction with  
34 resources. We're really trying hard to get a handle on how  
35 to better use that type of information in the decision-  
36 making processes within the Federal subsistence program. I  
37 think that most staff agree with me that we have not done a  
38 good job of incorporating the wealth of knowledge in local  
39 communities as they relate to resources and their  
40 management. So these types of projects are being funded to  
41 try to get a better handle on how to do that.

42

43 CHAIRMAN THOMAS: Thank you. One of the  
44 reasons I asked for that elaboration was for the benefit of  
45 Jackie because Jackie expressed this morning her concern  
46 for the younger generations not having the opportunity to  
47 learn and that people with your knowledge and people like  
48 yourself that the government wants to take advantage of to  
49 build in to the process of managing subsistence, that's

50 what that is. So as we get it more defined and find out

00079

1 how to use it more appropriately, we'll be calling on  
2 people in communities to tell us what is best historically  
3 that they've learned. So that's in the works and it's  
4 still being put together to find out how to best use it.  
5 So, thanks, Fred, for the elaboration and Cal for  
6 mentioning it. Sorry to interrupt your presentation.

7

8 MR. CASIPIT: That's fine. I appreciate  
9 Fred's perspective on this and I always go to him to help  
10 me to understand, develop and incorporate TEK into the  
11 program.

12

13 One of the other focus areas of our fisheries  
14 resource monitoring program is involving Alaska Native and  
15 rural organizations in the Federal program in terms of  
16 collecting information. We put this catchy phrase around  
17 it at the Anchorage office of "capacity building." That is  
18 building into local communities the ability to manage the  
19 resources around their communities that are important to  
20 them. So all the projects that have gone forward, that  
21 will go forward, needs to incorporate this local capacity  
22 building, if you will.

23

24 In terms of how we've carried out on that in the  
25 year 2000 statewide, 83 local residents were hired for  
26 fisheries monitoring projects, 69 of whom were Alaska  
27 Natives. 160 proposals were received in the year 2000  
28 program statewide and 45 studies were funded. What I'd  
29 like to have Fred distribute for me if he could right now  
30 is a spreadsheet and a short summary of the projects in  
31 southeast that the Forest Service has funded.

32

33 MS. GARZA: It's not in here?

34

35 MR. CASIPIT: Well, it's in there, but what  
36 I'm handing around is a more detailed accounting of that  
37 money because I thought maybe the regional council would be  
38 very much interested in more of the details of the funding  
39 and contracts.

40

41 Who received funding in the year 2000, 38% of the  
42 funds went to Alaska Native or other local organizations  
43 and local hires, 40% has gone to Alaska Department of Fish  
44 & Game and 22% remained with the Federal agencies.

45

46 At this point, I'd like to change the focus from  
47 the year 2000 to the year 2001. There will be an important  
48 meeting in January 2001 in which the entire council will be  
49 asked to attend. In part, you will be developing

50 recommendations on annual studies plan during this meeting.

00080

1 You will be reviewing, I would guess, in the area of 25  
2 investigation plans for resource monitoring in the year  
3 2001 that we'll be asking for your input as far as are we  
4 talking to the right people, are we addressing the right  
5 issues, are we doing the right things for the communities  
6 in southeast as far as developing this monitoring program.  
7 You will have these investigation plans hopefully sent to  
8 you by the end of November, beginning of December so that  
9 you have plenty of time to review these investigation plans  
10 before your meeting at the end of January.

11  
12 Some of the problems with the 2001 schedule, we  
13 realize that it's kind of putting you in a bind as far as  
14 reviewing a lot of information in a very short amount of  
15 time, but it's just because, you know, we're kind of  
16 behind, trying to catch up. We're trying to make this  
17 monitoring program, the fisheries monitoring program fit  
18 with the existing regional advisory council meeting  
19 schedule.

20  
21 We realize that you don't have much time to review  
22 the annual studies plan and prepare recommendations. The  
23 investigators or the proponents of these projects don't  
24 have a whole lot of time to prepare these pre-proposals and  
25 investigation plans. We realize we're putting a lot of  
26 stress on both the proposers and you as a council.

27  
28 We're hoping to make improvements for 2002. We're  
29 going to make it so that our annual studies plan review  
30 schedule will fit your regional advisory council meeting  
31 schedule so that in this meeting next year you will be  
32 reviewing those annual studies plans. You'll have those  
33 with plenty of time to make comments on before -- you know,  
34 you'd have two or three months or four months instead of  
35 one or two. That being that would provide you more time to  
36 review the studies plan and prepare your recommendations  
37 and also our investigators or project proponents will have  
38 more time to prepare their pre-proposals and investigation  
39 plans.

40  
41 A couple important dates to remember is that in  
42 September and October of 2001 this council or all the  
43 regional advisory councils statewide will be developing  
44 recommendations on annual studies plans during your fall  
45 meetings. I think I said that already.

46  
47 I guess a couple other things that I wanted to  
48 bring out, they're just kind of at the end here, just some  
49 bin items, I guess. One dealing with the cooperative field

50 resource monitoring positions. These are basically up to

00081

1 nine professional positions within rural organizations will  
2 be funded under contracts. Tentatively, we're looking at  
3 six fisheries biologist and three social scientists that  
4 will be contracted out to rural and Native organizations to  
5 provide assistance to help build that capacity I was  
6 talking about earlier of a place where some of these  
7 smaller rural and Native organizations can go and have  
8 somebody on staff that would help them develop pre-  
9 proposals and investigation plans. Again, that's still in  
10 the works. We're still developing the contracts and there  
11 still will have to be a period of time where we've  
12 advertised for those contracts.

13  
14 The next thing I wanted to talk about here is that  
15 this is something that I've been involved with for about a  
16 year now and it's a subsistence fisheries harvest  
17 assessment working group. It's a statewide working group.  
18 Harold talked about it earlier. Harold is a member on that  
19 team as well. But we're a small working group of tribal,  
20 State and Federal members. It was organized under a  
21 project that was funded in the year 2000. It's apparently  
22 being led by Jim Fall with Division of Subsistence in  
23 Anchorage and Roland Shanks with the Alaska Intertribal  
24 Council.

25  
26 Basically this project will develop a unified  
27 harvest assessment program for subsistence fisheries. A  
28 draft report was distributed for review on September 5th.  
29 I believe every council member has gotten a copy of that.  
30 We're looking for your comments and helpful criticism of  
31 those recommendations. There is a tribal working group  
32 member assigned to work with people from each area of the  
33 state. In this case, it's Harold Martin for southeast.  
34 Basically all the Federal agency folks can get their  
35 comments to me for incorporation in the final report.

36  
37 I guess I wanted to say in closing in terms of this  
38 working group, this harvest assessment working group, I  
39 really got a lot out of it. I learned a lot about harvest  
40 assessments and the importance of involving local  
41 communities and local users and collecting that harvest  
42 assessment information. The take home message I got is if  
43 you're not involving the local people in collecting this  
44 information, your study is worthless. You're not going to  
45 have information that's going to be useable.

46  
47 So I encourage the council members to look that  
48 over, to give it a hard, critical eye and, to the extent  
49 you can, get your input either back to me or Harold. Both

50 of us can carry that message and get it incorporated into

00082

1 the final recommendations. With that, I'll take any  
2 questions that the council may have on the resource  
3 monitoring program. I covered it real fast.

4  
5 CHAIRMAN THOMAS: Before we have any  
6 questions, I'd like to point out that we appreciate your  
7 encouragement for us to be involved with the communities,  
8 but that's a built-in given in Title 8, so we've been  
9 operating on that premise for 10 years already and you're  
10 just protected behind this. But that was just FYI. Dolly.

11  
12 MS. GARZA: I guess this was one of my  
13 soapboxes at the Douglas meeting, so I want to let you know  
14 that I much appreciate the information you've provided and  
15 I'm really happy with the contracts that were awarded, that  
16 there is local participation and there certainly are  
17 projects that are going to this island obviously because  
18 the tribes on this island submitted some good grants. Of  
19 course, we'd like to see more money so that other tribes  
20 can be involved in this process. But looking at what  
21 you've given to me, this is more what I had in mind and  
22 what I was looking at in Douglas where I was kind of all  
23 bent out of shape about things. So I really like it.  
24 Thank you very much. The format as well as the content.

25  
26 The one comment I would make is you did send me  
27 that package that was supposed to be reviewed, but -- maybe  
28 the rest of the council doesn't have this opinion, but, for  
29 me, unless you give me a deadline, I won't review it. So  
30 you just have to say, Dolly, could you look at this by  
31 November 15th and I'll look at it on November 15th and get  
32 it to you. But if you're being nice to me and say, you  
33 know, well, sometime when you have time, it's not going to  
34 happen. But don't tell anyone else that.

35  
36 CHAIRMAN THOMAS: Questions, comments,  
37 criticisms?

38  
39 MR. MARTIN: Mr. Chairman, just a point of  
40 clarification. Cal, there's two places where it says  
41 Alaska Natives and other organizations. Can you tell me  
42 who the other organizations are?

43  
44 MS. CASIPIT: We haven't had any -- well, I  
45 guess I should take that back. We did get one proposal  
46 from other than an Alaska Native organization and that was  
47 for Salmon Lake stock assessment survey -- stock assessment  
48 work at Salmon Lake near Sitka. Although in the second  
49 year Sitka Tribe of Alaska was incorporated into one of the

50 local consultations with getting that project on board. It

00083

1 was first proposed in 2000. It wasn't set for funding in  
2 2000 because of the lack of local involvement and local  
3 consultation with the tribes. It came back in 2001 with  
4 that in it. We're going to at least ask for investigation  
5 plans this year on it. But it's basically to encourage  
6 other local organizations that may have a stake or may want  
7 to -- or have something to bring to the table to get  
8 funding to projects and up till now we haven't got a whole  
9 lot of those. Mostly Alaska Native organizations have  
10 submitted proposals. Does that answer your question?

11

12 MR. MARTIN: Yes.

13

14 CHAIRMAN THOMAS: No questions?

15

16 MS. PHILLIPS: Mr. Chair.

17

18 CHAIRMAN THOMAS: Patty.

19

20 MS. PHILLIPS: Cal, do you think that this  
21 is going to be a consistent level of funding through the  
22 years or do you know?

23

24 MR. CASIPIT: You know, I get that question  
25 all the time. Last year, for instance, the Forest Service  
26 received \$3 million in our appropriations process of  
27 significant proportion and almost \$2 million was dedicated  
28 to resource monitoring. It looks like we'll get \$5.5  
29 million this year again for the Forest Service. We're  
30 hoping we'll be able to put a little over \$3 million into  
31 resource (indiscernible). What it's going to look like in  
32 the future is anyone's guess. We almost lost it this year  
33 or at least the senate version of the appropriation had  
34 5.5, the house version had 0, so it all depends on the  
35 whims of congress, really.

36

37 MS. PHILLIPS: When the State wants your  
38 information, do you just willingly hand it over?

39

40 MR. CASIPIT: Under the State/Federal  
41 memorandum agreement work group, of which I'm a part, we're  
42 working on a protocol for information sharing. It's not  
43 anywhere near complete yet. We're still working on it.  
44 The concern that I think you have about that is -- I've  
45 heard from more than one person that that needs to be  
46 addressed and the sharing of information is a two-way  
47 street and we're trying to recognize that. We're getting  
48 there.

49

MS. PHILLIPS: When will that agreement

00084

1 begin to be addressed?

2

3 MR. CASIPIT: I've got an assignment that  
4 I've got to do the Federal side of that agreement by the  
5 25th of this month. I'm falling way behind in my schedule  
6 because of other duties that have been assigned to me. I'm  
7 hopeful that I get something in by the next meeting.

8

9 CHAIRMAN THOMAS: So are you suggesting  
10 name, rank and serial number?

11

12 MS. PHILLIPS: I'm hoping that there's a  
13 free trade of information across both agencies.

14

15 CHAIRMAN THOMAS: I'm confident that there  
16 will be. Harold.

17

18 MR. MARTIN: Thank you, Mr. Chairman. More  
19 or less a comment. Cal, if you remember, we had to put the  
20 solicitation of projects for '99 on the fast track and we  
21 just had a very short time to do it and we did it. But one  
22 of my concerns has always been that -- you know, I look at  
23 the Federal takeover. Personally, I look at the Federal  
24 takeover as an opportunity for tribal governments to  
25 contract with the Federal government and I have problems  
26 with large chunks of money going to the State to fund their  
27 ongoing programs. I never thought it was right. They're  
28 out of compliance all these years, never recognized  
29 subsistence and here we are funding them. So it's just a  
30 comment.

31

32 MR. CASIPIT: Well, again, we're trying to  
33 direct our funds to projects that are not being currently  
34 funded by other agencies, be it the State or whoever.  
35 That's a target we're shooting for. I agree that maybe in  
36 the past we haven't hit the targets, maybe especially the  
37 year 2000 programs, but I think we'll get better with time.  
38 And the whole point of capacity building is that at some  
39 point in time, you know, maybe Fish & Game won't be the one  
40 getting the lion share of funds and, over time, will build  
41 capacity and the local communities can take on these  
42 projects and manage them all on their own. And that's the  
43 target. That's where we want to be in the future. It's  
44 just going to take us a while to get there. We've got to  
45 get that capacity built.

46

47 MR. MARTIN: Thank you, Cal.

48

49 CHAIRMAN THOMAS: After we break, I'll ask

50 Phil for a refund check for what we've given the State so

00085

1 far. Is that it, Cal?

2

3 MR. CASIPIT: That's it.

4

5 CHAIRMAN THOMAS: I thank you very much.

6

7 MR. CASIPIT: There's several other people  
8 from Anchorage that have the rest of Tab A.

9

10 CHAIRMAN THOMAS: Okay. If you have part  
11 of Tab A or 8A of the briefing, come forward.

12

13 MR. KNAUER: 8B.

14

15 CHAIRMAN THOMAS: I don't care which one it  
16 is. Come forward.

17

18 MR. KNAUER: Mr. Chairman, I'm Bill Knauer  
19 again. I'll be addressing 8B, which is talking about  
20 staffing, overall staffing. Just a summary, as part of the  
21 implementation for station for fisheries, 43 positions were  
22 identified across all the Federal agencies as needed for  
23 handling this. Many of those positions were in the field  
24 at the local level. In the Office of Subsistence  
25 Management, we identified about 15 positions, about half of  
26 those in the new fisheries information service branch which  
27 deals with the monitoring projects, which you just heard  
28 about.

29

30 To date, we've hired -- all of the agencies have  
31 hired about 50% of the positions necessary. Many of those  
32 individuals -- in fact, the majority of those individuals  
33 have been individuals that have been brought from Alaska  
34 itself. We have raided the wealthy coffers of the Alaska  
35 Department of Fish & Game, particularly in the area of  
36 fishery biologist. We have gotten some outstanding talent  
37 from them. Likewise, we've hired a number of Alaska  
38 Natives as part of the program.

39

40 In addition to the individuals that are being hired  
41 directly, there are about 83 individuals that were part of  
42 the fishery monitoring projects that were hired under a  
43 local hire authority to assist with those projects. Now,  
44 that was not us doing the hiring, but that was the  
45 cooperating agencies doing the hiring. Of those 83, 69  
46 were Alaska Natives. So you can see there is a definite  
47 effort to try and involve Alaska residents and Alaska  
48 Natives in the program for, as Cal mentioned, capacity  
49 building within the community.



00086

1           In addition, just recently a vacancy announcement  
2 closed through BIA for the hiring of a Native liaison  
3 position that would be within the Office of Subsistence  
4 Management and that position would be to work closely with  
5 the Federal Subsistence Board and the Alaska Native  
6 organizations around the State. We're looking forward to  
7 seeing what results of that announcement bring.

8  
9           MS. GARZA: Do you know when that will be?  
10 Do you know when a decision will be made?

11  
12           MR. KNAUER: No, I don't. It closed -- the  
13 vacancy announcement closed September 18th and then  
14 normally, through the Office of Personnel Management, it  
15 takes about a month to get a list of eligibles and, you  
16 know, government procedures about a month or so to review  
17 applications. I don't know any more than that.

18  
19           CHAIRMAN THOMAS: Do you know if the  
20 eligibility or the qualification criteria was altered since  
21 May? Because what I saw, I would really want to meet the  
22 person that they hired that could fill that because it's a  
23 pretty demanding job description they published.

24  
25           MR. KNAUER: It is. I copied off of the  
26 vacancy announcement the major duties and it is very  
27 demanding. I don't know if it was changed from what you  
28 saw in May because I haven't been involved with that  
29 particular position.

30  
31           CHAIRMAN THOMAS: Thank you. Anybody else?  
32 Thank you, Bill. 8C, consultation and coordination with  
33 the department/MOA.

34  
35           MR. PROBASCO: Good afternoon, Mr.  
36 Chairman. My name is Pete Probasco and I've been recently  
37 hired by the Office of Subsistence Management as the State  
38 liaison. Some of my primary duties are to act as the go-  
39 between, if you will, between the State Board of Fisheries  
40 and the Federal Board. My capacity, prior to being hired  
41 by the Office of Subsistence Management, I was the regional  
42 supervisor for commercial fisheries in Kodiak, Alaska  
43 Peninsula, Aleutian Islands, Bering Sea. What I want to  
44 report to you today, Mr. Chairman.....

45  
46           MS. GARZA: So were you hired by State or  
47 Federal?

48  
49           MR. PROBASCO: Federal.



00087

1 CHAIRMAN THOMAS: Excuse me. Would you  
2 state your last name again, please.

3  
4 MR. PROBASCO: Probasco. P-r-o- -- just  
5 think of tabasco and add p-r-o on the front. P-r-o-b-a-s-  
6 c-o. I've never been called that though.

7  
8 CHAIRMAN THOMAS: Can you change it to  
9 Smith?

10  
11 MR. PROBASCO: Smith? What I want to  
12 report to you today, council members, is the consultation  
13 and coordination that we've had this past season with the  
14 State Alaska Department of Fish & Game and the various  
15 agencies within the Federal government. In your document,  
16 there's a much more detailed report and I'll be brief, as  
17 Mr. Chairman asked us to be, on this report.

18  
19 Regional advisory councils throughout the State  
20 expressed a great deal of interest in tracking this working  
21 relationship between the State of Alaska and the Federal  
22 government. Again, please refer to your booklet for more  
23 detail.

24  
25 Once the MOA was finalized in April, the Federal  
26 and State MOA working group focused immediately on  
27 developing in-season fishery management protocols and we  
28 quickly realized that we wanted to be able to cover the  
29 entire state, so they focused their efforts on one river  
30 system that was probably deemed having the highest  
31 potential of having subsistence restrictions and that was  
32 the Yukon River. It turned out to be a record low year.

33  
34 I want to report on how that interaction went  
35 between the two agencies. As you probably can guess,  
36 initially, when it started out, there was a rough road. It  
37 wasn't going as smooth as anticipated, but the issues that  
38 they confronted were not unexpected. However, as the  
39 season wore on and as the two agencies worked together, by  
40 the end of the season it was a fairly cohesive working  
41 group in managing these fisheries.

42  
43 I'm not going to try to fool you and say that we  
44 don't have additional work to do. Definitely, that is the  
45 case. And we've taken the steps forward to try to iron out  
46 the differences and make it better for next year for the  
47 Yukon River. Just a couple -- actually, about a week and a  
48 half ago we had both groups get together on a post season  
49 meeting and had both groups just pretty much lay it on the

50 table and we identified some key factors that we're going

00088

1 to focus on for next year.

2

3 CHAIRMAN THOMAS: Excuse me. Could you  
4 identify both groups?

5

6 MR. PROBASCO: Both groups in this case  
7 were the U.S. Fish & Wildlife Service as well as Alaska  
8 Department of Fish & Game for the Yukon area. Thank you,  
9 Mr. Chairman.

10

11 In addition, if you'll look in your book, there is  
12 some other protocols that are going to be developed this  
13 winter. It's the second paragraph and those protocols are  
14 identified as in-season fisheries management, data  
15 management, regulatory process, including coordination  
16 among boards, identification of subsistence use amounts and  
17 fisheries and wildlife management planning.

18

19 One of my purposes here is to invite regional  
20 council members, if they are interested in any of those  
21 topics, to either notify myself or Peggy Fox or Tom Boyd  
22 and we encourage your involvement in assisting the agencies  
23 in developing these protocols.

24

25 In addition, if you're unable to assist, we still  
26 are going to get out these draft protocols to council  
27 members and council chairmen to review prior to being  
28 finalized and I believe they're finalized by the board.

29

30 CHAIRMAN THOMAS: One more question.  
31 Regarding your responsibilities, is there anything like a  
32 mission or vision or goal that you'd like to arrive at in a  
33 projected time frame?

34

35 MR. PROBASCO: I think there's two answers  
36 to your question.

37

38 CHAIRMAN THOMAS: The reason for my  
39 question is because you don't have a lot of options on  
40 giving triage to the Yukon River. Somebody is going to  
41 have to do without for a while. My guess is it would be  
42 the people that are out of the main stream of the waters of  
43 the Yukon, running out into the Delta. It seems to me like  
44 careful management or restrictions should occur in that  
45 area until escapement levels have a potential or are  
46 showing some improvement in the Yukon River. I don't know  
47 of a formula short of that that will work.

48

49 MR. PROBASCO: I think, Mr. Chairman,

50 you're on the right track that they're looking at. In

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1 addition, they're looking very hard at aid that's going to  
2 project for next year's run and they're actually going to  
3 come up with a management strategy prior to the start of  
4 the season that's probably going to look at very  
5 restrictive, if any, commercial openings as a start and  
6 then go into a scenario that you're talking about. How do  
7 we deal with all the different subsistence users all the  
8 way up to the Canadian border and keep in mind  
9 (indiscernible) fish into Canada?

10  
11 CHAIRMAN THOMAS: But Title 8 says that you  
12 provide continued use.

13  
14 MR. PROBASCO: Exactly. It's a tough one.

15  
16 CHAIRMAN THOMAS: There's only one way to  
17 do that. And if the species is imperiled, then you're  
18 going to have to institute the 804.

19  
20 MR. PROBASCO: Possibly.

21  
22 CHAIRMAN THOMAS: Anyway, I'm not going to  
23 tell you how to do your job. Thank you.

24  
25 MR. PROBASCO: Thank you, Mr. Chair. I  
26 appreciate your comments. Where was I? I guess the invite  
27 for regional councils to participate and assist us in  
28 drafting these protocols.

29  
30 The other, last topic I'd like to just briefly  
31 summarize. Mr. Chair, you asked the status of trying to  
32 determine customary trade. I've been recently given the  
33 assignment to try to develop and outline that was presented  
34 to the staff committee. The staff committee has reviewed  
35 that. They're refining it and it will be going out to the  
36 Federal -- excuse me, it goes out to the RAC's for their  
37 review and comments, with the goal having -- once the  
38 comments are from the RAC, to have the Federal Board  
39 hopefully endorse that and we will move forward. The goal  
40 is to have at least a regulation that could be implemented  
41 for next year. It's not going to be a final product. It  
42 will be a product that would help try to address some of  
43 the issues and concerns that came up this season,  
44 particularly in the Yukon.

45  
46 CHAIRMAN THOMAS: I appreciate the support.  
47 But what I would ask, when you send anything to the RAC's,  
48 don't leave anything for interpretation. Be specific, to  
49 the point, elaborate where you must, but use specific

50 language and elaborations so that we can recognize that

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1 we're all getting for the same goal at the same time. If  
2 you would please.

3

4 MR. PROBASCO: That's it, Mr. Chair.

5

6 CHAIRMAN THOMAS: Any questions, comments  
7 from the council? Dolly.

8

9 MS. GARZA: So, for the protocols, I don't  
10 see that in here that you want comments to. Will that be  
11 forthcoming?

12

13 MR. PROBASCO: The protocols, just like Cal  
14 spoke to, we're currently developing them. And, in  
15 addition, some of these haven't even started yet, but if  
16 you notice the main topics there, those are the ones that  
17 are going to be focused on this winter.

18

19 MS. GARZA: Okay. So, when you want us to  
20 comment on them, is there a draft that will come to the  
21 RAC's?

22

23 MR. PROBASCO: Yes.

24

25 MS. GARZA: Okay. And then he will give us  
26 deadlines.

27

28 CHAIRMAN THOMAS: No later than November  
29 15th.

30

31 MR. PROBASCO: Yes.

32

33 CHAIRMAN THOMAS: Patty.

34

35 MS. PHILLIPS: I notice here it says that  
36 in-season cooperative management has worked extremely well  
37 overall. There were minor difficulties in communications  
38 between State and Federal Yukon River managers early on in  
39 the summer season. Is that the similar results in the rest  
40 of the state?

41

42 MR. PROBASCO: That's a good question.  
43 That specifically addresses the one management protocol  
44 that was actually developed and agreed upon for the Yukon  
45 River. Now, other management protocols have not been  
46 developed at this time. For example, like the Copper River  
47 is probably going to be one that they will focus on in  
48 addition. So, as far as a specific management protocol for  
49 other areas of the State, there are none at this time.

50 However, to my knowledge, and particularly where I was

00091

1 working, (indiscernible) worked very well. But I also have  
2 to be honest with you, the subsistence issues in the  
3 western region are not as complex as other areas of the  
4 state and I'd have to rely on some of the other managers to  
5 advise you on that one.

6  
7 MR. CASIPIT: Mr. Chairman, if I could  
8 maybe answer Patty's question a little bit more. For  
9 southeast Alaska, there was only one in-season action that  
10 was undertaken by a Federal delegated official and that was  
11 Ranger Jim Franzel (ph) at Sitka who, in cooperation with  
12 the State, closed Redoubt Lake to subsistence fishing  
13 because of critically low escapements.

14  
15 CHAIRMAN THOMAS: Anybody else? Okay.  
16 Thank you very much. Are you going to be here for the  
17 duration?

18  
19 MR. PROBASCO: I'll be here till Friday  
20 afternoon, Mr. Chair.

21  
22 CHAIRMAN THOMAS: I got a note saying here  
23 because our per diem checks didn't arrive that dinner will  
24 be on Mr. Knauer this evening. We all thank you very much.  
25 That's very generous of you. I got a note here, dinner on  
26 our own.

27  
28 MR. KESSLER: Mr. Chairman.

29  
30 CHAIRMAN THOMAS: Fred.

31  
32 MR. KESSLER: My understanding that folks  
33 here in Hydaburg are trying to get a dinner together for  
34 the group tomorrow.

35  
36 CHAIRMAN THOMAS: Tomorrow. Right.

37  
38 MR. KESSLER: But not tonight.

39  
40 CHAIRMAN THOMAS: So you'll just have to  
41 listen to the growls until tomorrow night.

42  
43 MR. STOKES: You can fast.

44  
45 MS. WILSON: We did that last night.

46  
47 CHAIRMAN THOMAS: We'll fast slower this  
48 time.

49

LYNNE: Speaking of dinner, my mom is the

00092

1 cook. And lunch, she was kind of wondering -- tomorrow she  
2 was planning on having shrimp and she was kind of hoping  
3 for a count. The majority, right? And then she will be  
4 providing dinner, too.

5  
6 CHAIRMAN THOMAS: 15 bucks for dinner  
7 tomorrow, right?

8  
9 LYNNE: Right.

10  
11 CHAIRMAN THOMAS: And then for lunch 8  
12 bucks again or what?

13  
14 LYNNE: Yeah.

15  
16 CHAIRMAN THOMAS: Okay. Thank you. So we  
17 have technical difficulties beyond our control with regard  
18 to checks at this time. Let's see, is Cassandra still in  
19 the office? Okay, we'll blame her. Okay.

20  
21 MR. KESSLER: Mr. Chairman, if any of the  
22 council members have trouble with cash, if you're running  
23 low, just let me know. (Laughing) I have a very good  
24 interest rate today.

25  
26 CHAIRMAN THOMAS: Okay. 8D, regional  
27 council fisheries training, phase III. Bill.

28  
29 MR. KNAUER: Me again. But before I start,  
30 if dinner is on me, you're going to have to put up with  
31 what my wife calls one of my religious meals. That's a  
32 burnt offering.

33  
34 Mr. Chairman, the regional council, the fisheries  
35 training started out to be a three phase process. Last  
36 year, in phase one, the Federal Subsistence Board went on  
37 an orientation tour throughout central Alaska to visit fish  
38 camps and see just exactly how many people on the Kuskokwim  
39 and Yukon River were involved in subsistence fishing, the  
40 processes and their concerns, and it was a very fruitful  
41 trip for the board.

42  
43 Phase II occurred at the end of January last year  
44 when many of you attended in Anchorage an orientation  
45 session about a two to three day session that also involved  
46 the field managers from the Federal agencies around the  
47 state and many of the State folks involved in fisheries  
48 management. So everyone could hear many of the concerns,  
49 many of the issues and many of the procedures that would be

50 dealing with this first year with fisheries.

00093

1           At that time we thought that Phase III would be  
2 more a regionalized training out in each region, but over  
3 the course of the year we found, and we've received many  
4 comments, just how valuable that central gathering of folks  
5 was, so there was some re-thinking. Currently, the  
6 tentative plan is for a similar statewide gathering of  
7 regional council folks January 22nd to 26th in Anchorage.  
8 Right now we have some very draft of possible agenda items.  
9 They're found under your Tab C. A review of the draft  
10 fisheries study plans is one aspect that will probably be  
11 covered. That's part of the fisheries monitoring process.

12  
13           Another potential topic has to do with in-season  
14 fisheries management. How do managers around the state  
15 judge run strength? How are local people involved? How do  
16 they come to decide it's time to make a decision? The  
17 status of Western Alaska salmon runs.

18  
19           Now, here in Southeast you're certainly concerned  
20 about your runs, but much of the media overshadowed any  
21 local concerns down here with the catastrophes related to  
22 the salmon returns of the Kuskokwim and Yukon Rivers this  
23 year.

24  
25                   MS. GARZA: And Norton Sound.

26  
27                   MR. KNAUER: Yes. And then discussion  
28 about various fisheries assessment methods. How to develop  
29 fisheries study proposals and the fisheries regulatory  
30 process. Now that's, I'm saying, very, very tentative. If  
31 the Council has any thoughts on what they would like to see  
32 on the agenda, it is very appropriate to convey those  
33 desires through your Council to Fred and he will relay them  
34 up to Anchorage. But right now these are some tentative  
35 ideas that we have that we'd certainly like to have any  
36 input from the Council on thoughts that you might have,  
37 information you would like see or agenda topics.

38  
39                   MR. LITTLEFIELD: Okay. Do we have a copy  
40 of that list?

41  
42                   MR. KNAUER: It is in your book under Tab  
43 C, I don't have the book right in front of me. Dolly, what  
44 page is it?

45  
46                   MS. GARZA: It's not numbered.

47  
48                   MR. KNAUER: Okay.

49

MR. LITTLEFIELD: Okay, we'll find it.

00094

1 CHAIRMAN THOMAS: Okay. Rural  
2 determinations, is that you, too?

3  
4 MR. KNAUER: That's me, too.

5  
6 MS. GARZA: Just on the topics here, under  
7 the Western.

8  
9 MR. KNAUER: Yes.

10  
11 MS. GARZA: One thing, I thing. Although  
12 we're not part of the Western, we certainly are concerned  
13 about people's ability to get the resource there. And it's  
14 my understanding that in, at least, one of those areas  
15 there has been an ESA petition.

16  
17 MR. KNAUER: On the Yukon River there were,  
18 I believe, seven inseason management actions this year and  
19 those were coordinated with State and Federal managers.  
20 Five of those actions were to close fisheries, starting out  
21 with the chinook run, the summer chum run and then the fall  
22 chum run. The last two Special Actions were to open or  
23 increase opportunities for coho. The coho run on the Yukon  
24 River was exceptionally strong this year. And so in an  
25 attempt to provide some alleviation of the problems  
26 resulting from the low chum and chinook run they opened --  
27 they provided additional openings on the coho run.

28  
29 MR. ADAMS: So that's where they all went.

30  
31 MR. KNAUER: Now, as far as -- when you say  
32 ESA, extra territorial jurisdiction?

33  
34 MS. GARZA: No, Endangered Species Act,  
35 Norton Sound.

36  
37 MR. KNAUER: Oh. The first step, I think,  
38 is for the State to look at and identify a species of  
39 concern. And they are looking at some of the Western  
40 Alaska stocks in that regard, as to whether or not they  
41 should be formally identified as a species of concern and  
42 then follow the process, if necessary.....

43  
44 MS. GARZA: Right.

45  
46 MR. KNAUER: .....farther than that.

47  
48 MS. GARZA: But I'm just suggesting that  
49 that kind of information will be good at this workshop. I

50 went though a one-day ESA that was provided by Fish and

00095

1 Wildlife Service for sea otters and Sue had talked to us  
2 about the Norton Sound issue and that would be good to be  
3 updated on that.

4  
5 MR. KNAUER: Okay. I will make a note of  
6 that.

7  
8 CHAIRMAN THOMAS: Comments, questions on  
9 8D?

10 (No audible responses)

11  
12  
13 CHAIRMAN THOMAS: Hearing none, we'll move  
14 on to 8E with Mr. Knauer still at the podium.

15  
16 MR. KNAUER: The statewide rural  
17 determination process is a work -- is identified in our  
18 regulations in that following the receipt of every 10 year  
19 census information the rural determinations will be  
20 examined for appropriate modification, if necessary. Well,  
21 over the past few years, and it's come to Board's  
22 attention, is that possibly some of the methodologies that  
23 were used in the initial determination are really  
24 inappropriate.

25  
26 We have two processes. We have, first, an  
27 aggregation process, where communities that have culturally  
28 and economically integrated will be considered together.  
29 In other words, if there's a bedroom community of a larger  
30 community and there's a lot of social and economic  
31 integration they'll be considered in total as opposed to  
32 separate communities. And the process for that aggregation  
33 has been questioned. And so one of the aspects that would  
34 be sought is a procedure that would be a scientifically  
35 identifiable process to determine which communities are not  
36 aggregated.

37  
38 Then a second process would be to determine which  
39 factors provide meaningful criteria to judge the rural  
40 nature of a community. And so what is happening right now  
41 is there has been a technical evaluation panel put together  
42 that will place in the Commerce Business Daily a request  
43 for proposals for a contract. A contract will be let to  
44 maybe an educational institution or some entity with a  
45 strong background in rural economics, rural sociology,  
46 rural determinations. Also they would need to have  
47 considerable expertise in Alaska. And they would be  
48 tasked, when that contract would be awarded, with the  
49 development of these two processes. They would not be

50 asked to aggregate communities, nor would they be asked to

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1 make any determinations as to the rural nature of a  
2 community, but they would merely -- that would be retained  
3 by the Board. But they would be asked to develop a  
4 methodology that the Board could use.

5  
6 And the Regional Council will be involved in part  
7 of this process. There are certain parts that they cannot  
8 be because of the Federal contracting rules but, wherever  
9 possible, Regional Councils will be involved in the process  
10 and very definitely will be involved in the process of the  
11 actual examination of communities.

12  
13 CHAIRMAN THOMAS: Let me point something  
14 out here. Okay, we got roped into the D&C process and no  
15 one knew where we were supposed to go. We're still not  
16 sure where we're supposed to go with that. And I mentioned  
17 then that if the Council are meant to participate in any  
18 more efforts like that, we want clear direction on what  
19 they're looking for. In other words, we want the Board to  
20 know what they're going to recognize as something they  
21 want. And if they can't show us that, we'll have  
22 questions. I don't want to see the word "might, could be,  
23 maybe." I want to see "shall and will" in there, see,  
24 because otherwise it's a terrible waste of many resources  
25 to wind up in futility.

26  
27 MR. KNAUER: Uh-huh.

28  
29 CHAIRMAN THOMAS: I think it's a good  
30 project. I almost have to question the driving force  
31 behind such an effort, but I won't do that. But I just  
32 wanted to mention to you, remind you to take with you that  
33 we're not going to engage ourselves in something that has  
34 no direction.

35  
36 MR. KNAUER: Right.

37  
38 CHAIRMAN THOMAS: Thank you. Please  
39 continue if you have more to say.

40  
41 MR. KNAUER: That's all I have. We're  
42 hoping that the -- we expect that the development of this  
43 methodology will take approximately a year after the  
44 contract is awarded. We anticipate awarding it sometime  
45 during this upcoming year and that then the Board will be  
46 applying it or testing and have -- we're hoping that the  
47 rural determinations, the new ones, will be in place by  
48 2003.

49

CHAIRMAN THOMAS: Dolly.

00097

1 MS. GARZA: I have a two-prong question.  
2 One, did Douglas IRA submit a request this spring? You  
3 guys had talked about that at the Douglas meeting for rural  
4 or tribal determination?

5  
6 MR. LAITI: We're in the process of trying  
7 to establish ourselves better in the Taku River.

8  
9 MS. GARZA: Okay. So then the second  
10 question, and it sort of follows what Bill had asked. In  
11 terms of this process, in second-guessing, you would think  
12 that a process, like this, would look at it and say, well,  
13 is Sitka still rural? You know, they have more than 7,000,  
14 they changed their economy, blah, blah, blah, and so you  
15 would think that maybe this process will exclude some  
16 communities that are currently rural, but the question I  
17 have is, will it give the opportunity to include  
18 communities that have not been included? So would it allow  
19 for an opportunity for Douglas to say, okay, we now fit  
20 this criteria?

21  
22 MR. KNAUER: Right now we are not  
23 prejudging any community, any area in any direction, rural,  
24 nonrural or otherwise. Right now we're just looking for a  
25 contract that involves that involves two parts or two  
26 contracts, I don't know which, that will identify an  
27 appropriate aggregation procedure and then that identifies  
28 one or more criteria that demonstrate -- or that can be  
29 used to separate communities of a rural or a nonrural  
30 nature.

31  
32 CHAIRMAN THOMAS: Ida, did you have your  
33 hand up?

34  
35 MS. HILDEBRAND: Thank you, Mr. Chairman.  
36 Ida Hildebrand, BIA Staff Committee member. To Dolly's  
37 question, yes, in the sense of whatever the methodology  
38 develops it will be applied to every community in Alaska.

39  
40 MS. GARZA: Uh-huh.

41  
42 CHAIRMAN THOMAS: Marilyn.

43  
44 MS. WILSON: Yeah, I wanted to know who is  
45 going to develop this methodology? I didn't get it.

46  
47 MR. KNAUER: Okay. The Federal Subsistence  
48 Board will award a contract.....

49

MS. WILSON: No. Who is going to develop

00098

1 the method to develop a criteria to decide which  
2 communities are going to be rural or nonrural?

3  
4 CHAIRMAN THOMAS: Well, you're going to  
5 distribute a copy of the RFP to us.

6  
7 MR. KNAUER: Right, we'll distribute a copy  
8 of the RFP, which is a Request for Proposal to do a  
9 contract, okay?

10  
11 MS. WILSON: Uh-huh.

12  
13 MR. KNAUER: In other words, it's like  
14 bidding on putting up a house. In the RFP here are the  
15 dimensions of the house I want, who wants to build it for  
16 me and at what price? And we'll say is, we want somebody  
17 to build us a methodology that does this.....

18  
19 MS. WILSON: Oh, okay.

20  
21 MR. KNAUER: .....and we don't know, right  
22 now, who's going to do it. I mean, you know, it's possible  
23 the University of Alaska in Juneau might bid on it. Maybe  
24 ICER up in Fairbanks might, maybe -- you know, I don't know  
25 who is all out there that has the expertise, but we would  
26 hope that we would get a very wide variety of submissions  
27 from which to pick.

28  
29 CHAIRMAN THOMAS: We have the expertise  
30 right here.

31  
32 MR. KNAUER: I don't doubt that at all.

33  
34 CHAIRMAN THOMAS: Yeah, John.

35  
36 MR. LITTLEFIELD: I see the numbers are  
37 already in the book, you know, in the law, so I think -- is  
38 this an attempt to identify what significant  
39 characteristics of a rural nature is? Is that what this  
40 rural determination is?

41  
42 MR. KNAUER: It's two things. One, you'll  
43 notice in the regulation it says, the communities that are  
44 socially and economically integrated would be considered in  
45 the aggregate. Well, one of the -- the first part would  
46 be, okay, what determines that integration, you know, is it  
47 numbers of shopping trip, is it sharing a school district,  
48 is it something else? Is it having so many relatives there  
49 versus here? I don't know. That would be the first

50 contract or the first part of one contract.

00099

1           The second part would be those characteristics that  
2 are listed in there, there may be others that are more  
3 demonstrative. Does a community have a McDonalds or do  
4 they not? Or do they have two, a McDonalds and Burger  
5 King? Just -- you know, I'm being facetious on that, but  
6 that could be a criteria that is very distinctive.

7  
8           CHAIRMAN THOMAS: You got something against  
9 Burger King?

10  
11           (Laughter)

12           MR. KNAUER: No, not at all.

13  
14           MS. WILSON: Mr. Chairman.

15  
16           CHAIRMAN THOMAS: Marilyn.

17  
18           MS. WILSON: I just wanted to bring up real  
19 quick about Sitka had a book about this thick to determine  
20 -- or to make -- to have the Federal Board made the  
21 determination that they were rural and so did Saxman. Now,  
22 Saxman, I doubt -- I mean I doubt if they have more people  
23 in their community and they're an aggregate, as you call  
24 it, for Ketchikan, so do they have to go through this whole  
25 system again of making this report to prove that they  
26 deserve to be rural?

27  
28           MR. KNAUER: Well, the Board will be  
29 considering all communities.

30  
31           MS. WILSON: Oh.

32  
33           MR. KNAUER: So not just the ones that are  
34 there now. And it's possible that some of those that are  
35 listed now will be determined to be rural and other that  
36 are not will be determined to be nonrural. I don't know.

37  
38           CHAIRMAN THOMAS: One interest that this  
39 Council has is what's that got to do with the price of tea  
40 in China? So we're going to be very interested in knowing  
41 that. We talked about traditional ecological knowledge in  
42 one breath and then we talk rural determination. It's  
43 going to remained to be seen whether you can incorporate  
44 those two after this process is down. So it's interesting  
45 that after applying ANILCA and Title VIII for 10 years that  
46 this particular project becomes a concern of an agency.  
47 And, you know, it's beyond ironic that this is the case.  
48 And it will be interesting to see what the goals and  
49 objectives are for that project. Until I hear from them,

50 I'm going to give you all the credit along with bad

00100

1 precedents.

2

3 If there's no further questions for Bill, thank  
4 you very much.

5

6 8F, subsistence lifestyles art contest, K through  
7 12. Where did the word "lifestyle" come from?

8

9 MR. CLARK: Beats me.

10

11 CHAIRMAN THOMAS: For information of the  
12 people in this room, lifestyle has not been used in the  
13 language of this Council or any people in this project,  
14 it's referred to as way of life. When we're talking  
15 subsistence, it's not by any means a lifestyle.

16

17 (Applause by one person)

18

19 CHAIRMAN THOMAS: I got one fan in the  
20 house.

21

22 MR. CLARK: Mr. Chairman.

23

24 CHAIRMAN THOMAS: Fred.

25

26 MR. CLARK: I was kind of expecting this  
27 topic to be handled by folks from Anchorage, but that's  
28 okay. This is kind of a fun thing, so I like this.

29

30 CHAIRMAN THOMAS: Well, we don't want  
31 nothing fun.

32

33 MR. CLARK: Well, too bad, you're going to  
34 have to enjoy this.

35

36 CHAIRMAN THOMAS: All right.

37

38 MR. CLARK: It's mandatory. Entertainment  
39 is mandatory here. Okay. So what this is, is an art  
40 contest for school kids from all over the state who can  
41 compete and we'll get their work to encourage Alaska youth  
42 to portray their subsistence life ways and to increase  
43 awareness of the importance of subsistence to Alaska.

44

45 One thing that this program has not done really  
46 well is get the word out to folks around the state about  
47 the importance from the community's perspective, from the  
48 user's perspective and especially from kind of the kids'  
49 perspective. So, hopefully, this will help in that effort

50 and add a levity to the whole thing, and probably produce a

00101

1 lot of good art work, too.

2

3 So there will be a winner. Entries are due to the  
4 Office of Subsistence by Friday, October 27th, so that's  
5 coming up pretty quick. The winning entry will be selected  
6 in Anchorage by the Chairs of the Regional Advisory  
7 Councils, Bill, so you have a role.

8

9 CHAIRMAN THOMAS: By the Chairs or the  
10 Chair of the Chairs?

11

12 MR. CLARK: I think it's going to be the  
13 Chairs, plural.

14

15 CHAIRMAN THOMAS: Oh.

16

17 MR. CLARK: Two of the grand prize winners'  
18 artwork will be placed on the covers of the 2001-2002  
19 Federal Subsistence Fisheries and Wildlife Regulatory  
20 booklets distributed statewide. It's too bad there is,  
21 like, a cash bonus or send them to King Salmon or  
22 something. But, anyways, they'll get their artwork  
23 published, I think a lot of people will like that. A list  
24 of winners will be posted on the Federal subsistence  
25 website, which is always too long for me to remember. So a  
26 former member of this Council, Allen Sorum, who's now  
27 living in Valdez developed another website, it's called  
28 [www.subsistence.org](http://www.subsistence.org), it's pretty easy to remember  
29 [subsistence.org](http://subsistence.org), o-r-g. So if you key into that on your  
30 computer that'll take you to that website and from there  
31 you can go to links, which has this one already so you can  
32 get to the Federal subsistence website that way a lot  
33 easier and then you'll be able to see the winners.

34

35 CHAIRMAN THOMAS: Do we look technical  
36 people to you?

37

38 MR. CLARK: Absolutely.

39

40 CHAIRMAN THOMAS: We're a subsistence  
41 people, we're still quail forks and numnuks (ph).

42

43 MR. CLARK: You have abilities you've never  
44 even dreamed of, Bill.

45

46 MS. WILSON: Mr. Chairman.

47

48 CHAIRMAN THOMAS: Marilyn.

49

MS. WILSON: I wanted to ask Fred why

00102

1 didn't get this -- like I didn't get on for names, I could  
2 have put it into the schools and we could have entered the  
3 art contest.

4  
5 MR. CLARK: You still can.

6  
7 MS. WILSON: But still it's kind of late.

8  
9 MR. CLARK: Bill.

10  
11 MR. KNAUER: Information was sent directly  
12 to all of the schools.

13  
14 MS. WILSON: To the schools?

15  
16 MR. KNAUER: Yes.

17  
18 MS. WILSON: Oh, okay.

19  
20 MR. KNAUER: This is just extra information  
21 for you folks.

22  
23 MS. WILSON: Okay, thank you.

24  
25 UNIDENTIFIED VOICE: What about the home  
26 schoolers?

27  
28 CHAIRMAN THOMAS: Tough luck.

29  
30 (Laughter)

31  
32 MR. CLARK: There's an affirmative.....

33  
34 MR. KNAUER: The home schooler also can  
35 participate.

36  
37 MR. CLARK: Bill's looking pretty mean with  
38 that gavel, I'll shut up now.

39  
40 CHAIRMAN THOMAS: Okay. Any more questions  
41 regarding 8F?

42  
43 (No audible responses)

44  
45 CHAIRMAN THOMAS: Okay, hearing none, we'll  
46 move on to 8G. Litigation update.

47  
48 MR. CLARK: Mr. Chairman.

49

CHAIRMAN THOMAS: Will you tell us the

00103

1 litigation is, so we'll know what we're hearing.

2

3 MR. CLARK: This was going to be presented  
4 by the Forest Service lawyer who actually works for an  
5 outfit called the Office of General Counsel, he's the  
6 person who handles subsistence issues for the Forest  
7 Service.

8

9 CHAIRMAN THOMAS: Why is he not here?

10

11 MR. CLARK: I think he got weathered out.  
12 He was going to show up late.

13

14 Bill, did you have something you wanted to add?

15

16 MR. KNAUER: I was just going to give a  
17 summary of, like, four different cases.

18

19 MR. CLARK: There is a summary that I had.  
20 There are copies back there and I also was going to  
21 distribute those to the Council.

22

23 MS. GARZA: Maybe you could distribute them  
24 and then you could summarize them tomorrow or we'll look at  
25 them while.....

26

27 MR. CLARK: Did you want this?

28

29 MR. KNAUER: Yes.

30

31 MR. CLARK: There you go.

32

33 MR. KNAUER: Well, actually it's got four  
34 of the ones that I was going to mention. It's nice to know  
35 that we're in tune. Two of the most important are a  
36 decision that was just rendered by the United Circuit Court  
37 of Appeals, that's Ninilchik Traditional Council versus The  
38 United States of Alaska [sic]. And that decision just came  
39 out this past month and it essentially upheld the Federal  
40 Subsistence Board's interpretation of being able to place  
41 restriction on subsistence users without totally  
42 eliminating other uses. In this particular case in  
43 Ninilchik in Unit 15 the subsistence users had a  
44 restriction that they were only allowed to take moose with  
45 either spiked-forked antlers or antlers in excess of 50  
46 inches. The spiked forked, 50-inch rule.

47

48 Now, that same restriction applied to sport  
49 hunters, and the purpose of that restriction was to promote

50 the very viable breeding cohort in that center group of

00104

1 moose, so it was a conservation mechanism. And that's a  
2 very important decision.

3  
4 Another important ruling by a court is in the Katie  
5 John v. United States case. In this case, if you remember  
6 back in the mid-'90s this case was heard by a three-judge  
7 panel of the court and a decision was rendered and then  
8 that decision was appealed to the supreme court who  
9 declined to hear it. But in this particular case the  
10 appeal was made back to the Ninth Circuit Court of Appeals  
11 for a hearing en banc, which means the entire court would  
12 hear it. And that court did agree to that. In other  
13 words, the entire court will hear a review of the Katie  
14 John case. So that is quite important because the decision  
15 by the panel was a split decision and so we don't know how  
16 that will come out.

17  
18 There is in here that.....

19  
20 MS. GARZA: Wait, quick question on that  
21 one. So on Katie John it said en banc, is that what you're  
22 saying?

23  
24 MR. KNAUER: Yes.

25  
26 MS. GARZA: So what is the July 14th date  
27 and the other two dates?

28  
29 MR. KNAUER: The July 14th was when the  
30 Ninth Circuit said they would entertain that. The other  
31 two dates was for the briefing date, the written briefing  
32 date and then oral argument date before the court,  
33 September 15th. I don't know if that was actually met and  
34 then the 20th.

35  
36 MS. GARZA: Okay.

37  
38 MR. KNAUER: Additionally, we are under  
39 litigation with Safari Club International, it is a case  
40 that is sort of like an amoeba, it sort of going  
41 everywhere. And it's also like an amoeba rolling down  
42 here, we're not sure what side is up right now, but it  
43 challenges a number of things, one of which is the Regional  
44 Council nomination and appointment process under the  
45 Federal Advisory Committee Act. We believe that we have  
46 proceeded very properly, we believe we have recruited  
47 widely and the Councils have conducted their business very  
48 appropriately. It is also challenging a number of the  
49 customary and traditional use determinations around the

50 state. There have been no dates for a hearing set on that,

00105

1 we're still in the process of assembling an administrative  
2 record on it.

3  
4 Another case that is of significance is Peratrovich  
5 v. U.S. and also one that is not identified on here is  
6 Alaska v. U.S. and in that case I believe it's Alaska v.  
7 U.S. that's before the U.S. Supreme Court that's  
8 challenging the jurisdiction of Federal waters,  
9 particularly in Southeast Alaska and whether or not Federal  
10 waters would encompass those waters within the Tongass  
11 proclamation and as a result the Peratrovich case is, more  
12 or less, on hold or stayed until a decision is rendered in  
13 that. And I don't have any idea on the timing on that. I  
14 do know this past year it was accepted for hearing before  
15 the supreme court.

16  
17 MS. GARZA: Which was accepted, Alaska or  
18 the other one?

19  
20 MR. KNAUER: Alaska v. U.S.

21  
22 MS. GARZA: Okay.

23  
24 MR. KNAUER: And it's not -- I don't see  
25 that particular one on the.....

26  
27 MS. GARZA: It's mentioned in the second  
28 one on under Lincoln.

29  
30 MR. KNAUER: Okay.

31  
32 MS. GARZA: So was Alaska v. U.S. the  
33 National Park -- yeah, it is, okay. The Glacier Bay  
34 National Park issue.

35  
36 MR. KNAUER: Right. It also will impact  
37 the outcome of the Peratrovich and it could very well -- I  
38 mean, depending on how it comes out could mean significant  
39 modifications to the Federal Subsistence Program. If, in  
40 fact, it said the Federal government should be managing  
41 waters within the, for example, within the boundaries of  
42 Tongass Proclamation, that would include the marine waters  
43 here in Southeast Alaska and the resources therein.

44  
45 MS. GARZA: Uh-huh.

46  
47 CHAIRMAN THOMAS: Well, I hope we clear  
48 that up because I don't want Mr. Doherty to take advantage  
49 of jurisdiction he doesn't really have there and buffalo me

50 through the whole thing, so we need to clear that up.

00106

1 Thank you, Bill.

2

3 MR. KNAUER: You're welcome.

4

5 CHAIRMAN THOMAS: Mr. Sanderson, do you  
6 have any words of wisdom you'd like to share with this  
7 body?

8

9 MS. GARZA: Oh, come on, we don't have all  
10 night.

11

12 CHAIRMAN THOMAS: We do have all night.

13

14 MR. SANDERSON: I was going to testify  
15 tomorrow, but.....

16

17 CHAIRMAN THOMAS: Come on, tell who you  
18 are. Come on. My buddy.

19

20 MR. SANDERSON: Most of you I know here.  
21 I'm Robert Sanderson and I've been a resident here all my  
22 life and I was on this Board at one time, in the beginning  
23 when it first formed. Some of the things that came up that  
24 had to do with our main subsistence creek, Hetta Creek.

25

26 Now, to give you some background on that system it  
27 was the largest single salmon producer, sockeye producer,  
28 below Chilkat in the Situk River. The figures I have that  
29 came from old Fish and Wildlife records show that several  
30 times it produced over 200,000 sockeye. Now, that system  
31 there was a factor four to one over any other system on the  
32 island. That included Klawock, Wittick (ph) Bay, Salmon  
33 Bay, you know, and other systems. It was unique. And in  
34 my experience here, when we had cannery records, we  
35 produced, even at the cannery, maybe from 40 to 140,000  
36 sockeye from that one system. It supported a directed  
37 seine fishery.

38

39 And then it kind of went up and down for a long  
40 time, you know, and every year is different. And some  
41 years there's an impact on it from the outside fishery when  
42 there's a heavy fishery out in the Gull Island and the  
43 Noyes Island area. Other years when there's not much  
44 fishing, like this year, we have a pretty decent run that  
45 came back. It was a unique system, it had three separate  
46 populations. One came in June, it came to a peak and went  
47 down, then picked up in July again, went down and then the  
48 commercial runs, August. The only system on the island  
49 that had an August run.



00107

1           And it supported a pretty decent seine fishery and  
2 also supplied all our subsistence needs. And the problem I  
3 saw this year, and this happened before it we had a strong  
4 local pink salmon run in Upper Cordova Bay. Below there  
5 very poor, north of us very poor. At the Harris River,  
6 Nukwa (ph) Stream and at the head of inlet systems, in  
7 particular, were very strong and pretty decent in the local  
8 systems. But at the time that it was managed, it was Fish  
9 and Game that opened the season and went to the regular  
10 markers and the boats, some of them loaded up, yes, down to  
11 Eek Point and at the head of the inlet.

12  
13           And then they moved the markers south the next  
14 week. And then after a while it, again, start to fill up,  
15 so they moved the marker up, and then not only up to the  
16 old markers, but above it, it included the head of fishery.  
17 And those fish don't stay in the creek, they're always  
18 moving, swimming all the time. They go up four or five  
19 miles up the inlet, never back out to the south. And this  
20 has happened before when they opened the inlet to, maybe  
21 three or 4,000 surplus fish and take 60,000 sockeye to go  
22 with it. And it's kind of fortunate this year there was a  
23 strong sockeye run and they happened to have three days of  
24 very heavy rain before they opened the season for the last  
25 time and we got our escapement, finally.

26  
27           If we're going to be involved in this here, and as  
28 the main subsistence area for Hydaburg, both Hetta and Eek  
29 Inlet, that we should have some say in the management of  
30 those areas.

31  
32                   CHAIRMAN THOMAS: Uh-huh.

33  
34           MR. SANDERSON: If you left it up to me I  
35 could produce one very fast because of the three separate  
36 populations here in that system and knowing that I've seen  
37 them in the past. And I could work with anybody in doing  
38 so. In order to do so, you need to know what's going up  
39 there. In order to know what's going up there, you need to  
40 tally, it has to be done. I've seen old records from the  
41 Fish and Game people that pretty well backed us up and  
42 formed three separate peaks, like this. And although  
43 (indiscernible - rubbing against microphone) have one peak,  
44 come to a peak and downhill.

45  
46                   CHAIRMAN THOMAS: Uh-huh.

47  
48           MR. SANDERSON: So this has, as I  
49 mentioned, some really unique characteristics. We're the

50 largest user of sockeye in Southeast because we're just

00108

1 fortunate to have a system like that close to the village,  
2 I believe Klukwan is next. Some places, like Kake, and  
3 some other communities, like Hoonah, have to go several  
4 hours away to get sockeye. There's no sockeye systems  
5 around, we're kind of fortunate and we'd like to keep it  
6 that way.

7  
8 The one thing that I don't want to see is this,  
9 that -- you go to our neighboring community, Klawock, in my  
10 opinion that's completely overfished, not only from the  
11 local people, but there's impact from other people off  
12 island. And they've run that resource downhill to maybe  
13 2,000 per year, you know, and what you going to do in this  
14 case here, and I didn't want to see this happen to Hetta.  
15 And it should have a management system set up for that  
16 system, and there's a way to do it and also probably let  
17 the pink salmon runs be harvested. It's a matter of  
18 mechanics, it's not the same every year, you have to make  
19 that on the spot decision, this year. There's ways I would  
20 have handled it different.

21  
22 CHAIRMAN THOMAS: So you think that could  
23 use maybe more careful commercial management?  
24

25 MR. SANDERSON: I would say so in this case  
26 because, as I mentioned, three times in the past when  
27 they've opened up to maybe 300,000 surplus humpies, they  
28 took them all right, they took maybe 60,000 reds to go with  
29 it and it was fortunate, in those cases, you know, that we  
30 did get enough escapement to keep the run going here. I  
31 think if they ever get 50 to 60,000 average escapement a  
32 year it'll go up to the 200,000 a year that used to produce  
33 in the past.

34  
35 Now, this system here, as I mentioned, has always  
36 fascinated me because 80 percent is around or into the  
37 lake, it's well (indiscernible) most other systems are  
38 tributaries along there. And when I was down there and  
39 some of the old timers here can remember where there would  
40 lots of them spawning around Christmas. January, February,  
41 even March. Claude Morrison said he can remember spearing  
42 them to eat. They were just right boiling in March and  
43 April. Gill Morrison told me the same thing. Our dad even  
44 remembered that and I seen it myself, you know, and it's  
45 just -- like I said, it's an oddball run. It's rather  
46 unique in this area.

47  
48 CHAIRMAN THOMAS: Phil, do you have any  
49 Department proposal forms with you or anybody here? Is

50 there somebody, Craig, that maybe has them?

00109

1 UNIDENTIFIED VOICE: You mean for the Board  
2 of Fish?

3  
4 CHAIRMAN THOMAS: Yeah.

5  
6 UNIDENTIFIED VOICE: I don't have any with  
7 me here, but we can certainly get some.

8  
9 CHAIRMAN THOMAS: What I would suggest,  
10 Robert, is maybe you could address that to the Board of  
11 Fish and give us a copy for our endorsement on that and  
12 we'll be glad to work with you on that, but the Department  
13 needs something to work with and just what you told us  
14 would be plenty of information for them.

15  
16 MR. SANDERSON: Yeah, it's one that  
17 supplies the whole subsistence for this community here.

18  
19 CHAIRMAN THOMAS: Yeah.

20  
21 MR. SANDERSON: That and the Eek Inlet, a  
22 little secondary that's strong in July and August. It was  
23 pretty strong this year.

24  
25 CHAIRMAN THOMAS: Sure.

26  
27 MR. SANDERSON: And, I guess, you know, I  
28 had a lot of ideas on it. I went to many of these streams  
29 this year, I make it a point to do so, whatever I can reach  
30 with an outboard motor. I just came back from Coco Harbor,  
31 across on Gull Island and kind of slow the dog salmon and a  
32 fairly decent pink and a lot of dog salmon out there. I  
33 think I got the last fish of the year there just recently,  
34 and that's the last salmon that we'll have in this silver  
35 run that just stays up late. I plan to take another trip  
36 down the Hetta, I think there's a blockage there that has  
37 to fixed, you know, where a tree fell across and the limbs  
38 went down like this and then green algae come across just  
39 like a web. I went down there with my son and a couple  
40 other people and cleaned out where I could with a chainsaw  
41 and a handsaw and then went up at high tide and dragged the  
42 limbs aboard the boat and then took them out and deep sixed  
43 them out in the deep. And right now there's lots of  
44 sockeye that go up there and get that through like a  
45 barrier and then back out all the way out. But we did do  
46 some work on that ourselves this year. To me I thought it  
47 was an emergency and that it was local and we went down and  
48 tried to clear it out and we'd like to clear the rest of it  
49 out this year, get the rest of that blockage out.



00110

1 CHAIRMAN THOMAS: Okay. Well, send your  
2 bill to 2030 Sea Level Drive in Ketchikan and he'll have a  
3 check for you.

4  
5 MR. SANDERSON: Well, I talked to them, you  
6 know, I trade notes with him every year. I make it a point  
7 to go around to some of these systems. You know, some of  
8 them are -- that were formally were large producers are at  
9 the lower levels now, others are almost at historic high  
10 levels.

11  
12 There were other things that I used to think about,  
13 you know, look at the priorities for the Fish and Game,  
14 remember that subsistence comes first in times of scarcity.  
15 After that, you know, there personal use and then  
16 commercial and sport fishing. My thinking on that is this,  
17 someone mentioned halibut. I don't think that the impact  
18 is going to be from the commercial fishery on halibut.  
19 It's scattered too much over the part of the year. And  
20 where I think it's going to be a problem is the sport  
21 fishery. And I look right at the Waterfall fishery,  
22 they're the biggest taker of halibut around. They load up  
23 the plane here, they take more than we do, much more, than  
24 maybe Klawock and all the other communities combined as far  
25 as halibut are concerned. And they have very fast high-  
26 powered boats all over the area. And when there's a  
27 conflict like that, you know, that people look out -- they  
28 resent this, I do.

29  
30 CHAIRMAN THOMAS: What we've done in the  
31 past, and hopefully we can do that again this year, is we  
32 get together with the Department, the Federal people, the  
33 Council people, the people from the communities that take  
34 time off for kind of a mini committee meeting to discuss  
35 some of these issues and see if we can come to a consensus  
36 on the problem and addressing it and, hopefully, we can do  
37 that this year. But we're going to have time during every  
38 proposal for public comment.

39  
40 MR. SANDERSON: So I could come in tomorrow  
41 on some of these issues.

42  
43 CHAIRMAN THOMAS: Yeah, we're going to  
44 break for dinner, so don't get us mad so we can't eat  
45 dinner.

46  
47 (Laughter)

48  
49 CHAIRMAN THOMAS: I just wanted people to

50 see who you are.

00111

1 MR. SANDERSON: You know, it's fascinating  
2 to see the way other communities handle their subsistence,  
3 everybody's different. You know, around Angoon and Hoonah  
4 they use more deer meat than we do, I think in the  
5 fisheries we use more sockeye or abalone, certain species  
6 here. And it's just a little bit different. And I had an  
7 opportunity, years back, to see what is happening up there  
8 as far Yakutat when we did this historic site investigation  
9 for SEA Alaska. And I kept all my notes, field notes. I  
10 even went to some of these sockeye systems around the  
11 various communities, Sitka, Yakutat, Basket Bay, many  
12 places like that that kind of them monitored them at the  
13 time to see what the people used.

14  
15 CHAIRMAN THOMAS: Well, check your notes  
16 and see if the Chairman is going to have any sockeye this  
17 year from Hetta, Unit 6.

18  
19 (Laughter)

20  
21 MR. SANDERSON: I'm worried about  
22 (indiscernible - laughter) because there are no jacks,  
23 unless I get a lot of these little ones that have bearing,  
24 to me, anyway, that a certain percentage will come back  
25 early. I did see them this year, so I got my fingers  
26 crossed.

27  
28 CHAIRMAN THOMAS: Well, thank you. I  
29 wonder if Woody wants to say anything. Woody, you want to  
30 talk to us?

31  
32 MR. W. MORRISON: What?

33  
34 CHAIRMAN THOMAS: What. Don't give me that  
35 what stuff.

36  
37 MR. SANDERSON: Okay, thank you, folks.  
38 I'll see you tomorrow.

39  
40 CHAIRMAN THOMAS: Thank you, Bob. Yeah,  
41 that's fine.

42  
43 MS. WILSON: Mr. Chairman.

44  
45 CHAIRMAN THOMAS: Yeah, Marilyn.

46  
47 MS. WILSON: I would like to make a motion  
48 to have his little talk recorded.....

49

MR. CLARK: It's already recorded.

00112

1 MS. WILSON: .....and written out in our  
2 minutes maybe or separately.

3  
4 CHAIRMAN THOMAS: That's going to be part  
5 of the transcript, right?

6  
7 MS. WILSON: Yeah.

8  
9 CHAIRMAN THOMAS: His comments?

10  
11 MS. WILSON: His comments. I think it's  
12 important.

13  
14 CHAIRMAN THOMAS: Oh, yeah.

15  
16 MR. STOKES: I'll second it.

17  
18 MR. LITTLEFIELD: Mr. Chairman.

19  
20 CHAIRMAN THOMAS: John.

21  
22 MR. LITTLEFIELD: I do have a Board of Fish  
23 proposal form here, if someone would run copies they would  
24 be available.

25  
26 CHAIRMAN THOMAS: Okay. So we're going to  
27 plant Mr. Morrison for not talking to us.

28  
29 MR. W. MORRISON: Bill, I'd like to say a  
30 few words, but.....

31  
32 CHAIRMAN THOMAS: Ah-wee (ph).

33  
34 MR. W. MORRISON: It's tough to get old.  
35 I'm 87 years old.

36  
37 CHAIRMAN THOMAS: Me too.

38  
39 MR. W. MORRISON: We moved from the old  
40 village in 1911, I was born in 1913. I fished all my life.  
41 What I used to see is like (indiscernible - cough) it's a  
42 miracle that the fish are still coming back. Forestry put  
43 a spot tree in the middle of that creek one year, right  
44 down -- it's a wonder that they do dumb things like that,  
45 Forestry.

46  
47 CHAIRMAN THOMAS: Oh, really.

48  
49 MR. W. MORRISON: That threw me. I walked

50 up there.....

00113

1                   CHAIRMAN THOMAS: Those Forest Service  
2 guys.

3  
4                   MR. W. MORRISON: .....in 1937 I walked up  
5 there right through the stream there.

6  
7                   CHAIRMAN THOMAS: They're still like that.

8  
9                   (Laughter)

10  
11                   MR. W. MORRISON: Yeah. Just can't figure.  
12 And you speak words and.....

13  
14                   CHAIRMAN THOMAS: Yeah, big words and small  
15 trees.

16  
17                   MR. W. MORRISON: (Indiscernible -  
18 simultaneous speech with Chairman) all my life, I  
19 understand why the fish are depleting. Look at these  
20 shrimp fishing, 10 days of boats from everywhere. Where's  
21 the shrimp now? They could have at least adjusted a little  
22 bit where there would be some shrimps left out here. Stuff  
23 like that going on all the time, that's the only thing I  
24 can tell you about my experience. Nothing but big slick  
25 boats coming (indiscernible - interrupted) and all of that.

26  
27                   CHAIRMAN THOMAS: Well, you got to learn  
28 that.

29  
30                   MR. W. MORRISON: I lived with it. Thanks a  
31 lot.

32  
33                   CHAIRMAN THOMAS: Okay. So the word is for  
34 the Forest Service to shape up and be more effective.

35                   Fred, if you would just go through Tab D. We're  
36 not going to offer no questions of comments, just give us a  
37 thumbnail sketch of what with these proposals.

38  
39                   MR. CLARK: Mr. Chairman, I'll use my left  
40 thumbnail because it's not as long as my right thumbnail.

41  
42                   CHAIRMAN THOMAS: All right.

43  
44                   MR. CLARK: Because my right thumbnail is  
45 my picking thumb for my guitar playing, so this way it will  
46 be shorter.

47  
48                   CHAIRMAN THOMAS: This will be speaking in  
49 reference to tomorrow.



00114

1 MR. CLARK: This will be speaking in  
2 reference to tomorrow.

3  
4 Tomorrow we will go through 14 proposals, but one  
5 of those proposals is broken into two parts because it was  
6 a customary and traditional use determination, as well as a  
7 season and bag limit type proposal, so that's quite a pile  
8 to go through. I think when you print out the analysis  
9 themselves it's about 134 pages, so that's a lot to go  
10 through. But it kind of breaks that into some logical  
11 groups.

12  
13 One group is the overall region-wide proposals.  
14 That would be things like Proposal 22, Proposal 23, because  
15 they deal with subsistence seasons for different species  
16 region-wide. Proposal -- you'll notice that the numbers  
17 are not in order because I've put them together in more of  
18 a logical structure more than a numerical order, so  
19 Proposal 25 through 30 -- I mean 26, so I mean 25, 34, 24,  
20 35, and 26, kind of have to do with Prince of Wales. Most  
21 of those deal with sockeye, but some of them also deal with  
22 coho. The first two deal with coho and the rest deal with  
23 sockeye in Prince of Wales.

24  
25 Proposal 28, 29, and 27 come from the Wrangell  
26 area, these are all proposed by Dick Stokes. Mill Creek,  
27 Thom's Creek and on the Stikine River.

28  
29 Proposal 30 and 31 are the Kake area proposals for  
30 Hamilton Bay River, Kudake Bay River, Falls Lake, Gut Bay  
31 and Pillar Bay.

32  
33 Proposal 40 kind of stands by itself because it has  
34 to do with the Taku River.

35  
36 Proposal 21 also kinds of stands by itself because  
37 it has to do with Yakutat, Yakutat specific.

38  
39 Some things to keep in mind about these proposals  
40 as you have looked at them and think about them more  
41 tonight, is that these proposals have been developed --  
42 they were started from the ground up. From the proposers  
43 they went to the Forest Service districts where the  
44 district biologist assembled the basic information and did  
45 the basic draft analysis. And that went out for people to  
46 look at and people sent in a lot of comments on these draft  
47 analyses. There were comments from Alaska Department of  
48 Fish and Game, from all the divisions that we deal with,  
49 comm fish, sport fish, subsistence divisions. There were

50 comments from individual people, there were comments from

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1 users groups, like Southeast Seiners and United Fisheries  
2 of Alaska. Those comments are included in your package  
3 there. There's one more set that will be coming to you  
4 from the Thorn Bay Advisory Committee, we haven't got those  
5 distributed yet, but I have them over here and we'll get  
6 them to you before you leave today, so you'll have them  
7 tonight.

8  
9 But the draft analyses were modified several times  
10 because of comments that were provided and I think they  
11 came out to be a better product overall. And what we came  
12 up with, those of us who are staff who were working on  
13 these analyses, were draft conclusions. Remember that  
14 these conclusions are exactly that, they're draft  
15 conclusions. Try to think about alternative ways of  
16 looking at it, come up with variations on the conclusions,  
17 come up with different options that you think we might be  
18 able to follow. What we are really trying to do with these  
19 analyses is to bring out a full disclosure of everything  
20 that we know as staff and everybody who has comment so far,  
21 but then that's why we bring them to you because you're  
22 really the experts on a lot of this stuff. So what we want  
23 to do is to provide you with the opportunity to come up  
24 with what you'd like to see happen and not depend just on  
25 the draft conclusion or the information that's in these  
26 analyses.

27  
28 And that's the thumbnail sketch, Mr. Chairman.

29  
30 CHAIRMAN THOMAS: Appreciate that, thank  
31 you very much. Any comments? We're going to break for the  
32 day. Mary.

33  
34 MS. RUDOLPH: I wanted to report my watch  
35 lost.

36  
37 CHAIRMAN THOMAS: Oh, nobody leave. Nobody  
38 leave. I want everybody to spread eagle on the floor.  
39 Mary lost her watch.

40  
41 (Laughter)

42  
43 CHAIRMAN THOMAS: And we're going to have a  
44 shakedown here. Does Dolly got it?

45  
46 MS. GARZA: No. What time shall we be here  
47 tomorrow?

48  
49 CHAIRMAN THOMAS: Same time as today, 9:00

50 o'clock.

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1 MS. GARZA: 9:00 o'clock Hydaburg time or  
2 9:00 o'clock (indiscernible - interrupted) time?

3  
4 CHAIRMAN THOMAS: That depends.

5  
6 UNIDENTIFIED VOICE: That means 10  
7 everybody.

8  
9 (Laughter)

10  
11 CHAIRMAN THOMAS: Well, in spite of  
12 everything I think we had a pretty good day. We look for  
13 your shining faces tomorrow and those of you who are  
14 financially embarrassed, see the oil baron over there in  
15 corner.

16  
17 (Off record - Recess)

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1  
2  
3  
4  
5  
6

C E R T I F I C A T E

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

7 I, Joseph P. Kolasinski, Notary Public in and for the  
8 state of Alaska and reporter for Computer Matrix, do hereby  
9 certify:

10  
11 THAT the foregoing pages numbered 02 through 116 contain a  
12 full, true and correct Transcript of the VOLUME I, SOUTHEAST  
13 FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, taken  
14 electronically by Susan Reilly on the 11th day of October 2000,  
15 beginning at the hour of 9:30 o'clock a.m. in Hydaburg, Alaska;

16  
17 THAT the transcript is a true and correct transcript  
18 requested to be transcribed and thereafter transcribed by under  
19 my direction and reduced to print to the best of our knowledge  
20 and ability;

21  
22 THAT I am not an employee, attorney, or party interested  
23 in any way in this action.

24  
25 DATED at Anchorage, Alaska, this 26th day of October 2000.

26  
27  
28  
29  
30 \_\_\_\_\_  
31 Joseph P. Kolasinski  
32 Notary Public in and for Alaska  
My Commission Expires: 4/17/04