

1                   SOUTHEAST ALASKA FEDERAL SUBSISTENCE  
2                   REGIONAL ADVISORY COUNCIL MEETING

3  
4                   PUBLIC MEETING

5  
6                   VOLUME I

7  
8                   Wrangell, Alaska  
9                   October 11, 2005  
10                  9:10 o'clock a.m.

11  
12  
13 COUNCIL MEMBERS PRESENT:

- 14  
15 John Littlefield, Chairman  
16 Bertrand Adams  
17 Michael Douville  
18 Dolly Garza  
19 Donald Hernandez  
20 Harvey Kitka  
21 Floyd Kookesh  
22 Patricia Phillips  
23 Richard Stokes  
24 Frank Wright  
25  
26 Regional Council Coordinator, Robert Schroeder

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P R O C E E D I N G S

(Wrangell, Alaska - 10/11/2005)

(On record)

CHAIRMAN LITTLEFIELD: I'd like to call the meeting to order, please. I'd like to start off, we're going to change the agenda here for a little bit. First we're going to do a roll call and establish the quorum. And then the Mayor who has time constraints, the Mayor of Wrangell, Ms. McCandless, will -- would like time to address us, and then we'll go into the welcome and introductions from the Council. So at this time if the secretary, Mr. Adams, would call the roll, please.

MR. ADAMS: Thank you, Mr. Chairman. Is Richard present.

MR. STOKES: Here.

MR. ADAMS: Frank Wright.

MR. WRIGHT: Here.

MR. ADAMS: Welcome, Frank. Patricia Phillips.

MS. PHILLIPS: Present.

MR. ADAMS: Mike Douville.

MR. DOUVILLE: Here.

MR. ADAMS: Harvey Kitka.

MR. KITKA: Here.

MR. ADAMS: I'm here. I think I'm here. Floyd Kookesh.

MR. KOOKESH: Here.

MR. ADAMS: Don Hernandez.

MR. HERNANDEZ: Here.

MR. ADAMS: Eric Jordan. Michael Sofoulis. Mr. John Littlefield, are you here?

1 CHAIRMAN LITTLEFIELD: I'm here.  
2  
3 MR. ADAMS: Michael Bangs. Dolly Garza.  
4  
5 DR. GARZA: Here.  
6  
7 MR. ADAMS: Mr. Chairman, what do we need  
8 for a quorum? I guess I should know that.  
9  
10 DR. GARZA: Seven.  
11  
12 MR. ADAMS: A quorum is present, Mr.  
13 Chairman.  
14  
15 CHAIRMAN LITTLEFIELD: Thank you, Mr.  
16 Secretary. For the record, Mr. Bangs will join us, my  
17 understanding, later today. Mr. Sofoulis and Mr. Jordan  
18 were unable to attend the meeting and they won't be here  
19 during the meeting.  
20  
21 At this time I'd like to give the Mayor  
22 of Wrangell an opportunity to welcome. Ms. McCandless,  
23 you have the floor.  
24  
25 MR. ADAMS: Mr. Chairman.  
26  
27 CHAIRMAN LITTLEFIELD: The meeting is  
28 duly constituted.  
29  
30 MR. ADAMS: Mr. Chairman, before we have  
31 the Mayor address us, it's always customary to have a  
32 prayer before we start.  
33  
34 CHAIRMAN LITTLEFIELD: I was going to do  
35 it after, because she's got time restraints.  
36  
37 MAYOR McCANDLESS: That would be fine.  
38  
39 CHAIRMAN LITTLEFIELD: I agree. Normally  
40 we would have an introduction.  
41  
42 MAYOR McCANDLESS: That would be fine.  
43  
44 CHAIRMAN LITTLEFIELD: If you have enough  
45 time, we would like to do that, and I'd like to ask Mr.  
46 Stokes to do that.  
47  
48 MR. STOKES: Let us pray. Eternal God  
49 and Heavenly Father, we look to thee this morning for  
50 guidance. We pray that you will give us the wisdom to

1 deal with the problems that are before us. And, Lord, we  
2 pray that you'll continue to be with us, and those that  
3 are still on the way, we pray that you will give them a  
4 safe journey and abide with us here.

5  
6 We ask in thy name. Amen.

7  
8 CHAIRMAN LITTLEFIELD: Thank you.

9  
10 MAYOR McCANDLESS: Welcome. I'm Valerie  
11 McCandless, and I am serving as mayor of Wrangell,  
12 Alaska. I'm very honored to be here, and I am very  
13 pleased to have the chance to welcome you on behalf of  
14 the community. We're very glad that you're here, and  
15 hope that you have a wonderful stay. We hope that you  
16 get to enjoy a broad spectrum of our weather. This is  
17 not the best of it, but we hope that there is some of the  
18 best coming for your stay.

19  
20 Please, if there is anything that any of  
21 us can do to make you feel more welcome while you are  
22 here, or if you have any needs, please let us know.  
23 Marcie Garrison is the civic center director, and she is  
24 located in the information area of the Museum/Civic  
25 Center. Dennis Chapman is our museum director. We would  
26 be proud and honored if you have the ability to get a few  
27 moments of time to go through our museum, if you've not  
28 been through that.

29  
30 Wrangell has a very rich history. It is  
31 the historical home of the Stikine Tlingits, and they  
32 have lived here for many, many, many generations. As  
33 many of you are aware, the Tlingit nation from the  
34 Stikine area lived on the south end of the island to  
35 begin with, but during the late 1800s moved to this  
36 northern end of the island to be closer to the fort, the  
37 British fort that was here.

38  
39 The house posts that are in the entryway  
40 of the museum are from the early to mid 1700s. We are  
41 very fortunate as a community and as a state to have  
42 these preserved totems. They are a remembrance of a very  
43 rich culture. They are a complete set, the oldest  
44 complete set in the State. And I believe that it is very  
45 likely that they exist because of that move. They were  
46 pulled by canoe from the south end of the island to the  
47 north. A new tribal house was constructed, and the posts  
48 were placed in there. That tribal house lasted from the  
49 1800s to the early 1900s when our new tribal house was  
50 built in the late 1930s by the Civilian Conservation

1 Corps. And so all of that preservation of buildings  
2 helped preserve this very important piece of history.

3  
4 I don't know if you will have an  
5 opportunity while you're here to see the tribal house,  
6 but if you do not while you're here on this visit, please  
7 do take another opportunity to come and visit us and to  
8 go down to the tribal house at Chief Shakes. There are  
9 replicas of these poles there that were carved  
10 approximately 20 to 25 years ago, and you would see what  
11 they would have looked like when they were new.

12  
13 This, in addition to being a native  
14 settlement area for many, many years, has been the site  
15 of three separate forts, both a Russian fort, Fort St.  
16 Dionysus, which was Redoubt/St. Dionysus, then also Fort  
17 Stikine under the British, and then also Fort Wrangell  
18 under the Americans.

19  
20 And then there has been a large presence,  
21 of course, during the gold rushes of people going north  
22 to have an opportunity to go into the interior of the  
23 Stikine River. And you'll find that today we're still  
24 going up there, and they're not looking for gold so  
25 often, although I think many folks have their eye cast  
26 when they go out and about, they're mostly coming up to  
27 enjoy the beautiful scenery, and the ability for folk to  
28 fish. And there has been a lot of excitement for the  
29 work that you have done as a group, that the Stikine  
30 River is now having an opportunity to have Americans fish  
31 on that river, and that there's subsistence fishing  
32 there.

33  
34 We thank you for the hard work that  
35 you're doing. We have some snacks for you in the back.  
36 There's some hamma (ph) and honey butter, and also some  
37 cookies and so forth, and we do again welcome you.

38  
39 And I apologize that I will be in and  
40 out. Our nephew is coming to live with us, and he will  
41 be arriving on the morning plane, and so I need to be  
42 there to greet him.

43  
44 So thank you very much.

45  
46 CHAIRMAN LITTLEFIELD: Thank you, Madam  
47 Mayor. So far I'm sure everyone agrees that we've had a  
48 pretty good reception here, just for the record,  
49 everybody sitting at this table is from Southeast, so the  
50 weather is not surprise to us. We've all been in that,

1 too.

2

3 So thank you very much. We hope you join  
4 us. We'll be here through Thursday, and we'll be going  
5 every day. So you're welcome at any time, and if you  
6 would like to have the floor some other time, that's  
7 fine, too.

8

9

Thank you.

10

11

MAYOR McCANDLESS: Thank you very much.

12

13

CHAIRMAN LITTLEFIELD: We have one other  
14 welcome before we start, and this would be from the  
15 district ranger. Mark.

16

17

MR. HUMMEL: Good morning, Mr. Chairman.  
18 Members of the council. My name is Mark Hummel, I'm the  
19 district ranger for Wrangell with the Forest Service, and  
20 this is the beginning of my fourth week.

21

22

I started out with the Forest Service in  
23 Nevada for three years, and then moved to Petersburg  
24 where I worked as a project planner for eight years, then  
25 moved to Arkansas for a couple years, spent some time in  
26 Milwaukee, and now my wife and I are delighted to be  
27 back. The first time we visited after we left, we felt  
28 that we had left our hearts in Alaska, in Southeast  
29 Alaska, and would come back if we got the chance. And  
30 we're delighted to be here and just really enjoying the  
31 friendliness of folks in Wrangell.

32

33

And I'm very pleased that you're holding  
34 this meeting in Wrangell and for the opportunity I have  
35 to learn from you and learn about the issues. I'm  
36 familiar with subsistence issues from my time in  
37 Petersburg, but not near as familiar as I want to be, and  
38 I'm looking forward to the opportunity to learn from this  
39 session today. And I also look forward to opportunities  
40 to work with you in the future.

41

42

CHAIRMAN LITTLEFIELD: Thank you, Mr.  
43 Hummel. I'm sure you -- you're going to stick around  
44 through the meeting also, correct?

45

46

MR. HUMMEL: Yes, I'll be here all day  
47 today, most of tomorrow.

48

49

CHAIRMAN LITTLEFIELD: Okay. Great.  
50 We'll probably be calling on you again some time. So far

1 we've had pretty good support from the district. We  
2 appreciate that.

3  
4 At this time we'll do the introductions  
5 of the Council. My name is John Littlefield, and I'm  
6 from Sitka, a life-long resident, and I like to tell  
7 people at the Forest Service a lot of times when they  
8 introduce themselves, they always go through their  
9 records, and where they've been, and how long they've  
10 done, and they invariably end up saying, and I've been  
11 working in the Tongass for 12 years or 18 years. Well, I  
12 have 59 years in the Tongass.

13  
14 And I'm going to be surpassed here in  
15 just one second. Mr. Stokes.

16  
17 MR. STOKES: My name is Dick Stokes. I'm  
18 from Wrangell. My wife, Wilma, is also from Wrangell.  
19 Well, she was born in Craig, but we adopted her here.

20  
21 MR. ADAMS: Good morning, my name is Burt  
22 Adams, Sr. and I am from Yakutat.

23  
24 I've been looking forward to coming here  
25 to Wrangell, because I have roots here. My great  
26 grandfather was a guy by the name of John Kadashan, and I  
27 just want to share with you a short story if I might.

28  
29 Several years ago I got acquainted with  
30 some people who belonged to an aircraft carrier called  
31 the Kadashan Bay. And this aircraft carrier was built in  
32 the latter part of the Second World War, and there was a  
33 crew of 1,000 on this carrier. And I've been attending  
34 some of their reunions the last couple years. And of the  
35 1,000 men that are on there, they've only identified  
36 about 400. And I wear this cap proudly all over where I  
37 go, and it has Kadashan Bay, CBC 76 Squadron, BC 20. And  
38 getting acquainted with these men has been a real  
39 blessing and trainer (ph) for me.

40  
41 So I just wanted to share that with the  
42 people as well as have it recorded in the minutes that  
43 I'm here again, you know, to honor my great grandfather,  
44 Mr. John Kadashan.

45  
46 Thank you.

47  
48 MR. KOOKESH: Good morning. My name is  
49 Floyd Kookesh. I'm from Angoon. I've been on the RAC  
50 since 1999 when the Federal takeover occurred.

1                   It's been -- I'm up for nomination this  
2 year, and it's a real challenge sitting here, and if I  
3 had to do it again, I'd probably do it again, because I  
4 do a lot of public service, and there's times -- probably  
5 on one of these times right now where I would say that I  
6 actually enjoy doing this, because there is a lot of  
7 challenges here, and it is very difficult -- it can be  
8 very difficult. But to be here in front of you and to  
9 deal with issues, that I do enjoy.

10

11                   Thank you.

12

13                   MR. HERNANDEZ: My name is Don Hernandez.  
14 I see my name card here in front of me says I'm from  
15 Petersburg, but I prefer to say that I've been a Point  
16 Baker resident for about 20 years now, and I'm just  
17 spending the winters in Petersburg for a few years, for  
18 high school years for our son.

19

20                   Living there in Point Baker, I'm a  
21 commercial fisherman, gillnetting and hand trolling and  
22 halibut fishing, but our lives in Point Baker are very  
23 dependent on the subsistence life style, and that's what  
24 we enjoy most about living in that area.

25

26                   MR. WRIGHT: Hello. My name is Frank Wright from  
27 Hoonah.

28

29                   I'm a commercial fisherman, and I was  
30 glad to make it here, because we timed it. We were out  
31 black cod fishing, and we just got in just before the  
32 storm, and otherwise I probably I would not have made it  
33 here, but I'm glad to be here, and I'm always involved  
34 with the public, and I'm sure looking forward to this.

35

36                   And, you know, the issues that concern  
37 the region is so critical that, you know, people have to  
38 make these decisions. And I think that the group is  
39 strong, and I'm hoping to be able to participate.

40

41                   Thank you.

42

43                   MS. PHILLIPS: Good morning, I'm Patricia  
44 Phillips. My mother is Dora Mukpik Daranof Schaeffer.  
45 She was born in Wainwright, Alaska. And my father is  
46 Elijah Daranof, and he was born on Afognak Island. They  
47 met at Mount Edgecumbe boarding school and decided to  
48 raise their family in Southeast Alaska.

49

50                   But I've lived in Pelican for 32 years,

1 and am currently the mayor there.

2

3 MR. KITKA: Hello. My name is Harvey  
4 Kitka. I'm from Sitka, Alaska, and I don't know what  
5 else to say about this. I lived here for -- in Sitka for  
6 about 64 years now.

7

8 Thank you.

9

10 DR. GARZA: I'm the quiet one. My name  
11 is Dolly Garza, born and raised in Ketchikan. My family  
12 is from Craig and Klawock, and Wilma belongs to us.  
13 She's part of our family. I do have other family here in  
14 Wrangell, the Churchills, the Youngs, so it's really nice  
15 to see family here.

16

17 Thank you.

18

19 MR. DOUVILLE: I'm Mike Douville, and  
20 I've lived on Prince of Wales Island all my life, and I'm  
21 a full-time commercial fisherman.

22

23 CHAIRMAN LITTLEFIELD: Thank you. I'd  
24 like to not that we have a new Council member, Frank  
25 Wright from Hoonah, at this meeting. This is his first  
26 meeting, and I'd like to welcome him. He's in one of the  
27 new commercial seats that's, quote/unquote, commercial.  
28 and I still think he's going to do an absolutely great  
29 job for the subsistence, and I'm happy to have you  
30 aboard. Welcome aboard.

31

32 At this time, Dr. Schroeder will lead the  
33 introductions for the Federal and Staff, I believe Ms.  
34 See will lead the introductions for the State.

35

36 DR. SCHROEDER: Hello, I'm Bob Schroeder.  
37 I'm the Southeast Regional Advisory Council coordinator,  
38 and have been able to do that job for the last few years,  
39 and perhaps Federal Staff can introduce themselves,  
40 starting with Cal.

41

42 MR. CASIPIT: Thank you. My name is  
43 Casipit. I'm the subsistence fisheries biologist for the  
44 Forest Service, based in Juneau. And I've been here with  
45 the Council, working with the Council since '99, the  
46 Federal implementation of fisheries regulations.

47

48 MR. JOHNSON: My name is Dave Johnson,  
49 and I'm the subsistence coordinator for the Tongass  
50 National Forest, also the wildlife biologist for the

1 Southeast team.  
2  
3 MS. DOWNING: My name is Meredith  
4 Downing, and I am here on behalf of Computer Matrix Court  
5 Reporters from Anchorage.  
6  
7 CHAIRMAN LITTLEFIELD: Yeah, if we don't  
8 leave this mike on, we will certainly be reminded, so if  
9 you could -- we'll leave that on during the  
10 introductions. Where are we?  
11  
12 DR. SCHROEDER: Bill, I think maybe we're  
13 up to you.  
14  
15 MR. KNAUER: I'm Bill Knauer with the  
16 Office of Subsistence Management. I'm a policy and  
17 regulations specialist, and I've been with the program  
18 since its inception in 1990.  
19  
20 MR. CAPRA: Jim Capra with the National  
21 Park Service, Glacier Bay, out of Yakutat. I'm the  
22 subsistence coordinator for Glacier Bay. I've been there  
23 for 11 years.  
24  
25 MR. KESSLER: I'm Steve Kessler with the  
26 Forest Service, subsistence program leader for the  
27 region, and I serve on the Interagency Staff Committee  
28 representing the Forest Service.  
29  
30 MR. BUKLIS: Larry Buklis with Fish and  
31 Wildlife Service, the Subsistence Management Office in  
32 Anchorage.  
33  
34 MR. D. WRIGHT: Doug Wright with Fish and  
35 Wildlife Service, Office of Subsistence Management,  
36 Fisheries Information Services.  
37  
38 MR. LARSON: I'm Robert Larson I work  
39 with the Forest Service in Petersburg, I'm a subsistence  
40 fisheries biologist.  
41  
42 MR. SUMINSKI: Terry Suminski. I'm with  
43 the Forest Service as subsistence fisheries biologist in  
44 Sitka.  
45  
46 MR. SIMMONS: Good morning. I'm Ron  
47 Simmons with the Fish and Wildlife Service, and I serve  
48 on the Interagency Staff Committee.  
49  
50 MS. SWANTON: I'm Nancy Swanton with the

1 National Park Service. I've replaced Bob Gearheart. As  
2 many of you may know, Bob retired in May, and I took his  
3 position since then. I've been in Alaska a long time,  
4 but I've been in this position since May. And I'm on the  
5 Interagency Staff Committee.

6  
7 DR. SCHROEDER: I think we have some  
8 other Federal Staff members.

9  
10 MS. CADY: My name is Melissa Cady. I'm  
11 the wildlife biologist for the Wrangell Ranger District  
12 of the Tongass National Forest. Brand new. This is my  
13 third week, so I have a lot to learn.

14  
15 DR. SCHROEDER: In the back.

16  
17 UNIDENTIFIED VOICE: (Indiscernible, away  
18 from microphone) subsistence fishery biologist  
19 (indiscernible, away from microphone).

20  
21 MR. CHEN: Good morning, my name is Glenn  
22 Chen. I work as a fisheries biologist for the Bureau of  
23 Indian Affairs. I'm also the subsistence program manager  
24 for the Alaska (indiscernible, away from microphone).

25  
26 DR. SCHROEDER: And Ms. Hernandez?

27  
28 MS. HERNANDEZ: My name is Melinda  
29 Hernandez. I'm a social scientist analyst for the Forest  
30 Service, Tongass National Forest. I've been working with  
31 the Council for about two years.

32  
33 CHAIRMAN LITTLEFIELD: Thank you.

34  
35 DR. SCHROEDER: I think that does our  
36 Federal staff. Marianne, would you lead off for the  
37 State?

38  
39 MS. SEE: I'm Marianne See with the  
40 Department of Fish and Game, with Division of  
41 Subsistence, but also helping represent the Department's  
42 comments during the meeting.

43  
44 MR. HOFFMAN: My name is Steve Hoffman  
45 from Alaska Department of Fish and Game, Sport Fish in  
46 Ketchikan. I've been with the Department going on 30  
47 years, and I really appreciate the opportunity to  
48 participate in the process.

49  
50 Thank you.

1 DR. SCHROEDER: And Marianne, I think  
2 you'll have some other Department of Fish and Game folks  
3 here later in the week, is that true?  
4  
5 MS. SEE: We're hoping to have Mike Turek  
6 joining. He's supposed to be coming in today, and we may  
7 have a commercial fisheries staffer as well. We'll see  
8 if we can get someone in as well.  
9  
10 DR. SCHROEDER: And our tribal members  
11 and members of the public?  
12  
13 MS. HAWKINS: I'm Merle Hawkins,  
14 Ketchikan Indian Community vice president, and part of  
15 the Cultural Subsistence Committee.  
16  
17 MR. KRISTOVICH: Good morning My name is  
18 Kevin Kristovich. I'm (indiscernible, away from  
19 microphone) Organized Village of Kasaan, and tribal  
20 council member and subsistence coordinator.  
21  
22 CHAIRMAN LITTLEFIELD: Thank you.  
23  
24 MR. SANDERSON: Good morning. My name is  
25 Robert Sanderson, Jr. I represent the KIC Tribal  
26 Council. I'm the Tribal Council subsistence chair.  
27  
28 Thank you.  
29  
30 MS. STOKES: Well, I'm Wilma Stokes. My  
31 better half sits up there. I represent the Wrangell  
32 Tribal Council. I'm a resident.  
33  
34 DR. SCHROEDER: Thank you very much.  
35  
36 CHAIRMAN LITTLEFIELD: Any others? Well,  
37 thank you very much. Welcome to our meeting. We hope  
38 that more of you show up. We've got some stickers out,  
39 or posters out around the community. We'll be meeting  
40 here through Thursday, and everyone is welcome to attend.  
41  
42 At this time we're on item 4, review and  
43 adoption of the agenda, and, of course, we always adopt  
44 the agenda as a guide, because we have several changes.  
45 So a motion is in order to adopt the agenda as a guide.  
46  
47 MR. ADAMS: Mr. Chairman, I move that we  
48 adopt the agenda as a guide.  
49  
50 MR. STOKES: I'll second the motion.

1 CHAIRMAN LITTLEFIELD: It's been moved  
2 and seconded to adopt the agenda as a guide. Any  
3 discussion. Mr. Schroeder. Dr. Schroeder.

4  
5 DR. SCHROEDER: Mr. Chairman. We have a  
6 number of items that we need to add to the agenda. One  
7 item is the election of officers, that's something we do  
8 in the fall meeting, and that's not reflected on the  
9 agenda. While we're doing elections, I'd suggest we  
10 elect our representative to the Wrangell/St. Elias  
11 Subsistence Resource Commission. Mr. Adams has served in  
12 that post as a member and I think in recent years as the  
13 chair of the SRC. So that -- we probably should do that  
14 pretty early on in the meeting, perhaps as our next item.

15  
16 As per some discussions with you, later  
17 on in the agenda we wanted to talk about Section 810  
18 responsibility. The Council is notified of Section 810  
19 actions that the Forest Service proposes to take. We  
20 need some discussion to figure out what the role of the  
21 Council is in that, and possibly request the Forest  
22 Service to summarize the pending 810 actions that might  
23 be coming our way, so that the Council can choose to be  
24 involved in the ones that are most important to the  
25 Council.

26  
27 We do have folks here from Saxman and  
28 Kasaan and Ketchikan who -- this isn't a changed agenda  
29 item, but will note that I believe they want to speak on  
30 the rural determination process. If they're able to stay  
31 through the whole meeting we'd be doing that under item  
32 16 which is when we will be talking about the review of  
33 rural determination process.

34  
35 And, let's see, a couple other items.  
36 I'll just note that I believe Taylor Brelsford is going  
37 to be here from Bureau of Land Management, that would be  
38 16.D., to talk about some plans that BLM is initiating  
39 for its holdings in Southeast Alaska.

40  
41 And a final item, just to make sure we  
42 don't forget about it, that we do need nominations for  
43 the Council for those seats that are open for next year.  
44 And so we have nomination packets along with us for those  
45 Council members whose terms are up and who wish to  
46 reapply, and we should have some discussion about Council  
47 member involvement in soliciting applicants from their  
48 communities, or other people that they may know.

49  
50 Mr. Chairman, those are the additions

1 that I have.

2

3 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
4 We will do the elections of officers as well as the  
5 Wrangell/St. Elias next under 4.A.

6

7 The guests from Saxman, Kasaan, and  
8 Ketchikan, if you can stay with us, we would like to have  
9 a presentation on 16. If you are unable to stay that  
10 long and need to speak to the Council, we will certainly  
11 honor that request, and you can have some time before  
12 then if you've to meet a plane.

13

14 The 810 discussion I believe that should  
15 be under 16.

16

17 DR. SCHROEDER: Yes.

18

19 CHAIRMAN LITTLEFIELD: We will do that  
20 under 16.

21

22 And the nomination process packets as  
23 well as picking applicants is 17, other business, unless  
24 anybody wants that different. Dr. Garza.

25

26 DR. GARZA: Mr. Chairman. Just as a  
27 point of information, I know that the Saxman  
28 representative will be on the morning flight, and he  
29 needs to leave again tomorrow, so he will not make it  
30 until item 16. So we will need to work him in.

31

32 Thank you.

33

34 CHAIRMAN LITTLEFIELD: Thank you, Dr.  
35 Garza. When he comes in, we'll make sure that he has the  
36 opportunity to address the Council.

37

38 So are there any other changes or  
39 additions to the agenda.

40

41 (No comments)

42

43 CHAIRMAN LITTLEFIELD: Are you ready for  
44 the question. All those in favor of adopting the agenda  
45 as a guide please signify by saying aye.

46

47 IN UNISON: Aye.

48

49 CHAIRMAN LITTLEFIELD: Those opposed same  
50 sign.

1 (No opposing votes)  
2  
3 CHAIRMAN LITTLEFIELD: The motion is  
4 carried. We have adopted the agenda as a guide. And we  
5 always do this as a guide, because if something comes up,  
6 we can react to it and not be out of order.  
7  
8 The next item is the elections. Dr.  
9 Schroeder.  
10  
11 DR. SCHROEDER: Mr. Chairman, we elect  
12 officers of the Council on a yearly basis at our fall  
13 meeting. The offices open would be the Chair, the Vice  
14 Chair, and the Secretary. At this time I would like to  
15 open it for nominations for the position of chair. Mike.  
16  
17 MR. DOUVILLE: Mr. Chairman. I nominate  
18 John Littlefield for the position of Chair.  
19  
20 DR. SCHROEDER: Mr. Adams.  
21  
22 MR. ADAMS: I move the nominations cease.  
23  
24 MR. STOKES: I'll second that motion.  
25  
26 DR. GARZA: And you're asking the  
27 Secretary to cast a unanimous ballot?  
28  
29 DR. SCHROEDER: Let's see. Does the  
30 Council wish to cast a unanimous ballot for Chair?  
31 Congratulations, John.  
32  
33 CHAIRMAN LITTLEFIELD: I hear the train  
34 arunning, so thank you very much. I appreciate your  
35 confidence in me.  
36  
37 So I'll take the next two. We have the  
38 next is Vice Chair, and nominat -- and you don't need to  
39 second any of the nominations. You can nominate yourself  
40 if you feel like it. So nominations for Vice Chairman  
41 are now open.  
42  
43 MR. STOKES: Mr. Chairman.  
44  
45 CHAIRMAN LITTLEFIELD: Mr. Stokes.  
46  
47 MR. STOKES: I nominate Dolly Garza.  
48  
49 MS. DOWNING: Mr. Stokes, don't forget to  
50 turn your microphone on.

1 MR. STOKES: Oh, I'm sorry. I nominate  
2 Dr. Garza.  
3  
4 CHAIRMAN LITTLEFIELD: Dr. Garza has been  
5 nominated. Are there any other nominations for Vice  
6 Chairman.  
7  
8 (No comments)  
9  
10 CHAIRMAN LITTLEFIELD: If there are no  
11 objections from the Council, I would like to direct the  
12 -- I would like to close the nominations for Vice Chair  
13 and ask the Secretary to cast a unanimous ballot for Dr.  
14 Garza as the Vice Chair. Any objections.  
15  
16 (No comments)  
17  
18 CHAIRMAN LITTLEFIELD: Congratulations,  
19 Dr. Garza, you're Vice Chair.  
20  
21 The next seat that we have open is  
22 currently held by Mr. Adams, and it is Secretary. The  
23 nominations for Secretary are now open.  
24  
25 MR. STOKES: Mr. Chairman. I nominate  
26 Burt Adams.  
27  
28 CHAIRMAN LITTLEFIELD: Mr. Adams has been  
29 nominated. Are there any other nominations.  
30  
31 (No comments)  
32  
33 MR. STOKES: Mr. Chairman. I move the  
34 nominations cease.  
35  
36 CHAIRMAN LITTLEFIELD: Without objection,  
37 so ordered. At this time I'd like to direct the  
38 Secretary to cast a unanimous ballot for himself, Mr.  
39 Adams, as the Secretary, if there is no objection from  
40 the Council.  
41  
42 MR. ADAMS: Mr. Chairman. Before Mr.  
43 Stokes called for the closure of the nominations, I was  
44 going to do that. I was going to, you know, elect  
45 myself.  
46  
47 (Laughter)  
48  
49 CHAIRMAN LITTLEFIELD: So ordered.  
50 Without objection. Thank you, Mr. Adams, for being the

1 Secretary. I appreciate that.

2

3 At this time we're at review and adop --  
4 or, no, we're at Wrangell/St. Elias. I think we have  
5 this in our board book, don't we? Council book, I don't  
6 want to step over any boundaries.

7

8 National Park Service. Or, Melinda, do  
9 you have anything on this nomination of Wrangell/St.  
10 Elias? I thought I saw a letter on that.

11

12 MS. HERNANDEZ: It should be in your blue  
13 folders.

14

15 CHAIRMAN LITTLEFIELD: Our blue folder?  
16 Okay. Just hang with us a second. Okay. I see it's  
17 item 2 in your blue folder, and this is something that we  
18 normally do I guess, what ever couple years, and it's to  
19 elect a member to the Wrangell/St. Elias Subsistence  
20 Resource Commission. At this time we have one member who  
21 lives in the Wrangell/St. Elias, and I believe that is a  
22 requirement to serve on that, and that is Mr. Adams. We  
23 need to reappoint him to that job or re-elect him to that  
24 job, if he is willing to serve.

25

26 And, Dr. Schroeder, do you have anything  
27 to add on that?

28

29 DR. SCHROEDER: No, I don't. Well,  
30 perhaps I have one thing to add, which is that I'll note  
31 that Mr. Adams has served on the SRC for a number of  
32 years, and I believe was elected as chair two or three  
33 years ago, is that correct, Burt?

34

35 CHAIRMAN LITTLEFIELD: Yeah.

36

37 DR. SCHROEDER: And I think his --  
38 appreciate -- his participation is really appreciated by  
39 that body.

40

41 CHAIRMAN LITTLEFIELD: Okay. Nominations  
42 are open for a representative to the Wrangell/St. Elias  
43 SRC. Mr. Douville.

44

45 MR. DOUVILLE: Mr. Chairman, I nominate  
46 Burt Adams.

47

48 CHAIRMAN LITTLEFIELD: Mr. Burt Adams,  
49 Sr., has been nominated, and are there any other  
50 nominations. You have to be a resident, so I don't think

1 any of us can do that. Mr. Stokes.

2

3 MR. STOKES: I move that nominations  
4 cease.

5

6 CHAIRMAN LITTLEFIELD: Without  
7 objections, nominations are ceased. At this time I would  
8 like to ask the Secretary, Mr. Burt Adams, to cast the  
9 unanimous ballot for Mr. Burt Adams, Sr. to be the  
10 Wrangell/St. Elias National Park SRC member, and also I  
11 hope you continue as chairman, because I've received some  
12 information from that that says you're doing a great job,  
13 and we appreciate that. So you're now our  
14 representative.

15

16 Mr. Adams.

17

18 MR. ADAMS: Thank you, Mr. Chairman.  
19 Yeah, it's been a pleasure serving on this commission.  
20 As you know, another member from Yakutat has been on that  
21 commission as well, and being raised under the leadership  
22 of the Alaska Native Brotherhood, we have both learned  
23 how to conduct meetings, and this is something that they  
24 were lacking up there, and so they depended on us, you  
25 know, to serve as chair for the past few years. Mr.  
26 Raymond Sensmeier, you know, served for a couple years,  
27 and then I have been serving for the last couple years  
28 myself, and it's been a good experience for me. And  
29 going up there, you know, twice a year and getting to  
30 know these people has been also interesting, and I'll  
31 give a report on that later on.

32

33 Mr. Chairman.

34

35 CHAIRMAN LITTLEFIELD: Thank you, Mr.  
36 Adams. Congratulations. Keep up the good work.

37

38 At this time we're on review and adoption  
39 of the minutes, number 5 on your agenda. It starts on  
40 Page 6 in your Council book. A motion is in order to  
41 adopt the minutes of February 22nd.

42

43 MR. ADAMS: Mr. Chairman.

44

45 CHAIRMAN LITTLEFIELD: Mr. Adams.

46

47 MR. ADAMS: I move that we adopt the  
48 minutes of the 2000 -- well, let me see, let me get that.  
49 Yeah. Of February 22nd to February 25th of the meeting  
50 held in Petersburg, Alaska. Mr. Chairman, I so move.

1 CHAIRMAN LITTLEFIELD: Is there a second.  
2  
3 MR. STOKES: I'll second it.  
4  
5 CHAIRMAN LITTLEFIELD: It's been moved  
6 and seconded to adopt the minutes as shown starting on  
7 Page 6 of February 22nd to February 25th. Are there any  
8 additions or corrections to the minutes.  
9  
10 MR. ADAMS: Mr. Chairman.  
11  
12 CHAIRMAN LITTLEFIELD: Mr. Adams.  
13  
14 MR. ADAMS: I know -- I've read through  
15 the minutes, and I like them, but I'd just like to make a  
16 comment. You know, we all don't speak like we write, and  
17 I've noticed that, you know, some of the comments that I  
18 have made particularly, you know, wouldn't be me if I  
19 were writing it, and so sometimes -- I'm just wondering  
20 you know, is there an opportunity to make comments or  
21 corrections, you know, to the grammar and so forth, you  
22 know, of the minutes that have been taken on our behalf?  
23 So who would be able to answer that?  
24  
25 CHAIRMAN LITTLEFIELD: I think I can.  
26 We're on the transcript, and it pretty much says what we  
27 said. I think all of those records are from the  
28 transcript, so we have to be careful about what we say I  
29 think.  
30  
31 MR. ADAMS: Okay. Well, just like, you  
32 know, the last motion I made, you know, I stumbled  
33 through that. I hope that isn't included in it.  
34  
35 CHAIRMAN LITTLEFIELD: I don't think that  
36 needs to be in the minutes, but it is a member -- the  
37 transcripts are a legal document that are recording we  
38 say when the mikes are on, so if you -- and they are  
39 public documents, and they have been used to sue us, to  
40 support us, and to oppose us, so whatever you say when  
41 the mike is on is fair game and it's the public record.  
42  
43 Dr. Schroeder.  
44  
45 DR. SCHROEDER: Mr. Chairman. Burt.  
46 Just when I write up the minutes, I try to stay pretty  
47 faithful to the transcript, because that is our record.  
48 As much as possible I take out the -- definitely my own  
49 ums and ahs, and hopefully I'll catch yours as well.  
50

1 CHAIRMAN LITTLEFIELD: Yeah, ums and ahs,  
2 that don't add anything to the thing. We'll take those  
3 out, of course. But otherwise it will be faithful to the  
4 record.

5  
6 We had some -- just for your information,  
7 we had some discussion from OSM, they did not want these  
8 minutes to be quite so long. I told them that I felt  
9 that the minutes were our only opportunity, other than  
10 the transcripts, and they weren't as long as the  
11 transcripts for the public to get some idea of what we've  
12 done, so they've allowed us to do the minutes in this  
13 order, and I think they should be as complete as  
14 possible, so if there's no objection from the Council  
15 I'll continue to do that.

16  
17 Mr. Adams.

18  
19 MR. ADAMS: Than you, Mr. Chairman. Just  
20 a note of interest as well, you know, I think these  
21 minutes soon after the meeting, you know, are distributed  
22 to all of the Council members, and I think maybe I should  
23 be the first one, you know, to say let's look them over  
24 at that time and there are any corrections, that need to  
25 be taken care of, we do it at that time, before it comes  
26 to this level.

27  
28 Thank you, Mr. Chairman.

29  
30 CHAIRMAN LITTLEFIELD: Okay. Mr. Adams,  
31 we'll make sure that Dr. Schroeder will distribute the  
32 minutes, the draft minutes so that everybody can review  
33 them, and even though it's in the transcript, you may not  
34 want it in the minutes if you feel uncomfortable with it,  
35 and you can delete it. I mean, the minutes are just a  
36 compilation of what happened at the transcripts. We  
37 can't do any deleting of the transcripts, but certainly  
38 we can edit what goes in.

39  
40 And, Dr. Schroeder, that should be no  
41 problem, right, to do that?

42  
43 DR. SCHROEDER: No, I'd appreciate the  
44 review of the minutes when I circulate them.

45  
46 CHAIRMAN LITTLEFIELD: Okay. We'll do  
47 that.

48  
49 Are there any other corrections,  
50 additions or comments on the minutes.

1 (No comments)

2

3 CHAIRMAN LITTLEFIELD: Then are you ready  
4 for the question. The question before you is to review  
5 and adopt the minutes shown on Page 6 for the Petersburg  
6 meeting February 22nd to 24th, and I believe it's  
7 actually the 25th in the book. All those in favor please  
8 signify by saying aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN LITTLEFIELD: All those opposed  
13 same sign.

14

15 (No opposing votes)

16

17 CHAIRMAN LITTLEFIELD: The minutes are  
18 adopted. Let's take five minutes.

19

20 (Off record)

21

22 (On record)

23

24 CHAIRMAN LITTLEFIELD: The meeting is  
25 back to order at this time. We're on agenda item 6,  
26 which is the Chair's report.

27

28 The Federal Subsistence Board, of course,  
29 met and discussed the issues that we supported at the  
30 last meeting, all of these are in your book. We  
31 submitted a letter, an 805(c) letter, which is our annual  
32 report. We received a response. The letter that we  
33 submitted is on Page, I believe it's 33, and the response  
34 that we got from the Board, which is -- will have to have  
35 some action items. I'll let Dr. Schroeder discuss those  
36 on Page 42.

37

38 I guess that's about all. Most of these  
39 you should have been able to read through, and if there  
40 are any questions, simply -- my job is pretty easy,  
41 because what I try to do at these meetings is faithfully  
42 represent what the Council says. And I've had several  
43 meetings where it's easy for me just to tell the people  
44 that are hearing me, the transcript says this, and that's  
45 what we're going to do. So if you have any questions on  
46 any of these documents, we can respond to them.

47

48 But, Dr. Schroeder, is you could cover  
49 some of the key points in there on the -- perhaps the  
50 annual report response that we'll have to look at later.

1 I know we're going to talk about some committees and  
2 stuff like that.

3

4 Dr. Schroeder.

5

6 DR. SCHROEDER: Mr. Chairman. The annual  
7 report that the Council submitted begins on Page 37.  
8 Before that are the -- in here is the 805(c) letter. It  
9 tells us what the -- how the Federal Subsistence Board  
10 responded to proposals on which the Council had  
11 recommendations.

12

13 So the -- our annual report this year  
14 talked about marine jurisdiction. It raised the issue of  
15 hunting licenses, and the Council's interest was to  
16 explore the possibility of ending the requirement for  
17 having a State hunting license for hunting on Federal  
18 lands. The Council requested three subcommittees to be  
19 formed following on the success of the Unit 2  
20 subcommittee approach, meaning that it was a legal way  
21 under the Federal Advisory Committee Act to involve a  
22 broad segment of the public to advise the Federal  
23 Government. It had an issue on Stikine River fishing, on  
24 steelhead regulation implementation, on the urban/ rural  
25 determination process, and on public education.

26

27 The response from the Federal Subsistence  
28 Board begins on Page 42, and each response is sort of an  
29 item unto itself.

30

31 Basically, on marine jurisdiction, that  
32 issue essentially has become moot at this time because of  
33 a decision made on June 6th, 2005 by the Supreme Court  
34 accepting the disclaimer of Federal title to lands  
35 underlying marine waters with the Tongass and affirming  
36 Federal ownership of pockets of non-closed submerged  
37 lands that are more than three miles from shore, and the  
38 submerged lands of Glacier Bay National Park. As you  
39 probably know, some of these issues may be subject to  
40 further litigation in the future, but basically there was  
41 no further action that the Board or the Council could  
42 take on marine jurisdiction.

43

44 On the hunting license issue, this has  
45 been before the Council a number of times. At different  
46 times the Council has submitted proposals requesting the  
47 Board to reconsider the policy requiring Federally-  
48 qualified subsistence hunters to have a State hunting  
49 license. The response to our request this time was to  
50 guide us to -- to let us know how we would approach this.

1 Our question was, well, if this is something that is in  
2 the power of the Board to take on, or if not, do the  
3 Secretaries need to be approached. The response tells us  
4 that, yes, indeed this is a matter for Secretarial  
5 decision, and says that the proper way to do this is to  
6 submit a petition for rule making through the Board to  
7 the Secretaries of Interior and Agriculture.

8

9 And we've gotten some assistance from OSM  
10 on providing background on where the requirement for a  
11 hunting license came from, how it was developed back when  
12 the Federal Government assumed management of subsistence  
13 hunting on Federal lands. And that's an action item that  
14 we need to work on in our agenda on, let's see what item  
15 that is.

16

17 CHAIRMAN LITTLEFIELD: 16 or 17.

18

19 DR. SCHROEDER: I'm trying to see where  
20 this is in here.

21

22 CHAIRMAN LITTLEFIELD: 12.

23

24 DR. SCHROEDER: That's under 12.B. And  
25 so what needs to take place when we talk about that item  
26 is to have a good discussion on why the Council believes  
27 that a hunting license, a State hunting license should  
28 not be required for Federal hunters hunting under  
29 subsistence regs on Federal land, and to provide as full  
30 a rationale as possible for that. And that will be  
31 developed into a petition to the Secretaries.

32

33 Council subcommittees. The Council  
34 requested a subsistence uses and needs subcommittee, now  
35 I'm looking through here, a subcommittee to look at a  
36 Fisheries Information Services strategic planning, and  
37 well as a Wildlife Information Service strategic planning  
38 subcommittee. The Federal Subsistence Board's response  
39 said that the, summarizing, that the Board didn't believe  
40 that a subcommittee structure was necessary for FIS  
41 strategic planning or for Wildlife Information Service  
42 strategic planning, so they said that the other  
43 approaches that are in place for doing those planning  
44 efforts would suffice, and a subcommittee is not  
45 necessary. Later on in our meeting under item 11 we'll  
46 be talking about strategic planning for fisheries and  
47 what we'd like to do is also, when we get to 11, include  
48 our discussion of the Wildlife Information Services  
49 approach that's going on. So we'd roll those together.  
50 But the response from the Federal Subsistence Board was,

1 no, you're not authorized to have a subcommittee for  
2 these things.

3  
4 With respect to subsistence uses and  
5 needs, the Federal Subsistence Board recognized that the  
6 Council request included two components. One was related  
7 to a statewide effort in which the Office of Subsistence  
8 Management is working with the State on the State's  
9 request for the Federal Government to use the amounts  
10 necessary for subsistence that are found in State  
11 regulations for fisheries and wildlife. So that's one  
12 piece of what our request concern was, to have a  
13 subcommittee that would address that. The Board found  
14 that a subcommittee wasn't necessary to deal wit that  
15 part of our subsistence uses and needs issue, that there  
16 would be ample opportunity for the Council to review  
17 anything that comes out of that statewide effort to line  
18 up the Federal regulations concerning subsistence use  
19 amounts with the State approach to amounts necessary for  
20 subsistence.

21  
22 The second part of what our request  
23 involved had to do with the Council authority under  
24 ANILCA to look at subsistence uses and needs in the  
25 region and to evaluate whether these uses and needs were  
26 being met. And so this is a clearly stated  
27 responsibility that -- authority that Congress has given  
28 to Councils, and it's something that has come up a number  
29 of times over the last two or three years, and frankly we  
30 haven't made a great deal of process on doing that.

31  
32 What the Board would like to do here is  
33 get a more complete plan for what we do. Specifically  
34 the Board is asking Staff is asking to work with the  
35 Council to develop a more detailed subcommittee  
36 authorization request outlining the goals and objectives  
37 of a subsistence uses and needs subcommittee, its  
38 proposed scope of work, planned participation,  
39 subcommittee duration, and what products might be  
40 expected from subcommittee work. The Board will base its  
41 decision to authorize this subcommittee on this  
42 information. That's a work item for us under.....

43  
44 CHAIRMAN LITTLEFIELD: 12.

45  
46 DR. SCHROEDER: 12.C. And so what we  
47 need to do when we get to that item is first decide if  
48 that's a strong Council priority, and then to have a good  
49 plan that we can forward to the Federal Subsistence Board  
50 for something that's feasible and would work, and would

1 give the Council what it needs to weigh in on subsistence  
2 uses and needs as the Council's authorized to do under  
3 ANILCA.

4

5                   So that's the subcommittee item.

6

7                   We had a couple of concerns with respect  
8 to Stikine River fishing. One had to do with mesh  
9 restrictions, and the second had to do with -- okay. The  
10 first concern was to remove mesh restrictions for king  
11 and coho salmon for this coming season. Let's deal with  
12 that first. The Board acted on a special action request  
13 on June 3rd and did move pretty quickly to allow an  
14 eight-inch mesh size to be used for the fishery from June  
15 4th through June 20th. So we got quick action on that  
16 one.

17

18                   We also have a proposal before us, FP06-  
19 27, that talks about mesh size in the Stikine River  
20 fishery, so we'll have the opportunity to discuss that  
21 and make a recommendation to the Board on that.

22

23                   The second point was the Council felt  
24 that know that the fishery was well established, that the  
25 local Forest Service fisheries biologist should be taking  
26 the lead in working with the Alaska Department of Fish  
27 and Game in the treaty process to refine management of  
28 the subsistence fishery. The idea was that we're pretty  
29 much through the difficult international treaty  
30 obligations, and that we should get the management a lot  
31 closer to the fishery and have the people who are  
32 actually on the ground doing this, all the while  
33 appreciating OSM's involvement in making this fishery  
34 happen. The Federal Subsistence response stated that the  
35 Board still felt that there was a need, due to the multi-  
36 party and international aspect of the fisheries on these  
37 stocks, for the Federal Subsistence Management Program to  
38 exercise a coordinating function through the Office of  
39 Subsistence Management. We'll evaluate on an on-going  
40 basis the need for continued coordination at the Office  
41 of Subsistence Management level for this fishery.

42

43                   Perhaps when we discuss the mesh size in  
44 Proposal FP06-27, that would be a good time to -- for the  
45 Council to express its wishes, if we'd like to get more  
46 of that management involvement of the fishery localized  
47 with our fisheries biologist in Southeast or whether we'd  
48 be satisfied with the current arrangement.

49

50                   We had an issue concerning steelhead

1 regulation implementation, and basically the Council had  
2 some concerns about how regulations, the on-the-ground  
3 regulations and permit stipulations came through this  
4 last season, and the Council wanted specific procedures  
5 in place to insure that consultation with the Council  
6 takes place concerning any management decisions that  
7 affect subsistence users. And let me see what we have  
8 here for our response. The response says that, yes, in  
9 fact there was consultation, and I know certain Council  
10 members spent a lot of their time on thrashing out what  
11 the stipulations would be this season. And we will have  
12 a report on the steelhead season and where it went at  
13 this meeting, and that would be a good time to talk about  
14 the management in consultation that we will do in the  
15 coming year.

16  
17                   Six is the issue that we brought up, the  
18 Council's brought up a number of times. It has to do  
19 with rural determinations. And the Council states that  
20 it really wants the opportunity to review and comment on  
21 not only on final decisions, but on the methodologies  
22 that may be employed to make urban/rural determinations.  
23 And Council also states that it wishes to -- that it will  
24 make recommendations concerning these determinations  
25 under its ANILCA Section 805 authorities.

26  
27                   The response includes some background and  
28 some update as to where we're at in that process. We'll  
29 probably have a further lively discussion when we get  
30 there under item 16 when we'll review the process for  
31 rural determinations, and would give the Council an  
32 opportunity to express its views to OSM as well as to  
33 hear from members of the public who are concerned.

34  
35                   Mr. Chairman. Oh, one other item. The  
36 other item concerned public education, and basically the  
37 Federal Subsistence Board supports continued work on  
38 public education very much the way we outlined. Of  
39 course, to get these things to happen takes effort, and  
40 we get incremental results. I was real pleased with this  
41 meeting that Staff got quite a few phone calls from  
42 communities who were interested that we were meeting and  
43 wanted to know what issues we were addressing. So I  
44 think we're getting pay-off from the public education  
45 efforts. Perhaps we need to do more.

46  
47                   Mr. Chairman. That concludes discussion  
48 of the annual report and the Federal Subsistence Board  
49 response.

50

1 CHAIRMAN LITTLEFIELD: Thank you, Dr.  
2 Schroeder. Some of the resolutions are in the minutes,  
3 if you want to review those, the ones that are listed  
4 there to the BLM and et cetera.

5  
6 One other thing that I'd been getting  
7 letters from -- 810 letters, and that's why we're going  
8 to have that discussion later on, what to do with those  
9 810 letters, because they seem to be addressed to me, and  
10 they don't -- are not really routed through the council.  
11 And so consequently I can't do anything about it.

12  
13 I would like to take this opportunity to  
14 remind everyone that the Regional Advisory Councils, of  
15 course, are the foundation of this program. That's -- if  
16 you look at Title VIII in ANILCA, the Regional Advisory  
17 Councils are specifically laid out under Section 805,  
18 their duties, their formation, and what they're supposed  
19 to do. All of those things that the Council says that  
20 they want to do, I try to faithfully take those to the  
21 Federal Board and other -- and Dr. Schroeder and I try to  
22 capture those. And that's the proper procedure to make  
23 changes in regulations and policies, and we'll talk about  
24 this later, but I just want to again put on the record  
25 that whatever the Council decides to do is where these  
26 things should start, right here at this Council.

27  
28 Are there any other questions on any of  
29 the Chair's duties or what happened this year.

30  
31 (No comments)

32  
33 CHAIRMAN LITTLEFIELD: Good. Okay.  
34 We'll just -- like Dr. Schroeder said, several of these  
35 are action items. We will take action on those that are  
36 appropriate.

37  
38 Dr. Schroeder -- or Dr. Garza.

39  
40 DR. GARZA: Thank you, Mr. Chair. Just  
41 as a courtesy, instead of 810, if we could say what it is  
42 for our new public that are not familiar with our jargon.  
43 KIC.

44  
45 CHAIRMAN LITTLEFIELD: Dr. Schroeder,  
46 would you explain what 810 means.

47  
48 DR. SCHROEDER: 810 refers to a section  
49 in the Alaska National Interest Land Conservation Act,  
50 and it's really the companion to the subsistence priority

1 in many people's view. What the subsistence priority  
2 does is it insures that subsistence will be provided for.  
3 In times of shortage, that there will be a priority for  
4 subsistence users, and whether that phrased in some  
5 meaningful preference or in another way. However, in  
6 framing the law, Congress recognized that the subsistence  
7 priority in and of itself wouldn't be enough if  
8 development activities or other land management  
9 activities eliminated whatever -- damaged or eliminated  
10 the species that subsistence users might be depending  
11 upon. So in other words, it wouldn't help you out very  
12 much if you had a priority for hunting deer or caribou  
13 and there were no deer or caribou. So 810 is the part of  
14 ANILCA that directs Federal agencies who are planning any  
15 land management action, and a land management action  
16 could be something as major as a large timber harvesting  
17 project. It could be something pretty minor, say a spur  
18 road or repairing a cabin, or another action.

19  
20 Basically it covers all Federal land  
21 management actions, and it sets a process for which the  
22 land manager has to go through certain steps to evaluate  
23 the impacts on subsistence uses. If the impacts on  
24 subsistence uses from the analysis look like there may be  
25 a significant restriction on subsistence uses, that would  
26 mean that the action would either reduce the population  
27 of animals people use, or fish that people use, or change  
28 the access or in some other way have a sig -- result in a  
29 likely significant restriction on subsistence uses, then  
30 the land management needs to hold public hearings to  
31 evaluate whether the land management action is -- should  
32 take place. The action may take place if the land  
33 manager finds that it's necessary, that it uses the least  
34 amount of land possible, and that the effects have been  
35 mitigated to the extent that is feasible.

36  
37 So this is -- it's a pretty important  
38 provision of ANILCA.

39  
40 CHAIRMAN LITTLEFIELD: Thank you, Dr.  
41 Schroeder. And we will get into this later. It would be  
42 section 810 of ANILCA, Title VIII, and we'll probably  
43 read the whole thing into the record at that point in the  
44 discussion.

45  
46 So that's all I have on the Chair's  
47 report.

48  
49 At this time we're on item 7, which is  
50 Council member reports. We are a rural advisory council,

1 which means we're composed of residents of the region,  
2 and those residents can be from anywhere in the region,  
3 even the non-rural areas. We represent all of Southeast  
4 and Yakutat, but each of us is from somewhere, like I'm  
5 from Sitka. So at this time what we do is ask each  
6 Council member if you would identify some issues that are  
7 in their communities that may or may not be known to us  
8 or any other issue or item that the Council member would  
9 like to comment on. This is the time to get that on the  
10 record.

11

12 So, Ms. Phillips, are you ready to start  
13 off on that end? We'll start with you. Ms. Phillips.

14

15 MS. PHILLIPS: Thank you, Chairman  
16 Littlefield. For community reports, our deer numbers are  
17 up, because of the milder winters, not as much snow as  
18 we've had in the past. Let's see.

19

20 There is a concern about halibut being  
21 harvested by sports fishermen, and making it more  
22 difficult for subsistence fishermen to get their halibut  
23 closer to home. And also the concern that sports  
24 fishermen are taking smaller halibut, below the legal  
25 limit size for commercial fleet, and thus reducing the  
26 potential of those smaller halibut to become larger  
27 halibut.

28

29 I'll close there. Thank you.

30

31 CHAIRMAN LITTLEFIELD: Okay. I hate to  
32 put our newest member on the spot, but basically it's  
33 kind of your mike and you can do whatever you feel is  
34 important at this time. Mr. Wright.

35

36 MR. WRIGHT: Okay. Thank you. I have  
37 the same concern as Patty, because I went commercial  
38 fishing for halibut in 2(C) and I dumped 15 miles of  
39 rope, ended up with 4,000 pounds, you know, of halibut.  
40 And that's -- and I have the same concern with, you know,  
41 sport fishing coming in with ping-pong paddles, you know,  
42 you can see through the halibut when you take the flesh  
43 off.

44

45 Another concern is king crab, subsistence  
46 king crab in the Port Frederick area. We can't do  
47 subsistence king crab, or in the Port Frederick, we have  
48 to kind of just outside. And I see the logic in that,  
49 because last year when I went tanner fishing, we set some  
50 tanner crab pots around the area that we fish tanner

1 inside Port Frederick, and we weren't getting any king  
2 crab. So I'm just wondering, you know, what is causing  
3 that. Port Frederick closes subsistence king crab.

4  
5 Another issue is the sockeye in  
6 Hoktaheen. I mean, there's a lot of people in our area  
7 that go to that place, you know, and I just wonder about  
8 is that place being over-fished, you know, the whole  
9 creek. You know, we've got several communities that end  
10 up going to that place, and the sockeyes and -- it's a  
11 long run from Hoonah. It's something like 50 miles, you  
12 know, and some of the boats, skiffs that go out there  
13 have to cross ocean waters to get to the place, and one  
14 guy came back with probably 10 sockeyes, you know. And  
15 that's a long, long run for subsistence fish.  
16 Subsistence fishing is supposed to be go get it and be  
17 done with it, and not have to burn more than what you're  
18 going to get of fuel.

19  
20 The price of fuel is outrageous. I mean,  
21 we had 500 gallons of fuel just for my long-line trip.  
22 1800 bucks. That's a lot of money. I mean, you're  
23 burning everything you've got. All your profits, you  
24 know.

25  
26 And the deer, I don't know what's going  
27 to happen, if we're going to have a tough winter, because  
28 I see snow on the mountains when we were flying over from  
29 Juneau, you know. And in the Hoonah area, the logged out  
30 area is -- they say -- well, they say that the deer like  
31 the clear cuts. I agree, in the summer when there's no  
32 snow. But when you get about five, six feet of snow, and  
33 you've got a clear cut, where do they go? They go into  
34 the little buffer strips that are there, and they eat  
35 themselves out with the amount of deer that go into the  
36 buffer strips.

37  
38 Those are just a few of my concerns, and  
39 thank you.

40  
41 MR. HERNANDEZ: Thank you, Mr. Chairman.  
42 I'm going to address my remarks towards concerns of the  
43 communities of Point Baker and Point Protection on Prince  
44 of Wales Islands where I spent most of my time here in  
45 the last six months. I'll leave any concerns for  
46 Petersburg residents to Mr. Bangs.

47  
48 We've had a successful fishing season  
49 commercially in the local area. Unfortunately the local  
50 subsistence fishery has not fared as well. We did not

1 have very good sockeye returns to the most preferred  
2 local stream at Salmon Bay for unknown reasons, and that  
3 kind of affected the local community.

4  
5 Our main concern that I'm hearing from  
6 local residents is about the rapid growth in the non-  
7 resident sport fishing which is taking place in the area  
8 with new lodges being opened in the area. As of this  
9 summer, we now have a capacity in lodge -- people staying  
10 within the Bay which would exceed the population of the  
11 local community if all the beds were filled at the local  
12 establishments. And that's starting to worry some of the  
13 local residents.

14  
15 There is an abundance of fish in our  
16 area, but it doesn't extend to all species. And we're  
17 concerned about what the impacts might be to some of the  
18 more localized stocks of fish that people depend on for  
19 their subsistence, especially the local rock fish  
20 populations. People have come from other areas, they  
21 just really seem to have an insatiable appetite to go out  
22 and catch as much fish as they can and there's been  
23 people living in that area, fishing on these local stocks  
24 for a long time and they've always remained healthy,  
25 because we've never really tried to go out and over-  
26 exploit them. We kind of depend on these localized areas  
27 that are easily accessible to everybody, and we haven't  
28 over-fished them. But we're worried that that is not  
29 necessarily so for people that come from other areas and  
30 really have no idea of what the local conditions are.

31  
32 There's two types of people, two types of  
33 operations in the sport charter business. And I know  
34 that some of my fellow Council members are involved in  
35 that industry. And when you have people going out on a  
36 guided fishing trip, and they're going out with people  
37 from the area, they're more respectful of what happens in  
38 that area. Unfortunately we're seeing a growth in the  
39 segment of the industry that brings people in, provides  
40 them with a place to sleep and a skiff, and sends them  
41 out on their own to catch fish. And those are the type  
42 of operations that have the largest impact.

43  
44 I know I've heard from some of my local  
45 residents that they're anticipating the need to start  
46 submitting proposals to deal with the situation. And in  
47 thinking about it, I kind of realize that maybe really  
48 what might need be needed is more of an education effort.  
49 I think that if people that were coming into these small  
50 rural communities had a better understanding of what the

1 local lifestyle was, they might be more -- take more care  
2 in how they use the resource. And I think that that  
3 effort we may be able to get some help from the Staff in  
4 maybe preparing -- maybe there already is some  
5 information available, but if there were brochures and  
6 things of that nature that could be passed out to people  
7 as they come to these operations, it might be helpful.  
8 And I think it would be very helpful if some information  
9 was passed out specifically about how delicate the rock  
10 fish populations are to over-exploitation. And I think  
11 that could be maybe a first step in kind of alleviating  
12 this problem before we have to start looking at  
13 regulation changes.

14  
15 The under-sized halibut is also a concern  
16 that's brought to my attention frequently.

17  
18 Other than that, our communities are  
19 looking forward to a successful deer hunting season. We  
20 have -- I think we're benefitting well from these  
21 extremely mild winters we've had recently, and that's  
22 what I'm going to be doing when I get done with this  
23 meeting.

24  
25 Thank you very much.

26  
27 CHAIRMAN LITTLEFIELD: We don't pass out  
28 here. Okay. I saw a couple of members just -- the ANB  
29 members, they get fined when they say that, so anyway --  
30 Mr. Kookesh.

31  
32 MR. KOOKESH: Mr. Chairman. With no  
33 disrespect to our Council members, but I'd appreciate it  
34 if they would speak into their mike a little closer,  
35 because sometimes you move left and right and closer.  
36 Sometimes you move left and right and you walk away from  
37 the mike, so voice kind of wavers, Mr. Chairman and Dr.  
38 Garza, and no names.

39  
40 But I was doing very fine when I was  
41 getting ready to do my report until Mr. Hernandez talked.  
42 And one of the positions I've taken as a Regional  
43 Advisory Council is to represent all of Southeast. And  
44 when you look at my position on this Council, I'm listed  
45 as -- my type is listed as subsistence. But I'm also a  
46 charter boat captain, and that kind of -- some of my  
47 discussion is going to go toward representing the  
48 commercial, because we do have more than just subsistence  
49 people in Southeast, and I can speak to charter, because  
50 I do both, and I don't have any problem with that.

1                   Unfortunately, in the charter business we  
2 can't have, as Mr. Adams has been alerted to, saying an  
3 extreme environmentalist, you know, in our boats. We  
4 can't have those, because they don't really exist that  
5 much, but we do get them in the charter business. And  
6 the stereotype is kind of a little out of order there,  
7 because I worked for a five-star lodge, and we don't have  
8 those people that go out there and just rip and pillage  
9 on the industry. There are more than one kinds of  
10 commercial fishermen.

11  
12                   And in defending the position, in Angoon  
13 I do this also in my community, is that halibut and  
14 salmon, I can make more on less fish than a commercial  
15 fisherman who catches like five times what I catch. I  
16 can beat him salary-wise on a daily basis. I'd rather  
17 give up a few fish for, you know, the economy we live in  
18 is a cash economy, so we have to embrace that, and I do  
19 embrace that. But there is money to be made in the  
20 charter fishery, and they're not all there just to kill  
21 it all.

22  
23                   I know for a fact that the self-guided  
24 ones that are mentioned, those guys struggle to catch  
25 humpies. Those guys are no threat to the fish or the  
26 fisherman. The self-guided aren't as impactful as we  
27 like to believe. And that was in defense of that.

28  
29                   To speak to issues on Southeast, I  
30 believe a lot of the impacts that we're feeling in this  
31 -- in our subsistence economy is based on the high cost  
32 of fuel. The high cost of fuel is affecting us in all  
33 levels. I don't know who made the -- or what year the  
34 regulation was made for two kings and six cohos and two  
35 halibut, but I bet you it was probably made in the early  
36 70s when gas was like 35 cents a gallon.

37  
38                   I believe that we have issues in  
39 Southeast where we need to change the regulations so that  
40 we can use as many rods as we want to to catch our quota  
41 faster so we can bail out. It's not worth it for a guy  
42 to go out -- maybe for the charter business those  
43 regulations should stay, but for the residents, we need  
44 to take care of business and get out of there. It's not  
45 always about catching -- the thrill of the catch or the  
46 thrill of the chase. It's about taking care of business.  
47 A lot of us don't always go up to the salmon stream and  
48 get those black, dying fish. A lot of us like the bright  
49 ones.

50

1                   But I think we need to look at that,  
2 because of the way the fuel costs are going. We need to  
3 start addressing those issues and start being a little  
4 more realistic in dealing with that.

5  
6                   On the issue of deer, I believe that for  
7 those of us, even though creating a national monument  
8 wasn't exactly a gift for the residents of Angoon, I  
9 believe that in terms of the lack of roads has probably  
10 been a blessing for us in terms of the deer, the  
11 population being probably at its best in Unit 4. I know  
12 we have a lot of residents that come from other areas to  
13 hunt, and I have no problem there, because the population  
14 is healthy.

15  
16                   Unfortunately we have some enforcement  
17 issues, or the lack of it, and I don't know how we're  
18 going to deal with those. For the amount of people  
19 sitting here, there's probably -- you don't see one  
20 enforcement person -- oh, well, one. But for a  
21 population of Angoon, for its size, we hardly see  
22 enforcement, and that's unfortunate, because, you know,  
23 you make these regulations, and you can't even enforce  
24 them. It's unfortunate.

25  
26                   We do have a big concern on sockeyes I  
27 believe. In talking to other people, that sockeye is a  
28 big issue, and we need to start looking at it seriously,  
29 and I believe that this Council should address it and  
30 make it our number 1 priority. We need to put sockeye as  
31 number 1. I believe that we look at TEK, I believe it's  
32 called TEK, the traditional ecological knowledge. We  
33 need to start looking and placing our values on the  
34 fishery. And we need to get down to business here.

35  
36                   There's a lot of concern around, and I  
37 for one who do the fishery on the halibut side of the  
38 issue, the way the regulation is going, it's  
39 criminalizing us. The regulations calling us for 30  
40 hooks, 20 fish. You show me one person that can catch --  
41 use 30 hooks and catch 20 halibut. I haven't seen that  
42 person. I've dropped a lot of gear. I've dropped 270  
43 hooks and I've only gotten six fish. And there's nothing  
44 substantial about them. I mean, I believe that the  
45 people that created the regulation meant well, but it's  
46 not penciling out, it's not realistic. And especially  
47 with the cost of fuel being what it is, we need to be  
48 able to stack, and people need to partner up. You can't  
49 go out there and fish by yourself. It just -- the math  
50 isn't there. You use a pencil or a pen, it will still

1 come out the same.

2

3 Just like I said, I have a brother-in-law  
4 that we were talking about halibut, and we hear comments  
5 about ping-pong paddles. You know, the whole commercial,  
6 sport, subsistence industry, I had a brother-in-law, and,  
7 you know, he doesn't claim to be the smartest, but he  
8 said what they need to do is they need to adopt the  
9 commercial 32-inch limit for everybody. Subsistence,  
10 Commercial and Sport. That's the way it should be. When  
11 we start going all over the place and letting people get  
12 ping-pong paddles, and all we do is turning against each  
13 other. We need to set a standard, and the standard needs  
14 to be set. We need to start going down that road here.

15

16 But like I said, the biggest thing tied  
17 to all of this is our rising fuel costs, and we need to  
18 make some adjustments.

19

20 Thank you very much.

21

22 CHAIRMAN LITTLEFIELD: Mr. Adams.

23

24 MR. ADAMS: Thank you, Mr. Chairman. I  
25 think the big issue in Yakutat still, you know, is the  
26 Hubbard Glacier. Can you hear me okay, sir?

27

28 MR. KOOKESH: You've got to drop the  
29 mike.

30

31 MR. ADAMS: And earlier this year we'd  
32 gotten wind that there was about \$10,000 appropriated  
33 from Congress to address the issue. A million dollars of  
34 that was going to be used by the Army Corps of Engineers  
35 to do some testing along the area where they thought it  
36 was going to overflow to find out what the stability of  
37 the soil and so forth was going to be like. And as far  
38 as, you know, actually going through the some of the  
39 options that the Hubbard Glacier Task Force had suggested  
40 as far as diversion, you know, it's going to cost  
41 anywhere between 15 to \$150 million to do any one of  
42 those seven options that they were reviewing. And the  
43 money just isn't there for that. I don't think Congress  
44 is going to, you know, fund anything of such a magnitude.

45

46

47 I'm on the tribal council, serving as its  
48 president, and the tribal council says, just let it go  
49 naturally and let's try to deal with the after-effects of  
50 it

1                   And so that's my real concern here, you  
2 know, as we speak is that if and when the glacier does  
3 close off at Gilbert Point, and then causes the overrun  
4 into the Situk River, it's going to swell that Situk  
5 River into about three to five times larger than what it  
6 is right now. It will also change it from a freshwater  
7 lake-fed river into a glacier river. And we're aware of  
8 that. It's going to be, you know, a devastating effect  
9 on the economy of the community.

10  
11                   But the idea for doing any type of  
12 diversion, you know, the tribal council, after listening  
13 to the elders who told us that this happened 150 years  
14 ago, and it made the Situk River into what it is today,  
15 one of the most productive steelhead and salmon rivers in  
16 the world, and it's recognized over the world. And so we  
17 also think, you know, that this the way that nature is  
18 cleansing itself. It's time for something like this to  
19 happen to that system.

20  
21                   And in talking with some of the  
22 biologists, you know, both State and Federal, Ben  
23 VanHelmuth for one, he told me, he says, you know, the  
24 secret for salmon is to have water. And so if this flood  
25 ever takes place, you know it's going to open up a whole  
26 new habitat in the Three-Mile or along Russell Fjord for  
27 new fish habitat. And we also realize that it's going to  
28 take, you know, years and years and years for that to  
29 develop.

30  
31                   So again like it happened 150 years ago,  
32 you know, it's possible, you know, that this could turn  
33 into a blessing to the community of Yakutat.

34  
35                   Our concern is whatever happens after  
36 this flooding takes place as we're -- where are this --  
37 the people of Yakutat going to go for their subsistence  
38 resources. This means going back down, you know, to like  
39 for instance my own tribal roots down in the Dry Bay  
40 area. And then there are some rivers in between, such as  
41 the Ahrnklin, the Dangerous, Italio, Akwe, and then the  
42 Dry Bay area. Which brings me, you know, a quick report  
43 on each of these rivers.

44  
45                   As you know, several years ago, I'd say  
46 in the the 1980s, the East Alsek River was really  
47 flooding in with a lot of sockeyes, and then all of a  
48 sudden, you know, late 80s, early 1900s -- 90s I'm  
49 saying, there was a big crash. And so, you know, we --  
50 the people of Yakutat began to wonder you know, what's

1 going on there, and we were able to gather a group of  
2 people from various agencies, Federal, State, Tribal,  
3 local government, to try to address the situation. As a  
4 result of those meetings, we came up with, you know,  
5 about four different different proposals that we were  
6 going to submit to the Subsistence Board, you know, for  
7 approval. And, of course, you know, we have done some of  
8 those.

9  
10 The TEK project is one. We wanted to  
11 find out, you know, how our people, you know, manage the  
12 resources a long, long time ago, and we have that all  
13 documented. And the purpose for that was to have that  
14 documented so that when you do any management schemes,  
15 you know, for those areas that we can bridge western  
16 science with TEK.

17  
18 And so we found, you know, that the East  
19 Alsek River has kind of been rebounding the last couple  
20 years. Last year, you know, they opened it up for the  
21 first time for commercial fishing. And then I guess, you  
22 know, they were kind of watching it. I was just talking  
23 to Jim Capra a little while ago, he spends a lot of time  
24 in Dry Bay, about, you know, what was happening down  
25 there. He said there's about three permits, you know,  
26 that were fished there this year. They established an  
27 escapement goal of I guess about, was it 1700, and then  
28 they haven't reached their goal yet.

29  
30 One of the interesting things that I have  
31 observed was, and a lot of people are commenting as well,  
32 is that the sockeyes and the silvers, you know, they're  
33 coming in late. And as Jim informed me a little while  
34 ago, the ones that have been coming into the East Alsek  
35 River, some of them haven't even spawned yet. And I'm  
36 just kind of wondering, you know, why so. And a lot of  
37 people are blaming it on global warming.

38  
39 I remember a couple, three -- no, maybe  
40 three or four years ago when we had unusually warm waters  
41 in the ocean, and I got a call from Lee Clayton from  
42 Klukwan. He was the tribal president of the Council  
43 there, and it was in December. And he was saying, you  
44 know, Burt, he says, there's fresh sockeye coming up the  
45 Chilkat River. And I said, oh, no, you know, the run is  
46 all over. And he says, no, he says, I have a whole bunch  
47 of them hanging in my smoke house right now, and they're  
48 nice and bright. And so somehow or another a run, you  
49 know, had made it's way back up there late in that  
50 season.

1 I really can't speculate, you know, what  
2 the reasons are, but, you know, a lot of people are  
3 saying because of the temperature of the water might have  
4 a lot to do with it.

5  
6 On the other rivers, the Akwe, Italio,  
7 last year they had some real good slugs of sockeye in  
8 there. And I think maybe that might have been some  
9 that's sure for this year. And then the Ahrnklin River  
10 as well, you know, showed some real good promise last  
11 year.

12  
13 The Ahrnklin like the Dry Bay or Alsek  
14 River is a muddy river, glacier river. So over the  
15 years, you know, we've had a hard time trying to  
16 determine the escapement in that river, and they used to  
17 use some of those clear water tributaries, you know, to  
18 get a guesstimate, but I think last year or the year  
19 before they started working on a system they called  
20 catch, tag and release. So they would catch, you know,  
21 some salmon down below the river, or, you know, down  
22 lower part of the river, and then would tag them, and  
23 then they would recatch them up in, you know, the upper  
24 part of the river. And they found this to be a real good  
25 measurement for the escapement, you know, of sockeye into  
26 the river, and it's been pretty healthy.

27  
28 So our concern, you know, if the Hubbard  
29 Glacier does overflow, then we need to continue to build  
30 on these other rivers so that, you know, the people of  
31 Yakutat will be able to migrate to those rivers and  
32 fulfill their subsistence resources.

33  
34 Price of fuel is a big thing up there as  
35 well. It's costing more for subsistence fishermen and  
36 hunters to go out and catch their fish and hunt their  
37 game.

38  
39 By the way, subsistence moose hunting  
40 opened on Saturday, and I'm happy to say that my sons  
41 were able to get their moose. They were one of the first  
42 ones. You know, it takes about maybe two or three, you  
43 know, to take care of our real big families, so they're  
44 going to try to go out and catch one or two more.

45  
46 I noticed that this year I've never seen  
47 so many deer in Yakutat. I mean, they're all over the  
48 place. And this is good, and I guess, you know, you can  
49 attribute that to the mild winters we've had the past  
50 three or four years. You know, the deer in Yakutat were

1 transplanted from Sitka way back in the 1940s. We never  
2 used to have deer there. And they really, really caught  
3 a real big hold, as far as, you know, population  
4 explosions are concerned. In fact, you know, I've seen  
5 stories where they were up and down, and this year, you  
6 know, almost everywhere that I've gone in Yakutat, along  
7 the Ankah (ph) area, out in the woods towards Situk, and  
8 in the islands, you know, you can almost see a deer there  
9 almost any time. So I'm real happy about that. I hope  
10 we can keep the population, you know, healthy. I know  
11 winter and, you know, wolves take their toll on the deer,  
12 and I think it's probably just because of the mild  
13 winters we've had the past few years.

14  
15 I'm also a charter boat captain, and one  
16 of the things that I really try to educate my clients on,  
17 you know, is the ping-pong paddles, and also the large  
18 one. The larger ones, you know, they're the spawners,  
19 and, you know, we want to release, you know, make sure  
20 that the ping-pong paddles are released back so that they  
21 can grow and come back, you know, in the future. And,  
22 you know, they've always been respectful, you know, of  
23 the education that I have tried to bring to them.

24  
25 I'll just tell you one story if I might,  
26 Mr. Chairman, about a group that I took. The oldest guy  
27 was 93 years old, and he had three sons, and they were  
28 all in their 70s. And one of the sons, you know, was  
29 just a short little guy, shorter than me, came up to my  
30 shoulder. And he got on the boat and he says, Captain,  
31 he says, I want you to catch me the largest halibut you  
32 can find in this bay. And he says, I don't want you to  
33 catch me any of those ping-pong paddles, and so I said,  
34 you know, sir, the attitude that you are demonstrating  
35 right here, you'll probably catch all of the ping-pong  
36 paddles. And so we went out and we lowered our gear, and  
37 he was catching all of the ping-pong paddles.

38  
39 Well, his dad, who was 93 years old, you  
40 know, caught onto a real big one. And it took him about  
41 40 minutes to haul that in, and his sons were trying to  
42 help him, you know, and he says, nope, I've got to do  
43 this all by myself. We were ready to get that in, and I  
44 told him, I said, you know, this is a spawner. If you  
45 want it, you deserve it. And, you know, he was the only  
46 one out of that many clients that I've had in the past  
47 who says that he wanted that big one. And I says, well,  
48 you deserve it. So I had to shoot it two times with my  
49 410, and then it took all of us, you know, to haul that,  
50 too, after it was dead. Then he threw his line overboard

1 again, and here he catches another big one, only this is  
2 a 90-pounder. And, you know, his son was still catching  
3 those little ones. And after he got done hauling that  
4 in, you know, he was so tuckered out, he sat on the  
5 engine cowling of the boat, and he says, -- he took his  
6 hat off, and he says, whew, he says, now I know why they  
7 only limit you to two.

8

9 But he was a good fisherman, and, you  
10 know, those are some of the things that I try to help,  
11 you know, my clients understand, you know, is that we  
12 need to have the resources returned to us, and the small  
13 ones and the large ones, you know, are the ones we have  
14 to release.

15

16 There's another one I was going to -- I'm  
17 going to save that for a later date, Mr. Chairman, so  
18 thank you.

19

20 CHAIRMAN LITTLEFIELD: Thank you. Mr.  
21 Stokes.

22

23 MR. STOKES: Thank you, Mr. Chairman.  
24 Our concerns here in Wrangell are basically the same as  
25 the other communities.

26

27 One of the real concerns I have is that  
28 the Toltans on the Stikine River have been saying that  
29 the U.S. fishermen are the ones that are taking all the  
30 fish, but this is not so. This year the gillnetters were  
31 not able to get many of the sockeye, because they were  
32 too deep. Apparently the water was warm, and they were  
33 running deeper. And on the Stikine, just across the  
34 border, why, the commercial fishermen were having a  
35 banner year. They were bringing them into Wrangell two  
36 trips a day with their fish. And after about two weeks  
37 when the fish have slacked off, they move upriver, up to  
38 a place that's called the Flood, the Flood Glacier, so  
39 they have another chance at getting them. So they hit  
40 them twice.

41

42 And then on up in Telegraph itself, why,  
43 the second year that the Toltans subsistence people have  
44 not been able to get any fish. Last year it was too hot.  
45 When they took their fish and hung them in the smoke  
46 house, the heat just -- the fish just fell off the skin.  
47 So they weren't able to get any fish last year. And this  
48 year they weren't able to get any of the fish. The river  
49 was too high, and they couldn't fish. So they went this  
50 year again there without any commercial or subsistence

1 fishing.

2

3                   And I told them that the U.S. didn't do  
4 too good. Bob will probably tell us later how many  
5 sockeye were harvested in the U.S., but I'm sure it's not  
6 too many.

7

8                   About the halibut, we have the same  
9 problem as you with the ping-pong paddle, but the  
10 commercial fishermen themselves are not getting any fish.  
11 I talked to a friend of mine who set 40 skates out in one  
12 of the prime areas, and they got only 1500 pounds after  
13 using those skates for three days.

14

15                   I have another concern about crab. We  
16 aren't able to get any crab here after -- the day after  
17 the commercial season opens, why we aren't able to get  
18 any at all. And they're fishing right out in front of  
19 town where we should be able to get our commer -- our  
20 subsistence crab. I know I took quite a beating by the  
21 local group that are commercial fishermen, but I plan on  
22 trying to get it opened only beyond a quarter of a mile  
23 out from town for the commercial guys. And hopefully it  
24 will work this time.

25

26                   One other thing about the Canadian  
27 fishermen after the sockeye, why the Canadian Government,  
28 seeing that they were doing so well, that they opened it  
29 for seven days a week, and I think this is completely  
30 wrong, but we can't say anything about it. And they --  
31 like the commercial Canadians take their fish and they  
32 sell them in Wrangell. And they were making two trips a  
33 day. They had bit totes plum full, and they were doing  
34 so well they brought them in, like I say, twice a day.

35

36                   I could go on and on about this, but I  
37 think I'll just stop right here. Thank you.

38

39                   CHAIRMAN LITTLEFIELD: Thank you. Mr.  
40 Kitka.

41

42                   MR. KITKA: Thank you, Mr. Chair. The  
43 people of Sitka, one of their concerns that's coming up  
44 is the rural determination. The Sitka population is more  
45 than 7,000 and this is the concern of everybody in Sitka,  
46 and we live a traditional lifestyle, subsistence. In  
47 Sitka we have a great concern over this.

48

49                   And our other concerns are pretty much  
50 voiced by much of the rest of the people on halibut and

1 charter fishing and what have you, and the depletion of  
2 stocks.

3

4 Another concern is the proposed road  
5 system. Maybe it's not so much a concern now, but as --  
6 when it was proposed, it was very much a concern.

7

8 And out other concern is probably finding  
9 a way to make more realistic laws that can be enforced a  
10 little bit, because some of the laws that are on the  
11 books, like the snagging for salmon in Redoubt, which is  
12 when you get in at a certain point, you're not allowed to  
13 snag, but the guided charter people come in their with  
14 their big lures and the treble hooks on them, and when  
15 there's no enforcement around, they are snagging. And  
16 this is one of the laws I'd like to see looked at a  
17 little more closely, because it seems like it causes a  
18 hardship on the local people that are trying to subsist,  
19 and they see this going on.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN LITTLEFIELD: Thank you. Dr.  
24 Garza.

25

26 DR. GARZA: Thank you, Mr. Chair. I have  
27 several things that are an issue.

28

29 In Ketchikan area, this is the second  
30 year that we have not had a hooligans return to the Unuk  
31 River, and that's quite important to us. We have several  
32 boats from the Saxman/Metlakatla area that go up there,  
33 harvest hooligans, bring them back and we're able to buy  
34 them. It's one of the most important foods in the spring  
35 time to the Ketchikan area people, and so it's quite a  
36 loss. In meeting with the local Forest Service  
37 biologists, we understand that this may be a concern for  
38 a third in our area, and we have to figure out what to do  
39 with it. And so if we do not have funds dedicated to  
40 hooligan research, then I will probably try and figure  
41 out how to do that.

42

43 The second issue, of course, is both the  
44 Saxman and Ketchikan area have concerns about the 10-year  
45 review for rural/urban status. Saxman unfortunately has  
46 made its way to the list and being reconsidered because  
47 of their proximity to Ketchikan. We have the ends of the  
48 roads on Ketchikan road system who currently have rural  
49 status actually by a fluke that are being reconsidered to  
50 change to nonrural status, because of their proximity to

1 Ketchikan. And we have, as the Council well aware of,  
2 Ketchikan and KIC's interest in reverting back to rural,  
3 since we've always been a rural community in our eyes,  
4 and I know that we've had the support of this council,  
5 but the KIC Council members will be reporting on their  
6 work toward that goal, and also asking for further  
7 assistance from this Council.

8

9 I served on the Unit 2 subcommittee which  
10 met for this last year. I think the committee process  
11 worked fairly well, and I was very disappointed to find  
12 that the Federal Subsistence Board did not see it  
13 necessary to create further subcommittees for future  
14 work, because it did give you opportunity for Council  
15 members, for rural members, for urban members to get  
16 together and meet in a meaningful manner and to come up  
17 with ideas and solutions that could be brought forward,  
18 and that in my opinion saves a fair amount of time for  
19 Council members.

20

21 In terms of the big picture, I guess in  
22 listening to the other Council members, I think that our  
23 Council has been, although I think we are a good Council,  
24 but I think we've been a little lax in thinking that  
25 perhaps one day the marine waters would be extended, and  
26 we would have subsistence protections for the majority of  
27 food that we harvest, and that is salmon and halibut and  
28 rock fish and other fishes that are found in the ocean.  
29 And it appears that that just isn't going to happen.

30

31 And I think as a Council we need to be  
32 more aware of what the State is doing. The State does  
33 have a requirement for a subsistence priority on State  
34 lands, and I don't think that the State has done -- has  
35 met their obligation. And in fact in Ketchikan it surely  
36 has not, which is why Ketchikan is I think desperately  
37 seeking protections through the rural process. And so I  
38 think that we as a Council need to, instead of saying,  
39 you know, we're getting enough of the king salmon, that  
40 the two fish per day is ridiculous for rural residents,  
41 and for subsistence. We need to start submitting as a  
42 Council proposals to the Board of Fish and to the Board  
43 of Game and try and remedy some of these situations,  
44 because it's clear that the State is not doing their jobs  
45 in terms of providing rural protections and I think that  
46 it's our job to wherever our subsistence foods are, that  
47 we start reaching out and figuring out how we can assist.  
48 And I think we've done that successfully in terms of  
49 halibut and supporting the efforts of Tlingit and Haida  
50 and the halibut subcommittee in Southeast that forwarded

1 the -- you know, gained subsistence rights for halibut in  
2 Southeast. That's an example of success, and I think we  
3 need to carry that on to other areas, and specifically to  
4 the State.

5  
6 Thank you.

7  
8 CHAIRMAN LITTLEFIELD: Thank you. Mr.  
9 Douville.

10  
11 MR. DOUVILLE: Thank you, Mr. Chairman.  
12 And thanks, Dolly, you hit on some good issues concerning  
13 like king salmon and other fish we use that are caught in  
14 salt water. They are very important.

15  
16 Virtually everybody that hunts on Prince  
17 of Wales that I know complained about having to use their  
18 tags in order, and having to carry all their tags when  
19 they're hunting. Also, if you don't report, you could be  
20 deprived of a license the following year. And none of  
21 this was the intent of this RAC as I remember it. And  
22 how we got to that point, I'm not sure. And I question  
23 the reasoning behind it. I don't understand why you'd  
24 have to do that, particularly in Unit 2.

25  
26 The other issue is there's no sockeye in  
27 Klawock or around Hydaburg, either. It was very poor. I  
28 understand that there was sockeye that came in and went  
29 through the weir in Klawock later, and 8, 10,000 or  
30 something, but no one got to fish any. It was closed by  
31 the State, because they didn't see any fish, but there  
32 was fish later as I understand. I haven't seen the  
33 numbers. So that was an issue also.

34  
35 But everybody is upset about the tags and  
36 the system we have to deal with. that was not our intent  
37 as I recall.

38  
39 Thank you.

40  
41 CHAIRMAN LITTLEFIELD: Thank you, Mr.  
42 Douville. I'm been trying to go through some of these  
43 notes so that I wouldn't cover them again. And many of  
44 my concerns are exactly as mentioned.

45  
46 I agree with Dr. Garza that the Council  
47 should address some of these issues, appropriate letters  
48 to the Board of Fish, the Board of Game, the North  
49 Pacific Fisheries Management Council, other agencies that  
50 regulate those fisheries, the halibut and the marine

1 waters. We should be proactive in making our comments  
2 known, because ANILCA wants us to do that. This is the  
3 place to discuss that, so I would say that that's a  
4 priority.

5  
6                   And I like Mr. Douville have real  
7 problems with this hunting license requirements. I've  
8 got a problem with the State of Alaska adopting  
9 regulations for fish and game that, because we have  
10 adopted their regulations, inadvertently affect our  
11 Federal Subsistence Management Program. Specifically one  
12 of them was the designated hunter permit. I have a real  
13 problem with that.

14  
15                   As Mr. Kitka mentioned, the rural  
16 determination's real high on the radar in Sitka, and is  
17 also Saxman and Ketchikan, it's a big issue, too.

18  
19                   We were very lucky and fortunate in Sitka  
20 to have a good year at Redoubt. Over 60,000 sockeyes  
21 were there, but I was also dismayed to see a lot of  
22 emails that I got from members and biologists that  
23 throughout Southeast it was very poor on the sockeye.  
24 And we need to find out and investigate what's going on.  
25 I have my own idea what's happening here, my own thoughts  
26 about some of the things we could do to protect the  
27 sockeye, and we'll discuss those a little later after the  
28 agencies give us some reports. I understand we're  
29 getting steelhead numbers, but that again falls in with  
30 the comment of Dr. Garza. We need to write these  
31 proposals to the appropriate boards and do our job there.  
32 That's -- if we're not getting sockeye in Bay of Pillars  
33 and Kutlaku and these other places, Hoktaheen, there's a  
34 reason for, and we would investigate and come up with  
35 what we think are the reasons, and make those thoughts  
36 known to the appropriate entities.

37  
38                   I was fortunate to serve on a panel the  
39 other night with Mr. Niles Cesar, who's the director of  
40 the BIA and we were discussing the economics of  
41 subsistence. There's a real lack of information on the  
42 economics of subsistence. Many of the elders have been  
43 reticent to have that stuff brought out, because they  
44 look at it as our way of life. But I think it's  
45 important that the subsistence economy is recognized by  
46 those competing interest, the commercial, personal use,  
47 and sport fisheries that are so proud to say how much  
48 their fish is and how many times you can divide it and  
49 how many times the dollar turns over. At that meeting I  
50 had mentioned that by my numbers, using the Federal

1 Subsistence Board numbers, and the latest survey, which  
2 was 1987 by Dr. Wolf, that's how bad the subsistence  
3 information that I was able to find is, that it's roughly  
4 a quarter of a billion dollars in the subsistence economy  
5 statewide for use and about \$60 million on Federal --  
6 under this program that we're in. I think those numbers  
7 are way low, and I think it's important that we get this  
8 information in the public domain so that people realize  
9 how valuable the subsistence is.

10

11 The one thing many members mentioned, and  
12 it was brought up at that panel, was the cost of fuel.  
13 With the cost of fuel driving everything, you're going to  
14 see increased demands on subsistence, because you're  
15 going to, as Mr. Kookesh mentioned I think it was, that  
16 we want to take -- or one of them, I forget who it was,  
17 maybe it was Mr. Wright, that you go somewhere and you  
18 get 10 sockeyes, that can't be. We need to be efficient.  
19 Where you can spend \$500 to go get five sockeyes, it  
20 doesn't -- it's not realistic. And the price of fuel is  
21 not going to go down in my estimation. I mean, there's  
22 only a finite amount of it.

23

24 I would like to see the Federal program  
25 initiate some action to get that subsistence economic  
26 data out, because it's really limited, 1987, unless the  
27 State has some other information they would be willing to  
28 share with us. But with the rural determination process,  
29 it seems real -- it seems that it could fit in there, you  
30 know, subsistence use amounts.

31

32 So I guess that's all I have on  
33 everything. It's been well covered by the other Council  
34 members. I'd like to thank them for their comments.

35

36 And what I'd like to do is set apart some  
37 time later on, if Dr. Schroeder can give us a quick  
38 compilation of what's going, what major comments -- like  
39 I have sockeye mentioned by six people, halibut by five,  
40 and stuff like that. We should probably discuss those  
41 later on in the meeting, and hopefully take some action  
42 on those.

43

44 And, Dr. Garza, did you have a comment?

45

46 DR. GARZA: Thank you, Mr. Chair. If I  
47 may out of order, I'd like to introduce Lee Wallace who  
48 is the president of Saxman. He did come in this morning  
49 and will work his way on the agenda later.

50

1 CHAIRMAN LITTLEFIELD: Yeah, we'll take  
2 care of that in just a second. I want to finish up these  
3 Council reports.

4  
5 And I also want to note for the record  
6 that we now have law enforcement here, which was  
7 mentioned a minute ago.

8  
9 Anyway, there's some other introductions,  
10 and this will conclude the Council member reports. I'd  
11 like to ask Dr. Schroeder to recognize the other members  
12 of Staff that have shown up, and then we also have some  
13 tribal members and other members of the public. We'd  
14 like to make you welcome and introduce yourself to  
15 everybody here.

16  
17 DR. SCHROEDER: Mr. Chairman. Taylor,  
18 could you give us a word?

19  
20 MR. BRELSFORD: Good morning, members.  
21 I'm Taylor Brelsford.

22  
23 CHAIRMAN LITTLEFIELD: Hold on a second.  
24 We'll turn the mike on here. Okay. You're a go.

25  
26 MR. BRELSFORD: I think I'm so pleased to  
27 finally get to come to the Southeast Council I forgot the  
28 protocol.

29  
30 Good morning. I'm Taylor Brelsford. I  
31 serve as the Staff Committee representative for the BLM  
32 Alaska. And while I've worked with the subsistence  
33 program for a lot of years, I think the last time I was  
34 at a Southeast Council meeting was in Kake many, many  
35 years ago.

36  
37 The BLM doesn't often have a lot of  
38 issues before the Southeast Regional Council, but I'll be  
39 here during this meeting to follow up on some items that  
40 Elijah Waters from the Glennallen Field Office brought to  
41 your attention last meeting. So I'm pleased to be able  
42 to join with you.

43  
44 Thank you.

45  
46 DR. SCHROEDER: Thank you, Taylor.  
47 Marty.

48  
49 MR. MYERS: Mr. Chair. Counsel. I'm  
50 Marty Myers with Forest Service Law Enforcement out of

1 Juneau. I'm glad to be here again this year.

2

3 And we're -- normally Ken Pierce would be  
4 here from the Southeast, but we've had people being taken  
5 off to provide support for Hurricanes Katrina and Rita,  
6 so about half of our force has been gone out of the State  
7 dealing with that aspect. So we've been running kind of  
8 short with people.

9

10 But other than that, I'm glad to be here  
11 to work with you folks, and we'll be talking later on.  
12 Thank you.

13

14 DR. SCHROEDER: And let's see, any staff  
15 come in since our introductions this morning? And any  
16 member of the public who wants to say hello. Please.

17

18 MR. WALLACE: Mr. Chair and Council. I'd  
19 like to thank -- turn the mike on. There it is. Sorry.  
20 Mr. Chair and Council, I'd like to introduce myself. Lee  
21 Wallace from the Organized Village of Saxson, tribal  
22 president, and I'd like to thank Dolly Garza for keeping  
23 in touch with me.

24

25 I signed in to give some testimony and  
26 some speaking later on. And I guess your Staff said  
27 they'll make some time tomorrow, which will be fine, but  
28 I just want to thank you and thank you for this  
29 opportunity to meet with your folks, and I look forward  
30 to having some dialogue with you tomorrow.

31

32 CHAIRMAN LITTLEFIELD: Okay. Thank you,  
33 Mr. Wallace. If you'll just wait a minute, we'll -- when  
34 do you need to make your presentation? We will certainly  
35 accommodate you. How long are you going to be here?

36

37 MR. WALLACE: I'll be here today and  
38 tomorrow.

39

40 CHAIRMAN LITTLEFIELD: Okay. We'll take  
41 care of it. We'll get you.

42

43 MR. WALLACE: Thank you.

44

45 CHAIRMAN LITTLEFIELD: There were some  
46 other members of the public. Would you please take this  
47 opportunity to introduce yourself? I see a couple of  
48 other faces.

49

50 MS. STEVENS-RAMSEY: Good afternoon. Or

1 good morning. I'm Sue Stevens-Ramsey, and last year I  
2 had my first opportunity to go to Sitka for herring at a  
3 camp over there, and it was very meaningful to me,  
4 because my grandparents lived in Sitka. they were  
5 associated with Sheldon Jackson.

6  
7 And I didn't realize the importance of  
8 fish, even though I was married to a commercial fisherman  
9 for 10 and a half years, until I finished my education.  
10 I realized -- I got master's in American Indian studies,  
11 and I realized that the salmon was like the backbone of  
12 the Tlingit, Haida and Tsimsian people. It's the  
13 backbone of our culture. And it's a very beautiful  
14 thing.

15  
16 So I'm happy that we have all of you to  
17 work on it for us.

18  
19 CHAIRMAN LITTLEFIELD: Thank you. Any  
20 other members in the back that we missed an introduction  
21 there? Turn the mike on.

22  
23 MS. NEEDTAM: My name is Cathy Needtam.  
24 I'm representing the Organized Village of Kasaan, and I'm  
25 here this week to -- we are currently running Fisheries  
26 Information Service projects, so we'll be giving an  
27 update hopefully during that session. And I'm natural  
28 resources manager for the tribe now. I formerly was with  
29 Patek (ph) Environmental Services, so you may have --  
30 some of you may have known me in that capacity. Thanks.

31  
32 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
33 I'd like to welcome all the new visitors and staff.

34  
35 At this time we're under public  
36 testimony. Before we do that, I have an announcement I'd  
37 like to make, and that's from the museum director, and he  
38 would like to inform the Council and the members of the  
39 audience that the doors are open and lights are on, and  
40 they're hoping to see you. They want to make sure that  
41 you have the opportunity to look at that.

42  
43 Secondly, we're going to have lunch,  
44 opportunity to feast on -- a second shot at that  
45 wonderful meal we had last night, and I suspect there  
46 will be some others. Mr. Stokes just went over to  
47 prepare that. And we're going to break early here after  
48 we do go through the process of public testimony. And I  
49 suspect as soon as we break up here, it will be at the  
50 Sun Building which is directly up this way.

1 UNIDENTIFIED VOICE: Snow.  
2  
3 CHAIRMAN LITTLEFIELD: Snow Building.  
4 Sun Building. You know where my mind is.  
5  
6 Are there any other comments here before  
7 we go into the rules of -- Mr. Adams.  
8  
9 MR. ADAMS: Thank you, Mr. Chairman. I  
10 must wanted to make note that Sue Stevens-Ramsey, who  
11 gave a presentation a little while ago, is a cousin of  
12 mine. Honest to goodness true cousin. And the  
13 grandparents that she mentioned are the same grandparents  
14 as mine. So I just wanted to acknowledge that.  
15  
16 CHAIRMAN LITTLEFIELD: Is she a Coho?  
17  
18 MR. ADAMS: I was going to say Shark  
19 (ph). I don't know, Sue, are you Coho? What tribe do  
20 you belong?  
21  
22 MS. STEVENS-RAMSEY: What?  
23  
24 MR. ADAMS: What tribe are you?  
25  
26 MS. STEVENS-RAMSEY: Oh, I'm Nona-a-yi  
27 (ph).  
28  
29 CHAIRMAN LITTLEFIELD: Okay. That's  
30 good. Okay. Anyway, where we are now is we're going to  
31 go into item 8, which is public testimony, and there is a  
32 process that we use. Dr. Schroeder will run us through  
33 the process for those members of the public that would  
34 like to testify. We're going to take a lunch break and  
35 then get into our fisheries proposals.  
36  
37 Dr. Schroeder.  
38  
39 DR. SCHROEDER: Mr. Chairman. Thank you.  
40 Our meeting is definitely open to the public, and we  
41 encourage people to testify both on proposals and on  
42 other things that may be of concern to them. What we  
43 usually do is open up for a public testimony period at  
44 this point in our meeting, if anyone has any issues that  
45 they wish to bring before the Council. And then as we  
46 proceed with proposal discussion, there's a spot for  
47 public testimony. I'll go through the procedures again  
48 when we get into what we need to follow for proposal  
49 discussion, but we listen to public testimony just before  
50 the Council goes into deliberations on proposals.

1                   So we welcome the participation from  
2 community members, and if there's anyone who wishes to  
3 speak to us now, this would be appropriate.

4  
5                   CHAIRMAN LITTLEFIELD: Are there -- thank  
6 you, Dr. Schroeder. Are there any members of the public  
7 that would like to address us on any issue at this time.

8  
9                   (No comments)

10  
11                  CHAIRMAN LITTLEFIELD: Dr. Schroeder?

12  
13                  DR. SCHROEDER: And just to keep track of  
14 our public testimony for our record keeping purposes, we  
15 do have sign-ups, and those are -- Melinda Hernandez in  
16 the back should have testifier cards that you should put  
17 your name on and say what you want to testify on, and  
18 then we'll call on you at the appropriate time in the  
19 meeting.

20  
21                  Thank you.

22  
23                  CHAIRMAN LITTLEFIELD: Okay. We're going  
24 to take a lunch break, and we should come back at --  
25 we'll call back to order at 1:00 o'clock, so if you could  
26 please come back about 10 minutes to one so we can all  
27 take our seats and get going. And we'll have a little  
28 longer lunch. So if there's anybody that needs a ride, I  
29 believe the Forest Service has some vans here that can  
30 take you to the rooms. Is there.....

31  
32                  One other thing before we go. Do we have  
33 distributions for the members that they could take care  
34 of some business right now, Melinda? Is there anything  
35 that you would like to distribute to the Council members  
36 so they could take care of business during lunch if they  
37 have an opportunity to do so? Okay. If you'll see  
38 Melinda, you know what I'm talking about. Okay.

39  
40                  We'll come back to order at 1:00 o'clock,  
41 and hopefully you'll come back a few minutes early.

42  
43                  (Off record)

44  
45                  (On record)

46  
47                  CHAIRMAN LITTLEFIELD: Come back to  
48 order. And we're on agenda item 9, which is the  
49 fisheries proposal for Council review. It starts on Page  
50 51, and this is a procedure that I'd like to have Dr.

1 Schroeder clarify for the public as well as the Council  
2 members of how we do this. We're going to start on  
3 Proposal 1, which is on 57, but before that, we're going  
4 to go through the procedure.

5  
6 Dr. Schroeder.

7  
8 DR. SCHROEDER: Mr. Chairman. The  
9 procedures we follow for those of you who have council  
10 books will be found on Page 2, at the top of the page.  
11 What we first do for each proposal is staff introduces  
12 and describes what the proposal's about and presents the  
13 Staff analysis. That's followed, second, by Department  
14 of Fish and Game comments. And following the Fish and  
15 Game comments we hear from any other federal, State, or  
16 Tribal agency comments, if there are any. We then  
17 receive comments from the Interagency Staff Committee.  
18 Following that, fish and game advisory committee  
19 comments, a summary of written public comments, and  
20 public testimony. I'll note that on a number of our  
21 proposals we may have some people calling in. And  
22 finally when we're done with the public testimony we  
23 reach Regional Council deliberation, recommendation and  
24 justification.

25  
26 And if someone does wish to testify on a  
27 proposal, please fill out a card and give that to Melinda  
28 or to me so that we have a good record of your name.

29  
30 Mr. Chairman, are we ready for Proposal  
31 1?

32  
33 CHAIRMAN LITTLEFIELD: Dr. Garza.

34  
35 DR. GARZA: Do we need to go through and  
36 do disclaimers?

37  
38 DR. SCHROEDER: Dr. Garza, we got a new  
39 ruling and we no longer have to do our ethics disclaimer,  
40 so unless people wish to do this, we can skip that.  
41 Well, we've had to do that for the last three or four  
42 meetings, and there was some change in the regulations,  
43 so that's no longer necessary.

44  
45 CHAIRMAN LITTLEFIELD: Okay. No burning  
46 desire here. Most of these proposals have a presenter  
47 listed after them. Who's presenter Proposal No. 1?

48  
49 DR. SCHROEDER: I will.

50

1 CHAIRMAN LITTLEFIELD: Dr. Schroeder.

2

3 DR. SCHROEDER: Mr. Chairman. Proposal 1  
4 is a proposal that was submitted by the Office of  
5 Subsistence Management. It begins on approximately Page  
6 57 I hope. Yes.

7

8 This is a statewide proposal, and it's --  
9 really the nature of this proposal is much more of a  
10 housekeeping proposal. The last two or three regulatory  
11 years we've had a number of proposals that deal with  
12 handicrafts, particularly handicrafts made from parts of  
13 bears, teeth, claws, et cetera.

14

15 In reviewing the regulations as they  
16 stand in the books, Staff found that regulations did not  
17 cover the sale of handicrafts made by rural Alaskans from  
18 the non-edible byproducts of subsistence-harvested fish  
19 or shellfish. And so the intent of this regulation, of  
20 this proposed regulation is to bring the regulations in  
21 line with the intent of ANILCA which does cover  
22 handicrafts, and to provide a means for people who wish  
23 to make handicrafts out of subsistence-caught fish or  
24 shellfish to be able to do so legally.

25

26 At the present time, the Federal regs do  
27 not provide for the sale of handicraft articles made from  
28 fish or shellfish. The intent of this proposal is  
29 basically to accommodate existing practices. So the  
30 intent is not to allow things that do not go on at the  
31 present time here.

32

33 This proposal is a statewide regulation  
34 that would have no effect on seasons, harvest limits,  
35 methods, means or customary and traditional use  
36 determinations. So those would all stand as they are.

37

38 As I said, current regulations contain no  
39 provisions to allow for the sale of handicrafts made from  
40 fish parts.

41

42 On Page 58 -- excuse me, Page 59, you can  
43 see the existing Federal regulation, and on Page 60 is  
44 the added part which would cover the non-edible  
45 byproducts of subsistence harvested fish and shellfish.

46

47

48 You'll note on Page 59 the definition of  
49 handicraft is one which was crafted a number of Federal  
50 Board cycles. This incorporates a good deal of the input

1 from the Southeast Regional Council in its  
2 recommendations for -- with respect to the bear  
3 proposals.

4  
5                   So the section on the top of Page 60  
6 would be the new section. There is some discussion in my  
7 notes provided by Helen Armstrong that at the present  
8 time State regulations don't allow for the sale of  
9 handicrafts made from non-edible fish byproducts,  
10 although the definition -- although this use is  
11 recognized in State definitions. We've been informed  
12 that the State is correcting their regulations, and will  
13 attempt to cover this subsistence use.

14  
15                   By way of providing regulatory history  
16 and biological information, the Federal program hasn't  
17 received any proposals regarding the sale of handicrafts  
18 made from non-edible fish products. We discussed the  
19 2001, 2003, and 2004 handicraft proposals with respect to  
20 bears.

21  
22                   As I said, the Staff's scrutiny of  
23 handicraft regulations with respect to the bear  
24 handicrafts got Staff thinking about other handicrafts as  
25 well, and that's why this proposal is before you.

26  
27                   Staff are aware of no conservation  
28 concerns regarding the use of non-edible byproducts of  
29 subsistence harvested fish or shellfish for the making of  
30 handicrafts.

31  
32                   The effects of the proposal, adopting the  
33 proposal would benefit subsistence users by providing for  
34 existing practices, and allowing the same opportunities  
35 to subsistence users under Federal regulations as  
36 Department of Fish and Game is proposing to be allowed  
37 under State regulations.

38  
39                   Staff found that there are no known or  
40 anticipated conservation concerns. And adopting this  
41 proposed regulatory language doesn't provide additional  
42 harvest opportunity.

43  
44                   The preliminary conclusion is to support  
45 the proposal for the reasons given. It would correct an  
46 administrative oversight of a practice described in  
47 ANILCA. It would reduce regulation complexity. And we  
48 note that the items used for handicraft use would require  
49 that the harvest be primarily for consumption, so people  
50 couldn't be harvesting things only for making

1 handicrafts.

2

3 And, Mr. Chairman, that concludes my  
4 summary of this brief proposal, and would take any  
5 questions at this time.

6

7 CHAIRMAN LITTLEFIELD: Thank you, Dr.  
8 Schroeder, and one of the things that he did as a  
9 presenter, and I would hope that our other presenters do  
10 the same thing was he led us through what page he was in  
11 our Council book, and I think that's real helpful for us  
12 to follow that. and when we get into our discussions,  
13 we'll -- if we do the same, it's helpful for everybody to  
14 know that we're on the same page.

15

16 Are there any discussions or questions  
17 for Federal Staff?

18

19 (No comments)

20

21 CHAIRMAN LITTLEFIELD: Hearing none,  
22 we're going to go to the second part, ADF&G, Fish and  
23 Game comments.

24

25 MS. SEE: Thank you, Mr. Chair. Members  
26 of the Council. Members of the public. My name is  
27 Marianne See with the Department of Fish and Game.

28

29 And as Dr. Schroeder just mentioned, the  
30 State is in fact submitting a proposal to the Board of  
31 Fish, the Alaska Board of Fish to provide for the  
32 provisions of essentially the proposal you have before  
33 you in the Federal program, which would make it legal to  
34 sell handicrafts made from skin and non-edible byproducts  
35 of subsistence harvested fish or shellfish.

36

37 And as it turned out, for some time  
38 agency staff had assumed that this was provided for in  
39 regulation, and when it came to our attention through  
40 looking at the Federal proposal that in fact it's  
41 prohibited in regulation, we agreed correctly to correct  
42 that, and in fact get a proposal in to Board of  
43 Fisheries. That proposal will be before the Board in a  
44 work session later this week in Girdwood. They have a  
45 two-day work session, and this is one of many agenda  
46 change requests before the Board of Fisheries. We hope  
47 that they will schedule and take it up in a regular Board  
48 meeting.

49

50 They have a couple of different for

1 scheduling. If they take this up Thursday, we may be  
2 able to report out during the course of this meeting on  
3 the outcome of their consideration. If it occurs later,  
4 we'll certainly update you as to the disposition of the  
5 Board on that proposal.

6

7 Thank you.

8

9 CHAIRMAN LITTLEFIELD: For the Council's  
10 information, the State ADF&G comments were included in  
11 the blue binder that were supplemental materials. So if  
12 you want to follow along the State's position.

13

14 And it would be helpful for us if we knew  
15 the State's position. In other words, whether you -- if  
16 you could whether you support it or oppose it or whatever  
17 the position must be.

18

19 MS. SEE: Mr. Chair. Yes, certainly in  
20 this case because the Department had instigated a similar  
21 request of Board of Fisheries we do support that a  
22 regulation go forward both in Federal and State rules so  
23 that it's consistent for both systems.

24

25 Thank you.

26

27 CHAIRMAN LITTLEFIELD: Thank you. Are  
28 there any questions for ADF&G.

29

30 (No comments)

31

32 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
33 We'll now go to any other Federal, State, or Tribal  
34 agency comments. Any of those agencies that would like  
35 to comment, please come forward.

36

37 (No comments)

38

39 CHAIRMAN LITTLEFIELD: The Interagency  
40 Staff Committee comments.

41

42 MR. KESSLER: Mr. Chairman. Members of  
43 the Council. I'm Steve Kessler with the Forest Service.

44

45 The Interagency Staff Committee doesn't  
46 have any comments for you on this proposal. There are  
47 only a couple proposals that I would be making any  
48 comments on. As in the base, do you want me to come up  
49 every time and say no comments?

50

1 CHAIRMAN LITTLEFIELD: I believe it's  
2 important, just as we would like the State to say their  
3 position. I think that we should cover all the bases.  
4 It only takes a second, and you could say whether you  
5 would support or oppose, too.

6  
7 MR. KESSLER: Well, we're just providing  
8 comments on the proposal, if there's something that we  
9 think that you need to take into consideration. We don't  
10 say support or oppose at this point. That comes at a  
11 later date, and, of course, that all goes before the  
12 Federal Subsistence Board which we represent. But we  
13 don't have an opinion on it one way or the other.

14  
15 There's a lot of support, obviously, for  
16 this one, and I would anticipate that the Federal Board  
17 would support it also.

18  
19 CHAIRMAN LITTLEFIELD: Any questions for  
20 Interagency Staff Committee. I have a question at this  
21 time. The definition includes, if we would look on Page  
22 59, it says, the last sentence says, the handicraft must  
23 have substantially greater monetary and aesthetic value  
24 than the unaltered natural material alone. This was a  
25 position of the Regional Advisory Council that that not  
26 be included, and my understanding and recollection was at  
27 the last meeting there was a minority and a majority  
28 opinion on that. The Interagency Staff Committee was  
29 divided on that position. And there was one other thing  
30 that was put in abeyance. And I wonder if you could  
31 cover those two items of where we were sitting on the  
32 sales to commercial business. Because it's probably  
33 going to be inserted in this language, and if you could  
34 cover that quickly.

35  
36 Thank you.

37  
38 MR. KESSLER: I don't have full memory of  
39 what occurred in the past. There were multiple opinions  
40 when we were talking about the handicraft definition, and  
41 the sale of bear parts, claws, et cetera that were made  
42 into handicraft. We talked about that during the  
43 wildlife regulatory proposals series.

44  
45 Here, this is much more narrow. We're  
46 talking about making -- this is associated just with the  
47 fish parts.

48  
49 Now as far as what was put into abeyance,  
50 if that's that correct word by the Federal Subsistence

1 Board, it had to do with the commercialization of  
2 handicrafts. And that is going to be coming forward to  
3 the Councils as a regulatory proposal in the wildlife  
4 series that's going to be following this fisheries  
5 series.

6  
7 And perhaps Bill Knauer, who's a  
8 regulatory person, would have additional comments on how  
9 that's going to come forward to you.

10  
11 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
12 That was just -- so there's probably more coming down the  
13 pipe on this. I just wanted the Council to know that  
14 we're probably going to see a little bit more on this  
15 definition of handicrafts both for fish as well as  
16 wildlife. All right.

17  
18 Thank you.

19  
20 Fish and game advisory committee  
21 comments. Are there any fish and game advisory committee  
22 comments. Anyone here from fish and game advisory  
23 committee.

24  
25 (No comments)

26  
27 CHAIRMAN LITTLEFIELD: Summary of written  
28 public comments, Dr. Schroeder.

29  
30 DR. SCHROEDER: Mr. Chairman. We have,  
31 excuse me, two written public comments on this proposal  
32 One is from Karen Pletnikoff, who's the Natural Resource  
33 Fisheries Coordinator for Aleutian Pribilof Islands  
34 Association, and Aleutian Islands Pribilof Island  
35 Association supports this proposal.

36  
37 And we have a letter from the Chilkat  
38 Indian Association, and LCIA also supports this statewide  
39 change in regulations, because it may help people in  
40 economically deprived regions to generate much needed  
41 cash in those areas.

42  
43 Further we do note that the, let's see,  
44 the Western Interior meeting was held in McGrath on  
45 October 4th and 5th, and the coordinator forwarded on  
46 their recommendation on this proposal, and they support  
47 it as written, because traditional people within the  
48 region made various items out of fish skin, in particular  
49 fish skin boots. They also note that the high price of  
50 fuel and supplies needed for subsistence harvesting.

1 Because of this the sale of fish handicrafts would help  
2 cover those cost. They had a recent culture camp near  
3 Nulato and youth learned how to make skin boots from  
4 fish.

5  
6 Mr. Chairman. That concludes our written  
7 public comments.

8  
9 CHAIRMAN LITTLEFIELD: All right. Right  
10 now it's number 7, which is public testimony if there --  
11 we have one card from Robert Samuelson -- or Robert  
12 Sanderson, excuse me. If you would like to come forward,  
13 please.

14  
15 If there are any other members of the  
16 public that would like to testify, Melinda Hernandez in  
17 the back can get you one of these blue forms. Dr. Garza.

18  
19 DR. GARZA: Mr. Chairman, I just have a  
20 quick question for Bob. The comments are from two people  
21 that have comments throughout the proposals here.  
22 Chilkat Indian Association, so those comments are from  
23 the association themselves, that's what I'm reading.

24  
25 DR. SCHROEDER: That's correct, Dr.  
26 Garza.

27  
28 DR. GARZA: And then for APIA, is it from  
29 APIA and Ms. Pletnikoff is simply signing the letter that  
30 transmitted the comments?

31  
32 DR. SCHROEDER: Dr. Garza, she'd their  
33 natural resources fisheries coordinator, and it's simply  
34 signed as Karen Pletnikoff with that title, so I'm  
35 assuming that it's from the agency. Or reflects the  
36 agency.

37  
38 CHAIRMAN LITTLEFIELD: Okay. And then  
39 just for the record, those are on Page 62. They had  
40 three of those, all supporting.

41  
42 So at this time we'll do public  
43 testimony. Mr. Sanderson.

44  
45 MR. SANDERSON: Okay. Thank you, Mr.  
46 Chairman. For the Council, my name is Robert Sanderson,  
47 Jr. I'm originally from Hydaburg. I sit on the KIC  
48 Tribal Council, I'm the council subsistence chair.

49  
50 Looking at this proposal, I'd have to say

1 that, well, KIC does support allowing sale of  
2 handicrafts. As we know that a lot of our things that we  
3 take from the sea and on our shores are -- let's take the  
4 -- I'm trying to -- let's see, red snapper here. I'll  
5 just use the red snapper, the collars, the ears, right.  
6 They use those as earrings, okay. And some of those  
7 bones that they use to take data off on the totem pole,  
8 they're well over 100 years old, you know.

9  
10 And even the backbone on fish, you know,  
11 they use those for necklaces. They string them to use  
12 that as part of their regalia nowadays. I don't know if  
13 any of you have ever seen that, but a lot of the parts  
14 that do come from fish and shellfish and stuff like that  
15 are used in regalia.

16  
17 I sit as the enrollment chair for KIC,  
18 and we have a big exodus coming in from the smaller  
19 communities, Craig, Klawock, Hydaburg, even Metlakatla.  
20 And a lot of these people that are moving into the  
21 Ketchikan area are artists. A lot of these people are  
22 coming over to try to get in the -- to get their cut on  
23 the tourist trade, because -- I forget who said that the  
24 -- well, a lot of these towns, while they're -- well,  
25 I'll use my home town of Hydaburg. They're economically  
26 just crushed. There's nothing there except for  
27 longshoring right now, but we do have a lot of artists  
28 there that can use a lot of these things. Abalone  
29 shells. Even people back home now, they're using clam  
30 shells, make pretty paintings on, and stuff like that.

31  
32 So I'd have to say KIC would support  
33 this, just because of the big exodus that we do have  
34 coming over from the island, or the islands in Southeast.  
35 And like I said, a lot of them are artists, and they use  
36 a lot of these things to make a living on.

37  
38 So if there's any questions, I could take  
39 them.

40  
41 CHAIRMAN LITTLEFIELD: Are there any  
42 questions for Mr. Sanderson.

43  
44 (No comments)

45  
46 CHAIRMAN LITTLEFIELD: Okay. Thank you  
47 for your testimony. Are there any other members of the  
48 public who would like to testify on Proposal No. 1.

49  
50 (No comments)

1 CHAIRMAN LITTLEFIELD: Okay. We have a  
2 teleconference person who would like to testify on  
3 Proposal 1, and we'll stand by here for a second while we  
4 try to get connected.

5  
6 (Pause)

7  
8 CHAIRMAN LITTLEFIELD: While they try to  
9 do that, let's -- if Dr. Schroeder could put the four  
10 criteria up on the screen, if you'll remember, the older  
11 council members have probably heard this many times, but  
12 there are four criteria that we need to cover. And,  
13 Frank, this is mostly for your benefit, because what we  
14 have to do is build the record for the Federal  
15 Subsistence Board. When we make a recommendation, it has  
16 to be based on these items that we'll put on the screen  
17 here in a minute, and that is, one is it's supported by  
18 substantial data, substantial evidence. Substantial  
19 evidence means that a reasonable person -- person.....

20  
21 UNIDENTIFIED VOICE: (Indiscernible, away  
22 from microphone)

23  
24 CHAIRMAN LITTLEFIELD: Okay. She told me  
25 to stay further away, that's why I'm staying back. But  
26 anyway, where was I.

27  
28 Substantial evidence. That means that a  
29 reasonable person weighing all of the evidence including  
30 the written testimony, the public testimony as well as  
31 the testimony of the State and the Federal Government  
32 would determine that this -- that your decision is -- you  
33 have enough data to do it, the evidence is there.

34  
35 Secondly, it doesn't violate rules of  
36 wildlife conservation. In other words, we need to -- we  
37 can't do things that violate conservation concerns.

38  
39 And we also need to know whether it's  
40 beneficial to subsistence users. If we take an action,  
41 it should be beneficial for subsistence users, or we  
42 should know the reason why. Any reason why we couldn't  
43 do that would be for conservation concerns.

44  
45 And, lastly, we always consider the  
46 effects that this has on other subsistence users.

47  
48 So these four items, I'd like to ask the  
49 Council to make sure that we cover these in their  
50 comments for every proposal, so that when the transcripts

1 are reviewed, it's clear to the Board how we come by --  
2 how we came by our decision.

3  
4 So at this time if you will state the  
5 page that you're citing, we are ready for action on  
6 Proposal 1, which is Page 57. And I need a motion to put  
7 Proposal 1 on the floor.

8  
9 MR. ADAMS: Mr. Chairman.

10  
11 CHAIRMAN LITTLEFIELD: Mr. Adams.

12  
13 MR. ADAMS: I move that we accept FP06-  
14 01, found on Page 57.

15  
16 CHAIRMAN LITTLEFIELD: Tell him to stand  
17 by a minute.

18  
19 MS. HERNANDEZ: Stand by, please.

20  
21 MR. BURKHARDT: Okay.

22  
23 CHAIRMAN LITTLEFIELD: Okay. We have a  
24 motion to accept FP06-01, and I'll add as shown on Page  
25 57, is that correct? Is there a second.

26  
27 MR. STOKES: I'll second it.

28  
29 CHAIRMAN LITTLEFIELD: It's been moved  
30 and seconded to adopt FP06-01, the language as shown on  
31 Page 57. Is there any discussion. And during our  
32 discussion, please cover the four points. Dr. Garza.

33  
34 DR. GARZA: Mr. Chairman, I think we're  
35 moving slow here, because we're used to having something  
36 a little more juicy that we all beat up for half a day.

37  
38 Mr. Chairman, I would support the  
39 proposed regulation. I understand that it is a statewide  
40 regulation.

41  
42 We were having some discussion over here  
43 about the -- whether or not the material has to be  
44 substantially altered, and what that means to an ear bone  
45 or a vertebra which, Mr. Sanderson was stating, is used  
46 for arts and crafts in Southeast. Whether or not an ear  
47 bone is substantially altered when you put a clip on it.

48  
49 CHAIRMAN LITTLEFIELD: Thank you, Dr.  
50 Garza. That's a good question. I tried to get a little

1 of that out of the Interagency Staff Committee, but it's  
2 probably more appropriate for Mr. Knauer to respond to  
3 that, because one of the questions I believe that are in  
4 the Q and A on bear handicrafts was whether if you  
5 drilled a hole through it and tied it around a necklace  
6 -- or a piece of string, is that handicraft, and their  
7 answer was no. Well, we think that's significantly  
8 altered.

9

10 But I guess I'd like to ask Mr. Knauer to  
11 respond to if you were to take an ear bone and put it  
12 around a piece of string, I know this might seem trivial,  
13 but to us it may not be, because we don't want to be  
14 cited for it. If you could respond to this real quickly  
15 for the Council. Is there any objection to having Mr.  
16 Knauer come forward. Please.

17

18 MR. KNAUER: I'm not intimately familiar  
19 with the process by which the ear bone is utilized. I'm  
20 hoping it's removed from the fish first, cleaned in some  
21 manner and then strung. Maybe someone can enlighten me  
22 on that, please.

23

24 CHAIRMAN LITTLEFIELD: Well, when we told  
25 you we would do that to a bear claw, your answer was no.  
26 So we're going to be doing the same thing with the ear  
27 bone.

28

29 Dr. Garza, do you have any comment on  
30 this.

31

32 DR. GARZA: Yeah. With rock fish, the  
33 ear bones are -- in the fact the fish is dead first. And  
34 then the ear bones are cleaned out and generally a small  
35 hole is drilled, and they're fashioned in a way that you  
36 can make earrings from them.

37

38 In addition, as Mr. Sanderson was saying,  
39 the vertebra of salmon are often used in regalia. If  
40 someone wants -- is trying to be much more traditional,  
41 then they will use salmon vertebra, in which case they're  
42 basically cleaned up and the hole is already there, and  
43 so you're not even drilling a hole in it, so it is not --  
44 as a vertebra is not technically being altered, it's just  
45 sort of being brushed off.

46

47 And so, I mean, they are seemingly easy  
48 things to discuss, but we just want to make sure that if  
49 an artist has these materials, that they're not going to  
50 get dinged for not substantially altering them.

1 MR. KNAUER: Certainly anything regalia  
2 is totally separate from handicraft issue. Regalia is  
3 not -- these are not prohibited in regalia. That's not  
4 considered a handicraft, and it's not normally sold. So  
5 that's totally different.

6  
7 But for handicraft, my personal opinion,  
8 I've not run this by our solicitors or any of the law  
9 enforcement people, but I believe that those other  
10 things, the otolith, the ear bones from ear bone from  
11 rock fish and other species, where they were taken in  
12 Federal waters, which in Southeast generally does not  
13 occur, and salmon skins, for example, and things like  
14 that would probably be included in the definition, and it  
15 could be readily utilized.

16  
17 CHAIRMAN LITTLEFIELD: Any follow up on  
18 that, Dr. Garza. Okay. Thank you, Mr. Knauer.

19  
20 I guess what we're -- we kind of take  
21 possession of this when we go and make a motion, and it's  
22 rare -- just a second. It's rare that we ask questions  
23 of, or let people comment on it afterwards, but if the  
24 Council has questions of any member of the Staff, they  
25 certainly can call on them during our deliberations.

26  
27 Dr. Garza, I think you may have had  
28 another question.

29  
30 DR. GARZA: Yeah, and I'm not sure how  
31 we'll get this clarified, but, I mean, two points here.  
32 One is what if I received the material from someone else,  
33 and I'm an urban resident, and I'm going to turn around  
34 and make crafts out of it that I sell. Does that fit in  
35 here. The same issue that we had with bear.

36  
37 Secondly, what if I make something and  
38 then I sell it as a piece of regalia at celebration 2006,  
39 then where does it fit in.

40  
41 CHAIRMAN LITTLEFIELD: Okay. What I  
42 tried to ask the Interagency Staff Committee to comment  
43 on this, because I know that it's going to come up again,  
44 but actually as far as this discussion on Proposal 1,  
45 we're only talking about adding these words, but we are  
46 definitely going to be reviewing again exactly what you  
47 were talking about in another proposal, because I expect  
48 to see a proposal from OSM again. We in the past have  
49 discouraged proposals that came from the top down,  
50 because we feel they should come from the bottom up, but

1 I suspect we're going to see another proposal next year,  
2 as Mr. Kessler mentioned, coming down the pike that has  
3 to do with handicrafts. At that time I guess we could  
4 address those concerns again that Southeast had of using  
5 those things. So maybe we should keep our comments just  
6 in mind. I have problems with that, too, but right now  
7 under the motion, we're only talking about the language  
8 in bold under nine on Page 57.

9  
10 So are there any other comments or  
11 additions on the language under nine, which is the  
12 motion. And we need to cover those four points, and I'm  
13 just going to say that for the record we have consent on  
14 this. We have three written comments that are in  
15 support. We have public testimony that's in support that  
16 we took at this meeting. State ADF&G supports this. The  
17 Feds support this.

18  
19 It is beneficial to subsistence users.  
20 It doesn't create any extra harvest opportunity, but it  
21 allows them to use those subsistence resources.

22  
23 It has absolutely no effect on any other  
24 subsistence user.

25  
26 And as the record states, there is no  
27 conservation concern at all.

28  
29 Is there any other discussion on Proposal  
30 1. Ms. Phillips.

31  
32 MS. PHILLIPS: Chairman Littlefield. I  
33 will be supporting the proposal. As outline in the  
34 effects of the proposal, adopting this proposal would  
35 benefit subsistence users by providing for existing  
36 practices, allowing the same opportunities to subsistence  
37 users under Federal regulations as the ADF&G is proposing  
38 under State regulations, as well as reducing regulation  
39 complexity.

40  
41 There are no known conservation concerns  
42 regarding the use of the non-edible byproducts of  
43 subsistence-harvested fish or shellfish for making  
44 handicrafts, because fish and shellfish cannot be  
45 harvested solely for raw parts to be made into  
46 handicrafts.

47  
48 Additionally, it's -- I think we're  
49 finally getting our point across to Federal Staff about  
50 our uses of subsistence harvests and some of our opinions

1 are not slipping through the cracks by them bringing  
2 forward this proposal. And I hope the same applies when  
3 it comes to redefining the definition of handicraft.

4  
5 Thank you.

6  
7 CHAIRMAN LITTLEFIELD: Thank you, Ms.  
8 Phillips.

9  
10 Are there any other comments or  
11 discussion from the Council on Proposal 1.

12  
13 (No comments)

14  
15 CHAIRMAN LITTLEFIELD: Are you ready for  
16 the question. Hearing no objection, let's -- all those  
17 in favor of FP06-01 as shown on Page 57 of your Council  
18 book, stating the definition as you may sell handicraft  
19 articles made from the non-edible byproducts, including,  
20 but not limited to the skin, shells, fins and bones of  
21 subsistence-harvested fish or shell fish, please signify  
22 by saying aye.

23  
24 IN UNISON: Aye.

25  
26 CHAIRMAN LITTLEFIELD: Those opposed,  
27 same sign.

28  
29 (No opposing votes)

30  
31 CHAIRMAN LITTLEFIELD: The recommendation  
32 of the Southeast Regional Council is to support Proposal  
33 FP06-01.

34  
35 At this time we have someone on line,  
36 Melinda.

37  
38 MS. HERNANDEZ: Are you there?

39  
40 MR. BURKHARDT: Yeah.

41  
42 MS. HERNANDEZ: Is that you, Chuck?

43  
44 MR. BURKHARDT: Yeah.

45  
46 MS. HERNANDEZ: John, are you on there as  
47 well? John Murgas?

48  
49 MR. BURKHARDT: I can barely hear.

50

1 CHAIRMAN LITTLEFIELD: Okay. At this  
2 time we have Chuck Burkhardt. He's.....  
3  
4 MS. HERNANDEZ: Can you hear us, Chuck?  
5  
6 MR. BURKHARDT: Yeah, just barely.  
7  
8 CHAIRMAN LITTLEFIELD: Chuck, if you want  
9 to stand by while we run through this proposal, you're  
10 more than welcome to, or if you're under time  
11 constraints, you can give your testimony at this time.  
12  
13 MR. BURKHARDT: I can just barely hear  
14 parts of it.  
15  
16 MS. HERNANDEZ: Chuck, do you want to  
17 wait until I do the presentation, or do you want to just  
18 go ahead and get your testimony out of the way?  
19  
20 MR. BURKHARDT: I can wait to hear your  
21 presentation. I can hear the rest of what's going on.  
22  
23 CHAIRMAN LITTLEFIELD: Hopefully you'll  
24 be able to hear what's going on. With the Council's  
25 permission, I would like to go now to Proposal 28, out of  
26 order, so that we can present this for the benefit of the  
27 -- excuse me, 23, Gustavus, and we're not out of order.  
28 I was going to jump the other proponent, excuse me.  
29  
30 Proposal 23. Melinda Hernandez.  
31  
32 MS. HERNANDEZ: Can you hear me okay,  
33 Chuck?  
34  
35 MR. BURKHARDT: Yeah, I can hear you now.  
36  
37 MS. HERNANDEZ: Thank you, Mr. Chair.  
38  
39 Proposal FP06-23 is requesting positive  
40 customary and traditional use determination for salmon,  
41 Dolly Varden, trout, smelt and eulachon for the Community  
42 of Gustavus in District 14, Sections 14(B) and (C). This  
43 was submitted by Chuck Burkhardt of Gustavus. He  
44 believes that residents of Gustavus should be able to  
45 fish under subsistence regs in these two sections.  
46  
47 At the present time, only residents of  
48 the City of Hoonah and in Chichagof Island drainages have  
49 customary and traditional use determination for these  
50 sections. At the present time no other rural residents

1 are eligible.

2

3

4 Gustavus is on the north shore of Icy  
5 Straits, east of Glacier Bay. The community was founded  
6 in 1914, and prior to these homesteaders, the Huna  
7 Tlingit traditionally utilized the land and waters on  
8 which Gustavus is located as well as what is now Glacier  
9 Bay National Park.

9

10

11 Subsistence harvest assessment research  
12 was conducted almost 20 years ago in Gustavus as part of  
13 the 1988 Tongass resource use cooperative studies. Since  
14 then, no harvest assessments have taken place, but these  
15 household surveys did provide a description of  
16 subsistence use patterns and documented a strong  
17 subsistence involvement from Gustavus. Residents of  
18 Gustavus at this time were found to harvest significant  
19 quantities of fish and wildlife, and virtually all of the  
20 households did use some -- at least some subsistence  
21 resources for their own use. Mapped out at that time,  
22 showed use of almost all of District 14 by at least some  
23 of the residents of the Community of Gustavus.

23

24

25 More recently, a field visit to Gustavus  
26 took place in June 2005. Interviews were conducted to  
27 explore issues related to subsistence, and to this  
28 proposal. A cross section of seven residents, including  
29 the mayor and four active harvesters took place. Several  
30 of the individuals interviewed feel that Gustavus is a  
31 subsistence-oriented community, noting that their  
32 family's consumption of harvested foods versus purchased  
33 foods did exceed 60 percent, and that there is a shift in  
34 Gustavus to a subsistence lifestyle. This was attributed  
35 to the rising cost of freight, fuel, electricity, et  
36 cetera.

36

37

38 These interviews indicated that there are  
39 a number of Gustavus residents who still do participate  
40 in the harvest of and rely heavily on subsistence foods.

40

41

42

43 There's still a strong pattern of  
44 distribution in the community, especially with elder  
45 members. Fish, deer, clams, and garden food stuffs were  
46 most readily identified as shared foods.

46

47

48 There is handing down of knowledge to  
49 younger community members and family members through  
50 direct participation in the harvest of wild foods.

50

1 Present day Gustavus includes a number of  
2 households of descendants of the original settlers. In  
3 addition to permanent year round residents, Gustavus does  
4 have a strong influx of people associated with tourism  
5 activities, excuse me. These temporary residents would  
6 not be eligible to fish under the regulations if they are  
7 adopted.

8  
9 The effects of the proposal. FP06-23  
10 would recognize customary and traditional subsistence use  
11 of the selected species in 14(B) and (C) by residents of  
12 Gustavus. This proposal's unlikely to affect overall  
13 harvest. Gustavus residents currently harvest under  
14 State of Alaska regulations.

15  
16 And our preliminary conclusion is to  
17 support the proposal. The harvest assessments that took  
18 place in 1988 documented the high level of participation  
19 in subsistence activities by residents of Gustavus. And  
20 the recent interviews with current residents indicated  
21 that the subsistence use documented in those earlier  
22 studies has continued.

23  
24 This analysis acknowledges that the Huna  
25 Tlingit have extremely strong cultural ties to these  
26 territories. The cultural ties associated with the area  
27 predate Russian and American jurisdiction over Alaska.  
28 This analysis fully respects the Huna Tlingit association  
29 with the area, and ANILCA does provide for recognition of  
30 customary and traditional subsistence uses for all rural  
31 residents.

32  
33 And, now, Chuck, do you want to go ahead  
34 and give your testimony?

35  
36 MR. BURKHARDT: Okay.

37  
38 CHAIRMAN LITTLEFIELD: No, stand by a  
39 minute.

40  
41 MS. HERNANDEZ: Hold on just one second,  
42 Chuck.

43  
44 CHAIRMAN LITTLEFIELD: We're going to go  
45 through the list, it will take just a second, Chuck.

46  
47 Right now I would like to ask the Council  
48 if they have any questions for the presenter. Any  
49 questions on the Federal presentation. Ms. Phillips.  
50

1 MR. BURKHARDT: I can't hear.  
2  
3 MS. HERNANDEZ: Just one sec, Chuck.  
4  
5 MS. PHILLIPS: Thank you, Chairman  
6 Littlefield.  
7  
8 Melinda, you said under State of Alaska  
9 regulations they can harvest?  
10  
11 MS. HERNANDEZ: Yeah, they harvest under  
12 state regs currently.  
13  
14 MS. PHILLIPS: Where does it say that in  
15 our booklet?  
16  
17 MS. HERNANDEZ: With the current.....  
18  
19 MS. PHILLIPS: No, under State of Alaska  
20 they can harvest.  
21  
22 CHAIRMAN LITTLEFIELD: Personal use,  
23 right?  
24  
25 MS. PHILLIPS: Does it say that in the  
26 booklet?  
27  
28 MS. HERNANDEZ: That they currently  
29 harvest under State regs?  
30  
31 MS. PHILLIPS: Yeah. Where does it say  
32 that?  
33  
34 MS. HERNANDEZ: It should be.....  
35  
36 CHAIRMAN LITTLEFIELD: Perhaps the State  
37 could help us next on that one maybe, because that's  
38 actually their regulation, and maybe we can direct that  
39 question to them rather than putting Federal on there.  
40 Would that be okay, Melinda, if we just asked ADF&G to  
41 answer that question.  
42  
43 Did you have follow up on that, Ms.  
44 Phillips. Are there any other questions for the Federal  
45 Staff.  
46  
47 (No comments)  
48  
49 CHAIRMAN LITTLEFIELD: Okay. First we  
50 have Mr. Hernandez and then Mr. Stokes.

1 MR. HERNANDEZ: Thank you, Mr. Chairman.  
2  
3  
4 Melinda, I was kind of interested along  
5 the lines of, you know, determining substantial evidence  
6 here. There were two studies down, one in 1987 and then  
7 you mentioned that seven people were interviewed in 2005,  
8 this past year. How would you characterize the extent of  
9 the work that was done in 1987 versus what was done this  
10 past year with interviewing seven people?  
11  
12 MS. HERNANDEZ: The 1987 study, you know,  
13 I could just speak to that a little bit, what I did look  
14 into it. It documented use of fish, wildlife. It was a  
15 pretty extensive study. They did maps, interviews about  
16 maps and what areas they did utilize. They also -- it  
17 was kind of a big household survey to kind of break up  
18 what they did utilize.  
19  
20 And then the interviews that I did this  
21 summer, it was basically just a small cross section of  
22 residents of Gustavus. It included the mayor, some  
23 active harvesters, a previous member of the Board of Game  
24 I believe. So it was just a pretty small interview that  
25 was conducted this past summer. I hope that answers your  
26 question.  
27  
28 CHAIRMAN LITTLEFIELD: Do you want to  
29 follow up on that, Mr. Hernandez? Did you have anything  
30 else on it?  
31  
32 MR. HERNANDEZ: Maybe just to clarify.  
33 In 1987, was that all part of the Truck study done  
34 by.....  
35  
36 MS. HERNANDEZ: The Truck study, yeah.  
37  
38 MR. HERNANDEZ: .....Department of Fish  
39 and Game?  
40  
41 MS. HERNANDEZ: Uh-huh. (Affirmative)  
42  
43 MR. HERNANDEZ: Thank you.  
44  
45 CHAIRMAN LITTLEFIELD: Okay. I have Mr.  
46 Stokes and then Dr. Garza.  
47  
48 MR. STOKES: Thank you, Mr. Chairman.  
49  
50 I didn't know that Gustavus had any

1 customary areas to fish.

2

3 MS. HERNANDEZ: Yeah, at this time they  
4 don't have any customary and.....

5

6 MR. STOKES: Well, why are we even  
7 considering it?

8

9 CHAIRMAN LITTLEFIELD: Just a second. I  
10 guess let's just let these -- let him finish his question  
11 before we respond, and these are questions about the  
12 Federal analysis. The deliberation of whether we  
13 consider it to be good, bad or evil is going to come in  
14 our deliberations, so what we want to do now is kind of  
15 ask Melinda to defend her presentation to us and any  
16 questions of the Federal Staff, and then we'll discuss  
17 what you're talking about later under deliberations.

18

19 Dr. Garza -- excuse me. Mr. Stokes, did  
20 you have any follow up on that?

21

22 MR. STOKES: No.

23

24 CHAIRMAN LITTLEFIELD: Okay. Dr. Garza.

25

26 DR. GARZA: Thank you, Mr. Chair.

27

28 So, Melinda, in terms of the subset  
29 survey that was done this summer, was that done using any  
30 social science survey method protocol? Was that a  
31 snowball survey or how was that set up?

32

33 MS. HERNANDEZ: I just did -- basically I  
34 went off of an interview schedule and kind of tried to  
35 list it by topic, asking them questions about -- just  
36 trying to compare the data from the 1988 study to see if  
37 those patterns are still relevant as far as their use,  
38 sharing patterns, distribution in the community, passing  
39 down knowledge to younger members. I was just trying to  
40 clarify that the patterns that were taking place then are  
41 still taking place now.

42

43 CHAIRMAN LITTLEFIELD: Follow up.

44

45 DR. GARZA: So in that process of  
46 interviewing those people, did you use what you would  
47 consider a social science technique?

48

49 MS. HERNANDEZ: Yeah, I believe so. I  
50 mean, I just -- I basically tried to make it less of a

1 survey and more of just kind of like an open interview  
2 with a standard schedule was what my main goal was.

3

4 DR. GARZA: And so the standard schedule,  
5 was that technique type? You've mentioned that twice.

6

7 MS. HERNANDEZ: No, it was just basically  
8 I tried -- I went along the same topic line. I just  
9 basically had different topics that I wanted to ask them  
10 about, going from more general to more specific.

11

12 DR. GARZA: And one follow-up question,  
13 Mr. Chair.

14

15 And in determining those seven, did you  
16 use a particular process for deciding who should be  
17 surveyed?

18

19 MS. HERNANDEZ: Well, I got -- I  
20 interviewed Chuck Burkhardt, the proponent, and then the  
21 mayor as well, and then just tried to ask around, kind of  
22 like a snowball survey, to ask about different  
23 harvesters, people who -- somebody from the National Park  
24 Service, just tried to get a different variety of people.

25

26 DR. GARZA: So it was sort of a  
27 combination of the snowball and the key informant?

28

29 MS. HERNANDEZ: Yeah.

30

31 DR. GARZA: Thank you.

32

33 CHAIRMAN LITTLEFIELD: Mr. Wright.

34

35 DR. SCHROEDER: Clarification.

36

37 CHAIRMAN LITTLEFIELD: And first Dr.  
38 Schroeder had a clarification, and then it would be Mr.  
39 Wright.

40

41 DR. SCHROEDER: Just a clarification.  
42 When Federal Staff gets proposals to analyze, we use best  
43 available data, and rarely are able to make any field  
44 visits whatsoever, so this effort was trying to find out  
45 since the last real substantial piece of work done in  
46 Gustavus was almost 20 years ago, in 1988, covering the  
47 1987 year, this was an attempt to do a little bit of  
48 truthing of that earlier data, so we definitely would  
49 like to do a larger scale project in Gustavus, but that  
50 wasn't in the offing this time around.

1 MR. WRIGHT: Yeah. Thank you, Mr. Chair.  
2 That's kind of what I wanted to ask, you know. I was  
3 wondering, you know, we 're talking seven people, and the  
4 Community of Gustavus is over, what, 150 or something?

5  
6 MS. HERNANDEZ: About that, yeah.

7  
8 MR. WRIGHT: And so are these seven  
9 people pretty much people that are fishermen or that just  
10 hang around the beach doing subsistence gathering, and  
11 does this study of seven people include, you know, like  
12 farmers or other people that, you know, live around that  
13 area? Because I -- you know, customary and traditional  
14 is a big issue with me as a Tlingit person.

15  
16 MS. HERNANDEZ: The cross section, I  
17 tried to include active harvesters. There's a couple of  
18 naturalists who have lived in Gustavus for a really long  
19 time. You know, I included the mayor in there to ask  
20 about, you know, the community in general. So, you know,  
21 with the cross section, we did try to get kind of a wide  
22 variety of people. I hope that answers your question.

23  
24 MR. WRIGHT: Well, I was just a little  
25 concerned because of the -- you know, such a small scale  
26 of people, seven people, and, you know, if I had an  
27 issue, then I would go after the people that I know,  
28 instead of going after at random group of people.  
29 Because if I was the mayor and I wanted to push an issue  
30 through, I would go to for those people that I know are  
31 going to speak on behalf of becoming customary and  
32 traditional.

33  
34 MS. HERNANDEZ: I see. I see. Yeah.  
35 And we did like I said the snowball survey, we kind of  
36 took, you know, a couple of people and then had them  
37 recommend us to different harvesters, but there were a  
38 couple people who were interviewed that, you know, didn't  
39 feel that -- who were kind of on the other side who  
40 didn't feel that Gustavus was a subsistence-oriented  
41 community. The individual from the Park Service and then  
42 there was another individual as well, so I think we did  
43 get kind of a wide scope with the small number that I was  
44 able to conduct while I was there.

45  
46 CHAIRMAN LITTLEFIELD: Okay. As Dr.  
47 Schroeder mentioned, even doing seven is quite a -- it's  
48 expansive as far as we're concerned, because we normally  
49 don't do this, so they did a little extra. And we can as  
50 a Council can debate whether that was substantial enough

1 for us later under deliberations. But this was her  
2 report, and it was for seven.

3  
4 Are there any other questions for Ms.  
5 Hernandez. Mr. Adams.

6  
7 MR. ADAMS: Thank you, Mr. Chairman.

8  
9 I do really need to have a lot of  
10 clarification on some issues here as well. It says on  
11 Page 67, you know, underneath that graph up that, or the  
12 table, second sentence, historically a group of  
13 agricultural homesteaders founded Gustavus in 1914. That  
14 tells me a lot about that community as well, that way  
15 back in those days, you know, I would say that they  
16 practiced, you know, their subsistence lifestyle and  
17 handed it down to their children and so forth and so  
18 forth.

19  
20 But I'm kind of, you know, at a loss  
21 here. We have eight issues of criteria that they have to  
22 meet, and I hope that the guy that's going to testify  
23 here in a little bit will be able to able to enlighten me  
24 on those issues, you know. In your opinion, do they meet  
25 all of those eight criteria, and if so, you know, maybe  
26 you can elaborate on the fact that a pattern -- like on  
27 number 6, a pattern of use, which includes the handing  
28 down of knowledge of fishing and hunting skills. Is that  
29 being practiced today.

30  
31 CHAIRMAN LITTLEFIELD: I think that the  
32 eight factors for C&T are an item that we should discuss  
33 under deliberations, each of those items. She just  
34 mentioned them here, so her recommendation is to support.  
35 We'd rather not put you under the gun. We'll deal --  
36 we're definitely going to talk about these eight factors  
37 when we get in deliberation. It's just more appropriate  
38 at that time.

39  
40 Are there any other questions for Ms.  
41 Hernandez on her presentation.

42  
43 (No comments)

44  
45 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
46 We're sorry to put you under the fire there for your  
47 first time I think you've done this, but anyway it was a  
48 good job.

49  
50 So at this time we'd like to go to the

1 Alaska Department of Fish and Game, and I'd ask them to  
2 first respond to that one questions from Ms. Phillips if  
3 you would, please.

4

5 MS. HERNANDEZ: Chuck, we're going  
6 through a little bit of testimony. We'll get to you in  
7 just a sec.

8

9 MR. BURKHARDT: Yeah, I can just barely  
10 hear anybody anyway.

11

12 CHAIRMAN LITTLEFIELD: Ask him if he can  
13 hear you.

14

15 MS. SEE: Mr. Chair. And through the  
16 Chair to Ms. Phillips. I'll start by answer the question  
17 as requested that came up earlier.

18

19 The State has a regulation under 5 AAC  
20 01.716, which is the customary and traditional  
21 subsistence uses of fish stocks, and the amount necessary  
22 for subsistence uses. and in that there are some  
23 relevant sections here. Particularly subsection 4 which  
24 says, and I'll just rad the first part of it verbatim.  
25 It says, salmon, smelt, and Dolly Varden/char in the  
26 waters of Sections 14(B) and 14(C). And then it goes on  
27 to speak to other areas. So that is the existing State  
28 regulation, which is a customary and traditional finding.

29

30

31 And that is actually referenced in the  
32 first part of the comments that are on the list of State  
33 comments that you should all have before you, because  
34 there is a distinction. If a finding were made by the  
35 Federal Board for the residents of Gustavus for these  
36 species, it would align with a portion of the regulation  
37 I just read, with the exception of trout. Trout is not  
38 addressed in the current State regulation. And that's  
39 because the Board of Fisheries has not made a finding for  
40 trout in those waters of District 14 for sections 14(B)  
41 and 14(C).

42

43 The Federal Staff analysis that's  
44 provided regarding this proposal, we think, should  
45 include an assessment of the customary and traditional  
46 use of trout by residents of Gustavus in these portions  
47 of District 14. And this was a comment that we first  
48 offered early in the process, in our comments of June,  
49 earlier this year, that we noted that that information  
50 really needed to be part of the analysis.

1                   The analysis that has been provided  
2 actually could have included the State's subsistence  
3 salmon permit data as a way of addressing that portion of  
4 the issue, but it wasn't included. And it is actually in  
5 that publication that's referenced the '02 publication by  
6 Fish and Game which is referenced in the analysis, but  
7 that data are not -- or those data are not there.

8  
9                   When the Department reviews any analysis  
10 of customary and traditional use, we look at the  
11 documentation about the species that are being requested,  
12 as well as the documentation of the harvest patterns  
13 themselves.

14  
15                   The Commercial Fisheries Division  
16 previously commented on this particular proposal that the  
17 local Department staff did not have documentation of  
18 eulachon in the Gustavus area, and that the Federal  
19 analysis did not address this question and still does  
20 not.

21  
22                   In addition, we had noted the specific  
23 needs for data about usage of the species, particularly  
24 trout.

25  
26                   So we feel those are information needs  
27 that really should be addressed. And it may be that  
28 there should actually be some specific questions or  
29 research to obtain the specific information regarding  
30 trout.

31  
32                   Thank you.

33  
34                   CHAIRMAN LITTLEFIELD: Are there  
35 questions for ADF&G. Ms. Phillips.

36  
37                   MS. PHILLIPS: Thank you, Chairman  
38 Littlefield.

39  
40                   Thank you, Ms. See. So does the State  
41 support or not support it or is neutral?

42  
43                   CHAIRMAN LITTLEFIELD: Thank you.

44  
45                   MS. SEE: Through the Chair. We would  
46 certainly not have an objection to the portion that would  
47 align the State and Federal provisions for customary and  
48 traditional findings.

49  
50                   As I noted though, trout, we would need

1 to see additional documentation about trout usage in  
2 order to be supportive of this. WE have our -- we have a  
3 standard for basically evidence or information to support  
4 any such finding, and we've noted that it's lacking in  
5 this analysis.

6  
7 We also did have a question, which I  
8 mentioned, about documenting whether eulachon are even in  
9 the Gustavus area, and we would need to see that  
10 addressed as well.

11  
12 Thank you.

13  
14 CHAIRMAN LITTLEFIELD: Follow up.

15  
16 MS. PHILLIPS: Thank you, Chairman  
17 Littlefield.

18  
19 Ms. See, is there a justification by the  
20 State that is readily available why there is C&T for  
21 salmon for 14(B) and (C)? If I understand you correctly,  
22 you said that there -- this proposal would align with the  
23 State's. So why is it that they have customary and  
24 traditional use? I mean, what is -- what are -- what is  
25 the justification for the State giving that, providing  
26 that customary and traditional use designation?

27  
28 MS. SEE: Through the Chair, we have  
29 research, which is actually mentioned in the analysis,  
30 that documents the use of salmon. And so we have  
31 information that shows that salmon's used in the area.  
32 There was evidence provided through those studies that  
33 was considered by Board of Fish, and that's how the Board  
34 of Fish came up with its regulatory findings of customary  
35 and traditional uses for those species of salmon, smelt  
36 and Dolly Varden/char. However, there was not data on  
37 trout. And that's why this regulation as proposed in the  
38 Federal regulations would not fully align with the State  
39 regulation, because this regulation before you includes  
40 trout. And the current State regulation does not. So in  
41 order to address that, again we feel there should be some  
42 documentation about the use of trout to substantiate that  
43 finding.

44  
45 CHAIRMAN LITTLEFIELD: Follow up.

46  
47 MS. PHILLIPS: Thank you, Chairman  
48 Littlefield.

49  
50 Ms. See, what I read in this draft Staff

1 analysis is at that time it made its determinations, the  
2 Board of Fisheries did not include all the areas known to  
3 be used by these communities, but stated that the areas  
4 delineated should be sufficient to allow subsistence  
5 harvesting to take place. The Board of Fisheries  
6 intended to review its customary and traditional  
7 determinations for all Southeast Alaska communities at  
8 future meetings to modify customary and traditional  
9 boundaries for communities with positive customary and  
10 traditional determinations, and to further examine  
11 information for communities that did not receive positive  
12 determinations in the Board of Fisheries initial review.  
13 However, the 1989 McDowell decision made it difficult for  
14 the Board of Fisheries to make additional community-based  
15 customary and traditional use determinations, and the  
16 initial determinations were not subject to further  
17 comprehensive review.

18  
19 I mean, so you're saying on the one hand  
20 that the State -- you know, there's evidence here  
21 supporting the State's position, but on the other hand  
22 I'm reading that these initial determinations were not  
23 subject to further comprehensive review. So, I mean, you  
24 know, I'm really confused. And I don't mean to be  
25 deliberating, but that's my point.

26  
27 Thank you.

28  
29 CHAIRMAN LITTLEFIELD: Just a second,  
30 that's part of the Federal analysis, but still it's fair  
31 game for you to address that, because I'd like to get you  
32 on the record for whether you support -- I think I  
33 understand what you said, but if you could say that you  
34 support the proposal with this and without, so that it's  
35 clear to the Council that we know where -- this State's  
36 position on this. So go ahead, and you can answer that  
37 question.

38  
39 MS. SEE: Yes, Mr. Chairman. And through  
40 the Chair to Ms. Phillips, we have no objection to  
41 portion of the proposal that aligns with the State  
42 customary and traditional finding that's in State  
43 regulation. And that portion is for salmon, smelt and  
44 Dolly Varden. The current State finding does not include  
45 trout. We would have to see evidence to support the  
46 inclusion of trout before we could support that portion.

47  
48  
49 And as to the mention of further  
50 consideration by the Board of Fisheries, at any time

1 through a proposal from the public, from an advisory  
2 group, from the Department itself, the Board of Fisheries  
3 could reexamine any of the findings that it has made in  
4 the past.

5  
6 CHAIRMAN LITTLEFIELD: So if we were to  
7 adopt this proposal, and then someone was to submit, we  
8 could be aligned, right?

9  
10 MS. SEE: Mr. Chair, with the exception  
11 of trout.

12  
13 CHAIRMAN LITTLEFIELD: What I'm saying is  
14 if someone submitted a C&T proposal to the State to allow  
15 them to do trout, then we could be aligned. Although  
16 aligning is not really one of our functions, we could be.  
17 And are there any other places where we are not aligned?

18  
19 MS. SEE: Mr. Chair, do you mean in this  
20 proposal? There is not.

21  
22 CHAIRMAN LITTLEFIELD: Well, one of your  
23 comments was that you don't like it, because we're not  
24 aligned. And is this unique in State regulations or is  
25 this only case where we're going to be nonaligned?

26  
27 MS. SEE: Mr. Chair, there are many cases  
28 where the regulations are not aligned. My point was  
29 simply about clarifying. There was an earlier comment on  
30 the record that the Federal proposal would align with the  
31 State regulation, and that's not exactly correct, because  
32 of the distinction between trout being included in this  
33 proposal, and trout not being included in the current  
34 regulatory finding by the Board of Fish. So I just  
35 wanted to make sure that was clear. It aligns with that  
36 exception.

37  
38 CHAIRMAN LITTLEFIELD: Are there any  
39 other questions for ADF&G? And again their comments are  
40 in the blue supplemental materials. Any other comments  
41 for the ADF&G.

42  
43 (No comments)

44  
45 CHAIRMAN LITTLEFIELD: Thank you. Any  
46 other Federal, State or Tribal agencies that would like  
47 to comment at this time? This is your opportunity. Mr.  
48 Johnson? Okay.

49  
50 (No comments)

1 CHAIRMAN LITTLEFIELD: At this time  
2 Interagency Staff Committee comments.

3  
4 MR. KESSLER: Steve Kessler with the  
5 Interagency Staff Committee, and we don't have any  
6 comments on this proposal.

7  
8 CHAIRMAN LITTLEFIELD: Thank you. Fish  
9 and game advisory committee comments.

10  
11 (No comments)

12  
13 CHAIRMAN LITTLEFIELD: Summary of written  
14 public comments, Dr. Schroeder.

15  
16 DR. SCHROEDER: Mr. Chairman. Yeah,  
17 we've received four written public comments on this  
18 proposal. Three of them are fairly lengthy. I did  
19 receive a request from Wanda Culp that her comments be  
20 read into the record. I'd like the Chair's advice as to  
21 whether I can read these in.

22  
23 CHAIRMAN LITTLEFIELD: Please proceed.  
24 And I guess I should offer that to all the other  
25 comments. If the Council would like to hear those  
26 comment written -- or read into the record, it's a good  
27 time to -- do you want to hear all of them?

28  
29 (No comments)

30  
31 CHAIRMAN LITTLEFIELD: There's actually  
32 letters that accompany this, and we're going to do Ms.  
33 Culp's so I would suggest that we go ahead. I don't  
34 think there are any lengthier than hers. All the other  
35 ones are less than that. So if we could read those into  
36 the record, the Counsel as well as the public will have  
37 that information.

38  
39 DR. SCHROEDER: Thank you, Mr. Chair.  
40 The first public comment I'll refer to is the Chilkat  
41 Indian Association comment. And the Chilkat Indian  
42 Association supports this proposal. They state that the  
43 Gustavus region of Southeast Alaska is fairly unpopulated  
44 and with limited economic opportunities. Gustavus is in  
45 need of the same rules for subsistence gathering as other  
46 similar areas in the region.

47  
48 The second public comment is from the  
49 Hoonah Indian Association. Let's see, and this is from  
50 Dave Belton who's Director of Cultural and Natural

1 Resources for Hoonah Indian Association.

2

3

4 In the past several days I have had the  
5 opportunity to have many conversations regarding this  
6 proposal with members of the Hoonah Native community and  
7 others, and I feel that it may be appropriate to share  
8 some of my observations and thoughts regarding this  
9 proposal. Interestingly, in nearly every case, this  
10 proposal has elicited a dramatic response and spurred an  
11 emotional discussion concerning the very definitions of  
12 the term subsistence and the concept of customary and  
13 traditional uses of wild renewable resources.

13

14

15 First, I found that almost everyone I  
16 spoke with was initially confused about the significance  
17 and implication of a positive C&T use determination for  
18 the Community of Gustavus as it applied to the Federal  
19 subsistence opportunity in our area. With regard to  
20 management regulations for harvest of fish and shellfish  
21 on Federal public lands and waters in Alaska, no one that  
22 I spoke with ever gave much thought to had much reason to  
23 consider that residents of other communities outside of  
24 Hoonah are excluded from the Federal subsistence  
25 opportunities in Sections 14(B) and (C), simply because  
26 they are not identified in regulations as having a  
27 positive customary and traditional use determination for  
28 District 14.

28

29

30 It was evidently assumed that these  
31 communities were most likely provided for by reason of  
32 their rural designation. I understand now that they are  
33 not, and I find it -- and subsistence by allowing them to  
34 be -- excuse me here. And subsistence is denigrated and  
35 used for granting additional personal use harvest  
36 opportunities disguised as subsistence or customary and  
37 traditional need. Personal use opportunities are already  
38 amply provided for by the State of Alaska and U.S. Forest  
39 Service under other regulatory mechanisms.

39

40

40 So Mr. Belton opposes this proposal.

41

42

42 We have a comment from Dr. Steve Langdon,  
43 professor of anthropology at University of Alaska.

44

45

45 Wanda Culp from Hoonah Indian Association  
46 informed me today about an application from Gustavus to  
47 be recognized as customary and traditional in some area  
48 of subsistence, but did not indicate which areas the  
49 request was being made for. Therefore, I have no written  
50 information about the request and little time to prepare

1 these observations. I'm offering the following comments  
2 based on research conducted concerning commercial fishing  
3 activities by Gustavus residents that I engaged in in  
4 1997 and '98 for the National Park Service. During that  
5 tie, I made numerous trips to the community and  
6 interviewed most of the commercial fishermen who resided  
7 in the area. I also read a number of documents  
8 concerning the history of the Gustavus areas and the  
9 special exemption it received in the mid-1950s from being  
10 incorporated into Glacier Bay National Monument.

11  
12                   it would appear to me that it would  
13 require a substantial stretch of the meaning customary  
14 and traditional as is used for ANILCA designation of  
15 activities to apply to Gustavus as a community now or at  
16 any time during its history.

17  
18                   The area now known as Gustavus falls  
19 within the traditional territory of the Wuckitan clan of  
20 the Huna Tlingit, the Huna Kaasu. A large traditional  
21 clan house was located at Strawberry Point and there are  
22 at least three, and perhaps more, Tlingit allotments in  
23 the Gustavus area to the east toward Excursion Point. At  
24 the time of the coming of white settlers to the area in  
25 the early 1900s, several Tlingit families had fish camps  
26 along the Salmon River, and other subsistence camps were  
27 located to the east along Excursion Point. I would note  
28 for the record that James Mackovjak's "Of Hope and Hard  
29 Work," 1988, recounts the actions taken by early white  
30 settlers to eliminate Tlingit subsistence camps on the  
31 Salmon River that receded Euroamerican arrival.

32  
33                   The earliest settlers in Gustavus, the  
34 DeBoer family and others, came to the area to establish  
35 farming, and not subsistence farming, but market farming,  
36 sale to markets in Juneau. Cattle were brought in later  
37 and sold for many years to the Excursion Inlet cannery or  
38 other canneries. The men worked at the cannery and as  
39 cannery watchmen, but also in Juneau at the mines. The  
40 men found trolling boring and no interest or heritage in  
41 commercial fishing from boats occurred. there was little  
42 involvement in actual fishing, putting up fish or other  
43 uses characteristic of standards generally used for  
44 customary and traditional subsistence activities. Little  
45 if any contact occurred with local Tlingit for the  
46 acquisition of knowledge about resource use of a wider  
47 subsistence nature. It was the importation of a  
48 Euroamerican farming/wage labor adaptation that did  
49 little to accommodate to local knowledge, resources, or  
50 conditions. It was not a subsistence-based existence and

1 the subsequent generations did not sustain the initial  
2 form of Euroamerican adaption to Gustavus.

3  
4 Unlike Alaska Native communities where  
5 customary and traditional subsistence practices can be  
6 traced back numerous generations from the present  
7 residents, there are very few, if any, descendants of the  
8 initial Gustavus residents, settlers, who remain in  
9 Gustavus. There are some who return on a seasonal or  
10 occasional basis, but those cannot be considered  
11 residents.

12  
13 The contemporary population of Gustavus  
14 is a heterogenous mixture of Euroamerican immigrants from  
15 different times, locations and backgrounds. Their  
16 traditions are fundamentally Euroamerican and lack the  
17 complex cultural and historical ties to the locations,  
18 resources, products, distribution, sharing and  
19 ceremonials that the true customary and traditional users  
20 of the area, the Huna Tlingit practice. Gustavus is a  
21 product of -- excuse me. Gustavus is a seasonal  
22 recreational community, an alternative back-to-the-land  
23 community and a community with some degree of identity of  
24 itself. These characteristics, however, do not make it a  
25 subsistence community. What other customary and  
26 traditional subsistence community in Alaska has a golf  
27 course as a hallmark of identity and cultural practice.

28  
29 In sum, the community of Gustavus does  
30 not meet the standards associated with customary and  
31 traditional uses that are characteristic of subsistence  
32 community under ANILCA and therefore should not receive  
33 such designation. Signed, Steve Langdon.

34  
35 Our fourth letter is from Wanda Culp who  
36 you may remember was very active in our discussion of  
37 customary trade last year.

38  
39 Only yesterday Hoonah got wind that  
40 Gustavus is requesting customary and traditional  
41 subsistence use designation. What, personal use  
42 subsistence is not enough for them? Already they have  
43 free reign on the use of our customary and traditional  
44 homeland, Glacier Bay. They harvest Glacier Bay crab for  
45 their bed and breakfast guest, and guess who received the  
46 lion's share of the Glacier Bay crab fishing  
47 compensation? Certainly not the ones who customarily and  
48 traditionally fished Glacier Bay before there was a  
49 Gustavus. If anyone cares to examine just who received  
50 all that Federal settlement money, it will be found in

1 thriving Gustavus. It was not the Huna fishermen, the  
2 ones who had most to lose, that is for sure. How many  
3 businesses were started in Gustavus with all that money?  
4 Everyone is so bent on making sure that low income is  
5 connected with subsistence. This does not count for  
6 Gustavus and all their existing advantages. Huna Tlingit  
7 had a high liner seine fleet that numbered over 30 before  
8 the State of Alaska closed our Inian Islands from us in  
9 the 1970s for experimental purposes, as was ANCSA that  
10 stripped us of our aboriginal claims to hunting fishing.  
11 Today Huna has two operating commercial multi-fishing  
12 vessels that also seine.

13  
14 Let's go back in time to 1925 when the  
15 National Park Service and conservation groups designated  
16 Glacier Bay a national monument under the fallacy that  
17 the bay was useless and unused by the Huna Tlingit,  
18 because we were, after all, so busy being assimilated by  
19 force. Now, let's check out the first expansion of the  
20 Glacier Bay Monument boundaries in 1938 that very  
21 negatively affected our Huna people with absolutely no  
22 regard to our existence, much less our use and occupancy  
23 of sacred homeland. Hoonah had then and still today have  
24 patented Native allotments that supposedly are protected  
25 under trust responsibility by the Department of Interior.  
26 This is demonstrated by the recent Glacier Bay National  
27 Park Service/State of Alaska land swap to accommodate a  
28 private enterprise which will negatively impact two of  
29 the patented Native allotments on Falls Creek inside  
30 Glacier Bay.

31  
32 Let's see. There's some discussion about  
33 a hydroelectric plant.

34  
35 Back in 1938 the Department of Interior  
36 gave more regard to the unpatented land users concerned  
37 about being included in the National Park Service  
38 expansion boundaries by eliminating the not yet  
39 established community of Gustavus. The formal  
40 recognition came in 1955. The expansion, or withdrawal,  
41 concern was branded by the editor the Alaska Daily Empire  
42 as a monstrous crime against development and advancement.  
43 Back then, the settlers laid claim to the rich farming  
44 country where now can lay claim to numerous other  
45 businesses where farming has been a distant and past  
46 notation.

47  
48 Wanda talks about ANCSA extinguishing  
49 Native aboriginal hunting and fishing rights with the  
50 promise of a Federal-State-Native compromise that

1 resulted in ANILCA Title VIII.

2

3

4 NPS -- the National Park Service is  
5 clinging to the fallacy of John Muir that our precious  
6 Glacier Bay was uninhabited by humans, though it was the  
7 Huna people that first took him into Glacier Bay on their  
8 way seal hunt in our ice box. All attitudes of that time  
9 clearly demonstrate that the white people did not  
10 consider us as human beings, and therefore do not merit  
11 civil or human rights. As a matter of fact, the Huna  
12 Tlingit are officially banned from Glacier Bay by Federal  
13 regulations of 1996 while almost doubling the number of  
14 large cruise ships allowed to enter those pristine waters  
15 of Glacier Bay. These are recent laws.

15

16

17 ANILCA Title VIII will always be the  
18 Federal Government's part of the Federal-State-Native  
19 compromise. Ours was the extinguishment of our  
20 aboriginal rights for hunting and fishing. The State of  
21 Alaska has not fulfilled their part of the compromise and  
22 the courts are not any better by denying that Title VIII  
23 was created because of extinguished rights, all the  
24 benefit and gain to the non-native population that never  
25 ends. What on Mother's Good Earth have Gustavus settlers  
26 sacrificed to think they merit C&T use? How outrageous  
27 they should even try this.

27

28

29 Haa Ahn Kha Woo Eeshan oo haan haa eet e  
30 daa shee.

30

31

32 The best of the best fishermen are now  
33 defeated and left on the beach while State of Alaska  
34 officials and ex-State officials now own the fisheries  
35 after they were privileged to the information extracted  
36 from the best of the best, the Tlingit fishermen. Et  
37 cetera.

37

38

39 We know our traditional use area  
40 boundaries and the magnificent history that comes with  
41 thousands of generations of use and traditional  
42 knowledge. None of the ones who live in Gustavus can say  
43 that with the passion we do, that this land of ours, that  
44 they live in within our midst. They do not have the  
45 history or the knowledge to claim customary and  
46 traditional use of subsistence.

46

47

48 This is an on-going battle of the Huna  
49 Tlingit that we will never give up. Gustavus dares to  
50 further distort the true meaning of customary and  
51 traditional use.

1                   Wooshkeetaaan, Eagle/Shark, Clan Leader,  
2 Sam Hanlon, Sr., is frustrated that there is not adequate  
3 time for the Huna to answer this claim of Gustavus. He  
4 did say, however, that is all for it if they can show  
5 one-quarter or more Huna blood quantum.

6  
7                   Mr. Chairman, that finishes Wanda Culp's  
8 letter to us, and also our written public comments.

9  
10                  CHAIRMAN LITTLEFIELD: Okay. Thank you.  
11 We normally have a summary, but in this case, I think it  
12 was appropriate probably to read those into the record.  
13 There will probably be quite a bit of discussion on this  
14 particular item. And for the record, that -- written  
15 public comments are summarized on Page 74 in your Board  
16 books, so you can see each one of those.

17  
18                  And one clarification. Chilkat or  
19 Chilkoot? I believe it was Chilkoot, is that correct?

20  
21                  DR. SCHROEDER: Chilkoot.

22  
23                  MS. PHILLIPS: Chairman Littlefield.

24  
25                  CHAIRMAN LITTLEFIELD: Ms. Phillips.

26  
27                  MS. PHILLIPS: Chairman Littlefield. Dr.  
28 Schroeder. Thank you for reading those documents into  
29 the record; however, I have to object to your censure of  
30 Wanda Culp's letter to the Council, and I understand that  
31 you felt like you needed to edit parts that were not  
32 pertinent to our discussion, but if Wanda put it into a  
33 written document, then she felt it was pertinent to her  
34 discussion. And in future -- at future times, I would  
35 prefer that you read the entire document with no censure.

36  
37                  Thank you.

38  
39                  CHAIRMAN LITTLEFIELD: Thank you. Dr.  
40 Schroeder, would you please read those comments that were  
41 left out.

42  
43                  DR. SCHROEDER: Thank you, Mr. Chair.

44  
45                  Ms. Phillips, I believe I skipped a  
46 portion that dealt with the hydroelectric issue. That's  
47 in the middle of her letter which you have before you.  
48 This was talking about -- started out talking about,  
49 let's see, the expansion of the Glacier Bay Monument  
50 boundaries in 1938 that very negatively affected the Huna



1 DR. SCHROEDER: Are you still there,  
2 Chuck?  
3  
4 CHAIRMAN LITTLEFIELD: Turn the mike on.  
5  
6 MR. BURKHARDT: Yeah, I'm still here.  
7  
8 DR. SCHROEDER: Let me turn the mike on  
9 for you here. Go for it, Chuck.  
10  
11 MR. BURKHARDT: Yeah, I do believe that  
12 the Gustavus people are eligible for subsistence use. We  
13 do require -- do need the fish and other means of  
14 subsistence use here in Gustavus for the cost of living  
15 is greater to get our food over here.  
16  
17 I know myself, I do a lot of hunting and  
18 fishing, and I feel that we're being excluded from it for  
19 the purpose that other people are coming in there and  
20 doing their hunting, too.  
21  
22 I know I like to eat different species of  
23 fish besides just salmon and halibut all the time. I'd  
24 like to be able to get back into eating steelhead and  
25 smelt and other fish. I know there's a great number of  
26 other people that would like to do it, too, here.  
27  
28 I don't see why we're being excluded for  
29 the fact that -- just because we live on the other side  
30 of the island here, and it seems like that we are.  
31  
32 I know that everybody thinks that we're  
33 not tribal over here, but I was born and raised in  
34 Juneau, and I was raised on smelt and different types of  
35 fish. And my grandparents come up here in 1936 and they  
36 did a lot of fishing, too, so I don't see why everybody  
37 else is being -- why we're being excluded from being able  
38 to fish over there.  
39  
40 And then the other thing is, just like  
41 our moose hunting over here. This year it was only two  
42 days. They were shooting cows. We only get nine percent  
43 of the cows out of Gustavus. The rest of them are coming  
44 out of Juneau. Next year -- or -- and the following  
45 years they'll probably do a drawing hunt here. What  
46 percentage of that meat are we going to get. We're  
47 probably only going to get four percent from the  
48 statistics that we got this year. So I don't see why  
49 people from Gustavus can't go over there and go fishing  
50 if they want.

1 I guess that's about all I really have to  
2 say on that.

3  
4 CHAIRMAN LITTLEFIELD: Okay. I'd like  
5 you to direct your questions through Dr. Schroeder so  
6 that he can control that and read them in to make sure  
7 that Chuck hears those. If anybody has any questions, go  
8 ahead and direct them to Dr. Schroeder.

9  
10 DR. GARZA: Thank you, Mr. Chairman.

11  
12 Through Dr. Schroeder, I guess I have a  
13 question for you about uses of several of the resources,  
14 specifically smelt as well as Trout. And so the question  
15 is, you did mention your use of salmon in Gustavus area,  
16 and use of smelt growing up in Juneau, but are there  
17 areas where residents use smelt in the Gustavus area, and  
18 are there areas where residents use trout in the Gustavus  
19 area? And if so, could you please expand upon those?

20  
21 DR. SCHROEDER: Chuck, could you hear the  
22 question okay?

23  
24 MR. BURKHARDT: No, I didn't hear the --  
25 I just heard the smelt and other salmon uses. I don't  
26 believe that there is any other areas over here to get  
27 smelt from, except from Glacier Bay, which you can go up  
28 and get trout, but they're limited on the size you can  
29 get, and they're hard to find. And I don't -- and I know  
30 the steelhead run is only 36 inches and you're only  
31 allowed one a year.

32  
33 DR. SCHROEDER: Dolly, did you have a  
34 follow up or clarification?

35  
36 MR. BURKHARDT: I didn't catch that.

37  
38 DR. GARZA: So, Mr. Burkhardt, so there  
39 are no places in the Gustavus area where you harvest  
40 smelt?

41  
42 DR. SCHROEDER: Chuck, the question from  
43 Dr. Garza is are there any places in the Gustavus area  
44 where you get smelt, meaning the Gustavus areas would be  
45 the area that you're requesting in your proposal I  
46 believe?

47  
48 Do I still have you, Chuck? Chuck, are  
49 you standing by? We've got to reconnect.

50

1 MS. HERNANDEZ: Chuck, are you still  
2 there?  
3  
4 DR. SCHROEDER: No. Mr. Chairman, should  
5 we take a couple minute break while we reconnect?  
6  
7 DR. GARZA: Mr. Chairman.  
8  
9 CHAIRMAN LITTLEFIELD: Dr. Garza.  
10  
11 DR. GARZA: While we do, and I guess I  
12 want to try and clarify my question in terms of the use  
13 and perhaps I should have done this as well with ADF&G.  
14 But what I'm trying to get a feel for is are there areas  
15 in the Gustavus area, in this area that's crosshatched on  
16 Page 65 where Gustavus people harvest smelt and/or trout.  
17 The Truck's data that is summarized on Page 70 doesn't  
18 demonstrate that they use it; however, it could have been  
19 that in the survey the question wasn't asked, so I'm not  
20 trying -- so I'm trying to find out whether or not they  
21 used it, and nobody asked the question, or whether or not  
22 there just isn't any smelt in that area to harvest, and  
23 they just listed these for C&T, because that's what we  
24 have for other C&Ts.  
25  
26 CHAIRMAN LITTLEFIELD: Okay. When we get  
27 under deliberations, we'll be able to call on Staff to  
28 justify table 3 comments and the State ADF&G will be  
29 invited to comment on these. There is a map over there  
30 that's -- I think it's the second one from the left, is  
31 that correct, Floyd, that has to do with the Hoonah? I  
32 can't quite see that far. Second left on the bottom.  
33 That is also the map that is in the book. So those are  
34 the areas.  
35  
36 And I think your question was where did  
37 they harvest smelt in that area? And are you talking  
38 about all of District 14, or are you talking about just  
39 in the Gustavus area, which is quite limited?  
40  
41 DR. GARZA: For the area in which they  
42 are requesting C&T determination for these resources. I  
43 want to know where they harvest them.  
44  
45 CHAIRMAN LITTLEFIELD: So if we get  
46 reconnected, that will be a question. We want to know  
47 where the people from Gustavus have been harvesting trout  
48 as well as eulachon, or -- and we have to remember, we're  
49 talking only about Federal waters here, not their use in  
50 the ocean of, on the marine waters.

1                   Let's -- we'll take a few minutes here.  
2 We'll come back with public testimony. Are there any  
3 other people who want to testify on this in the public.  
4  
5                   (No comments)  
6  
7                   CHAIRMAN LITTLEFIELD: Okay. We'll come  
8 back and we'll give Mr. Burkhardt one more chance, and if  
9 he's not available, then we will go to Regional Council  
10 deliberations. Are you there?  
11  
12                   MS. HERNANDEZ: Chuck, are you there?  
13 No. Just give us a couple minutes. We'll try to figure  
14 out where he's at.  
15  
16                   CHAIRMAN LITTLEFIELD: Okay. Let's take  
17 a break.  
18  
19                   (Off record)  
20  
21                   (On record)  
22  
23                   CHAIRMAN LITTLEFIELD: Back to order. Do  
24 we still have Mr. Burkhardt on the phone, Melinda?  
25  
26                   DR. SCHROEDER: Say, Chuck, do we still  
27 have you there?  
28  
29                   MR. BURKHARDT: Yeah.  
30  
31                   CHAIRMAN LITTLEFIELD: Please take your  
32 seats. We're going to come back to order here. Okay.  
33  
34                   We're back in session, and again please  
35 address your questions through Dr. Schroeder, and we have  
36 the teleconference on line.  
37  
38                   DR. SCHROEDER: Chuck, can you hear me  
39 here?  
40  
41                   MR. BURKHARDT: Yeah.  
42  
43                   DR. SCHROEDER: I'll just rephrase. We  
44 got cut off, and Dr. Dolly Garza was asking a question to  
45 see if you could say something about the use of smelt and  
46 trout by Gustavus residents in the Gustavus area that  
47 you're asking for for C&T, which would include going  
48 across there, too. So if you could comment on Gustavus's  
49 use of smelt and trout in the C&T area that you've  
50 requested?

1 MR. BURKHARDT: We go over to the Mud Bay  
2 area there and like to get smelt, trout. I guess I quite  
3 don't understand the question all the way on what she  
4 wants to know from me, but I know there isn't any area  
5 around here that I can get smelt, or other than Glacier  
6 Bay for trout. I've never seen any smelt up there in  
7 that area, in the Glacier Bay area. Hello?

8  
9 DR. SCHROEDER: Yeah, we're here.

10  
11 MR. BURKHARDT: Okay.

12  
13 DR. GARZA: Thank you, Mr. Burkhardt. I  
14 guess as part of this whole process, it's important for  
15 communities when they request a C&T determination for a  
16 resource, that they very specifically let us know what  
17 areas they use, often how long they've been using it, and  
18 how important those areas are. And so far this proposal  
19 is looking fairly broad, and although I definitely  
20 support the Gustavus rural status, I support Gustavus  
21 people as subsistence users, for us to take this forward,  
22 we have to be much more specific in terms of the use of  
23 these resources by your residents. And so it's not  
24 something that we can just say, okay, they use this area  
25 with these resources. We need to be a bit more specific  
26 on it.

27  
28 Thank you.

29  
30 DR. SCHROEDER: Chuck, just relaying the  
31 question here from Dr. Garza, she was saying that she  
32 supports Gustavus's rural status. For the Council to  
33 evaluate the customary and traditional use, she'd like  
34 more specific information on what areas are used, how  
35 often they're used, how long they've been used, and how  
36 important to the community. And these would be things  
37 like you mentioned Mud Bay, which I know is across the  
38 way there, and if you could comment on other areas that  
39 you and other Gustavus residents use, specific --  
40 particularly for smelt and trout, and also the importance  
41 of those, or any background you can provide the Council.

42  
43 MR. BURKHARDT: The only area that I've  
44 used, because -- it's the Mud Bay area, because it's so  
45 close for me to go to that I can find smelt at when  
46 they're in. Trout, I like going fly fishing and trout  
47 fishing while I'm over there, too, so I stop in there and  
48 do that. Like I said, our limited use on the Glacier Bay  
49 area ourselves for going for trout fishing is pretty  
50 limited on the size, and trying to find them to where

1 they qualify with the State regs. I haven't been able to  
2 venture on for other areas for the smelt. I mean, it's a  
3 lot further along for me to go.

4  
5 CHAIRMAN LITTLEFIELD: Dr. Schroeder, if  
6 you could ask the question of what kind of sharing  
7 patterns do they use? If he's fly fishing some trout,  
8 does he share those with other members of the community  
9 or -- you know, we're talking again, and I'd like you to  
10 remind him that we're talking about a designation for the  
11 whole community, not just a couple people, and ask if  
12 that exists. If he know of any of that that goes on.

13  
14 DR. SCHROEDER: Chuck, a question from  
15 Chairman Littlefield, concerning trout. And if you were  
16 out fishing for trout, if you could describe how those  
17 might be shared with other people in the community, and  
18 also if you knew of other people who practice sharing  
19 with their trout fishing, meaning that they go out and  
20 bring back trout and those trout would move in the  
21 community.

22  
23 MR. BURKHARDT: I know there's Bruce  
24 Smith and Gene Farleigh both I know go after eulachon and  
25 smelt, and I know I pass it around to people when I get a  
26 few trout and stuff, because everybody else likes to eat  
27 them, too. I just basically share them with the friends  
28 that I know here and stuff. I mean, we are a pretty  
29 tight-knit community. It's just like the moose hunting.  
30 When we go moose hunting, we all try to pitch in and  
31 share the meat. I mean, how much meat can a guy eat? I  
32 know I can eat a whole moose in a year, but there are  
33 other families here that, you know, rely on other  
34 resources, too, on fish, whatever. Even when I go coho  
35 fishing, I share salmon with people, you know. Halibut  
36 the same way, just like our shark cards we've got. When  
37 we go out halibut fishing, I share the halibut with  
38 everybody else. I mean, we do a lot of sharing around  
39 here. I mean, everybody does it. The same with deer  
40 hunting.

41  
42 DR. GARZA: So, Mr. Chairman, also where  
43 do they harvest salmon, and which species.

44  
45 DR. SCHROEDER: Chuck, a question from  
46 Dr. Garza. Where do people in Gustavus harvest their  
47 salmon, and what species are usually taken?

48  
49 MR. BURKHARDT: During the summer we  
50 usually -- when the coho season runs in is about the only

1 thing that I can think of. I don't like eating the  
2 summer kings too much, but we do it around -- out there  
3 around the island, Pleasant Island, Adolphus, Sunny -- or  
4 Point Gustavus. I myself like fishing right here close  
5 to home. I fish right off the point, off the end of the  
6 dock out here for my cohos. And along with the kings.

7  
8 MR. DOUVILLE: Mr. Chairman, I have  
9 question for this gentleman. I can't remember his name.  
10 I want to know where he catches salmon, Dolly Varden,  
11 trout, smelt and eulachon that are in Federal water, as  
12 Federal water's our charge, and the rest does not apply.

13  
14 DR. SCHROEDER: Chuck, the question from  
15 Council Member Douville. He'd like to know where you  
16 catch the salmon, trout, smelt, eulachon that would be in  
17 Federal waters as opposed to State waters.

18  
19 MR. BURKHARDT: Glacier Bay, that's the  
20 only Federal waters that I know of around here is up in  
21 Glacier Bay.

22  
23 DR. SCHROEDER: Dr. Garza.

24  
25 DR. GARZA: Thank you, Mr. Chairman.  
26 Yeah, and I think this is sort of the confusion that  
27 we're having, Mr. Burkhardt, is the area that is actually  
28 being considered for the C&T determination, because  
29 you're in a park area, that from my understanding can't  
30 have a subsistence use designation either through the  
31 State or Federal, so then the use would go out of Glacier  
32 Bay, but it would not include any marine waters, so the  
33 areas that you listed for salmon harvesting are not part  
34 of the areas that we can consider, and so we need to look  
35 at areas that are basically freshwater streams, rivers,  
36 creeks that you might harvest trouts of eulachons or  
37 other resources.

38  
39 DR. SCHROEDER: Chuck, a question from  
40 Dr. Garza. She's noting that, of course, Gustavus  
41 doesn't have federal land right there except for the  
42 park. The park is designated as being off limits for  
43 subsistence use. Couple that with the jurisdiction of  
44 the Federal program extends in -- does not extend into  
45 marine waters. So she's interested in having you talk  
46 about where you might catch a fish in lakes or fresh  
47 water areas that would be under Federal jurisdiction.

48  
49 MR. BURKHARDT: That creek over there in  
50 Mud Bay. That's the area that I usually go in is that

1 creek that runs up Mud Bay there for trout or eulachon.  
2 And that's Federal waters coming out of the land there,  
3 is it not?

4  
5 DR. SCHROEDER: Right, Chuck. I think  
6 that's Tongass National Forest land right there.

7  
8 MR. BURKHARDT: Yeah. Well, is that the  
9 question that she's asking? I guess I quite don't  
10 understand her question other than that. I know that we  
11 can't subsistence fish or use the Glacier Bay area, but  
12 Mud Bay Creek area there is the closest one for us to be  
13 able to go to. Either that or go over to like the  
14 sockeye run over there at Neva Creek. I've never seen  
15 any smelt running up there though, just Dolly Varden and  
16 sockeye, humpy. I haven't ever caught any cutthroat  
17 there. I don't even know if they're there.

18  
19 DR. SCHROEDER: Mr. Douville.

20  
21 MR. BURKHARDT: Hello?

22  
23 DR. SCHROEDER: Yeah, just hold on,  
24 Chuck.

25  
26 MR. BURKHARDT: Okay.

27  
28 MR. DOUVILLE: My question then, if Mud  
29 Bay is the only Federal water, which means above mean  
30 high water, in this case the harvesting is being done  
31 outside of Gustavus and the park, what's species  
32 specifically does Gustavus have a customary and  
33 traditional use, if that makes any sense.

34  
35 DR. SCHROEDER: Chuck, just paraphrasing  
36 Mr. Douville's question, he's saying that -- two parts.  
37 One is, Mud Bay and the fresh waters up there, the only  
38 area that you know of where people from Gustavus would be  
39 fishing in fresh water, which would be under Federal  
40 jurisdiction, and the second part is what species of fish  
41 would they be taking from -- either from the Mud Bay area  
42 or from -- if you know of other fresh water areas that  
43 are on Federal land.

44  
45 MR. BURKHARDT: The species of fish in  
46 that area is -- there's steelhead, cutthroat, Dolly  
47 Varden. Under the State regs right now, we're not  
48 allowed to keep anything over 36 inches, which I think  
49 this will open it up so we can, you know, keep a few more  
50 fish. I don't want to limit them out, or exterminate

1 them. I don't get any further in the areas really, I  
2 haven't -- in the past couple of years, or four years  
3 I've lived here, I haven't been able to get around too  
4 much more than just that area, because it's close to the  
5 Gustavus' area.

6  
7 CHAIRMAN LITTLEFIELD: Does anyone else  
8 have questions for the proponent.

9  
10 (No comments)

11  
12 CHAIRMAN LITTLEFIELD: Mr. Burkhardt, are  
13 you going to be available this afternoon if we have a  
14 question for you?

15  
16 MR. BURKHARDT: What was that?

17  
18 DR. SCHROEDER: Chuck, will you be  
19 available as we proceed into deliberations here?

20  
21 MR. BURKHARDT: Yeah, I can call back.  
22 I've got to go pick up my kids at school here. I think  
23 it's about time for me to go get them. I've got five,  
24 about seven minutes. Do you want me to call back?

25  
26 DR. SCHROEDER: We're going to be  
27 starting our deliberations at this time.

28  
29 MR. BURKHARDT: Okay. So when will you  
30 be through that, then?

31  
32 DR. SCHROEDER: We're just going to go  
33 into this, Chuck, right now. I suppose you could try to  
34 call back if that works for you.

35  
36 MR. BURKHARDT: Yeah, I'll call back,  
37 because I have to go pick up my children from school.

38  
39 CHAIRMAN LITTLEFIELD: Okay. I guess we  
40 kind of thrashed out this. We're on Proposal FP06-23,  
41 which is shown on Page 63 in your Council books. That's  
42 the language to add Gustavus. That's the executive  
43 summary. The written public comments are summarized on  
44 Page 74. The ADF&G comment is as specified in the  
45 supplemental folder and clarified by Ms. See, which is to  
46 -- they're in favor of the alignment, with a portion of  
47 it that would align with the State regulations.

48  
49 And just for the record, if you would  
50 want to look at the C&T designations that are currently

1 in existence for all of Southeast, I think they're on  
2 Page 51, so you're going to have to kind of flip around.  
3 For District 14, it would be on Page 52. And so those  
4 are all of Southeast, what they look like. So you're  
5 going to have to flip around a few pages here maybe as  
6 well as go through the C&T documents.

7  
8 Are you ready to make a motion to adopt  
9 FP06-23. A motion's in order. Mr. Kookesh.

10  
11 MR. KOOKESH: I believe on background, on  
12 Page 64, explains it a lot easier.

13  
14 CHAIRMAN LITTLEFIELD: Right. I just  
15 think for putting the motion on the floor, it's the  
16 proposed regulation that's on Page 63, and then we've got  
17 to cover everything after that. Just so that we're  
18 certain. They get to look in our book and get the exact  
19 page, so either one you want, 63 or 64 should cite the  
20 the page.

21  
22 Dr. Garza.

23  
24 DR. GARZA: Mr. Chairman, so you were  
25 looking at the language on Page 64?

26  
27 CHAIRMAN LITTLEFIELD: That's fine. Just  
28 make it clear for the record what page you're looking at  
29 and moving to adopt. The language on the middle of 64 I  
30 believe is the same as the language in the middle of 63.  
31 Just clarify for the record what you're doing.

32  
33 DR. GARZA: Mr. Chairman. I would move  
34 that we adopt FP06-23 as written on Page 64, that  
35 includes Gustavus for C&T determination in District 14,  
36 Section 14(B) and 14(C).

37  
38 CHAIRMAN LITTLEFIELD: Okay. Is there a  
39 second.

40  
41 MR. DOUVILLE: I'll second it.

42  
43 CHAIRMAN LITTLEFIELD: Okay. It's been  
44 moved and seconded to adopt the language on FP06-23 as  
45 shown on Page 64 in your Council book. It's in the  
46 center of the page. It says the proposed regulation for  
47 customary and traditional use.

48  
49 And again I'll remind the Council that we  
50 also have the four criteria that we've got to

1 substantiate for the Federal Subsistence Board, and we'll  
2 start off with any member -- Mr. Wright, did you want to  
3 go first. Any other Council.

4  
5 I think he could have told us where Mud  
6 Bay is. There's a map on Page 65. And perhaps it would  
7 be beneficial for the Council, I happen to know where Mud  
8 Bay, if Mr. Wright would tell us on there, kind of lead  
9 us through Mud Bay is. If we'll all look at that chart  
10 on Page 65, the map, if you can kind of tell us where Mud  
11 Bay is and that area.

12  
13 MR. WRIGHT: Yeah, Mr. Chairman. If you  
14 look at our boundary line on your left side of 14(B), it  
15 runs down along Lemasure (ph) and it hits Goose Island.  
16 There's a little island there that that line runs to, so  
17 that's 14(B). And that little cove inside Goose Island  
18 is Mud Bay.

19  
20 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
21 So we know where we're talking about there.

22  
23 Other Council.

24  
25 MR. DOUVILLE: Mr. Chairman.

26  
27 CHAIRMAN LITTLEFIELD: Mr. Douville.

28  
29 MR. DOUVILLE: Thank you, Mr. Chairman.  
30 I would have a difficult time supporting this proposal  
31 for the simple reasons that it is very poorly documented  
32 traditional and customary use of these people in all of  
33 these areas. Mud Bay is the only one that has been  
34 mentioned, and this person has used it the last three or  
35 four years. By giving them C&T and allowing them to use  
36 all of this area, it causes competition with Hoonah,  
37 which has a long established customary and traditional  
38 use of this area. And to give them added competition  
39 without proper documentation is -- I don't agree with  
40 that. I guess I can think of some other things that's  
41 down the road but that primarily has a concern for me.

42  
43 Thank you.

44  
45 CHAIRMAN LITTLEFIELD: Mr. Knauer, did  
46 you want to add something to that discussion.

47  
48 MR. KNAUER: This is Bill Knauer. Just a  
49 point of order, Mr. Chairman.

50

1 Competition and resource problems down  
2 the road are not part of the C&T program, C&T process and  
3 should not be considered. the only things that should be  
4 considered are whether a community has evidenced a  
5 history of use of certain species in a certain area.

6  
7 Thank you.

8  
9 CHAIRMAN LITTLEFIELD: Thank you. And  
10 just before you leave there, we're talking about a  
11 community, an area and not five fisherman or something  
12 like that. We are talking about Gustavus as community in  
13 whole that we will be making our decision, that should be  
14 clear, right?

15  
16 MR. KNAUER: That is correct.

17  
18 CHAIRMAN LITTLEFIELD: Okay. I'd like to  
19 let Mr. Douville follow up. I've got a couple. Dr.  
20 Garza and I thought I saw one other hand.

21  
22 MR. DOUVILLE: I'll pass for now.

23  
24 DR. GARZA: Thank you, Mr. Chairman.  
25 When I first read this proposal, I was certainly willing  
26 to support it, because it's another community is using a  
27 resource. And I in understanding ANILCA, ANILCA is not a  
28 native law. This is for residents of rural communities  
29 to have opportunities, and we have many communities in  
30 Southeast that are not native based, but have C&T and  
31 rural determinations.

32  
33 However, and in looking at the four  
34 criteria, substantial evidence, I could not get that  
35 information out of Mr. Burkhardt, and that was the intent  
36 of my questioning was where do you use the resource and  
37 how much do you use, and what are you using. And the  
38 answers I heard from him were primarily opportunity. And  
39 if I had asked that question of residents of Ketchikan or  
40 Saxman or Prince of Wales, they would have rattled off  
41 dates and times and rivers and amounts and gear and all  
42 sorts of information of their uses, and I did not hear  
43 that, which leaves me very concerned about the first  
44 issue of substantial evidence.

45  
46 So while I support Gustavus as a rural  
47 community and having rights to C&T determination for  
48 resources, I did not see that in this proposal, and I did  
49 not hear that from the man who presented for Gustavus, so  
50 I would be inclined to vote against it.

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: That question came  
4 up several times, and if the Council will permit me to  
5 ask Mr. Turek to come forward and see if he can add any  
6 information on where -- in other words, if you could  
7 answer Dr. Garza's question of whether that areas exist  
8 that you know about in the State. Is there any objection  
9 to doing that?

10

11 (No comments)

12

13 CHAIRMAN LITTLEFIELD: Mr. Turek, please.

14

15 MR. TUREK: Mr. Chair. Dr. Garza. I'm  
16 Mike Turek, Alaska Department of Fish and Game, Division  
17 of Subsistence.

18

19 Point of clarification. You're asking  
20 about use areas of Gustavus?

21

22 CHAIRMAN LITTLEFIELD: Dr. Garza, would  
23 you rephrase the question for Mr. Turek, please.

24

25 DR. GARZA: Thank you, Mr. Chairman.

26

27 The concern I had was in the four  
28 criteria, the first is substantial evidence for C&T  
29 determination. And while there is information on use  
30 from the Truck study in '87, the information we received  
31 that they continue to use these resources, you know, is a  
32 good effort on the part of Forest Service, although given  
33 limited time and staff, that was a limited project. And  
34 so we're trying to figure out whether or not Gustavus  
35 residents continue to use any of these resources in  
36 Federal lands that would reflect a -- or would lead us to  
37 want to provide a C&T determination.

38

39 MR. TUREK: Dr. Garza. Chair. I'm  
40 afraid I can't add anything to that. The only data that  
41 we have, the Division has, is from that '88 Truck, dated  
42 '87 harvest year. And I personally haven't done any work  
43 in Gustavus and haven't done a close review of that data,  
44 so I couldn't say where they're fishing on Federal  
45 waters. I'd have review the Data, and then I wouldn't  
46 even -- I don't even know if it would show up on that,  
47 because that was pretty brush location data that we had  
48 at that time.

49

50 CHAIRMAN LITTLEFIELD: While Mr. Turek is

1 here, are there any other questions that he can answer  
2 about the State's position on use areas.

3

(No comments)

4

5

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CHAIRMAN LITTLEFIELD: Okay. Thank you, Mr. Turek. Other Council. Again, I remind you that we've got to do the four criteria here. We've got to establish that substantial evidence has been presented through the data that allows us to make our decision either opposed or in favor. It has to -- we have to determine whether there are any conservation concerns, whether it violates recognized rules of wildlife conservation. We have to determine whether this is beneficial for subsistence users, and the effect on other subsistence users. And those need to be clarified for the record.

And again I remind everyone that the C&T, if you were looking at the eight factors, the eight factors are on Page 68 that would determine a C&T.

So other Council. Mr. Adams.

MR. ADAMS: Thank you, Mr. Chairman. I think for me this is going to be a tough sell. I have no problem, you know, with, you know, the criteria that we have identified here, you know, the four stages of criteria. However, the part that's bothering me is, you know, whether it's supported by substantial evidence or not.

If you look on Page 64, under the paragraph background, you'll see all of those communities that were designated C&T, and then there was a list of communities that the Board did not make positive customary and traditional determinations for. And those communities are listed, and Gustavus, you know, is included in that group. And, you know, I think any time, you know, any one of these communities can do just as Gustavus has done and has asked, you know, this body, you know, to ask for C&T determination.

However, for me, you know, there is no support as far substantial evidence backing up their proposal.

Earlier I made mention that way back in 1914 Gustavus was established by a group of agricultural homesteaders. And I later found out, you know, through

1 other testimony that this was a people who commercialized  
2 their agricultural deeds, and so, you know, that kind of  
3 made me think a little bit more about, you know, whether  
4 I should support this proposal or not.  
5

6                   Also, another person testified that  
7 Gustavus is mostly a recreational, you know, area, and  
8 you know, that again, you know, gives me evidence to  
9 suspect whether there's substantial evidence to support  
10 their proposal or not.  
11

12                   So with that, Mr. Chairman, I don't think  
13 I'm going to support this proposal. Thank you.  
14

15                   CHAIRMAN LITTLEFIELD: Thank you, Mr.  
16 Adams.  
17

18                   I'd just like to note for the record that  
19 if we look at those communities on Page 64, I think we  
20 should note that most of them are now included by actions  
21 of the Federal Subsistence Board upon our  
22 recommendations, like, for instance, the communities of  
23 Point Baker and those. They're all allowed C&T, the  
24 residents of Summer's Strait, Meyers Chuck, we took  
25 action on last year. So that's -- it's something we can  
26 change, but I understand why you would be opposed to this  
27 one. But it isn't something that we have to take action  
28 only because the Board did something. We'll determine  
29 our own destiny here.  
30

31                   Other council. Ms. Phillips.  
32

33                   MS. PHILLIPS: Thank you, Chairman  
34 Littlefield. bear with me as I try to maneuver through  
35 my comments.  
36

37                   ANILCA protects Alaska native subsistence  
38 customary and traditional use while extending social and  
39 traditional uses to non-native rural residents.  
40

41                   Under the discussion on the background,  
42 Mr. Adams talked about the existing Federal customary and  
43 traditional use determinations for fish species for  
44 Southeast Alaska communities were adopted from  
45 determinations by the Alaska Board of Fisheries at  
46 meetings held in Petersburg and Juneau in 1989 and 1990.  
47 I'd like to recognize that during those -- during that  
48 time period, there was minimal Alaska native  
49 participation, and it is one of the reasons why Federal  
50 management took over subsistence management in the State

1 of Alaska, besides the McDowell decision. It's one of  
2 the reasons why Alaska natives do not want Federal  
3 management returned to the State of Alaska, because the  
4 participation by Alaska natives was minimal during the  
5 time period of 1989 and '90. The Federal system adopted  
6 the State system, recognizing that Alaska native input  
7 was minimal at that time.

8

9                   If we go on to the eight factors, a  
10 pattern of use which relates to reliance upon a wide  
11 diversity of fish and wildlife resources of the area, and  
12 which provide substantial cultural, economic, social and  
13 nutritional elements to the community or area. And if we  
14 look under section 804, number 1, customary and direct  
15 dependence upon the populations as the mainstay of  
16 livelihood. I'd like to agree with my fellow Council  
17 persons have stated that substantial evidence I didn't  
18 pick up from the person who had submitted this proposal.

19

20                   What this Council has consistently done  
21 is supported oral evidence if that person also can verify  
22 that it's related to community activities. I did hear  
23 some of that with Mr. Burkhardt, but I still have some  
24 more comments to make before I finalize my position.

25

26                   Gustavus residents currently harvest fish  
27 under State of Alaska regulations.

28

29                   Under the justification of preliminary  
30 conclusions, Staff analysis says that they acknowledge  
31 the Huna Tlingit and that they have extremely strong  
32 cultural ties to traditional territories in Sections  
33 14(B) and (C). While these cultural ties and associated  
34 subsistence harvest predate Russian and American  
35 jurisdiction over Alaska. While the analysis fully  
36 respects the Huna Tlingit association with this area, the  
37 Alaska National Interest Lands Conservation Act provides  
38 for recognition and priority for customary and  
39 traditional subsistence uses of rural residents, and does  
40 not consider ethnicity. Gustavus was found to meet the  
41 customary and traditional criteria established in  
42 administering ANILCA.

43

44                   I would have to say that in my opinion  
45 ANILCA is Indian legislation. Indian legislation not  
46 based on ethnicity. It is based on a special government-  
47 to-government relationship between Alaska natives and  
48 Federal Government. Ethnicity is not part of the  
49 definition.

50

1                   Seven interviews to me is not  
2 representative of a community harvest.

3  
4                   Staff supports this proposal and  
5 justification with supporting evidence, which because  
6 they support it, we see a good presentation of evidence  
7 that puts the proposal in a positive position.

8  
9                   As far as I'm concerned, Alaska National  
10 Interest Lands Conservation Act is Indian legislation.  
11 It provides a subsistence preference for Alaska natives  
12 with participation by other rural residents. Section 801  
13 is in order to fulfill the policies and purposes of the  
14 Alaska National Claims -- Alaska Native Claims Settlement  
15 Act, and as a matter of equity, it is necessary for  
16 Congress to invoke its constitutional authority under the  
17 property clause and the commerce clause to protect and  
18 provide the opportunity for continued subsistence uses on  
19 the public lands by native and non-native rural  
20 residents.

21  
22                   The legislation placed an obligation on  
23 the U.S. Government to manage fish and wildlife resources  
24 for the benefit of Alaska natives and other rural  
25 residents. The obligation is a trust built on the unique  
26 legal relationship between the Federal Government and  
27 Alaska natives. Alaska Pacific Fisheries versus United  
28 States, 1918, affirmed the principle of liberal  
29 interpretation that is applied to statutes passed for the  
30 benefit of dependent Indian tribes, are to be liberally  
31 construed, doubtful expressions being resolved in favor  
32 of Indians.

33  
34                   In book called the Village Journey by  
35 Justice Thomas R. Berger explains subsistence is more  
36 than a means of production. It is a system for  
37 distribution and exchanges of subsistence products. The  
38 system is not random. It operates according to the  
39 complex codes of participation, partnership and  
40 obligation. Traditional rules of distribution insure  
41 that subsistence products are available to every village  
42 household, even those without hunters.

43  
44                   Alaskan native tribes have by virtue of  
45 their status as Indian tribes a government-to-government  
46 relationship with the United States Government just as  
47 the Indian tribes of the contiguous 48 states do. The  
48 U.S. Court of Appeals, 9th Circuit, in Alaska Pacific  
49 Fisheries versus United States found no distinction  
50 between Alaskan natives and other native Americans.

1 Native communities enjoy a degree of  
2 self-government that cannot be taken away by the State of  
3 Congress. The ANCSA Amendments of 1987 and Land  
4 Management in Alaska by Nicholas Flanders states, Alaskan  
5 natives who testified before Congressional committees  
6 stated their biggest concern was the preservation of  
7 their distinct culture and the subsistence way of life  
8 upon which it is based. Alaskan natives must continue to  
9 protect and support their remaining traditional  
10 practices. Alaska natives have inherent values that are  
11 connected to the community and family.

12  
13 Customary and direct dependence upon the  
14 populations as a mainstay of livelihood, Section 804.1.

15  
16 Cultural value of land is intrinsic to  
17 the survival of indigenous practices.

18  
19 And I reaffirm that a government-to  
20 government relationship exists. ANILCA is a regulatory  
21 regime that protects indigenous use of resources with  
22 involvement by Alaska natives that will also benefit non-  
23 native rural residents.

24  
25 I know that my past position has been to  
26 have a broad definition of rural qualified customary and  
27 traditional designation. And that ANILCA is designed to  
28 protect native physical, economic, traditional and  
29 cultural existence, and non-native physical, economic,  
30 traditional and social existence. So I'm in a quandary  
31 here on where I would -- whether I would support this  
32 position or not.

33  
34 Thank you.

35  
36 CHAIRMAN LITTLEFIELD: Thank you, Ms.  
37 Phillips.

38  
39 I guess I have a question for -- I should  
40 asked Federal Staff earlier. Maybe I could ask this to  
41 Mr. Knauer. In previous discussions of C&T designations  
42 that have been at the Federal Subsistence Board level  
43 when I've attended them, they were always insisting at  
44 least in my recollection that they be as inclusive as  
45 possible when we got to the C&T designation, because  
46 otherwise all rural residents are allowed, and a C&T  
47 designation like, for instance, the residents of Hoonah  
48 are allowed to fish on the eastern shore drainages.  
49 That's restrictive in that it eliminates the people from  
50 Sitka that can do that.

1                   So I have a question of why we didn't  
2 include everybody who lives in District 14 in this. In  
3 other words, we did not include Elfin Cove, we did not  
4 include Pelican, we did not include residents who live on  
5 the drainages of the eastern shore. And perhaps -- you  
6 know, I just have a question why we didn't do that and  
7 maybe this is not inclusive enough to even consider at  
8 this present time, and maybe, Dr. Schroeder, if you could  
9 explain what happened there. Or someone from Federal  
10 Staff, if they could explain what's going on here,  
11 because I know they have voted down proposals in the  
12 past, or held in abeyance those that were not inclusive  
13 enough to include every community in that area.  
14

15                   MR. KNAUER: Yes, Mr. Chairman. Most of  
16 the C&T determinations found for the Southeast Alaska are  
17 taken from the State determinations as they were in  
18 effect at the end of 1989 when the Federal program took  
19 over. There have been very few C&T determinations for  
20 fish that have been modified since then. Most of the C&T  
21 determinations that have been modified for Southeast have  
22 related to wildlife.  
23

24                   CHAIRMAN LITTLEFIELD: But I believe the  
25 position of the Board is that they be as inclusive as  
26 possible, because I remember the discussion on Unit 20(E)  
27 moose, in which we're talking about a C&T designation,  
28 and there was some discussion on whether -- which  
29 communities along the road system to include. And it  
30 seemed to me they had to be as inclusive as possible of  
31 all the communities that use that area, if I remember  
32 right.  
33

34                   MR. KNAUER: Previously, if a situation  
35 exists where there was a no determination, in other  
36 words, it had not been looked at, and then there was to  
37 be a determination, at that point, since essentially  
38 everybody was quasi included, they wanted to be as  
39 inclusive as possible to be sure that no one who had  
40 previously used the resource was left out. If there was  
41 already a determination on the books, then at that point,  
42 if there was a proposal, they would normally only look at  
43 the community that was requesting rather than go beyond  
44 that, because the other communities did not already have  
45 use of the resource. In other words -- does that explain  
46 it?  
47

48                   CHAIRMAN LITTLEFIELD: Well, I guess I'm  
49 trying to get your feel for it. Do you believe the  
50 Federal Board would consider the C&T designation that

1 has Hoonah right now to be respectful of that? In other  
2 words, they would have -- the State would have considered  
3 all the communities of District 14 previously, and only  
4 deemed Hoonah as having a positive C&T. In other words,  
5 we got there by a State reg, and they probably said --  
6 went and reviewed Elfin Cove and decided that Hoonah was  
7 the only one. I'm just saying I don't want them to say  
8 go back and look at Elfin Cove and all these others for  
9 the Federal one.

10

11 MR. KNAUER: If you look, Mr. Chairman,  
12 on Page 64 at the 12 communities that were granted C&T by  
13 the state, they -- all 12 of those have a very strong  
14 native population. If you look at the 15 communities  
15 that do not, those generally do not have as strong a  
16 native contingency within their population. My  
17 understanding is at the time there was significant  
18 concern regarding that.

19

20 Thank you.

21

22 CHAIRMAN LITTLEFIELD: Thanks for  
23 clarifying that. I guess that was just an informational  
24 point that I wanted to get across. I don't know if it  
25 did any good, but any other Council.

26

27 Mr. Wright.

28

29 MR. WRIGHT: Yeah, Mr. Chairman. Thank  
30 you.

31

32 Subsistence was -- when the word  
33 subsistence came up, I was sitting in an office in Hoonah  
34 talking to a guy from State saying, for Hoonah,  
35 subsistence is such a simple issue. And he looked at me  
36 and says, what do you mean simple? I says, that's what  
37 we live on. Subsistence. And then we turned and said to  
38 him, we'd -- rather than call it subsistence, we would  
39 call it cultural and traditional uses.

40

41 So as a member of Hoonah, tribes of Huna,  
42 we always thought it was such a simple thing. And for us  
43 to just hand out CT use, it's -- especially to a  
44 community across the way where traditionally the Huna  
45 community was a cultural and traditional uses of that  
46 area, and then we put in a community that put us in a  
47 different situation where we're not there any more, and  
48 then we put them in there as a customary and traditional  
49 usage of that area, it kind of rubs us in Hoonah the  
50 wrong way.

1                   So far, I haven't heard anything about  
2 generations, hand-me-downs. I hear one person testifying  
3 saying that he's done some passing out of some food, and  
4 then naming two or three other people.

5  
6                   I've done purse seining in Glacier Bay,  
7 Excursion Inlet, you look half-way across Glacier Bay,  
8 that's Federal waters. I've gone over there, and I've  
9 gotten permits to do it, and got salmon and taken it over  
10 to Hoonah. And then I just parked the boat in front of  
11 town and the community would come down, whoever wanted  
12 the fish.

13  
14                   It bothers me that it could be just  
15 designated so as a CTU when I don't see any evidence of  
16 that. I wonder what, you know, that CTU would bring.

17  
18                   There's a reason why, also a reason why  
19 seals and sea otters can only be taken by customary and  
20 traditional usage people, which is the Tlingit native  
21 people, or the people said by Federal Governments. We  
22 don't have to get a license to do it. We just do it.

23  
24                   And I think that, you know -- I wonder  
25 what that -- what designation puts other CTUs, and I have  
26 -- I always wonder what we're going to -- what's going to  
27 happen next.

28  
29                   The compensation thing, that was a sham.  
30 All of a sudden -- that's where I learned how to fish, up  
31 in the Federal waters, and I got pushed out, because I  
32 decided to get bigger and go fishing out in the ocean.

33  
34                   And I don't know -- I've never heard of  
35 eulachon being in Mud Bay. Maybe there is.

36  
37                   And when -- there's testimony of a person  
38 going up there fly fishing, is that subsistence fishing  
39 or is it sport fishing? I'm no sure. But to go fly  
40 fishing, and then share your catch with a community, how  
41 much of the community does he share it with. Is it just  
42 your local friends or what. And to pass down generation  
43 to generation, I don't know.

44  
45                   So to me customary and traditional is  
46 very personal. And I'm wondering where we go from here.  
47 Customary and traditional to some communities mean  
48 different things. To me, I always tell people, look at  
49 me, there's a reason why I look this way. It's because  
50 of my customary and traditional usage of the land. My

1 father, my grandparents, and all that kind of -- and  
2 that's passing down from generation to generation and  
3 continuous use.

4  
5 I think the definition customary and  
6 traditional is kind of personal to me, but I think  
7 instead of using that customary and tradition in  
8 Gustavus, why not stick with his personal use. I mean,  
9 there's -- they can still use it, and they'll still what  
10 fish that they catch. Whatever.

11  
12 But one of the customs that we have was  
13 that, and traditions that we've had in Hoonah, we've  
14 always gone up to Glacier Bay and got sea gull eggs until  
15 they stopped us from doing it. But right now we're  
16 working on it to get our custom and traditional back in  
17 the Bay.

18  
19 So that's one of the things that I wonder  
20 about. How can a community that was established not too  
21 long ago still be customary and traditional. So I would  
22 have to speak against it, because I don't see evidence of  
23 where the sharing of all your catch going in -- you know,  
24 to a community of 150 people. And I just don't  
25 understand a person that just got through testifying  
26 saying that he shares his halibut. If you're a  
27 commercial fisherman or whatever, you have to have IFQ.  
28 And whenever you have IFQ, you have to report that IFQ  
29 and you're going to be taking it home. You just can't  
30 take home. And with the way the prices are on fish right  
31 now, I don't know of anyone that would want to take a  
32 halibut home. You're talking \$3 a pound. 3.30 a pound.  
33 You're taking your profits home. Because all halibut  
34 that is caught has to be reported to the IFQ. And I  
35 would just have to speak against this.

36  
37 CHAIRMAN LITTLEFIELD: I guess I'd like  
38 summarize this if I can and the other Council can tell me  
39 if I'm out of line, is basically no one that has  
40 previously spoken says there's substantial evidence that  
41 the eight criteria have been met. That's the way I read  
42 it. That they have -- everyone that had a turn to speak  
43 has something wrong with one of those eight criteria, and  
44 you don't have to satisfy every one of them.

45  
46 The other is a conservation concern.  
47 There are no -- I want to get these on the record, just a  
48 second. The conservation concerns, i don't think there's  
49 any conversation concern if we were to take action for or  
50 against it, in either case.

1                   The benefit to subsistence users would be  
2 for some, against others. So it's kind of a wash.

3  
4                   And it has no effect on other users.

5  
6                   So I guess need to kind of move this  
7 along if we're -- I'll let the other council continue to  
8 go, but I think we've already had quite a few Council  
9 that said there's not substantial evidence to support  
10 this.

11  
12                  Mr. Hernandez.

13  
14                  MR. HERNANDEZ: Thank you, Mr. Chairman.

15  
16                  I did want to speak towards that  
17 substantial evidence criteria, but also I guess I wanted  
18 to comment -- I'd like to thank Mr. Wright for his  
19 comments. I think he -- you know, he summed it up quite  
20 well, dealing with this whole matter of customary and  
21 traditional use. It is a very simple matter, you know,  
22 for the native people in Southeast. It's who they are,  
23 you know, it's what they are. And it gets a lot more  
24 complicated when we start talking about the other  
25 communities.

26  
27                  And I guess to guide my decisions along  
28 those lines, I guess we have to go back to Title VIII of  
29 ANILCA and look what's laid out for us in the eight  
30 criteria in determining customary and traditional use.  
31 And in evaluating the eight criteria, we have to look at  
32 the substantial evidence, and the substantial evidence  
33 that we have on Gustavus dates back to 1988 when there  
34 was substantial information gathered on the community of  
35 Gustavus. It was a long time ago. Things may have  
36 changed in the community since then, but I guess in my  
37 evaluation of that evidence, I would have to see some  
38 evidence that it -- the situation has changed to where  
39 that work done in 1988 no longer applies. I guess I  
40 haven't heard that. You know, we have a little bit of --  
41 a minimal amount of testimony from recent time, public  
42 testimony and seven interviews down this summer. I guess  
43 I don't see anything in that evidence that leads me to  
44 discount what was done in 1988. So I'm going to go back  
45 to that evidence as the basis for my determination.

46  
47                  And I guess I would say under those  
48 criteria, I would have to vote in favor of this motion.  
49 The only thing that I can see that may be an area where  
50 this Council may have some deliberations is just maybe

1 how extensive the area which Gustavus uses might be  
2 considered. We do see to have some questions there which  
3 might be clarified. But as of this time, I think I would  
4 have to vote in favor of the motion.

5  
6 Thank you.

7  
8 CHAIRMAN LITTLEFIELD: Dr. Garza.

9  
10 DR. GARZA: Thank you, Mr. Chair, and  
11 thank you, Mr. Hernandez.

12  
13 And that's sort of what I've been trying  
14 to look at, is, try and tease out, what's there. And in  
15 terms of looking at table 3, which is the '87 data, the  
16 Truck's data, most of that there is marine, see, and that  
17 was my concern. And so that's why I was asking, okay,  
18 now where do you harvest these resources. And so -- and  
19 then the response from the one participant was --  
20 referred more to opportunity rather than actual use and  
21 long-term use, and so I didn't sort of get that  
22 information from him, which caused me concern.

23  
24 But the issue was, I mean, they have  
25 rights under State, and actually it sounded like the use  
26 patterns that they have are more in marine waters than in  
27 fresh waters. And it's unfortunate that it's by  
28 teleconference, because you get a lot better feel for  
29 somebody's information when they're right there, and you  
30 can start pointing at maps and stuff. And so, I mean, if  
31 I could -- if it were the way I wanted it to be, this  
32 would be postponed and they would have the opportunity to  
33 provide better data, because it is difficult.

34  
35 I mean, as communities, the communities  
36 that are involved in this process learn the process and  
37 they know how to submit C&T and they know how to submit  
38 regulations, when you're a new community, this is all --  
39 this is foreign language, you know, and so we can't go  
40 knocking down a community because they don't know how to  
41 jump through the hoops in this process, but if they don't  
42 meet the criteria, then -- or we're not sure that they  
43 meet the criteria, we can't say that we see the criteria  
44 right here. And then we as Council members should be  
45 questioning our decisions.

46  
47 So it's -- you know, I mean, my  
48 conclusion when I spoke earlier was I would be inclined  
49 to vote against it. I didn't say I would absolutely vote  
50 against it, because I wanted to hear other Council

1 members comments. And I could still go either way, but I  
2 still could go either way, but I still don't see the kind  
3 of evidence that I need to make a good decision.

4

5 Thank you.

6

7 CHAIRMAN LITTLEFIELD: Thank you. The  
8 further summary is we have some members in favor, one  
9 member at least -- or, excuse me, one member in favor of  
10 the proposal, several against it, because of the  
11 substantial evidence, and a solid maybe. So if there are  
12 any other Councils that would like to express their  
13 support for this, I think we're just about ready for a  
14 vote. Are there any other Council that would like to  
15 make the record.

16

17 Mr. Douville.

18

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

20

21 This is kind of a question I guess, and  
22 what this does is it gives the community of Gustavus in  
23 an area where they don't have customary and traditional  
24 use in all the areas. Maybe one. And it doesn't seem to  
25 be well documented. Am I correct in saying that?

26

27 CHAIRMAN LITTLEFIELD: I believe the C&T  
28 designation includes all of the waters of the eastern  
29 shore from Point Sophia eastward to the limits of 14(B),  
30 is that correct, Mr. Casipit?

31

32 MR. CASIPIT: The proponent is requesting  
33 C&T for Sections 14(B) and (C), which, you know, is  
34 displayed on your maps. You can see for yourself, but  
35 basically, yeah.

36

37 CHAIRMAN LITTLEFIELD: Okay. I think the  
38 specific language is on Page 52, and also it's repeated  
39 on Page 20 -- where were we, 64. So that language allows  
40 them on the eastern shore, which is not -- they can't go  
41 on Excursion Inlet side, on the home shore side, they  
42 have to go on the eastern shore. And the only evidence  
43 that I heard was he fly fished in Mud Bay. That's only  
44 thing I heard, but it would open up all of that area all  
45 the way to Point Sophia.

46

47 Mr. Casipit, can you help us.

48

49 MR. CASIPIT: Thank you, Mr. Chair.

50

1                   If you -- the area that has the customary  
2 and traditional use is District -- is Sections 14(B) and  
3 (C). The part where you see island drainages on the  
4 easter shore of Port Frederick, from Gartina Creek to  
5 Point Sophia, that is an attempt at describing the  
6 geographic area where residents residing in that  
7 geographic area have C&T in 14(B) and (C). So the  
8 geographic description, island drainages on the eastern  
9 shore of Port Frederick from Gartina Creek to Point  
10 Sophia, that's the geographic description of the  
11 residence, people who reside in that area have a positive  
12 C&T for 14(B) and (C).

13  
14                   CHAIRMAN LITTLEFIELD: Okay. it's all of  
15 14(B) and (C) are in this proposal, but only the  
16 residents who are on the eastern side are the way it is  
17 today, and Gustavus asked, which is on the western side,  
18 asked to be included.

19  
20                   MR. CASIPIT: Actually Gustavus is on the  
21 north shore of Icy Straits, which is completely outside  
22 of the geographic area described, but, yeah, you're  
23 right.

24  
25                   CHAIRMAN LITTLEFIELD: They're on the far  
26 side. And he was looking at the map 1 on page 65 by the  
27 way. So 14(B) and 14(C).

28  
29                   Any other comments, or are you ready.  
30 Ms. Phillips.

31  
32                   MS. PHILLIPS: I'd like to say that  
33 Gustavus has much easier access to Glacier Bay where they  
34 could use their sport harvest to get, you know, what they  
35 need, whereas the rest of us in 14(B) and (C), that's a  
36 long way to run to have to get it.

37  
38                   I wanted to follow up on these  
39 determinations that were talked about for these 12  
40 communities that were identified as having customary and  
41 traditional uses, and then some of these other  
42 communities that were not identified. And Pelican  
43 doesn't have subsistence, and I know this isn't about  
44 Pelican's C&T, but I just wanted to give you a feel that  
45 the person who represented Pelican in 1989 and 1990 was  
46 not native, did not have native connections, and didn't  
47 really understand the dynamics of the native community.  
48 We have about 40 percent native population in Pelican.

49  
50                   The other thing is, is that we are a part

1 of the traditional Huna territory, and Pelican was built  
2 -- a native man showed a Finnish fish buyer where to  
3 build Pelican. And then the native -- several native  
4 families from the Huna -- from the community of Hoonah,  
5 from the tribe of Huna, helped build that community.

6  
7 Now ANCSA, Alaska Native Claims  
8 Settlement Act, was formed based on a Federal field  
9 committee's field report from the 1960. And at that time  
10 it showed -- that document shows the traditional native  
11 communities of Southeast Alaska, and it also identified  
12 communities that have 25 or more Alaska natives in their  
13 communities. Pelican qualifies as having 25 or more  
14 Alaska natives. Gustavus in the 1960s did not.

15  
16 So I guess that will be my comment for  
17 there. Thank you.

18  
19 CHAIRMAN LITTLEFIELD: Any other Council.  
20 Okay. I guess we're ready to go.

21  
22 I'd just like to say my comments are I  
23 want to make sure that the record is clear that the  
24 language on Page 73, an analysis acknowledges that the  
25 Huna Tlingit have the extremely strong cultural ties to  
26 the Huna territory, I think that's really critical to  
27 the discussion here that whichever way the vote goes, I  
28 think it needs to be recognized that it was based on the  
29 Huna Tlingit customary and traditional use of that area.  
30 That's exactly how this was developed, and I just want to  
31 make sure that's part of the record and recognized.

32  
33 And also that as Mr. Wright said, you  
34 know, our color, you could look at us and tell if we've  
35 done something. It's because we've spent the time in the  
36 smoke house over those many, many generations, and we've  
37 got this latte color that we've acquired. And that comes  
38 from doing generations upon generations and generations  
39 of use.

40  
41 So I guess if there's -- I feel that the  
42 evidence, we've satisfied the criteria. If the Council's  
43 ready for the vote. Are you ready for the question.

44  
45 MR. KOOKESH: Question.

46  
47 CHAIRMAN LITTLEFIELD: Okay. The  
48 question's been called on FP06-23, and the language is as  
49 shown in the center of Page 54, the proposed regulations,  
50 customary and traditional use. The net effect would be

1 to add the residents of Gustavus to the determination.  
2 All in favor please signify by saying aye.

3  
4 MR. HERNANDEZ: Aye.

5  
6 CHAIRMAN LITTLEFIELD: All those opposed,  
7 same sign.

8  
9 IN UNISON: Aye.

10  
11 CHAIRMAN LITTLEFIELD: The recommendation  
12 of the SERAC is to oppose FP06-23 at the Federal  
13 Subsistence Board.

14  
15 Okay. Dr. Garza.

16  
17 DR. GARZA: Mr. Chairman. That is a  
18 recommendation that will go forward from this Council to  
19 Federal Subsistence Board. However, I think we should  
20 also let Gustavus know that the vote against them was  
21 because of lack of substantial evidence, not because of  
22 our lack of support for them as a rural community, and  
23 they may choose to resubmit with substantial evidence.

24  
25 CHAIRMAN LITTLEFIELD: Okay. Dr.  
26 Schroeder, can we make sure that Chuck is notified that  
27 the reason the Council took their action was substantial  
28 evidence. No one can debate that they're a rural  
29 community and that some of them do, you know, these  
30 activities, but the substantial evidence, if that could  
31 be made clear to the proponent.

32  
33 DR. SCHROEDER: Mr. Chairman. We'll do  
34 that.

35  
36 And just to clarify, Dr. Garza, I think  
37 your main concern with substantial evidence in your  
38 questioning had to do with really showing that there was  
39 evidence for Gustavus's use in particular areas, and of  
40 particular species, and that those would be Federal  
41 waters that are covered by our jurisdiction.

42  
43 DR. GARZA: Yes.

44  
45 CHAIRMAN LITTLEFIELD: Yeah, I think that  
46 was the key was Federal waters. I mean, no one's  
47 disputing the fact that they catch fish in marine waters,  
48 which are outside of our jurisdiction.

49  
50 Are we ready to take a break. Okay.



1 immediate neighbors who joined me earlier today, but had  
2 to go back home early, Mary Bennetts and Skim McGiven,  
3 asked me to speak on their behalf as well.

4  
5 But the -- our -- one of our main  
6 interests on the -- for the fishery is, of course,  
7 sockeye harvesting for subsistence use, and we would like  
8 to see -- the season normally that you have in your rules  
9 begins July 1, and some of the best fishing, the highest  
10 quality are in the Stikine, the lower river, already in  
11 early June. And we would like to be able to harvest fish  
12 in June. They're the brightest fish, and for canning  
13 purposes and what have you are the nicest ones to get.

14  
15 We very much appreciated being able to  
16 fish for the kings this year and we have harvested as  
17 incidental fish sockeye in mid June, but then that season  
18 would, of course, close on your rules this past year, I  
19 think it was June 20th, and then there was a 10-day  
20 period before the sockeye season would open on July 1.  
21 And it's very difficult not to fish for those sockeye  
22 June 20th to July 1, which is pretty much the peak of the  
23 run in the lower end of the river. So that's kind of the  
24 gist of our request is so that we could harvest the fish  
25 earlier.

26  
27 Anybody have any questions.

28  
29 VICE CHAIRMAN GARZA: Mr. Murgas, could  
30 you please state your full name and your residence for  
31 the record?

32  
33 MR. MURGAS: Okay. I can barely hear.

34  
35 MS. HERNANDEZ: John, Dr. Dolly Garza.  
36 The full and your residence, place of residence for the  
37 record, please.

38  
39 MR. MURGAS: Okay. It's John Murgas, M-  
40 U-R-G-A-S. Place of residence is Farm Island on the  
41 Stikine River.

42  
43 VICE CHAIRMAN GARZA: Okay. So Mr.  
44 Murgas is testifying out of order on Proposal 28-slash-  
45 29.

46  
47 MR. MURGAS: I'm sorry, I can't hear you.

48  
49 MS. HERNANDEZ: Just one sec, John. Dr.  
50 Dolly Garza was just reiterating that you're just

1 testifying out of order on 28 and 29.

2

3 MR. MURGAS: I believe so. I don't have  
4 the wording for those in front of me, but this is  
5 pertaining the season, timing of seasons for sockeye  
6 harvesting on the Stikine River.

7

8 VICE CHAIRMAN GARZA: This starts on Page  
9 101 if you wanted to flip to it in your booklet or if you  
10 if you have any questions for Mr. Murgas, if not, we will  
11 get back to our regular schedule and take his testimony  
12 into account when we get to this proposal, probably  
13 tomorrow.

14

15 MR. MURGAS: And I will need an  
16 interpreter for that, please.

17

18 MS. HERNANDEZ: John, it doesn't look  
19 like there's any other questions, and your testimony's  
20 going to be taken into account for the presentation  
21 tomorrow.

22

23 MR. MURGAS: Okay. So you did hear my  
24 testimony okay?

25

26 MS. HERNANDEZ: Yep, we got it.

27

28 MR. MURGAS: Great. All right. Well,  
29 thank you, everybody, for your time and your services.

30

31 MS. HERNANDEZ: Thanks, John, thanks for  
32 your patience.

33

34 VICE CHAIRMAN GARZA: Well, that  
35 demonstrates interest when you call in from camp to make  
36 sure your testimony is heard. That's great.

37

38 Okay. So we will get back to Proposal  
39 24, which starts on page 75 of our document, and we will  
40 get an overview by Mr. Casipit.

41

42 MR. CASIPIT: Thank you, Madam Chair.

43

44 As Dr. Garza has mentioned, your  
45 executive summary starts on Page 75, and the analysis  
46 itself begins on Page 77.

47

48 Proposal FP06-24 was submitted by John  
49 Littlefield of Sitka. He requests that bait be allowed  
50 for all Federal fisheries in Southeastern Alaska, and the

1 Yakutat Fisheries Management Area where it's not  
2 currently allowed.

3  
4 This proposal was submitted so that  
5 Federally-qualified subsistence users could harvest the  
6 fish they need in a quick and efficient manner. The  
7 proponent states that subsistence users normally keep  
8 what they catch, and catch what they need. The proponent  
9 also states that existing bait restrictions are tailored  
10 more towards a sport fishery where catch and release  
11 applies or there are slot limits or size limits for legal  
12 fish. Because of recently enacted Federal subsistence  
13 fisheries regulations which have mostly eliminated sport  
14 fishery type restrictions for subsistence users, excuse  
15 me, the proponent states that there is no need for bait  
16 restrictions.

17  
18 It should be noted that there are no  
19 restrictions against the use of bait in the Yakutat  
20 Fisheries Management Area at this time.

21  
22 Federal public waters are those involved  
23 -- Federal public waters involved are those of the  
24 Tongass National Forest, excluding marine waters.

25  
26 And I'd call your attention to the  
27 current customary and traditional use determinations that  
28 appear on Page 51, 52, if you need to.

29  
30 To summarize, State sport regulatory  
31 history and Federal regulatory history regarding this  
32 issue throughout Southeast and the Yakutat management  
33 areas. I wanted to mention that the current prohibitions  
34 against bait have likely reduced mortality from catch and  
35 release fishing. Studies show that 48 percent of, for  
36 instance, cutthroat caught and released using bait will  
37 die, while mortality using artificial lures is less than  
38 five percent.

39  
40 The effect of this proposal would be to  
41 legalize the use of bait in all Federal subsistence  
42 fisheries in the Southeastern/ Yakutat management area.  
43 Again I wanted to mention that the use of bait in the  
44 Yakutat Fisheries Management Area is already currently  
45 allowed. This proposal would have the effect of  
46 increasing the efficiency of an inefficient gear type,  
47 rod and reel.

48  
49 While generally subsistence fishers do  
50 not practice catch and release, they do sometimes release

1 fish that are too small or otherwise undesirable for  
2 consumption. Using bait may increase the mortality of  
3 these released fish. However, it could have no effect on  
4 the existing Federal subsistence harvest levels since  
5 harvest limits are in place and the use of bait in and of  
6 itself will not increase harvest beyond the harvest  
7 limits prescribed in the Federal regulations.

8  
9                   Local -- I wanted to also point out the  
10 local Federal fisheries managers still have the authority  
11 to restrict the use of bait through our Federal  
12 permitting system as needed to assure conservation of  
13 steelhead, trout, char and coho salmon stocks.

14  
15                   Our preliminary conclusion is to support  
16 the proposal with modification. The modification would  
17 require that fish caught with bait must be retained, and  
18 also has -- there's also some additional language that  
19 deal with steelhead system. Basically if you're fishing  
20 in a stream with steelhead, once you've attained your  
21 daily or annual harvest limit for steelhead in that  
22 system, you may no longer fish with bait for any species  
23 in that system. This is to protect steelhead from over  
24 exploitation.

25  
26                   With that, I'd be happy to answer any  
27 questions, and anything else -- any other concerns or  
28 comments the Council may have.

29  
30                   VICE CHAIRMAN GARZA: Yes, Cal, I have  
31 one quick question. So bait is allowed in the Yakutat  
32 area, and is that for all of the species there?

33  
34                   MR. CASIPIT: Well, the way the Federal  
35 read now, there are no prohibitions against the use of  
36 bait in the Yakutat area, therefore because bait isn't  
37 expressly prohibited, then bait is allowed.

38  
39                   VICE CHAIRMAN GARZA: Are here any  
40 questions from the Council for Cal.

41  
42                   (No comments)

43  
44                   VICE CHAIRMAN GARZA: Okay. We'll go to  
45 the State.

46  
47                   MS. SEE: Thank you. My name is Marianne  
48 See with Fish and Game.

49  
50                   Comments on this proposal are focused

1 primarily on the potential effects for steelhead and  
2 trout stocks. We've previously put on record that the  
3 current Federal subsistence harvest regulations  
4 jeopardize steelhead and trout stocks in Southeast  
5 Alaska. History has shown that a level of harvest  
6 opportunities similar to the current level could not be  
7 sustained in the absence of an intensive stock assessment  
8 program. To date we're not aware of any evidence to the  
9 contrary and we continue to maintain that neither the  
10 State nor Federal managers have the information or  
11 personnel in place to effectively implement the new  
12 Federal subsistence regulations for steelhead and trout.

13  
14 We believe that this proposal will  
15 increase harvest, as well as incidental mortality of fish  
16 released. Now, this is the proposal as written.  
17 Releasing fish that have been caught with bait does  
18 increase mortality. The use of bait could be supported  
19 as a means to harvest fish under certain strategies. For  
20 example, under an abundance-based management strategy, or  
21 under conservative regulations that do not result in fish  
22 being released. However, trout and steelhead fisheries  
23 currently are not actively managed using an abundance-  
24 based framework, and the existing Federal regulations are  
25 not conservative at this time. And also Federal permit  
26 conditions implemented in 2005 require fish to be  
27 released. Without evidence that existing regulations are  
28 sustainable, we cannot support the additional pressure  
29 and incidental mortality that would be caused by the use  
30 of bait.

31  
32 Before recommending support of this  
33 proposal, the Staff analysis should provide evidence that  
34 the existing regulations would be sustainable and would  
35 remain sustainable under this proposal. the Staff  
36 analysis should also provide evidence that explains that  
37 the use of bait is necessary under the Federal  
38 regulations.

39  
40 And our comments do not address the  
41 modifications that we just heard presented by the Staff  
42 analysis.

43  
44 Thank you. Oh, before I conclude, I  
45 should just point out that Steve Hoffman, who is our  
46 sport fish biologist for the Department, based in the  
47 Ketchikan area is here and is prepared to address more  
48 specific questions about any of the comments the State  
49 has offered or the state regulation of these fisheries.  
50



1 limits or 32-inch minimum size limits that were put as  
2 special conditions, restrictions on those permits for  
3 only those systems associated with the road system.

4  
5 I don't -- I would assume that if those  
6 restrictions were to stay in place in those locations in  
7 future years, that we probably would not allow the use of  
8 bait on those particular systems, because some of them  
9 are -- we're asking that some of them are, you know -- do  
10 -- you know, some of those systems -- some of those fish  
11 out of those systems would be released, but we probably  
12 would not allow the use of bait on those road accessible  
13 systems that are on that page, on 154. But those are  
14 only for the systems that we have special restrictions.

15  
16 MR. LITTLEFIELD: Thank you, Madam Chair.

17  
18  
19 Then I guess my question for the State is  
20 because of what you said in the previous sentence, that  
21 you would support this in abundance-based, what Mr.  
22 Casipit said is that we were going to have specific --  
23 these are restricted areas. In other words, the general  
24 fishery doesn't say you need to release anything. They  
25 only place we're required to release a fish, as you say  
26 in here, is where we have special road system crossings,  
27 is that correct? So Staff is saying, and I suspect that  
28 this is fully -- this is exactly what's doing to happen,  
29 that on those road systems where they don't want you to  
30 catch fish, bait will not be allowed.

31  
32 So if that is the case, what would be  
33 your position on this proposal?

34  
35 MS. SEE: Mr. Chair. We don't have a  
36 hard position, a firm position on this proposal at this  
37 time because we understand that there are modifications  
38 proposed by Staff, and we'd want to fully hear debate  
39 about that as well as any other comments from the  
40 Council. We've expressed our concerns in our comments,  
41 but we're not taking a firm position at this time.

42  
43 VICE CHAIRMAN GARZA: So one more  
44 question there, Cal, on Page 145, the concern is that  
45 there could be a required to release given the minimum  
46 size on some streams that are on the road system, but not  
47 on all of them. On Prince of Wales and on Hoonah road  
48 system, there are no minimum size requirements so one  
49 would assume if someone used bait, caught a fish there,  
50 and that they could just keep it?

1 MR. CASIPIT: That is correct. I mean,  
2 these are subsistence regulations, Federal subsistence  
3 regulations, so we're assuming that people are keeping  
4 the fish they catch.

5  
6 VICE CHAIRMAN GARZA: So the point of  
7 when you would catch and subsequently release would be on  
8 those streams where there is a minimum size and the fish  
9 you've harvested is below that size?

10  
11 MR. CASIPIT: Correct. And like I said  
12 before, we probably would not allow bait in those  
13 situations anyway as a permit condition.

14  
15 VICE CHAIRMAN GARZA: Okay. Thank you,  
16 Marianne.

17  
18 Are there any other State or Federal  
19 agencies or Tribes that would like to testify to this  
20 proposal at this time.

21  
22 (No comments)

23  
24 VICE CHAIRMAN GARZA: Interagency Staff  
25 Committee.

26  
27 MR. KESSLER: Thank you, Madam Chair.  
28 I'm Steve Kessler with the Interagency Staff Committee  
29 and the Forest Service. No comments at this time for you  
30 on this proposal.

31  
32 VICE CHAIRMAN GARZA: Thank you, Mr.  
33 Kessler.

34  
35 We do have written testimony from two  
36 people. Are there fish and game advisory committee or  
37 council members that are here to testify.

38  
39 (No comments)

40  
41 VICE CHAIRMAN GARZA: Okay. Now we're on  
42 to summary of written public comment. Mr. Schroeder.

43  
44 DR. SCHROEDER: Madam Chair. We have one  
45 written public comment again from the Chilkoot Indian  
46 Association. They support this proposal as written.  
47 There should be no reason to restrict the methods of  
48 taking fish for subsistence. Whatever methods that are  
49 the quickest, safest and most efficient should be used to  
50 harvest sufficient fish. That's what we have.

1 MR. LITTLEFIELD: Do we have any public  
2 testimonies?  
3  
4 VICE CHAIRMAN GARZA: Okay. So we have  
5 the Proposal 24 that we've gotten information on. We've  
6 had the Federal and State input. Is this the time to put  
7 this on the table? We do have a modification that we can  
8 consider to it, so whether or not we want to put the  
9 first proposal on or the modified proposal.  
10  
11 Mr. Littlefield.  
12  
13 MR. LITTLEFIELD: Madam Chair, just  
14 before we do that, under public testimony, as the  
15 proponent I would like to say that I accept the language  
16 that's on Page 78 and 79 as if that was my  
17 recommendation. So that we're all clear that that's the  
18 language that we'll be talking about is 78 and 79.  
19  
20 And I would like to make a motion at this  
21 time that we adopt FP06-24 as shown on Page 78 and 79.  
22  
23 MR. STOKES: I'll second the motion.  
24  
25 VICE CHAIRMAN GARZA: It's been moved to  
26 adopt Proposal 24 as modified by Staff and written on  
27 Page -- the bottom of 78 and the top of Page 79.  
28  
29 Okay. Before we go to discussion, Cal.  
30  
31 MR. CASIPIT: I just wanted to make sure  
32 the Council knew that the language on Page 78 and 79 is  
33 as proposed by the proponent. Also that it doesn't  
34 include the language suggested by Staff for conservation  
35 of steelhead and requiring the retention of bait-caught  
36 fish.  
37  
38 MR. LITTLEFIELD: Madam Chair.  
39  
40 VICE CHAIRMAN GARZA: Mr. Littlefield.  
41  
42 MR. LITTLEFIELD: The pages are 80 and 81  
43 which includes the -- I gave you the wrong pages.  
44 Because the modification included that fish caught with  
45 bait must be retained. And I have absolutely no problem  
46 with that, and their recommendations I accept as if they  
47 were my own.  
48  
49 VICE CHAIRMAN GARZA: So the intent of  
50 the motion was to accept the Staff recommendation for the

1 modification on the proposal. He just indicated the  
2 wrong page, so we are looking indeed at Page 80 and 81  
3 which includes the Staff recommendation. and the essence  
4 of that proposed Staff recommendation is that if you  
5 catch it, you keep it.

6

7 Okay. So we have before us Proposal  
8 FP06-24 as modified by Staff on Page 80 and 81. We are  
9 now to Council discussion. Mr. Littlefield.

10

11 MR. LITTLEFIELD: Thank you, Madam Chair.

12

13 I, of course, am going to support this  
14 proposal, and I'm going to support the proposal, because  
15 this is a benefit to subsistence users, to allow them to  
16 use bait, to be efficient to catch fish. The existing  
17 regulations are meant to stop mortality in a fishery  
18 where you typically would release under 36-inch fish,  
19 That does not apply to us.

20

21 The State said they were opposed to that,  
22 and I think if we look at language that's on 80 and 81,  
23 and recognizing that the Federal Government is going to  
24 limit the restrictions in the Ketchikan, Wrangell, and  
25 Sitka road streams, wherever there's a limit right now,  
26 and we've discussed these, that there won't be -- use of  
27 bait won't be allowed there. There should be no  
28 conservation concern with this at all. We're not going  
29 to kill any more fish.

30

31 The effect on the subsistence user is  
32 certainly positive. No effect at all on the non-  
33 subsistence users.

34

35 And I think the data that was presented  
36 by Federal staff supports this. So I'm voting for  
37 Proposal 24.

38

39 VICE CHAIRMAN GARZA: Mr. Douville.

40

41 MR. DOUVILLE: Thank you, Madam Chair.

42

43 I would like to ask how many fish were  
44 taken in the Federal subsistence program, how many  
45 steelhead were harvested last year. And from where.

46

47 MR. CASIPIT: Well, I can answer  
48 generally. If you want the specifics of the locations of  
49 where each fish was harvested, we have Bob Larson in the  
50 office that -- or in the room that can answer that. But

1 in the general Southeast-wide fishery, that is other than  
2 Prince of Wales, there were six steelhead harvested in  
3 the spring 2005 fishery. For Prince of Wales Island in  
4 the spring 2005 fishery, I believe there was 24.

5  
6 VICE CHAIRMAN GARZA: Mr. Douville.

7  
8 MR. DOUVILLE: That first number, would  
9 you say that again.

10  
11 MR. CASIPIT: Six, Mr. Douville. Yeah,  
12 six.

13  
14 MR. DOUVILLE: Six.

15  
16 VICE CHAIRMAN GARZA: Any other comments,  
17 deliberation from Council. Mr. Adams.

18  
19 MR. ADAMS: Thank you, Madam Chairman.

20  
21 I support it for all of the reasons that  
22 Mr. Littlefield also, you know, reiterated, too.

23  
24 The thing that I am kind of disappointed  
25 in is that this proposal also included Yakutat, and I  
26 didn't get an idea about this until after I went up to  
27 the Wrangell-St. Elias Subsistence Resource Commission,  
28 and this was -- these proposals were brought before us.  
29 So I did have an opportunity to go through proposal, you  
30 know, with the Commission. And the members of the  
31 Commission, you know, supported it for reasons that was  
32 provided in the Staff analysis. So with that, you know,  
33 I also support the proposal.

34  
35 Thank you.

36  
37 VICE CHAIRMAN GARZA: Any other Council  
38 members who wish to say anything. Ms. Phillips.

39  
40 MS. PHILLIPS: Thank you, Chairperson Dr.  
41 Garza.

42  
43 I'm going to vote to support the proposal  
44 as modified, and I am thankful for the extra information  
45 that allows the local Federal managers the authority to  
46 restrict the use of bait through the Federal permitting  
47 system as needed to ensure conservation of steelhead,  
48 trout, char and coho salmon stocks. And the conservation  
49 of the fisheries resources are provided through the  
50 harvest limits in place in Federal regulation.

1 Thank you.

2

3 VICE CHAIRMAN GARZA: Mr. Littlefield.

4

5 MR. LITTLEFIELD: Thank you. I'd just  
6 like to add something on the use of bait.

7

8 I would like to say that we hear a lot of  
9 objections sometimes about custom -- using -- you know,  
10 why don't we use a spear, why don't we use, you know, the  
11 things that we used to do. Why don't we kick the fish  
12 out of the river like we used to be since time  
13 immemorial. And I would say that the use of bait has  
14 been a customary and traditional practice of my ancestors  
15 for years. And if my grandfather had a nice rod and reel  
16 and had the use of bait 50 years ago or 100 years ago, he  
17 would have damn sure used it.

18

19 So those arguments that we see against  
20 us, I just wanted to say that we've always adapted and  
21 used all of the best of the new ideas that were given to  
22 us by people who came into our country. We've always  
23 used the best things. And we still don't use some of  
24 those today, because our methods are better. So that --  
25 I just want to make sure that that's clear on the record,  
26 that the use of bait is a customary and traditional  
27 practice that we've always done. And I guess that's all,  
28 Madam Chair.

29

30 VICE CHAIRMAN GARZA: Call for the  
31 question?

32

33 MR. ADAMS: Question.

34

35 VICE CHAIRMAN GARZA: You went through  
36 the four criteria in the beginning, right?

37

38 MR. LITTLEFIELD: Pardon me?

39

40 VICE CHAIRMAN GARZA: You went through  
41 the four criteria in the beginning?

42

43 MR. LITTLEFIELD: I made my comments.  
44 Others may want to do likewise. It was substantial data  
45 or evidence, which I touched on. Conservation,  
46 management principles, benefits for subsistence users and  
47 effects on non-subsistence users. I thought I covered  
48 them, but other Council may wish to say their comments,  
49 too.

50

1 VICE CHAIRMAN GARZA: Mr. Adams.  
2  
3 MR. ADAMS: Mr. Chairman -- or Madam  
4 Chairman. That is the reason why I, you know, supported  
5 Mr. Littlefield's comments, because he did cover those  
6 four criteria as far as I was concerned, and for the sake  
7 of time, I just said I supported it. Thank you.  
8  
9 VICE CHAIRMAN GARZA: So did I hear Mr.  
10 Kookesh call for the question?  
11  
12 MR. KOOKESH: Burt did.  
13  
14 VICE CHAIRMAN GARZA: Oh, okay. The  
15 question has been called for. All those in favor of  
16 Proposal FP06-24 as modified by Staff and written on Page  
17 80 and 81 please signify by saying aye.  
18  
19 IN UNISON: Aye.  
20  
21 VICE CHAIRMAN GARZA: Any opposed.  
22  
23 (No opposing votes)  
24  
25 VICE CHAIRMAN GARZA: Motion passes.  
26  
27 We've got 15 more minutes. Mr.  
28 Littlefield, it's all yours.  
29  
30 CHAIRMAN LITTLEFIELD: Thank you, Madam  
31 Chair.  
32  
33 I'd like to take this opportunity to tell  
34 a little bit about what we're going to do in the morning.  
35 We're going to have an agenda change. As you know, we  
36 adopted it as a guide. We have at least one member of  
37 the public that wants to testify on rural determination,  
38 so if you'll look at your agenda, right now we show under  
39 agency reports, 16, Office of Subsistence Management,  
40 A.1. review of rural determinations, Mr. Larry Buklis.  
41 And there's also -- we added the guest that said they  
42 wanted to testify at that time.  
43  
44 What we're going to do, if there's no  
45 objection from the Council, I would like to do that the  
46 very first thing in the morning so we can have the  
47 presentation from Mr. Buklis, and maybe we might even  
48 start that tonight if the Council wishes to have that.  
49 That way, that will allow the residents of Kasaan and KIC  
50 who are here to testify on this, go ahead and do those,

1 because they've got to leave tomorrow.

2

3

4 Is there any objection to doing that, or  
5 do we want to have Mr. Buklis' report tonight on 216,  
6 which I'm sure -- or on rural determination, which I'm  
7 sure is probably less than 15 minutes, isn't it? Okay.  
8 Do you want to hear that tonight and start on this  
9 tonight, or would you like to go for that in the morning?

9

10

11 DR. GARZA: Mr. Chairman, I guess I'd  
12 like to hear it tonight, and that may help some of the  
13 tribes that wish to testify get a better idea of what  
14 they might want to say.

14

15

16 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
17 Mr. Buklis, are you prepared -- just one second here,  
18 please. We'll go to Mr. Buklis in just a minute, but  
19 what I'd like to do now is I'd like to ask Dr. Schroeder  
20 to distribute some reading material for the Council so  
21 that they can take a look at this tonight. It's some  
22 information that was -- that I received on issues that  
23 have been brought up by the State. And they're really  
24 not up for discussion now. I just want to make sure that  
25 you have these in advance so that you can read them over  
26 the next two nights. They are actually -- should be  
27 brought up under agency and organization reports. That  
28 would be the appropriate time. We'll distribute those  
29 this evening.

29

30

31 And are there any other announcements for  
32 the morning, Dr. Schroeder?

32

33

34 DR. SCHROEDER: We should decide what  
35 time would be.....

35

36

37 CHAIRMAN LITTLEFIELD: 8:30.

37

38

39 DR. SCHROEDER: 8:30.

39

40

41 CHAIRMAN LITTLEFIELD: Is 8:30 -- I think  
42 we're doing okay. Is 8:30 acceptable to the Council?  
43 8:30. Okay. We'll meet tomorrow morning at 8:30 rather  
44 than 8:00 o'clock.

44

45

46 And at this time, Mr. Stokes, do you have  
47 any activities for the evening that are -- that we should  
48 attend?

48

49

50 MR. STOKES: No, we haven't.

50

1 CHAIRMAN LITTLEFIELD: Okay. So it's a  
2 free night. And I guess that's it.

3  
4 Mr. Buklis.

5  
6 MR. BUKLIS: Thank you, Mr. Chairman. My  
7 name is Larry Buklis. I'm with the Office of Subsistence  
8 Management.

9  
10 The briefing document on the rural review  
11 is found on page 216 in your Council booklet.

12  
13 Mr. Chairman, this is an action item for  
14 the Council. The written briefing as I said is on Page  
15 216. The Federal Subsistence Board is seeking comments  
16 through October 28th, 2005 from the Regional Advisory  
17 Councils and the public on communities and areas proposed  
18 for further analysis in the 10-year review of rural  
19 determinations. The Board is seeking comments on whether  
20 communities or areas should be added to, or removed from  
21 the proposed list, and in a moment I'll go through that  
22 proposed list with you.

23  
24 The Board is also seeking comments on  
25 rural or nonrural status and characteristics of these  
26 communities. The council may choose to make a  
27 recommendation to the Board.

28  
29 A little bit of background on the rural  
30 review. Under Federal subsistence regulations, a  
31 community with a population of 2,500 or less is  
32 considered rural, unless it possesses significant  
33 characteristics of a nonrural nature, or is considered to  
34 be socially or economically part of a nonrural area. A  
35 community with a population of more than 7,000 is  
36 considered nonrural unless it possesses significant  
37 characteristics of a rural nature. Communities between  
38 those two sizes, communities between 2,500 and 7,000 are  
39 to be evaluated to determine their rural or nonrural  
40 status.

41  
42 Community characteristics considered in  
43 such an evaluation may include diversity and development  
44 of a local economy, the use of fish and wildlife,  
45 community infrastructure, transportation and educational  
46 institutions, but the characteristics are not limited to  
47 those.

48  
49 Communities as I said earlier that are  
50 economically, socially or communally integrated are to be

1 grouped for purposes of evaluation. In that way, as I  
2 said, communities that are 2,500 or smaller, if they're  
3 considered part of a largest area, and they're considered  
4 in the aggregate, they might be considered nonrural,  
5 depending on the characteristics of the larger grouping.

6  
7 Regulations require that the board review  
8 these rural determinations on a 10-year basis, and this  
9 is the first such review since the program was initiated  
10 in 1990.

11  
12 Earlier this year, an initial review of  
13 the rural/nonrural status of Alaska communities was  
14 conducted by the Federal Subsistence Program. This  
15 review found that the status of most Alaska communities  
16 should remain unchanged.

17  
18 However, the following are proposed by  
19 the Board for further analysis. And there's 10 of these  
20 locations or groupings.

21  
22 Kodiak. Kodiak is considered rural  
23 currently, but it's proposed for further analysis because  
24 its population increased further above 7,000 between 1990  
25 and 2000.

26  
27 Sitka. Sitka is currently also  
28 considered rural, but it is proposed for further  
29 analysis, because its population also increased further  
30 above 7,000 between 1990 and 2000.

31  
32 And Adak. Adak is currently considered  
33 nonrural, but it's proposed for further analysis, because  
34 it's population decreased, and it is now below 2,500.

35  
36 There are three groupings I'll mention  
37 now. These are groupings of communities or areas for  
38 which we are proposing further analysis to whether some  
39 places in the grouping should now be excluded, and the  
40 status of those places evaluated independently or  
41 separate from the grouping. Those three of this type  
42 are:

43  
44 The Fairbanks North Star Borough, and the  
45 issue is whether we should continue using the entire  
46 Borough as the nonrural or separate some of the outlying  
47 areas.

48  
49 Second in this set, the Kenai area, to  
50 evaluate whether to exclude Clam Gulch.

1                   And thirdly, Seward area, whether to  
2 exclude Moose Pass from the grouping.

3  
4                   There are three nonrural groupings for  
5 which further analysis is proposed as to whether to now  
6 include additional places. In that case, those  
7 additional places would lose their rural status and take  
8 on the nonrural status of the group they would be a part  
9 of. The three of this type are:

10  
11                   Wasilla area, whether we should now  
12 include Willow and Point McKenzie into larger Wasilla  
13 area grouping.

14  
15                   Homer areas, evaluate whether to now  
16 include Fox River and Happy Valley into the larger Homer  
17 area.

18  
19                   And, thirdly, the Ketchikan area,  
20 evaluate whether to include Saxman and areas of further  
21 growth and development outside of the current nonrural  
22 boundary.

23  
24                   Finally, Mr. Chairman, in this set of 10  
25 proposed evaluations, there's a proposed examination of a  
26 potential new grouping. It's the area in and around  
27 Delta Junction in the interior, specifically Delta  
28 Junction, Big Delta, Deltana and Fort Greely. And the  
29 question is whether some or all of these places, each  
30 considered rural and separate should now be grouped and  
31 then evaluate whether that grouping is rural or nonrural  
32 in character.

33  
34                   I should mention, too, that the briefing  
35 in your book that I referenced does include maps of these  
36 10 places we're talking about. They're a little bit out  
37 of sequence numerically by their figure title, but  
38 they're alphabetical by community name. it's just how  
39 they got sorted in compiling the book.

40  
41                   A few more comments in terms of  
42 background and how this review is being conducted.  
43 Looking back, in 1990 the criteria that had been used to  
44 decide how to group locations were three criteria. The  
45 questions back then were do 15 percent or more of the  
46 working people commute from one place to another.  
47 Secondly, do they share a common school district. And  
48 third, are daily or semi-daily shopping trips made.  
49 These were the kinds of questions that were asked back in  
50 1990 in deciding whether to group communities and treat

1 them together or review them separately.

2

3

4 The criteria we intend to now use in this  
5 10-year review are now, first, do 30 percent of more of  
6 the working people commute from one place to another.  
7 Secondly, do they share a common high school attendance  
8 area, not school district. And, third, are the places in  
9 proximity and road accessible to one another.

9

10

11 During the initial review, the commuting  
12 data we needed for this revised approach was not  
13 available. As a result if questions could not be  
14 resolved on whether to include or exclude places from a  
15 grouping at this initial stage, the grouping was proposed  
16 for further analysis. So the census data we needed to  
17 look at that 30 percent commuting level wasn't available  
18 in this initial round. So if there remained questions  
19 about how to group communities, we are recommending that  
20 that be advanced to the next stage for further analysis.

20

21

22 In addition to the review of groupings,  
23 other changes were reviewed. For a community or grouping  
24 currently considered rural, we examined whether the  
25 population increased above 7,000 or further above 7,000  
26 if it already was. And for communities or groupings  
27 considered nonrural, the review examined whether the  
28 population dropped below that threshold of 2500 people.

28

29

30 For communities or grouping with  
31 populations between 2500 and 7,000, our initial review  
32 considered whether there were changes in community  
33 characteristics known to us that may warrant a change in  
34 status.

34

35

36 This is a two-step process being used for  
37 this review. This call for comments and recommendations  
38 is part of the first step. this step concludes in  
39 December of this year when the Board is scheduled to meet  
40 in Anchorage December 6th and 7th to finalize their list  
41 of communities for further analysis. So what we are  
42 about right now is the Board has proposed communities  
43 for analysis. We're taking comments on that proposed  
44 list, and in December the Board will finalize the list.  
45 Not finalize rural/ nonrural status, but finalize the  
46 list of places we've narrowed down to in our review. And  
47 then that would be sort of the scope of work. And in  
48 2006 Staff would conduct analysis on those communities  
49 only, and then the Board would look at the outcome of  
50 that analysis.

50

1                   The Council Chairs are invited to that  
2 December 6th and 7th meeting in Anchorage in which the  
3 Board will finalize their list of work.

4  
5                   As I said, during the second step of the  
6 process in 2006, the further, more detailed analyses  
7 would be conducted. The Board is expected to decide on  
8 any final changes to rural or nonrural status in  
9 December of 2006, so a little more than a year from now  
10 we anticipate the overall review would be concluded and  
11 the rural/ nonrural status decisions would be made.

12  
13                   More information on the review process  
14 can be found in a couple of documents. First is this  
15 Staff report produced this summer on our initial review,  
16 and it concludes with the list I've gone over with you,  
17 but it's got a lot more detail on population numbers  
18 across the State by community and groupings, and those  
19 should be available to you, and there's more copies at  
20 the table in the back for the audience.

21  
22                   And secondly, there's a little fact  
23 sheet, a very brief, two-sided page on the rural review  
24 process. And if they're not available to you, they're on  
25 the back table.

26  
27                   Mr. Chairman, again, to conclude, this is  
28 an action item for the Council. We invite comments or a  
29 recommendation, and the Council Chairs are invited to  
30 Anchorage December 6th and 7th at which time the Board  
31 will finalize their list, which will become our scope of  
32 work for further analysis.

33  
34                   Mr. Chairman.

35  
36                   CHAIRMAN LITTLEFIELD: Thank you, Mr.  
37 Buklis. There are also -- I'm wondering where in the mix  
38 of this, the hearings that are going to take place, but  
39 after the October 28th, but before the December meeting,  
40 what exactly what are those hearings used for? In other  
41 words, we're going to have a hearing in Sitka on the  
42 22nd, and maybe that's only agency specific or something  
43 like that, but will those comments be included in the  
44 discussions on December 6th?

45  
46                   MR. BUKLIS: Mr. Chairman, in the course  
47 of comment to date, we are aware of interest by  
48 communities for hearings in their communities. I think  
49 that's come forward from Sitka and from Kodiak, Ketchikan  
50 I believe. There's a number of communities that have

1 spoken about an interest in having hearings. And that's  
2 a decision for the Board, and I have not heard of a  
3 decision by the Board to conduct formal hearings between  
4 now and December of this year. I think if the Board did  
5 conduct hearings, it might conduct those hearings after  
6 December after they've finalized their list of  
7 communities for further analysis, because the analysis  
8 work would be an information gathering process, and that  
9 might be the period the Board might want to have  
10 hearings.

11

12 When you said something about the 22nd, I  
13 don't know what month you were speaking of, but I'm aware  
14 also, separate from Board hearings that some communities  
15 have met with Staff and are pursuing ways of getting  
16 their information organized and presented. And that  
17 might be separate from a Board hearing. So you may be  
18 speaking about community interest in developing their  
19 position.

20

21 CHAIRMAN LITTLEFIELD: Okay. So just to  
22 be clear, the cut-off date is October 28th for any  
23 community or member of the public, as well as this  
24 Council needs to have their comments in by October 28th  
25 to be considered, is that correct?

26

27 MR. BUKLIS: Mr. Chairman, in part that's  
28 correct. You are correct that it's the public comment  
29 period, and the Council comment period. But the December  
30 6th and 7th meeting we're talking about in Anchorage to  
31 which you are invited, Mr. Chairman, is a public meeting,  
32 and they will have a testimony table, and they will  
33 receive testimony. And I'm sure that if letters and  
34 other testimony were received after October 28th, that  
35 would be provided to the Board in December. It's a  
36 defined public comment period, but they're not going to  
37 meet until December, and further comment would be  
38 advanced to the Board I'm sure.

39

40 CHAIRMAN LITTLEFIELD: Okay. So I just  
41 want to make the record clear for those communities that  
42 are interested that if they submit written comments,  
43 after October 28th, that they will be accepted at the  
44 December 6th meeting?

45

46 MR. BUKLIS: Mr. Chairman. Yes, the  
47 Board will accept comments right until its meeting, and  
48 at its meeting.

49

50 CHAIRMAN LITTLEFIELD: Okay. And the

1 action items, I suspect that you only wish us probably to  
2 comment on the Ketchikan/Saxman and Sitka area. Is that  
3 correct? I mean, we're not going to comment on Adak I  
4 wouldn't think. It isn't any of our business.

5  
6 MR. BUKLIS: Mr. Chairman, the comment  
7 period is open to all Councils and the public on the  
8 whole program. So if there's something about another  
9 area that you have a concern about or an expression of  
10 support for, it's certainly welcome.

11  
12 And if I could return to my earlier  
13 comment, the public comment period through October 28th  
14 is a defined period, and we do intend to try to summarize  
15 the body of comment for the Board, and assist the Board  
16 in its review of that comment. And so comments received  
17 after that time won't be left out of the process, but  
18 it's probably to the advantage of commentators to get  
19 those comments in during the formal submission period.

20  
21 CHAIRMAN LITTLEFIELD: Okay. We will  
22 either -- we'll probably take a no position. We'll  
23 discuss that, but we will comment on all of them then.  
24 We'll make sure that we make our comments either for,  
25 against or no comment.

26  
27 Dr. Garza.

28  
29 DR. GARZA: Thank you, Mr. Chairman.

30  
31 So, Mr. Buklis, in terms of the 10 I  
32 guess areas that are being considered from the three,  
33 Kodiak, Sitka, Adak, another grouping, and then finally  
34 the Delta Junction grouping, were those groups put  
35 together entirely by Federal Staff?

36  
37 MR. BUKLIS: Mr, Chairman. All the  
38 location you mentioned are currently recognized in the  
39 program since 1990, and we're reviewing their status and  
40 we're advancing these as places that in our initial  
41 review appear to us to warrant further analysis. The  
42 only one that isn't a current grouping that I mentioned,  
43 but that we're suggesting warrants further analysis is  
44 that Delta Junction area. Those are currently four  
45 independent, ungrouped locations, and we're questioning  
46 whether they should now be grouped. But the other places  
47 you mentioned, have a status and a grouping currently.

48  
49 DR. GARZA: And the question I guess was  
50 more of the determining that it warrants further

1 investigation, that was made by the Interagency Staff or  
2 joint State/Federal Staff or what?

3

4 MR. BUKLIS: It was a review conducted  
5 for the Board by Federal Staff, and the Board reviewed  
6 that effort and the proposed list is now the Board's  
7 list. the list in front of you is proposed by the Board  
8 for comment at this time, but the ground work was done by  
9 Staff for Board consideration.

10

11 CHAIRMAN LITTLEFIELD: Dr. Garza.

12

13 DR. GARZA: I guess in terms of strategy,  
14 I'm trying to assist a couple of communities, and so  
15 please me know if this is incorrect, but if a community  
16 believes -- in the group 4 through 9, believes that they  
17 are in fact rural regardless of who surrounds them, the  
18 -- it's my understanding that the first strategy would be  
19 just that you remove that community from even being  
20 considered. And so Saxman doesn't even think they should  
21 be reviewed at all, that they just should continue to  
22 remain as they are, as a rural community, if their name  
23 is removed from this hit list of 10, then would they just  
24 remain a rural community?

25

26 MR. BUKLIS: Yes. Mr. Chairman. If a  
27 community is proposed for further analysis as to  
28 rural/nonrural let's say, or whether it should join a  
29 grouping that is nonrural, and that proposed analysis is  
30 advanced by the Board and is made part of the final  
31 charge of work, then the status of that community remains  
32 at issue through to the conclusion of this process. If a  
33 community is not advanced for further analysis, its  
34 status is resolved at that point in the view of the  
35 Board.

36

37 For example, there are other communities  
38 across Alaska, of course, that are not on this list. And  
39 so their status, if it goes forward in this way would  
40 remain what it is. I won't name communities, but as you  
41 know, there are rural places and there are nonrural  
42 places now that are not on this list. And if they don't  
43 make the final list, it means the Board has already  
44 winnowed down all these potential changes into a smaller  
45 set, and the places not on the list are not on the table  
46 for consideration, and their status would remain  
47 unchanged in this review.

48

49 So, yes, if a community is on this list  
50 and believes it shouldn't receive further analysis and

1 shouldn't be changed, then their first recourse would be  
2 to get off the list. And the rationale they would want  
3 to advance is why their current status is accurate and  
4 sufficient, and further analysis is not needed, further  
5 insight is not needed. Their status is self-evident.

6  
7                   And if that does not prevail, then they  
8 would be on the list for further analysis, and that would  
9 be a process that would unfold over the next year, and  
10 we'd be back next year with a proposed rule by the Board  
11 as to what the status is for these places, and once again  
12 they could comment. But at that point it wouldn't be  
13 whether we should analyze further, but in the end,  
14 whether their status should or should not change.

15  
16                   DR. GARZA: So in the instance of the  
17 Southeast communities, then you would have two  
18 communities I would say we want our names off the list.  
19 Simple. And that would be Sitka and Saxman. They don't  
20 need any further analysis, they believe that their rural  
21 and would continue to be. So that would be the first  
22 strategy for this Council to recommend. And then if you  
23 need further analysis, then, of course, you need  
24 assistance in terms of that analysis to make your point.

25  
26                   So I'm just trying to think this through  
27 in terms of what we as a Council should be recommending  
28 as we go forward and try to keep the interest of  
29 communities that I know that are very concerned about  
30 their status, to figure out how we are going to go  
31 forward.

32  
33                   But, secondly, I would like to say that  
34 I'm a bit disappointed in terms of creating this list in  
35 that what it -- in effect it purposely excluded two  
36 Southeast communities who have over the years  
37 demonstrated their interest to be returned to rural  
38 status, and that is Ketchikan proper and Juneau proper  
39 who have both come to the Council and have asked for  
40 support for that process. Ketchikan has been very  
41 adamant through it, and this Council has supported  
42 Ketchikan's status unanimously. And so I would have  
43 thought that Ketchikan would have been added to this list  
44 just because they have come forward with that request  
45 several times.

46  
47                   Juneau has not done that recently;  
48 however, in the number of years that I've been on this  
49 Council, Juneau has requested support for rural status.  
50 And they issue of combined communities, Juneau and

1 Douglas should be considered, whether or not Douglas is a  
2 separate community as Douglas IRA has suggested in the  
3 past.

4  
5 And so what I found in this process is  
6 that the letter did go out to Saxman IRA and that's why  
7 they're here. But unfortunately it did not go out to  
8 KIC, because they're not on the list to begin with. I  
9 didn't give them the opportunity to immediately put up  
10 the red flag and say, you know, we want further analysis.  
11 So unless they knew that they had to get on this list,  
12 they would have just slid through without any  
13 consideration, and remained a nonrural community, when I  
14 think when we look at number 9 here, the Ketchikan area,  
15 it says to evaluate whether or not Saxman should remain  
16 rural. And the other side of that is whether or not that  
17 whole 40-mile complex should just be rural itself,  
18 whether or not both ends of Ketchikan which through a  
19 fluke are rural, Saxman is rural, and then if Ketchikan  
20 were rural, the whole area would be rural, and I think  
21 that should be part of the analysis, is whether or not it  
22 is the whole Revilla complex as well as Pennock Island  
23 complex is indeed rural. So that will be the  
24 recommendation I'm requesting of the Council.

25  
26 But the concern I had with that KIC  
27 wasn't fed into this process of this is the strategy they  
28 should start in order to be considered.

29  
30 CHAIRMAN LITTLEFIELD: Any other  
31 questions on the process here. Dr. Schroeder.

32  
33 DR. SCHROEDER: Mr. Chairman.

34  
35 Larry, maybe you can fill me in, and the  
36 Council as well, on what the focus will be for the Board  
37 decision here, because the status of communities -- there  
38 are kind of a number of ways that evaluating rural status  
39 could be done. What I'm thinking the Board maybe  
40 inclined to do is look at change, and this may influence  
41 the testimony that we'll receive from Saxman and KIC, in  
42 that if a community was rural in 1990, presumably because  
43 of strong administrative record and finding that it was a  
44 rural place, if change has not occurred since 1990, would  
45 that -- do you think that that would be what the Board  
46 would focus on? Namely, has a community changed from its  
47 rural characteristic to an urban characteristic over that  
48 1990 to 2000 time period.

49  
50 MR. BUKLIS: Mr. Chairman. Yes, Mr.

1 Schroeder, that's a good way to look at it. We do have  
2 determinations, this isn't the first time around, so this  
3 is a review of what we have. And so a first question is,  
4 you know, what's changed given a starting point of what  
5 we have for determinations.

6  
7                   Secondly, though, I would say it's not  
8 just a change in rural/ nonrural status, but in how  
9 communities are group. So if you're looking at a larger  
10 community and a nearby smaller place, if that smaller  
11 place had in the past been seen as separate and its  
12 status different, the questions are should it now be  
13 merged as one place, and what is the characteristic of  
14 that one place. It's kind of a two-step set of  
15 questions.

16  
17                   CHAIRMAN LITTLEFIELD: Any other  
18 questions for Mr. Buklis. Ms. Phillips.

19  
20                   MS. PHILLIPS: Chairman Littlefield.

21  
22                   On this diagram of the Sitka vicinity,  
23 what is -- why is it, you know.....

24  
25                   CHAIRMAN LITTLEFIELD: Page number.

26  
27                   MS. PHILLIPS: Page 225, what is it  
28 telling us? I mean, I see a lot of it's gray. Is it  
29 saying that Sitka status will include all this area?

30  
31                   MR. BUKLIS: Mr. Chairman. These maps  
32 show the geography of the area, and then the gray shaded  
33 area is what the U.S. Census Bureau uses as a census  
34 designated place that they assign a population number to.  
35 And so in the page you're referring to, you can see  
36 there's a large area shaded gray that's called Sitka, and  
37 that's the census location that they assign the  
38 population to. And then there are smaller places called  
39 Tenakee Springs and Angoon and Kake, et cetera. And  
40 they've got populations numbers assigned to those shaded  
41 locations. So it's a way of looking at these census  
42 units, and they're called census designated places.

43  
44                   Now, some of the other maps have an added  
45 feature that's informative, too. And it's how the  
46 Federal Subsistence Program has defined a nonrural area,  
47 so the map allows you to see how a nonrural area in our  
48 program and the census units nearby. And so like on Page  
49 222 you've got the Ketchikan area. This is just going to  
50 -- I'm answering your specific question, but trying to

1 help others, too, look at other aspects of this for  
2 tomorrow, but Page 222, you've got the Ketchikan area,  
3 and you've got a shaded area called Ketchikan, and that's  
4 a census designated place. And then there's an area  
5 called Saxman, and that's a census place. And then  
6 there's this cross-hatching region, and that's the  
7 Ketchikan nonrural area in the Federal program. So if we  
8 talk about the Ketchikan nonrural area, it's that shaded,  
9 that cross-hatched area. So that's how to read those  
10 maps.

11

12 We're trying to relate the Federal  
13 Subsistence Program nonrural area to these census  
14 designated places where there's population numbers.

15

16 And in this case, Saxman has got a  
17 population number, and it's separate. It's not part of  
18 the Ketchikan nonrural area. It's not cross-hatched  
19 there. So that's how you interpret those maps.

20

21 Thank you.

22

23 CHAIRMAN LITTLEFIELD: I've got a  
24 question for you, Mr. Buklis. Stay on that Page 225.  
25 You've got in the Sitka Sound area, you've got Biorka  
26 Island, Middle Island, Krestof Island, Halleck Island,  
27 and part of Chichagof, and not gray. I guess, why not?

28

29 MR. BUKLIS: Mr. Chair. All I could say  
30 to that question is that the shaded area is a mapping of  
31 how the Census Bureau gathered the population data, and  
32 how they defined the census designated places, I can't  
33 explain to you in detail. But that's how they bounded  
34 their census place to gather population data. There are  
35 population data for the outlying areas not shaded, but  
36 they're not defined into a census designated place unit.  
37 They might be part of a larger tract or an all-Alaska  
38 total, but it's not defined within that geographic place.

39

40 CHAIRMAN LITTLEFIELD: Okay. I would  
41 suggest that that's some kind of a typo, because they've  
42 obviously included in the Sitka Borough right now, and  
43 I'm just wondering if maybe some of these other maps that  
44 are included might have some of those same typo errors,  
45 because it's real obvious to me that, you know, the  
46 people that live on Middle Island, you know, that land  
47 was opened up by the State. They're residents of Sitka  
48 and are included within the Sitka Borough. So I think  
49 it's a typo, and I hope there aren't too many more in  
50 here that we're looking at.

1  
2 MR. BUKLIS: Thank you. If I could  
3 respond to that, Mr. Chairman.  
4

5 The census data may have a borough total,  
6 and it may be very accurate. And then they may have a  
7 Sitka CDP, or census designated place, which is a subset  
8 of the borough. And so the places you're pointing out  
9 geographically would be part of a borough remainder. So  
10 you could have, and I don't want to get too focused on  
11 this specific example, but you could have a borough  
12 population number, you could have a census designated  
13 place number inside the borough, and the people not in  
14 the census place, but in the borough, would be part of a  
15 borough remainder. And how the Census Bureau gathers  
16 data by census designated place is tied to needs for  
17 planning and development and other issues that I can't  
18 take you through in detail, because I don't know.  
19

20 A good example, there's a couple of  
21 example I'm aware of. For example, the Wasilla area is a  
22 very rapidly growing area as you know. And so Page 226  
23 shows the Wasilla area, and it's got a very intensive  
24 network of census designated places. They're  
25 geographically relatively smaller than in some other  
26 areas of the State you might see, and there's many of  
27 them. So, for example, our Wasilla area, nonrural area  
28 in the Federal program, has many census designated places  
29 in it in and around Wasilla. And the Wasilla -- that  
30 area of the State, they're doing a lot of land use  
31 planning and development planning, and the Census Bureau  
32 has a lot of census designated places that the borough  
33 has developed.  
34

35 On the other extreme, the Fairbanks North  
36 Star Borough area, Page 219, there's a large Fairbanks  
37 nonrural area we've defined. We're using the borough as  
38 our nonrural area. You look at the geography of the  
39 borough, but the frequency of CDPs is much lower than  
40 Wasilla.  
41

42 So partly it's community driven, how  
43 these census designated places are developed and bounded,  
44 and how many of them there are. We have population data  
45 for the Fairbanks North Star Borough, but we may not have  
46 it for census designated places within the borough that  
47 cover the whole borough, so they'd be part of the borough  
48 remainder.  
49

50 So I don't mean to suggest that if we

1 don't have a shaded area called a census designated  
2 placed we don't have population data. But it might be  
3 ascribed to a larger remainder for a tract that's not as  
4 fine as the CDP.

5  
6 Mr. Chairman.

7  
8 CHAIRMAN LITTLEFIELD: Any other  
9 questions on the presentation by Mr. Buklis. Ms.  
10 Phillips.

11  
12 MS. PHILLIPS: Thank you, Chairman  
13 Littlefield.

14  
15 Mr. Buklis, on this Page 225 then if it  
16 says that Sitka has a little more 7,000 population, is it  
17 to the entire gray area labelled Sitka, or is it just to  
18 City of Sitka?

19  
20 MR. BUKLIS: No, Mr. Chairman, I think  
21 it's the whole Sitka area, it's not just the city. I  
22 think it's the city and borough.

23  
24 CHAIRMAN LITTLEFIELD: There is no City  
25 of Sitka. It's the City and Borough of Sitka, which may  
26 help us.

27  
28 MR. BUKLIS: It's been merged into city  
29 and borough. Mr. Chairman.

30  
31 MS. PHILLIPS: Including isolated areas.

32  
33 CHAIRMAN LITTLEFIELD: It's the biggest  
34 borough that I know of. And that's not donkey, that's  
35 borough.

36  
37 Are there any other questions. Dr.  
38 Garza.

39  
40 DR. GARZA: Thank you, Mr. Chair.

41  
42 Mr. Buklis, so I need to get a better  
43 idea of the timeline. So we want to get comments in by  
44 October 28th in order to be considered or compiled by the  
45 Staff for the December meeting. However, comments could  
46 go in at a later time. Or public testimony will be  
47 accepted at the December 6th and 7th meeting. I assume  
48 that's in Anchorage.

49  
50 MR. BUKLIS: Yes. That's exactly

1 correct.

2

3 DR. GARZA: So then at the December  
4 6th/7th meeting, then the Federal Subsistence Board will  
5 reaffirm this list of 10, or will make modifications to  
6 it possibly based on the testimony received.

7

8 MR. BUKLIS: That's exactly correct. And  
9 the modifications could be further additions, expansion  
10 of the list. You've talked about a few that maybe are  
11 not included and should be. Or it could be -- or also  
12 communities could be removed from the list. Yes.

13

14 DR. GARZA: And then from that, starting  
15 December 8th then, the Staff will analyze and make  
16 further recommendations. And it seems like on that green  
17 sheet or some sheet or somewhere, I heard that the  
18 decision will actually be made in June and will go  
19 through a Federal Register notification so that the final  
20 decision won't be made until December. However, the  
21 initial or preliminary decision will be made at Federal  
22 Subsistence Board in June, is that correct?

23

24 MR. BUKLIS: Mr. Chairman. Dr. Garza,  
25 yes, that's correct. The long-term timeline on this  
26 process is that there would be a board public meeting in  
27 June of 2006 to develop a proposed rule on rural/nonrural  
28 status, any potential changes, and that proposed rule  
29 would be published and then comment would be sought. And  
30 next year at this time, in the fall round of meetings  
31 with the Councils, would be another comment period on the  
32 proposed rule. And then we'd have the December 2006  
33 Board meeting at which the Board would consider the  
34 comment and their proposed rule and develop a final rule,  
35 yes.

36

37 DR. GARZA: I guess I'm concerned a bit  
38 about the analysis that will take place from December 8th  
39 to sometime before the June meeting. If you look at the  
40 criteria on Page 218, you stated the criteria that was  
41 used in 1990, the 15 percent, is not increased to 30  
42 percent, do they share a common high school attendance  
43 area, are the places in proximity and road access to  
44 another. I imagine those were the criteria used to make  
45 this initial 10 hit list, but will there be a list of  
46 criteria that will be used by the Staff to make the  
47 analysis between December and June so that communities  
48 who are fighting for their rural status have an idea of  
49 what kind of documentation and information should be  
50 going forward into the Federal Subsistence Board to

1 influence their decision in some orderly manner.

2

3 MR. BUKLIS: Mr. Chairman. Dr. Garza,  
4 the criteria you're pointing to are the criteria intended  
5 to be used to resolve how to group or not group nearby  
6 places. And those are slightly different than the  
7 criteria that had been used the first time around.  
8 Because we don't have the commuting data from the Census  
9 Bureau, and we're getting it soon, or it's just now  
10 available, we couldn't resolve some of these grouping  
11 questions in this first round, because the data weren't  
12 available to us. So we advanced -- we're proposing to  
13 advance for analysis any grouping questions that we  
14 couldn't clarify, and we've use these criteria to clarify  
15 the groupings.

16

17 To go to the second part of your  
18 question, a community that had a concern that it was on  
19 the list, or wasn't and wants to be on the list, I would  
20 advise them to, if it's a grouping issue, they would want  
21 to -- you know, if they want to argue that they should or  
22 shouldn't be part of a larger grouping, they should  
23 probably talk about how their -- they match up in these  
24 terms, or why they should be uniquely separated, not  
25 grouped in the face of these criteria.

26

27 And then, secondly, a community that  
28 wants to argue about its rural or nonrural status would  
29 want to look at the criteria -- the characteristics we  
30 talked about. Not so much criteria, but the  
31 characteristics. I talked about -- it's a little earlier  
32 in the review, but community characteristics are on Page  
33 216 where we talk about the midrange sized communities,  
34 and the kind of characteristics one would look at. Well,  
35 those are the same kind of characteristics you would look  
36 at for any rural/nonrural, where population alone may not  
37 be a sufficient indicator. So if you want to go beyond  
38 population numbers, you'd want to look at Page 216 and  
39 the kinds of characteristics we're looking at, again, not  
40 limited to this. You could argue on other fronts as  
41 well, but the ones we intend to look at would include  
42 diversity and development of the local economy, use of  
43 fish and wildlife, community infrastructure,  
44 transportation educational institutions. Those are the  
45 kinds of characteristics that one might are on in terms  
46 of rural or nonrural characteristics of a community.

47

48 CHAIRMAN LITTLEFIELD: Any other  
49 questions for Mr. Buklis. Ms. Phillips.

50

1 MS. PHILLIPS: Thank you, Chairman  
2 Littlefield.

3  
4 Mr. Buklis, on this -- when you say that  
5 a community should look at characteristics, community  
6 characteristics, in trying to present justification to be  
7 on the list or be off the list, is there -- can the  
8 community use a previous community characteristic  
9 justification to build off of? For instance, Sitka.  
10 They are a rural community based community  
11 characteristics. Where can we get that list of what  
12 those community characteristics are so that a further  
13 argument can be presented that they should remain rural?  
14

15 MR. BUKLIS: Mr. Chairman. Ms. Phillips,  
16 I believe the prior initial determinations used these  
17 characteristics. And I think a community would be well  
18 advised to describe their current character along those  
19 same lines.  
20

21 There was a summary table done back in  
22 those days on some features of the community  
23 characteristics, and we can provide that to the Council.  
24 I don't know if I have that with me, but I can certainly  
25 have it provided to me, and we can share it with the  
26 Council.  
27

28 MS. PHILLIPS: Thank you.  
29

30 DR. GARZA: And so you will do that for  
31 the three communities of interest for Southeast.  
32

33 MS. PHILLIPS: ASAP.  
34

35 MR. BUKLIS: Mr. Chairman. I'm thinking  
36 back to that table that I have seen that was done back in  
37 1990. And I believe Sitka and Ketchikan were on there.  
38 I don't know if Saxman was on there as a free-standing  
39 place back at that time. I just can't attest to that.  
40 But all I can tell you is I would provide the table that  
41 I have seen from that time.  
42

43 CHAIRMAN LITTLEFIELD: Okay. We're not  
44 going to take action on this immediately after we hear  
45 the testimony. We'll probably do the action item later.  
46 And you're going to be available for the whole meeting,  
47 is that correct?  
48

49 MR. BUKLIS: Yes, sir, Mr. Chairman. I'm  
50 not scheduled to leave until Friday.

1 CHAIRMAN LITTLEFIELD: So this was just  
2 for the benefit for those that have to leave tomorrow,  
3 and it kind of sets the tone of how they may want to  
4 respond tomorrow before they take off. And we will  
5 actually do the action that you've requested later under  
6 16. We will take the action. And that will give us some  
7 time to come up and craft some thoughts of what the  
8 Council would like to do, too.

9  
10 Dr. Garza.

11  
12 DR. GARZA: Mr. Chairman. I know we're  
13 running overtime. I do have one more question.

14  
15 So, Mr. Buklis, I guess I understand now  
16 the criteria for the grouping on Page 218. So the main  
17 difference between the 1990 and the 2000 of to group or  
18 not to group is the third criteria of are the places in  
19 proximity and road accessible to one another. That is  
20 the -- other than the increase there, but that's really  
21 the main difference that I think is impacting Saxman.

22  
23 MR. BUKLIS: Mr. Chairman. Dr. Garza.

24  
25 Actually all three criteria are revised  
26 and different, but they're along the same -- similar  
27 lines as to what they had been. I won't -- I know we're  
28 running over, but the first criteria, 15 percent  
29 commuting, working people commuting, now 30 percent. I  
30 believe that's tied to the -- a more rigorous connection  
31 to the Census Bureau and how they compile the data, so  
32 it's more retrievable for everyone. So that was a better  
33 standard.

34  
35 The sharing a common school district,  
36 that was criticized in the past, and it was thought that  
37 a high school attendance area was a better measure of a  
38 community being socially integrated, that the students go  
39 to a common shared high school rather than a school  
40 district which can be quite broadly based geographically.  
41 For example, the Kenai Peninsula I think is a large  
42 school district that covers much of the Kenai Peninsula,  
43 but the high schools are laced in specific communities.

44  
45 And then finally daily or semi-daily  
46 shopping trips made formerly was a criteria. That's a  
47 hard characteristic to get a handle on in terms of data.  
48 So maybe a more direct measure is proximity and road  
49 accessibility rather than shopping trips.

50

1                   So, Mr. Chairman, that was an attempt to  
2 refine the criteria and have them more repeatable and  
3 straight forward.

4

5                   Mr. Chair.

6

7                   CHAIRMAN LITTLEFIELD: I have a question  
8 on that common high school attendance area. What's meant  
9 by that? In other words, in Sitka we have the State has  
10 a high school, completely outside of our control. In  
11 other words, we recognized this before, that this --  
12 things outside of the control of the community. In other  
13 words, we have a State boarding school there. It's owned  
14 -- it's not in the Sitka School District. And then we  
15 have the Sitka High School where people attend. Maybe  
16 you -- could you tell me what -- how that relates, the  
17 State-run boarding school that's located in Sitka, and  
18 the Sitka High School, are they going to be lumped  
19 together under that attendance area or -- because we used  
20 school districts before, and they would have definitely  
21 been distinct.

22

23                   MR. BUKLIS: Mr. Chairman, I'm not  
24 familiar with -- are you speaking about Mt. Edgecumbe? I  
25 think this is getting at a situation of trying to  
26 describe the integration of nearby neighboring locations  
27 into a common place. And an indicator of that would be a  
28 shared high school. So it's more the second case of the  
29 Sitka High School, not the Mt. Edgecumbe situation.

30

31                   I don't know if Sitka's a good example of  
32 what I'm trying to describe, but using a shared high  
33 school attendance area as an indicator of nearby  
34 communities being integrated into one shared place as  
35 opposed to a school district which can cover a large  
36 section of the Kenai Peninsula Borough, for example.  
37 Rather than using the borough district, using a high  
38 school placed in one community as an indicator of a  
39 grouping around that community.

40

41                   Now, Mt. Edgecumbe I understand is a  
42 statewide school, boarding students from around the  
43 State. I don't think we're going to use that as a  
44 community indicator of the Sitka neighboring area.  
45 That's kind of an unusual situation with a statewide  
46 boarding school placed in one community. It's rather the  
47 other case you're describing. It's the Sitka High School  
48 as an indicator of a community integrated around that  
49 high school.

50

1 CHAIRMAN LITTLEFIELD: Okay. Thank you.  
2 Any other questions for Mr. Buklis.

3  
4 (No comments)

5  
6 CHAIRMAN LITTLEFIELD: And again, like I  
7 said we're going to go through this, the other  
8 communities are going to testify in the morning, and give  
9 their comments on the rural determination. And then  
10 under item 16 later we will take a position on all of  
11 these as we've been asked to by OSM. The Regional  
12 Council will actually take a position. So we have  
13 another -- we have Mr. Buklis here again. If we need him  
14 again, we can ask him to answer some of our questions.

15  
16 Anything else right now? And most of  
17 these questions are for the benefit of the people that  
18 are going to testify next. I guess some of the Council  
19 was trying to help them so that they could frame the  
20 questions that they wanted to say tomorrow.

21  
22 Anything else?

23  
24 (No comments)

25  
26 CHAIRMAN LITTLEFIELD: We don't have  
27 anything going on tonight, do you guys want to just keep  
28 on going? Okay. We'll go on recess. 8:30 tomorrow  
29 morning we'll be back in session.

30  
31 (Off record)

32  
33 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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STATE OF ALASKA )

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Joseph P. Kolasinski  
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