

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME I

7
8 Sitka, Alaska
9 October 11, 2006
10 9:00 o'clock a.m.
11

12
13 COUNCIL MEMBERS PRESENT:

- 14
15 Bertrand Adams, Chairman
16 Michael Bangs
17 Nicholas Davis
18 Michael Douville
19 Floyd Kookesh
20 Dolly Garza
21 Donald Hernandez
22 Harvey Kitka
23 Patricia Phillips
24 Richard Stokes
25 Frank Wright
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28 Regional Council Coordinator, Robert Schroeder
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P R O C E E D I N G S

(Sitka, Alaska - 10/11/2006)

(On record)

CHAIRMAN DR. GARZA: Okay. This is the Southeast Regional Advisory Council to the Federal Subsistence Board. I'll call this meeting to order. It's intended to be a three-day meeting.

And we'll start with roll call and establishing a quorum. Mr. Adams.

MR. ADAMS: Thank you, Madame Chairman. Mr. Richard Stokes, are you here?

MR. STOKES: Here.

MR. ADAMS: Frank Wright.

MR. WRIGHT: Here.

MR. ADAMS: Patricia Phillips.

MS. PHILLIPS: Here.

MR. ADAMS: Michael Douville.

MR. DOUVILLE: Here.

MR. ADAMS: Harvey Kitka.

MR. KITKA: Here.

MR. ADAMS: Bertrand Adams. I think he's here. Floyd Kookesh.

MR. KOOKESH: Here.

MR. ADAMS: Mr. Donald Hernandez.

MR. HERNANDEZ: Here.

MR. ADAMS: Nicholas Davis.

MR. DAVIS: Here.

MR. ADAMS: Michael Sofoulis.

1 DR. SCHROEDER: Mr. Secretary. Mike
2 Sofoulis was unable to make the meeting, and he also
3 resigned from the Council. This would have been his last
4 meeting. And I think he resigned mainly to help us with
5 quorum issues if that would come up.

6
7 MR. ADAMS: Okay. And then we've got
8 Michael Bangs.

9
10 MR. BANGS: Here.

11
12 MR. ADAMS: And Dr. Garza.

13
14 CHAIRMAN DR. GARZA: Here.

15
16 MR. ADAMS: Quorum is present, Madame
17 Chairman.

18
19 CHAIRMAN DR. GARZA: Thank you. I am
20 acting Chair. I am the Vice Chair of the Council.
21 However, our Chairman did resign from us, the dirty dog.
22 And so following Roberts Rules of Order, I am acting
23 chair until we have elections, which will be coming up
24 soon. But we do have welcome and introduction, and I
25 think we have two welcomes. Hopefully we're still
26 welcome by Sitka Tribe.

27
28 MR. WIDMARK: Thank you, Madame Chair.
29 My name is Woody Widmark. I'm the tribal chair for,
30 excuse me, Sitka Tribe of Alaska. And I look like I
31 didn't even leave last night, so I'm a little bit.....

32
33 I wanted to welcome the Board members to
34 Sitka. And it's good to see everybody again, especially
35 into Sitka, and welcome to our community house. It's
36 good to see old friends, and hopefully make some new
37 ones, and our partners here in the audience. So if
38 there's anything that you need, please just give me a
39 call or if -- I think we have a nice reception here at
40 fivish, so welcome to see everybody here tonight.

41
42 Thank you, Madame Chair.

43
44 CHAIRMAN DR. GARZA: Thank you, Woody,
45 and we also have Carol, and you told me your last name,
46 but I -- Goularte, who is the district ranger for Sitka.

47
48 MS. GOULARTE: You were close. The E is
49 silent. No, you did good.

50

1 Thank you, Madame Chair. My name is
2 Carol Goularte and I'm the district ranger for Sitka. nd
3 that's all of Baranof Island and a good half or more of
4 Chichagof Island.

5
6 I want to welcome all of you to our
7 heartfelt rural community of Sitka. And I'm so glad you
8 are here, and I'm glad that you've come back to have your
9 Board meeting here. It's very important to the people
10 here in Sitka. And I know you have a very challenging
11 role to play, and the decisions that you make are very
12 worthwhile to the people who live across the Southeast.
13 So thank you very much and welcome.

14
15 CHAIRMAN DR. GARZA: Thank you. And
16 during the public testimony, which you'll get a summary
17 report of, we did hear from the Mayor of Sitka, Senator
18 Stedman from Sitka area, from the past mayor, from the
19 head of Shee Atika. So the leaders of Sitka are watching
20 us, which is good. They're watching us in good support.
21 And I don't see any of them in the house now, so I think
22 we're good with being welcomed, and thank you very much
23 for welcoming us to your land and to this beautiful house
24 here. It's a good house to think in, and to make good
25 and positive decisions in. So thank you so much.

26
27 So I'd like to go around and do the
28 introductions, and so we'll start with the Council and
29 then I think we will go around to everybody in this
30 building. So, Dick, just introduce ourself.

31
32 MR. STOKES: The name is Dick Stokes, and
33 I've been here for a while, so hello, everybody.

34
35 MR. BANGS: Yeah, thank you, Madame
36 Chair. My name is Michael Bangs. I live in Petersburg,
37 and I've lived there for a little over 20 years. And I'm
38 a commercial fisherman and an avid subsistence user.

39
40 MR. KITKA: Thank you, Madame Chair. My
41 name is Harvey Kitka. I'm a life-long commercial
42 fisherman. I trawl for part of my living. I'm also a
43 life-long Alaska sportsman, and also I do life a
44 subsistence lifestyle.

45
46 Thank you.

47
48 MS. PHILLIPS: Good morning. Thank you,
49 Madame Chair. My name is Patricia Phillips. I'm from
50 Pelican, Alaska. I'm currently the mayor there. I've

1 lived there 33 years. I've raised my children there. I
2 was born here in Sitka, so I have roots here in this
3 community. And my husband and I earn our living from
4 commercial fishing, 'though we've lived in Pelican for
5 most of our life, and live a subsistence lifestyle.

6

7

Thank you.

8

9

MR. HERNANDEZ: Good morning. My name is
10 Don Hernandez. My primary residence is Point Baker on
11 Prince of Wales island, but I've been spending my winters
12 in Petersburg the last few years for high school years
13 for my son. I am a commercial fisherman, have been for
14 30 years now. I'm very dependent on subsistence for the
15 rest of my livelihood.

16

17

CHAIRMAN DR. GARZA: I'm sorry. My name
18 is Dolly Garza, born and raised in Ketchikan, a beautiful
19 rural community. I've been on the Council for far too
20 long, and this is my last meeting, and I'm looking
21 forward to the end of it.

22

23

Thank you.

24

25

MR. WRIGHT: Hello. My name is Frank
26 Wright. I'm from Hoonah. I have -- my family's from
27 Sitka, the Davis family and the Martin family. I'm a
28 commercial fisherman, and I'm an avid subsistence user.
29 If you look in my freezer, I don't have one thing bought
30 from the store. That's my life style.

31

32

(In Tlingit)

33

34

MR. ADAMS: Good morning. My name is
35 Bert Adams, Sr. I reside in Yakutat, although I was born
36 here in Sitka. I was educated here in Sitka and I worked
37 here in Sitka. I have family and friends here in Sitka,
38 so this is my second home. I am a subsistence user.
39 Ninety percent of my products in my home are from
40 subsistence resources. I'm also a commercial fisherman,
41 a charter boat captain. I have a whole list of things
42 here, but I'll just go with those. It's really nice to
43 be here to renew friends, friendships, and get acquainted
44 with new ones. So I'm glad to be here. Welcome.

45

46

MR. DAVIS: Good morning. My name is
47 Nick Davis. I'm from Kake, born and raised. Commercial
48 fisherman. And I grew up using subsistence from day 1 I
49 suppose. And I'm glad to be here.

50

1 MR. DOUVILLE: Thank you, Madame Chair.
2 I'm Mike Douville. I'm a full-time commercial fisherman
3 and a life-long resident of Prince of Wales Island.

4
5 MR. KOOKESH: Good morning. My name is
6 Floyd Kookesh. I'm from Angoon. I've been a member of
7 the Southeast Regional Advisory Council since 1999, and
8 I'm also a charter boat operator out of Angoon. I'm also
9 a sportfisherman and a subsistence user. And
10 unfortunately, I do shop at Costco.

11
12 Thank you.

13
14 CHAIRMAN DR. GARZA: Okay. We'll go
15 through Staff up here and then out in the public.

16
17 MR. CASIPIT: Thank you. This is Cal
18 Casipit. I'm with the Forest Service regional office.
19 I'm the fisheries biologist for the Council.

20
21 Thank you.

22
23 DR. SCHROEDER: I'm Bob Schroeder. I'm
24 the Regional Council coordinator and anthropologist for
25 the Southeast Region.

26
27 CHAIRMAN DR. GARZA: Okay. Wait just a
28 sec. So what do you want us to do, Tina?

29
30 REPORTER: I think if I turn this one on
31 we can get most everyone.

32
33 CHAIRMAN DR. GARZA: You could make them
34 all walk down.

35
36 (Laughter)

37
38 MR. CHAN: Good morning. I'm Mark Chan.
39 I'm with the U.S. Forest Service. Some of you knew Marty
40 Meyers who had retired. I did not replace him, but I
41 just assumed some of his duty. I'm the regional patrol
42 commander for the Forest Service Law Enforcement Branch.

43
44 MS. GILBERTSON: Good morning. My name
45 is Sarah Gilbertson. I'm the subsistence and Federal
46 issues coordinator for the State of Alaska, the
47 Department of Fish and Game.

48
49 And we have a large presence here for
50 your meeting, and I would ask if I could just introduce

1 staff. If they're in the room, please raise your hands.
2 Bob Chadwick, ADF&G SportFish Division, area management
3 biologist. Heather Riggs, also from the SportFish
4 Division. Troy Tydingco, SportFish Division. Charlie
5 Swanton, SportFish Division, regional supervisor. Roger
6 Harding, trout research supervisor. Bill Davidson, Fish
7 and Game, CommFish, regional supervisor. Dave Gordon,
8 CommFish, area management biologist. And then Mike Turek
9 and Matt Brock, both of the Subsistence Division, will be
10 coming and going I think, but they're splitting up the
11 meeting. So we'll be here for the entirety of your
12 meeting, and please feel free to approach any of us on
13 any of these issues.

14

15 Thank you.

16

17 CHAIRMAN DR. GARZA: Thank you. And we
18 heard from Carol, so second row up. Steve.

19

20 MR. KESSLER: Hi, I'm Steve Kessler with
21 the Forest Service. I am subsistence program leader for
22 the region, and I serve on the InterAgency Staff
23 Committee. I'm staff to Regional Forester Denny Bschor.

24

25 MR. KNAUER: Good morning. I'm Bill
26 Knauer, policy and regulations specialist for OSM.

27

28 MR. BERG: Good morning everyone. My
29 name is Jerry Berg. I'm a fisheries biologist with the
30 Fish and Wildlife Service. I sit on the InterAgency
31 Staff Committee for fisheries issues for Fish and
32 Wildlife Service.

33

34 Thank you.

35

36 MR. CAPRA: Jim Capra with the National
37 Park Service, the Dry Bay area ranger and the subsistence
38 specialist for Glacier Bay.

39

40 MR. PENNEY: My name is Andrew Penney. I
41 work for Sitka Tribe of Alaska. I'm one of the weir
42 sockeye specialists. And I'm here presenting on our
43 sockeye weir projects today.

44

45 MR. SUMINSKI: Hi. I'm Terry Suminski
46 with the Forest Service. I'm the subsistence fisheries
47 biologists for the Sitka Ranger District.

48

49 MR. DICKERSON: Good morning. I'm Larry
50 Dickerson with the Forest Service, just arrived from

1 Craig, Alaska, so I'm glad to be here and listen and meet
2 everyone.

3

4 Thank you.

5

6 MR. REEVES: I'm Jeff Reeves. I'm also a
7 subsistence fisheries biologist for the Prince of Wales
8 Island and Ketchikan area, based out of Craig.

9

10 MR. LARSON: Good morning. My name is
11 Robert Larson. I'm with the Forest Service, fisheries
12 biologist for the Wrangell and Petersburg area for this
13 Council.

14

15 MR. VAN ALLEN: I'm Ben Van Alen, I'm a
16 biologist with the Forest Service, Yakutat, Juneau,
17 Admiralty Ranger District.

18

19 DR. CHEN: Good morning. It's very good
20 to see everyone again. My name is Glenn Chen. I'm with
21 the Bureau of Indian Affairs. I manage the subsistence
22 branch for the Bureau, and also Staff Committee
23 representative to Board Member Niles Cesar.

24

25 MR. SANDERSON: My name is Robert
26 Sanderson. I've been asked to represent Hydaburg
27 Cooperative Association and the Hyda Tribe. I'm here to
28 make a report on some of these areas that we've been
29 involved in.

30

31 Thank you.

32

33 MR. EDENSHAW: Good morning everybody.
34 My name is Dan Edenshaw. I'm originally from Hydaburg.
35 I now reside in Kasaan.

36

37 MR. MOONEY: Good morning. I'm Phil
38 Mooney. I'm the area wildlife management biologist for
39 Unit 4, which is Sitka, Baranof Island, Admiralty Island
40 and Chichagof Island.

41

42 CHAIRMAN DR. GARZA: Thank you. Next,
43 please.

44

45 MR. MOONEY: With Fish and Game. Thank
46 you.

47

48 CHAIRMAN DR. GARZA: Next, in the back
49 there.

50

1 MR. CHADWICK: Oh, Bob Chadwick, I was
2 introduced by Ms. Gilbertson. SportFish, Sitka area.
3
4 MR. JOHNSON: Dave Johnson, the
5 subsistence coordinator for the Tongass and wildlife
6 biologist for the Southeast RAC.
7
8 MR. RABINOWITCH: Sandy Rabinowitch,
9 Staff Committee to the Federal Board. I work with Judy
10 Gottlieb, Park Service.
11
12 MS. MCKINLEY: Dianne McKinley,
13 Anchorage, National Park Service, subsistence.
14
15 MS. PETRIVELLI: I'm Pat Petrivelli, and
16 I'm the anthropologist with the BIA, Subsistence Branch
17 in Anchorage.
18
19 MS. COHEN: I'm Janet Cohen, I'm the
20 anthropologist with the Park Service in Anchorage.
21
22 REPORTER: And my name is Tina Hile. I'm
23 the court reporter.
24
25 CHAIRMAN DR. GARZA: Okay. I think
26 that's everyone. The public is a little scarce this
27 morning, but they were here in force yesterday, and so
28 we'll probably see them around. They might be sleeping
29 in. I would if I could.
30
31 Okay. So review and adoption of agenda.
32 We have an agenda before us. Is there a motion.
33
34 MR. KOOKESH: Madame Chairman.
35
36 CHAIRMAN DR. GARZA: Mr. Kookesh.
37
38 MR. KOOKESH: Motion to adopt the agenda.
39
40 CHAIRMAN DR. GARZA: Is that as a guide?
41
42 MR. KOOKESH: As a guide.
43
44 MR. ADAMS: I'll second.
45
46 CHAIRMAN DR. GARZA: Okay. I hope
47 everyone has looked at the agenda. Is there anybody that
48 wishes to add anything to it. Dr. Schroeder.
49
50 DR. SCHROEDER: Madame Chair. There's a

1 handout in front of Council members. It's a 42-page
2 handout. And as quite often happens with our meetings,
3 material comes in after the book is printed. A number of
4 these items are agenda items.

5
6 First up is the Wrangell-St. Elias
7 Subsistence Resource Commission report. I'll just
8 highlight what's in there, and then make sure that they
9 go in the agenda, if that's what they wish.

10
11 Page 5, the Chair wished to review the
12 Kenai Peninsula Subsistence Regional Advisory Council
13 process and possibly have a comment on that.

14
15 Page 12 is a request for reconsideration
16 analysis. And this deals with Gustavus customary and
17 traditional use of fish. And we have a proposal before
18 us. The first proposal in our series deals with a
19 similar issue, but the Council may wish to respond to
20 this request for reconsideration, I'd suggest after we do
21 our action on Proposal 17.

22
23 Page 26 is material that concerns
24 previous comments submitted by the Council concerning
25 rural determination, and we should refer to those when we
26 talk about the rural determination process, which is an
27 agenda item.

28
29 And let me see what else I have here.
30 And finally in this packet, the Alaska Department of Fish
31 and Game has a call for proposal for a number of things.
32 The Chair was interested in a discussion of non-
33 subsistence areas, and that's the final item in this
34 packet.

35
36 We also included an information item from
37 the Eastern Interior Subsistence Regional Advisory
38 Council I believe concerning predator control.

39
40 So, Madame Chair, if it's the wish of the
41 Council, I'd make sure that we cover these items at
42 appropriate times in our agenda.

43
44 CHAIRMAN DR. GARZA: Is that good? Mr.
45 Bangs.

46
47 MR. BANGS: Thank you, Madame Chair. At
48 some point I would like to speak to the letter as joining
49 as a requester to speak about the aerial spraying on Long
50 Island.

1 CHAIRMAN DR. GARZA: Okay. That's being
2 added. Anything else.
3
4 (No comments)
5
6 CHAIRMAN DR. GARZA: Okay. So we have an
7 agenda as a guide. We have a number of additions that
8 will be added to the appropriate place, and Dr. Schroeder
9 will make sure we don't lose track of them, including the
10 aerial spraying.
11
12 All in favor of the agenda as a guide,
13 please signify by saying aye.
14
15 IN UNISON: Aye.
16
17 CHAIRMAN DR. GARZA: Opposed.
18
19 (No opposing votes)
20
21 CHAIRMAN DR. GARZA: Moving on. Okay.
22 Review and adoption of minutes. We have two minutes that
23 we've had since this one. Our regular meeting in Saxman
24 which was held February 27 to March 3rd, and then we had
25 a special teleconference on May 10th. Have you had the
26 opportunity to review the February 27th minutes, and are
27 you prepared to adopt them.
28
29 Ms. Phillips.
30
31 MS. PHILLIPS: Move to approve the
32 minutes of February 27th, 2006.
33
34 MR. KITKA: Madame Chair. I second that.
35
36 CHAIRMAN DR. GARZA: Okay. We have the
37 minutes from the Saxman meeting on the table. Are there
38 any modifications to that.
39
40 (No comments)
41
42 CHAIRMAN DR. GARZA: Question?
43
44 MR. DOUVILLE: Call for the questions.
45
46 CHAIRMAN DR. GARZA: Thank you, Mr.
47 Douville. All in favor of approving the minutes signify
48 by saying aye.
49
50 IN UNISON: Aye.

1 CHAIRMAN DR. GARZA: Opposed.
2
3 (No opposing votes)
4
5 CHAIRMAN DR. GARZA: Okay. We have those
6 minutes.
7
8 We also had a teleconference May 10th,
9 starting on Page 49.
10
11 Councilman Phillips.
12
13 MS. PHILLIPS: I move to approve the
14 SEARAC meeting minutes from May 10th, 2006.
15
16 MR. KITKA: Madame Chair. I second it.
17
18 CHAIRMAN DR. GARZA: Okay. The minutes
19 of the teleconference from May 10th basically covering
20 Makhnati and the Gustavus request for reconsideration.
21
22 MR. HERNANDEZ: Question.
23
24 CHAIRMAN DR. GARZA: The question has
25 been called. All in favor of these -- adopting these
26 minutes signify by saying aye.
27
28 IN UNISON: Aye.
29
30 CHAIRMAN DR. GARZA: Opposed.
31
32 (No opposing votes)
33
34 CHAIRMAN DR. GARZA: The minutes are
35 adopted.
36
37 Okay. So next is the Chair's report.
38 This is my first and only Chair report, and I'm not
39 prepared. So excuse me.
40
41 The first is the 805(c) letter, which is
42 a letter from the Chair of the Federal Subsistence Board.
43 It starts on Page 53. It was sent to us back in June, so
44 hopefully you've had time to review it. Basically it
45 covers what the Federal Subsistence Board -- how they
46 responded to our recommendations to the last round of
47 proposals.
48
49 Starting on Page 54, the issue was the
50 handicraft made from bear. We opposed it. This was a

1 statewide proposal. There was lots of opposition, there
2 was modifications to it. In the end they Board rejected
3 the proposal, saying that there was no evidence of
4 problem -- that there was a problem, which was one of our
5 main points.

6
7 The second proposal, WP06-02, handicrafts
8 from non-edible byproducts of wildlife, harvest -- this
9 was a bit of a clean-up proposal if I remember that
10 right. We supported this proposal. Again this was a
11 statewide proposal. There was modifications from several
12 of the Councils as it went around the State. The Board
13 took the action to adopt with modification to remove some
14 of the redundant references, and to provide definition of
15 the terms big game and trophy.

16
17 The next proposal, WP06-06. We opposed
18 the proposal. This was regarding deer tags. The Board
19 rejected the proposal.

20
21 We had several proposals regarding Unit 2
22 deer, our favorite topic. We actually took no action on
23 one, the 07 proposal, and the Board also took no action,
24 focused on proposal 8. And basically in the end we --
25 the Federal Subsistence Board did open the south end of
26 Prince of Wales August 1 to nonrural harvester. They did
27 not, however, follow our next two recommendations, which
28 would have closed Suemez Island and the other islands in
29 the southwest portion of Unit 2, so they were counter to
30 our recommendations for Proposal 08.

31
32 We had a proposal from Craig Community
33 Association to increase the number of deer taken by rural
34 residents from four to six. That was modified by the
35 Council to five. The Board supported our action and I
36 think that was already implemented this year, is that
37 true?

38
39 (Various nods affirmatively from
40 audience)

41
42 CHAIRMAN DR. GARZA: Yes. Okay. And
43 then there was a request from the Wrangell area to create
44 a C&T determination for Elk. We decided to take no
45 action and the Federal Subsistence Board took no action.
46 We followed that line of reasoning to allow perhaps a
47 better proposal to be submitted sometime in the future.

48
49 And then the final proposal, 12, was take
50 no action. This was on moose in 1(C), and the Board took

1 no action.

2

3

4 So that is the response of the Federal
5 Subsistence Board to our last meeting in Saxman. If you
6 remember, that was really a long meeting. We took lots
7 of action as a Council, and as a result it kept myself as
8 acting Chair and Bert as acting Vice Chair really busy
9 this summer. So don't ever have four-day meetings again.

9

10

11 Okay. Makhnati Island proposed rule
12 comments. We had the special teleconference May 10th.
13 We now have an area in Southeast where we have federal
14 subsistence protections in marine waters. Yeah. Thanks
15 to Sitka Tribe for taking the lead on that, and hopefully
16 their request for additional areas will also prove
17 fruitful.

18

19 Okay. Council letter requesting -- this
20 was a reconsideration?

21

22 DR. SCHROEDER: Madame Chair, there was a
23 request for reconsideration submitted by Chuck Burkhardt
24 which was also discussed at the May 10th teleconference.
25 A request for reconsideration can be submitted by anyone
26 who wishes the Federal Subsistence Board to reconsider an
27 action that it took. In this case the action that the
28 Board took was not to act on the C&T proposal last year
29 for Gustavus, but to -- the Board agreed with the Council
30 to table that proposal. This came up and a request for
31 reconsideration was submitted on -- that we discussed on
32 May 10th. The Council talked to Mr. Burkhardt at that
33 time. There's a letter reflecting the Council's view of
34 the situation, the May 11th letter found on Page 63.

35

36

37 Subsequent to that meeting, Staff
38 prepared a threshold analysis and then later an analysis
39 of the request for reconsideration. And those are found
40 -- the analysis is found in your handout packet. I
41 pointed that out before. The Federal Board believed that
42 the request may have merit and directed Staff to prepare
43 an analysis seeing -- looking more closely at that
44 situation. We'll be discussing that issue after we deal
45 with Proposal 17 in our packet, which covers customary
46 and traditional use of fish by all of the communities in
47 the Icy Strait, Cross Sound area.

47

48 CHAIRMAN DR. GARZA: Any questions. Mr.
49 Hernandez.

50

1 MR. HERNANDEZ: Thank you, Madame Chair.
2
3 Going back to our wildlife proposals, No.
4 12, that's on page 60. At the time last spring we took
5 no action, we voted to take no action on that proposal,
6 because the local managers said that they would deal with
7 that issue as an in-season management action for this
8 coming year, and preceding years. I was just wondering
9 if we could maybe a report to see if that situation was
10 dealt with for this season, and to the satisfaction of
11 the local users who made that proposal.
12
13 CHAIRMAN DR. GARZA: Do we want to cover
14 that now or put that on the agenda so we would get a
15 better response.
16
17 MR. HERNANDEZ: Yeah, I'm not sure if the
18 managers for that area are here at this time, but -- in
19 the introductions I missed that, but if they are, and if
20 not we could maybe address it later.
21
22 CHAIRMAN DR. GARZA: Okay. We'll cover
23 it under item 12.
24
25 Okay. The annual report, number D. The
26 letter we wrote to them starts on Page 66, the response
27 follows starting on Page 70. We had several issues.
28
29 Issue number 1, of course, is Chatham
30 Strait sockeye. And we certainly did not get the
31 response that we wanted from them. I don't think that
32 the appropriate action has been taken, and that may be
33 something we want to talk about later, and figure out
34 what we can forward as a Council.
35
36 DR. SCHROEDER: Okay. That is an agenda
37 item.
38
39 CHAIRMAN DR. GARZA: Okay. It is an
40 agenda item, so we'll come back to that.
41
42 Okay. The pre-statehood withdrawal and
43 marine jurisdiction. We have Makhnati Island. There are
44 several other areas that Sitka Tribe is working on, and
45 hopefully we'll get further action somewhere down the
46 line on those, and maybe one day we'll get out to
47 intertidal to actually where we get our subsistence foods
48 and those will be adequately protected.
49
50 Issue 3, appointment to Pacific Salmon

1 Commission. There's a very long response there.
2 Basically we missed the boat. They appointed two people.
3 It's a pretty tough thing to get through, and we still
4 need to work on it through whatever means we can.

5
6 It looks like there is a vacancy on the
7 Trans Boundary. It's pretty much -- I've been to several
8 of the meetings. It's a closed group. You basically get
9 invited in, and somehow or another we need to muscle our
10 way in, because they're renegotiating for a Pacific
11 Salmon Commission reauthorization 2008. The First Nation
12 people on the Canadian and Washington side all have their
13 ducks in order, and we're still sitting on the sideline
14 wondering what's going on, so we need to continue to put
15 our names forward and see who we can get through this
16 process. It is important to Southeast Alaska.

17
18 The next issue on tribal consultation, we
19 again have forwarded the issue that there needs to be
20 better government-to-government relationships between the
21 Federal Subsistence Board agencies and tribes. We are
22 not the tribes, we are not the conduit. I don't think
23 the response from the Chairman was adequate, and perhaps
24 that's something that we can still work on with the
25 tribes to get better communication between the OSM and
26 the tribes in Southeast as well as around the State.

27
28 Documentation and correspondence. I was
29 lost on this.

30
31 DR. SCHROEDER: Madame Chair. The issue
32 that the Council raised concerned getting timely copies
33 of important documents that affect subsistence users and
34 may affect the Council. The Board response that it does
35 intend to communicate effectively with the Councils, but
36 that it may exercise its discretion regarding
37 distribution of sensitive correspondence and other
38 documents that may require special care in preparation
39 prior to response and distribution. There's also other
40 discussion about just the volume of material that's
41 received by the Federal program, and the desire not to
42 burden Council chairs with all of the material

43
44 CHAIRMAN DR. GARZA: I guess the issue we
45 had there as a Council is that we felt that some of the
46 correspondence and some of the discussions, particularly
47 between the State and OSM did not come to the Council,
48 and perhaps decisions or agreements that had potentially
49 a major impact on Councils, on subsistence users were in
50 fact being made, and that may still be continuing. And

1 basically we got a whitewash response, which is
2 unfortunate.

3
4 The last issue, rural determination
5 process, as a Council we felt that, and hopefully
6 continue to feel that the Council should be given due
7 deference, that the recommendations that we make to
8 support or not support a community as rural or nonrural
9 should be given due deference, which means that the
10 Federal Subsistence Board should be following our
11 recommendation, unless they see that we've not acted in
12 good faith. They did not agree with us, and I think that
13 this is something we should still be forwarding. We are
14 the conduit there. We are the ones that hear from all of
15 the communities, all of the tribal, non-tribal, rural,
16 nonrural residents. And I think that we continue to have
17 the interests of the rural and nonrural residents in our
18 hearts and in our minds and in our thought processes as
19 we make decisions. So this is something we don't want to
20 lose from our annual report. And perhaps we need to try
21 a different tact to elicit a better response.

22
23 So that's it for the Chairman's -- excuse
24 me, for the annual report and the response from the
25 Chairman. This, of course, will be the last letter we
26 will receive from Chairman Demientieff since he was --
27 they said a different word last night, but basically he
28 was tossed out like our former chairman, Mr. Thomas,
29 which is unfortunate.

30
31 Any questions on the annual report
32 response.

33
34 MS. PHILLIPS: Madame Chair.

35
36 CHAIRMAN DR. GARZA: Councilman Phillips.

37
38 MS. PHILLIPS: Chairman Garza, are we
39 going to be able to discuss this annual report in more
40 depth? I mean, I see there's like the tribal
41 consultation, I don't see that on the agenda. If I have
42 a comment, should I bring it up now?

43
44 CHAIRMAN DR. GARZA: My recommendation, I
45 think we have that -- do we have another annual report
46 getting ready for, or is that the next meeting?

47
48 DR. SCHROEDER: Madame Chair, we usually
49 do our annual reports in spring and have some discussion
50 at our next meeting. If there is something in the annual

1 report that the Council wants to respond to, this would
2 be an appropriate time, because this is when we're
3 discussing this response.

4
5 CHAIRMAN DR. GARZA: Councilman Phillips.

6
7 MS. PHILLIPS: Thank you, Madame Chair.

8
9 Concerning tribal consultation, issue 4,
10 the response. I underlined, moreover, Congress when it
11 adopted ANILCA expressly recognized the importance of
12 subsistence uses by Alaska Natives and on the cultures
13 and traditions of Alaska Tribes.

14
15 If you read further in ANILCA, under
16 section 1318, statewide cultural assistance programs, the
17 Secretary may upon the application of a Native
18 corporation or Native group provide advice, assistance
19 and technical expertise to the applicant in the
20 preservation, display and interpretation of cultural
21 resources without regard as to whether title to such
22 resources is in the United States. Further down, such
23 assistance may include personnel to train individuals in
24 the identification, recovery, preservation, demonstration
25 and management of cultural resources.

26
27 So while it doesn't say specifically in
28 Title 8, in Title 13, it does give reference to providing
29 assistance to Native groups for issues that affect Native
30 people.

31
32 Thank you.

33
34 CHAIRMAN DR. GARZA: So we want to keep
35 this in the next annual report and perhaps use some
36 different language to keep forwarding it?

37
38 MS. PHILLIPS: (Nods affirmatively)

39
40 CHAIRMAN DR. GARZA: Okay. For Tina,
41 she's shaking her head yes.

42
43 MS. PHILLIPS: Thank you. Yes, Madame
44 Chair.

45
46 CHAIRMAN DR. GARZA: Okay. Any other
47 response to the annual report comments. Chatham sockeye,
48 we're going to talk about that later? Okay.

49
50 Petition to the Secretaries concerning

1 license fees. I did bring this request to the Federal
2 Subsistence Board. I attended the meeting in May where I
3 presented on the proposals we brought forward. And I was
4 able to -- in the end, they have a round where the chairs
5 from the different regions can provide comments, so I
6 snuck it in there. I got the interest of the other
7 regions, so it's my understanding that the petition
8 concerning license fees, dropping it, getting our own
9 license process, is now before all of the regions in the
10 State.

11

12 And I did hear from the -- comments from
13 the chairs was at the end of the meeting, but the other
14 chairs from the other regions did approach me and say
15 they thought it was a great idea. It would make their
16 life a lot easier. For many of the people living in the
17 rural parts of Alaska, it can be very difficult to get a
18 State license. And to be able to hunt on Federal lands
19 through our own process would be much easier, and much
20 easier for recording what our harvest levels are.

21

22 So there was lots of interest from that.
23 We do have that before us as an agenda item, and
24 hopefully we'll get some good response from the other
25 regions.

26

27 Any questions on that.

28

29 (No comments)

30

31 CHAIRMAN DR. GARZA: Okay. So number F,
32 blank on the Chair's report. I guess I would like to
33 briefly comment on yesterday's meetings as well as the
34 other meetings had -- the Federal Subsistence Board held
35 -- is this on the agenda somewhere else?

36

37 (Whispered conversation)

38

39 MS. PHILLIPS: Madame Chair.

40

41 CHAIRMAN DR. GARZA: Go ahead.

42

43 MS. PHILLIPS: I apologize. I had one
44 further comment on tribal consultation. The response
45 from the Federal Subsistence Board says that, however,
46 because Title 8 of ANILCA applies to all rural residents
47 rather than just Alaska Natives, actions taken by the
48 Board are not subject to formal government -to-government
49 consultation.

50

1 In the findings of Title 8, Section 801,
2 it states that in order -- Section 801.4, in order to
3 fulfill the policies and purposes of the Alaska Native
4 Claims Settlement Act and as a matter of equity, it is
5 necessary for the Congress to invoke its constitutional
6 authority over Native affairs, and its constitutional
7 authority under the property clause and the commerce
8 clause to protect and provide the opportunity for
9 continued subsistence uses on the public lands buy Native
10 and non-Native rural residents. For them to invoke their
11 constitutional authority over Native affairs and under
12 the property clause and commerce clause is Indian
13 legislation.

14

15 Thank you.

16

17 CHAIRMAN DR. GARZA: Okay. So we will
18 make sure that we come back to that language when we
19 bring it up as an annual report item again. Okay. Thank
20 you, Councilman.

21

22 Were there any other comments for the
23 Chairman's report. I'm think I'm just up on caffeine and
24 I'm going to stay that way the whole day.

25

26 (No comments)

27

28 CHAIRMAN DR. GARZA: Okay. Council
29 members reports. Mr. Stokes, are you ready to report on
30 the concerns, activities for the Wrangell area.

31

32 MR. STOKES: The hatchery at Anita Bay I
33 believe is killing off all our sockeye, because they say
34 they raise the chums until their a good size. And Toms,
35 which is close by, Toms Creek, when the fry come out, I
36 believe that the chums are the predators and they're
37 cleaning up on them. Am I talking about what you asked
38 me?

39

40 CHAIRMAN DR. GARZA: (Nods affirmatively)

41

42 MR. STOKES: Thank you. That was one of
43 my main concerns. And I just don't -- they have the
44 hatchery there just for the benefit of the gillnetters,
45 and they're just getting the roe and they're throwing the
46 rest of the fish away. And I'm just totally against it.
47 But it seems like there's nothing I can do. That's one
48 of my main concerns.

49

50 On the Stikine, I never got a chance to

1 do any fishing up there, because of my health, after we
2 worked about six years to get that season open, we were
3 not able to.

4
5 And I've got several things I'd like to
6 say there, but I'll let it go on to someone else.

7
8 CHAIRMAN DR. GARZA: Keep going.

9
10 MR. STOKES: Keep going? Well, on the
11 Stikine, the Forest Service wants to take charge of the
12 bottom of the river. They don't want the water, they
13 want the bottom. And in the past they've disallowed
14 private use of cabins. I know Mr. Sanderson was with --
15 when I took him around to show him the different areas
16 that we had claim to, and he put a monument up there
17 right at my former cabin site. And the Forest Service
18 only allowed one name on the permit, which I wasn't aware
19 of. And when my partner passed on, he signed it over to
20 his son and I got booted out.

21
22 But I don't know exactly what the
23 amendment is for ANILCA, but I understand it's in court
24 now where the Federal government wants to take charge, or
25 they want to claim the bottom of the river. And if they
26 do that, why the houseboats won't be able to anchor. And
27 I don't see how they can do this on a transboundary
28 river. So hopefully the State will win.

29
30 I guess that's about all I want to say
31 now.

32
33 CHAIRMAN DR. GARZA: Councilman Bangs.

34
35 MR. BANGS: Thank you, Madame Chair.
36 Well, the Petersburg area, we had an unusually wet summer
37 as most of the rest of the communities in Southeast did,
38 so it did curb the berry picking supplies.

39
40 But all in all, it was a pretty good
41 summer. There was an extremely large amount of whales in
42 the area. We had hump back whales and they were
43 entangling and everything all kinds of fishing gear. But
44 it was a good sightseeing thing.

45
46 The concerns that keep coming up in the
47 area, one of the big concerns is the potential effects if
48 the aerial spraying is allowed to go forward on Long
49 Island. And the precedence that would set could have
50 some far reaching effects. The Forest Service has

1 potential of doing the same thing, and, of course, we all
2 know there's lot of Forest Service lands that are used
3 for subsistence purposes. And the Hydaburg area, which
4 uses this Long Island area a lot for subsistence
5 gathering. I think Petersburg Indian Association and the
6 City Council of Petersburg and all showed concern. And I
7 hear it over and over again. It's been in the news
8 lately. So that was a big concern.

9
10 And then there's a little -- recently
11 they announced user fees for the Tongass being raised b
12 the Forest Service. And a lot of it's for commercial
13 use, but it could affect us as individuals just accessing
14 the forest with family and whatnot, restricting numbers
15 of people to use certain areas.

16
17 So there is some concern with the changes
18 that appear to be coming around. And I think we should
19 keep our ears open and keep our voice heard. Thank you.

20
21 MR. KITKA: Thank you, Madame Chair. The
22 concerns of Sitka this hear have been, well, probably
23 two-fold. One was the rural determination, which was on
24 everybody's minds and hearts this year. And we probably
25 didn't let it rest. We beat the horse and things to
26 bring people's attention to this. And hopefully this
27 will work its way out and come out okay.

28
29 Our other concern was the Makhnati Island
30 and the herring which now the Federal has a stake in the
31 waters around Makhnati Island so that maybe now our
32 herring committee can get something across to the Council
33 and make it aware of some of the things which I'll bring
34 up later when we talk on Makhnati Island.

35
36 And this was our concerns this year.
37 Thank you.

38
39 MS. PHILLIPS: Thank you, Madame Chair.
40 For the Pelican area, we had alate freeze in April which
41 lasted about a week. And our berries, our salmonberries
42 and our blueberries for the season were virtually non-
43 existent. And we have a lot of deer browsing on the
44 blueberries and huckleberries.

45
46 And we had late salmon runs, up to three
47 weeks late, on our cohos and on our sockeyes. We were
48 starting to wondering if they were going to show up at
49 all. And then they showed up right after a heavy rain.
50 With the late show of the sockeyes, you had to be out at

1 the stream later in the season when the weather's -- in
2 between the rain storms when the weather was better.
3 Then you have a lot more competition from other
4 communities to contend with out in the streams. So our
5 sockeye needs weren't met because of the competition.

6
7 With the heavier rainfalls that we had
8 this summer, there was much more torrential rain, floods,
9 and a lot of erosion in the river beds, taking out
10 swathes of up to 20 feet and distributing that silt
11 downstream. And I can't help but wonder if that has an
12 effect on the salmon that are in the stream systems.

13
14 We have an earlier showing of the
15 recreational visitors, and they're going into our stream
16 systems, and it's been discovered that we have steelhead
17 in our river. It's been discovered by others I should
18 say. And I have a concern about the over 30-inch
19 steelhead ruling, because of the fecundity of steelhead.
20 The larger they are, the more eggs they lay, so the more
21 productivity you get with the larger fish. And I think
22 we should readdress that.

23
24 And that's all I've got for now. Thank
25 you.

26
27 MR. HERNANDEZ: Thank you. First of all,
28 I brought along a letter from the Petersburg Indian
29 Association. It's in support of Sitka to maintain their
30 rural status, so I'd like to enter that into the record.

31
32 As far as the residents on the north end
33 of Prince of Wales, our concerns there, first of all the
34 -- I guess I'd have to call it the explosion in
35 recreational fishing going on in our area is starting to
36 impact the locals. During most weeks in the summer the
37 number of visitors outnumbers the residents now.

38
39 Most people don't have a problem with the
40 guided fishing that takes place. It's local people who
41 have gotten into the business. They go out, they take
42 people out. You know, they're responsible. They know
43 the area, they know the local people. They have a far
44 less impact on what happens in the area.

45
46 But we have a proliferation of I guess
47 you'd call it the bare boat charters, where people come
48 in, they're just renting a skiff and a room for the week.
49 They're off on their own fishing. And, you know, they
50 know nothing about what's going on with local subsistence

1 uses.

2

3 Some of the objections that the local
4 people have is the size limit for halibut. Without a
5 sportfishing limit, you see an awful lot of small fish
6 come in. You also kind of hear, you know, there's
7 suspicions around that with the daily bag limit that --
8 you know, most of these people, they're not very
9 successful fishermen. You know, they just don't know
10 what's going on for the most part. They will take the
11 first fish they catch usually, regardless of what size it
12 is. But, of course, they all want big fish, so there's
13 the worry that, you know, when the bigger fish comes
14 along, that first small one gets tossed overboard, you
15 know, there's a lot of potential for wanton waste there.
16 Just, you know, that's pretty objectionable to local
17 people.

18

19 The other main concern is with all the
20 heavy effort -- this year it's probably even more
21 noticeable because of the lack of coho salmon in our
22 area. People want to catch fish. They want to catch as
23 much fish as possible. They weren't catching cohos,
24 they're not very successful at catching big halibut, and
25 just taking one heck of a lot of rockfish. And, you
26 know, we all know how sensitive rockfish populations are
27 to over-exploitation. So it's just a matter of time
28 before that resource is going to be jeopardized. So
29 we're pretty worried about that.

30

31 This all takes place, you know, State
32 waters and International Halibut Commission regulations.
33 It's kind of out of our area here, but people ought to
34 know about it, that there will probably be some actions
35 requested, you know, in other areas.

36

37 For my own self, I think what would help
38 in this situation a lot is an education effort. I think
39 if there were information out there distributed to all
40 the local lodges that just kind of give the people that
41 are coming to this country some knowledge of what, you
42 know, subsistence uses are. A little bit of biology on
43 rockfish and how sensitive they are, I think, you know,
44 maybe if people knew more about what was going on, they
45 would behave differently, so I guess that would be a
46 recommendation I have. Education is always a good
47 alternative to regulation if it can work.

48

49 Mr. Stokes mentioned the sockeye and chum
50 interaction. In case anybody doesn't already know it,

1 this was the year of the dog, you know, as far as salmon
2 goes. We were just awash dogs it seems like everywhere
3 in Southeast Alaska. Myself and a lot of my neighbors,
4 we've been -- we're gillnetters. We target sockeye
5 transiting Sumner Straits, and I've been fishing there
6 for 25 years now. And it was a little slow this year.
7 We had low populations. The sockeye streams were not
8 doing well. Fortunately Stikine River seemed to have a
9 good run.

10
11 But what I noticed and everybody else
12 noticed was the sockeyes were a heck of a lot smaller
13 this year than anybody's seen. I keep track, you know,
14 of things like that myself, and I was kind of getting
15 about five and a half pound average for sockeyes this
16 year in the nets. Typically the averages are, you know,
17 six and a half, seven pounds. So a it's a significant
18 difference. And the question that everybody was asking
19 is, you know, what's -- aside from the dwindling numbers
20 which could, you know, be caused by what Mr. Stokes was
21 talking about, you know, predation, but what's going on
22 out there on the open ocean? You know, is it just being
23 a tremendous amount of competition for resources out
24 there, and is that affecting the sockeyes. So I think as
25 a.....

26
27 REPORTER: Wait, wait, hold on a second
28 Don.

29
30 (Off record discussion microphone cuts
31 out)

32
33 (Laughter)

34
35 MR. HERNANDEZ: Oh, big difference, yeah
36 -- as subsistence users, I think we all need to be, you
37 know, awfully concerned about what happens with our
38 sockeye, and, you know, even though the commercial
39 fishermen, a lot of people were pretty happy this year,
40 they caught a heck of a lot of dogs, they did well. But
41 as subsistence users, I think we need to be very
42 concerned about what happens with our natural systems out
43 there, both in streams and open waters.

44
45 And one more concern, this one is -- I
46 know it's a real personal concern of mine as well as many
47 people on the Council, I lost two very close friends to
48 cancer this year. And I know one of the issues we've
49 been talking a lot about here in this past year is whole
50 idea of aerial spraying and chemical contaminants, you

1 know, of our environment. And I think it's -- you know,
2 the people in this room probably know better than
3 everybody as, you know, harvesters of our own resources,
4 and in the audience we're well represented by -- just
5 about everybody's got a biological background, and I
6 think we all know it, even though it's kind of like this
7 big dark secret that nobody wants to admit maybe, but our
8 environment is awash in chemicals. And our bodies, you
9 know, are to some contaminated to a degree that nobody
10 really knows what the causes and effects can be.

11
12 And if anybody hasn't seen the October
13 issue of National Geographic, there's a really good
14 article about what you can find in your own body if you
15 do a real detailed chemical analysis. It was a pretty
16 revealing article.

17
18 And we may feel that we don't have as
19 much control over what we are ingesting, but the people
20 in this room do have a great deal of control about what a
21 big portion of our consumption is, you know, with our
22 subsistence foods. And I think that -- I know the
23 Council, you know, is going to support any efforts that
24 deal with the purity of the foods that we use as
25 subsistence users, be it, you know, heavy metal
26 contamination or pesticide contamination, I think we have
27 to be very vigilant and speak out at every opportunity
28 when we see a threat to our subsistence food sources.

29
30 Thank you.

31
32 CHAIRMAN DR. GARZA: Thank you. We're
33 not done with the Council, but I think we are going to
34 take a quick 10-minute break and see if we need to fix
35 something here, and get a cup of coffee or whatever.

36
37 (Off record)

38
39 (On record)

40
41 CHAIRMAN DR. GARZA: Okay. Let's get
42 this meeting back to order. We were in the middle of
43 Council reports. We had a few problems with speakers.
44 So I think they're fixed. We're good. Hux.tah (ph).
45 How do you say it in Tlingit?

46
47 UNIDENTIFIED VOICE: Hurry up.

48
49 CHAIRMAN DR. GARZA: Hurry up. Okay. So
50 we'll continue with Council member reports. I'm going to

1 go last, so Mr. Wright.

2

3

MR. WRIGHT: Thank you, Madame Chair.

4 Yeah, we, too, had a little concern about -- this year is
5 the first year ever in my lifetime that I've never picked
6 a salmonberry. And, you know, it just have been the
7 weather or something that, because even here in Sitka my
8 sister was saying that there was never ever a season
9 without it. And we have a big PR (ph) party coming up
10 and we don't have salmonberries.

11

12 Another thing that I'm concerned about is
13 the sea otters. I was standing over in Home Shore
14 probably -- this summer sometime, when they opened it up
15 for us for one day, and there were sea otters over on
16 Home Shore side. And that's one of our biggest clam --
17 cockle digging beds that we have in the Icy straits area.
18 We go over there, go over there one time and then we're
19 done for our season. So if sea otters are there, they're
20 going to be digging them up like they dug up in Idaho
21 Inlet. And there used to be big cockles there, but
22 there's no cockles there any more. So the sea otters are
23 moving in.

24

25 And one of my crew was saying, hey,
26 there's a sea otter in our seine, and I said, no, that's
27 a sea lion. We looked again, it was a sea otter. So I
28 don't like to shoot things just to shoot them. We've got
29 to protect our wildlife -- I mean, our subsistence way of
30 life, it's hard to see them there when you know they're
31 going to be digging up our cockle beds.

32

33 Another thing I have is the bears, the
34 bears on Chichagof Island are getting very aggressive.
35 Just last week we had two young boys that were hunting.
36 They brought one down -- brought a deer down. Then they
37 were packing another one down. And then two bears came
38 running out of the woods right at them. They said they
39 fired a warning shot, didn't back off. Both of them were
40 still coming, so they had to hit one of them.

41

42 That's not the only time. There was
43 another guy, he was just sighting in his gun, and a bear
44 came running out of the woods thinking that what the
45 target was must have been a deer or something, and that
46 bear just started tearing up the target.

47

48 My wife used to go berry picking. Now
49 she doesn't. The bears are aggressive there. We had one
50 guy that came back the other day and said that the bear

1 that they shot had a wound on his head that was healing
2 over, and had one shot in the body that was healing over.
3 So we've got some bears out there that are hurting and
4 aggressive. And, you know, a lot of people don't even go
5 out berry picking any more because of it.

6
7 You all know a couple years ago there was
8 one lady that got attacked in Hoonah, and what saved her
9 was their dog jumped on the bear's back and the husband
10 was able to act quickly enough to get the bear down.

11
12 So that's one of the issues that, you
13 know, how do we take care of an issue like that? You
14 just don't go start shooting animals.

15
16 This year the salmon run was pretty
17 mediocre for me anyway. The fishing tickets that I had,
18 I've had 12 fishing tickets for seining when usually I
19 end up with at least 30. Twelve fish tickets. This is
20 the first season I have ever had where they shut us down
21 in the middle of the week so that the fish can replenish
22 itself. This is where my guys that are fishing on a boat
23 get their subsistence food. They take salmon home, but,
24 you know, toward the end of the season I told the guys,
25 take as much as you can. We don't know how much longer
26 it's going to be. And fortunately they took as much as
27 they could the last trip we went out, and then they shut
28 us down. So that's.....

29
30 And you never see -- another thing is
31 that you never see smokehouses like you used to. This
32 year you don't see many people going out to the rivers
33 and getting their salmon or bringing them in so that they
34 can subsist during the winter. The fuel cost, it's
35 unbelievable. In a small community like Hoonah, you're
36 supposed to be subsistence. Subsistence is supposed to
37 be where you go out and get what you can, and then that's
38 what's supposed to take care of you through the winter.
39 But with the fuel costs, you have to go a long way to get
40 it sometimes. When you're talking \$3.60 a gallon, then
41 you can't go very far. And coming back is sometimes
42 pretty tough in Icy Straits.

43
44 I think that one of the things that
45 bothers me a lot, too, in Hoonah is that we have kind of
46 like it seems like a cancer cluster. You can walk down a
47 street and practically count the houses of how many
48 people in those houses have cancer. You know, I will
49 say, well, as a subsistence user I try to eat as much of
50 the natural foods as I possibly can.

1 Us as a native people are -- if you look
2 at the generations, we are a generation that is only
3 about two generations where it was purely subsistence.
4 Now we're -- our ancient systems are having a hard time
5 dealing with all this chips and dip and McDonald's and
6 all these kind of things that hurt our young people.
7 Obesity in our communities is high. Young kids walking
8 around because they're eating that junk. Too much TV,
9 too much video. Too much always sitting around games.

10
11 In order for us to survive, we have to
12 figure out a way that, you know, subsistence continues on
13 within our Southeast communities. Thank you.

14
15 MR. ADAMS: Thank you, Madame Chairman.
16 As you know, I come from the land where the Hubbard
17 Glacier is, and, you know, it's something that we watch
18 quite closely, you know, every year. Nothing significant
19 happened there this year, so none got excited.

20
21 I've had several complaints from several
22 people, I'd say maybe a dozen or so people about the
23 trout. And they think that, you know, the particularly
24 the steelhead needs to be thinned out somewhat, because,
25 you know, they love the salmon roe. And I think they're
26 concerned -- these are elders in our community. They're
27 concerned, you know, that the population is too large,
28 that they're going to have an affect on the spawning
29 beds, because they're eating up all of the salmon eggs.
30 And when they said trout, you know, I said, well, which
31 one are you talking about? And one individual says, all
32 of it, you know, so that means not only the steelhead,
33 but also the Dolly Varden. And I said, even cutthroat?
34 And, oh, yeah, cutthroat, too. And then it brought to
35 memory, you know, that each -- every one of those trouts,
36 you know, loves salmon eggs. So those are probably some
37 issues that we'll talking about in the community here
38 somewhere down the line.

39
40 We've heard comments from almost everyone
41 that has spoken so far about the berries. You know,
42 everything was late. We didn't get very many
43 salmonberries. In comparison to last year, our
44 blueberries was almost down to nothing.

45
46 The sockeyes came late, as well as the
47 silvers. We were, like Patty, was wondering, you know,
48 if they were ever going to show up. And when they did,
49 you know, it was good enough for the commercial fishermen
50 to make something of their effort this summer.

1 I can't remember who it was, was it your,
2 Don, who was talking about competition out in the ocean?
3 You know, I think there's a lot of interception going out
4 there. I cry about it when we talk about it in our
5 community meetings in Yakutat. And, you know, I actually
6 don't really see something being done about it, you know,
7 and if there has, it's been very limited.

8
9 You know, I have a friend that comes from
10 Cordova. He's the tribal president there when I was the
11 president of the Yakutat Tlingit Tribe. You know, we
12 worked quite a bit together, and I was always accusing
13 him, you know, of intercepting our sockeyes up there.
14 And, of course, you know, he denies it up and down, but I
15 think there's a lot of merit to that.

16
17 Lots of rain. The last couple days, you
18 know, we've had some nice strong winds up there. And
19 when we left Yakutat yesterday, you know, it was about 45
20 knot winds, lots of rain. They predicted maybe five
21 inches of rain in the afternoon. I think the last I
22 heard it was something more like eight inches, so that's
23 a lot of rain for that area. And it's a wonder that we
24 didn't get our community flooded out.

25
26 Every time this meeting takes place, you
27 know, it's the same time as the subsistence moose hunt up
28 there. And that opened up on Sunday. However, I was
29 still there, and so my boys always go out and hunt moose.
30 And that afternoon Lorraine and I rode out to Dangerous
31 River, you know, where most of the moose hunting was
32 taking place. And I was really surprised at the scarcity
33 of moose hunters. There was hardly anyone out there.
34 I'd say maybe even half a dozen people were out there,
35 you know, trying to catch their moose. And as far as I
36 know, as of yesterday, only three has been taken out.

37
38 There's a concern about the goat in Unit
39 5, and later on in the program, you know, Jim Capra from
40 Glacier Bay National Park will be giving a report on
41 that. So I'll save that for him.

42
43 If you remember, last year I was really,
44 you know, upbeat about the amount of deer, you know,
45 coming into the Yakutat area. And this year I've never
46 ever seen -- I've seen more deer than I did last year.
47 And they're even coming into the community now. And the
48 other day I was riding down to the boat harbor, and, you
49 know, just above -- on top of the hill there where the
50 road goes down to the harbor, there was a deer standing

1 right on the side of the road. And it just stood there.
2 And I drove by and I slowed down and almost stopped, and
3 it was about from here to Frank maybe, or more closely to
4 Dolly. And we looked at each other, and it's ears were
5 flopping this way and that way, you know, and then I
6 moved on, and it was still standing there when I left.

7
8 The other day I called a cousin of mine
9 who lives just a little ways from there on Montabay
10 Heights. And she answered the phone and she looked out
11 the window at the same time, and she says, oh, there's
12 two deer out in my yard.

13
14 And we're seeing reports of deer, you
15 know, all over the country up there, from Dry Bay all the
16 way up, you know, into Yakutat in the Yakutat area. So
17 I'm really happy about that.

18
19 Somebody made mention about guided
20 fishing. On the Situk River, you know, we have unguided
21 people who float down the river, and they don't actually
22 know the protocol for coming down the rivers, and it's
23 quite a mess. And I'm leaning more and more toward, you
24 know, guided fishing on the Situk River.

25
26 The size limit for halibut I feel, you
27 know, really needs to be looked at closely. I'm a
28 charter boat captain and I take, you know, clients out,
29 and one of the things that I inform my clients about, you
30 know, right off the bat is that the best -- if you're
31 after meat, the best is, you know, the middle size, 30
32 40, 50-pounders. Anything over 100 pounds, you know,
33 those are the spawners. And I would encourage you to
34 allow those to go back into the bay so that they can
35 spawn some more. They carry about 40,000 little eggs in
36 each one of those pockets of theirs. And I've only had
37 one person, you know, want the large one that we caught
38 one time. It was about a 286 pounder. And the reason why
39 is because he was a 90-year-old, and he put it in all by
40 himself, and it took him like 40 minutes. You know, it
41 would come up and go down, come up and go down. And he
42 wouldn't accept any help to haul it up. So I think he
43 deserved that one.

44
45 The sea otters are a problem in our area
46 as well. Consider it a fact that they might average, you
47 know, 80, 90, 100 pounds, you know, adults, and that they
48 eat 25 percent of their body weight each day. And so,
49 you know, that means that they are in direct competition
50 with our subsistence food, the clams, the cockles, you

1 know, the sea urchins, the crab. And we see in our area,
2 you know, an increase in the sea otter, and we don't
3 think that's a real positive thing as far as, you know,
4 our subsistence resources are concerned.

5
6 The bears are aggressive as well in
7 Yakutat. The Fish and Game people had to shoot four of
8 them, because they became a real big nuisance right in
9 the community. And, you know, I don't know, I guess it
10 seems like a trend all over, but it must be the shortage
11 of food, no berries this year, you know, and the salmon
12 coming late, and, you know, they're starving.

13
14 Madame Chairman, that's about the extent
15 of my report, and I thank you.

16
17 CHAIRMAN DR. GARZA: Just a sec, Nick.
18 So we will -- we have a few more Council members that
19 will be reporting on the concerns in their area. And the
20 intent of this is for the Council to get an idea of what
21 the issues are that are coming up. It's a very important
22 part of this meeting, but I wanted to also remind the
23 public that the public testimony will follow. I have two
24 blue cards up hear. Mr. Nielsen and Ms. Bjorum. So if
25 anybody else wishes to testify, this is the best time to
26 testify.

27
28 If you are interested in testifying on a
29 particular proposal, there are several Sitka ones, if
30 this is the only time you can testify, you're welcome to
31 testify now. However, as we address the public will have
32 an opportunity to speak to that proposal. So you'll have
33 two different opportunities to make public testimony.
34 And if you know someone who couldn't make it this
35 morning, and still wishes to testify before this Council,
36 we work hard to make accommodation.

37
38 So I'll go back to Council. Mr. Davis.

39
40 MR. DAVIS: Thank you, Madame Chair. We
41 also brought a letter of support for Sitka Tribe and the
42 rural status.

43
44 And from OBK, also a concern of mine and
45 OBK is the aerial spraying on Long Island.

46
47 And another concern is the logging that
48 keeps going on on Kupreanof Island.

49
50 And a lot of our people with the price of

1 fuel, it's hard for them to, you know, go a long distance
2 for their meat.

3
4 And a lot of people know that we did lose
5 three people deer hunting a few years back. Time was
6 getting short, and they took a chance on the weather and
7 they paid the price.

8
9 And then we do have an on-going concern
10 with the sea otters that just seem to be multiplying and
11 continuing to take our food that we rely on.

12
13 You know, I think that's all for now.

14
15 MR. DOUVILLE: Thank you, Madame Chair.
16 The salmonberries are really late around Craig. We're
17 still waiting for ours.

18
19 There are a couple issues with Klawock
20 sockeye. And there was no dogs there this year for
21 whatever reason. Like Mr. Hernandez said, there's lots
22 up on the upper end, but I think I caught three this
23 fall, and normally I can get my 30 per years. I don't
24 know where they went.

25
26 One of my real main issues of concern for
27 the future is unlimited growth of the sport charter
28 industry on a limited resource. We have the similar
29 thing with halibut and black cod, and we have an IFQ
30 system now that takes care of that. But this certainly
31 needs to be addressed by somebody down the road.

32
33 Just to lightly touch on U 2 deer, is
34 that I've had people come up to me and ask, can we really
35 get five this year.

36
37 But that's all I have. Thank you.

38
39 MR. KOOKESH: Thank you. One of the
40 things I've always prided myself on was the fact that we
41 represent Southeast Alaska. And I was very glad to be
42 able to listen to all your reports from your communities.
43 And I don't know who the powers to be are that select us
44 individually, but I really would like to encourage them
45 to make sure that there's representation from Ketchikan
46 all the way to Klukwan. I'd like to make sure that
47 continues. It's very important so that we know what's
48 going on in the communities and we can hear and
49 understand what all of our problems. And I'm very glad
50 to hear that we're developing a balance, and hopefully

1 we'll continue to be that what. I know we're going to
2 lose our representative from Ketchikan, and hopefully
3 we'll get someone from that area that will represent that
4 area. And it was good to hear everybody's reports.

5
6 One of the things I've always stressed is
7 that it's very important that we meet in Southeast
8 Alaska, and not just in Sitka and not just in Ketchikan
9 and not just in Juneau. I believe that we need to spread
10 ourselves out. Even if we go to communities where
11 there's nobody at our meetings, we've been there, and it
12 kind of puts us -- it actually puts us above reproach,
13 which to me is very good that nobody can say, we've never
14 been to their community and we don't represent them. We
15 have to go there. Even if you don't like to go there,
16 you should go there. That's our job. And like I said,
17 we are representatives for Southeast, although we're
18 speaking individually for our communities. That's fine
19 in itself.

20
21 And unfortunately, I got my book at 9:00
22 o'clock this morning. I never did get any of my travel
23 status. And I know we have full-time staff working for
24 us, but to not get our material, that's -- something's
25 wrong there. And, I don't know, this has been going on
26 for more than one year. It's been going on for years.
27 I've been on here since '99 and to watch this occur
28 consistently, something's wrong. Someone's not doing
29 Title 8 of ANILCA the way it should be done. There's no
30 sound management occurring here. And hopefully that can
31 be fixed. To come here and to wing it because I don't
32 know what's on the agenda, it's unfortunate. It's a
33 disservice to Southeast Alaska for someone who's being
34 paid full time to not even work part-time on our material
35 is -- I don't know what to say on that one.

36
37 There are some good issues that were
38 brought up. I'll go down through them. The first one
39 was sockeye. I've always been very strongly in favor of
40 sockeye. It seems to be from what I've heard over the
41 years something that all our communities embrace as our
42 top priority in terms of the fishery. And hopefully I'd
43 like to see us continue that.

44
45 There was discussion earlier that keeps
46 coming up about brown bears. A lot of times when we get
47 in trouble with our fisheries, like for example, for the
48 Kanalku sockeye in Angoon. I'll speak to Angoon for a
49 change. When you look at what happened in Angoon, a lot
50 of the blame was the pressure we put on that area, on the

1 bay, that we were going to kill the bay. But I had a
2 friend -- my brother Matt is the chairman for (In
3 Tlingit). And he took the general manager up to Kanalku.
4 And they saw so much brown bear dumping up the stream
5 that, who are you going to blame? I happen to believe
6 very strongly that we need to manage the brown bears.
7 Not just us. Not just point the finger at each other and
8 fight among ourselves. Let's blame the bears a little
9 bit, you know. They're just sitting back and just
10 loading up.

11
12 Nels Lawson told me one time that no
13 management is good management, that no management is bad
14 management. And that's what's occurring.

15
16 I talked to Bob the other day. There was
17 a couple of places, I believe there's a request to open
18 up an area on Pack Creek on the east side of Admiralty
19 Island. And he wondered if we would have a concern on
20 it, and I do believe that we should, if there's a concern
21 for managing brown bears in order to maintain healthy
22 stocks, then let's do that. There's also one for
23 Mitchell Bay.

24
25 We have to do some management. We can't
26 have bad management which we're allowing to do. We're
27 just standing here blaming each other for what's wrong,
28 and that has to stop.

29
30 The second one, the idea of marine
31 jurisdiction. It's certainly something that needs to
32 occur for us. I know that when the State had it, it
33 seemed like they had 100 percent, but yet when we've
34 taken control, we only have 60 percent. We're both
35 fighting over something, and no one's going to win. We
36 need to reach out and get that marine jurisdiction. We
37 need to follow the cycle of that salmon for its life.
38 That's not proper management to only have half of it.
39 That's like having law enforcement only doing half of
40 their job. And it doesn't work. You can't have half a
41 control over a city. You have to have total control.

42
43 You know, rural determination, we
44 certainly need to address that one. The fact that a
45 community is healthy and growing shouldn't be held
46 against them. We need to address that. If you ask me,
47 the legislation needs to go away. People that maintain
48 their lifestyles that their fathers taught them -- people
49 that were sitting here testifying last night, their
50 fathers and their grandfathers probably taught them what

1 they were doing, and yet it's being put in jeopardy.
2 It's actually a form of genocide if you look at it,
3 taking something away from them. Look at our poor
4 brothers in Juneau. Those guys are having it tough.
5 They're Dipak Indians. They're dog salmon eaters now,
6 shopping at A&P and Costco. So hopefully we will fix
7 that.

8

9 I know as was mentioned that the cycles
10 were off, but I believe that overall it was excellent.
11 The sockeyes, based on our volunteer program, they back
12 strong in the end, even after it was over. I'm talking
13 about Sitkho bay, Kanalku and Basket Bay, the runs were
14 there. They were late. They had an excellent silver
15 run.

16

17 I don't know where we fit in in the
18 scheme of things when it comes to talking about the 32-
19 inch halibut, the one that the sportfishermen are taking.
20 I believe that as a Native, that if we're going to allow
21 in sportfishery, and probably in the subsistence fishery,
22 the taking of 32-inch halibut, if we're going to allow
23 that to occur, we might as well have a Bambi season. You
24 know, we might as well scoop salmon fry, too, and start
25 killing those while they're small. They're still fish.
26 I mean, we need to focus on this, and we need to
27 establish and it needs to be recognized that if
28 International Pacific Halibut Commission adopts a 32-inch
29 minimum, why don't we? There must be some science to
30 what they're doing. Why can't the charter fleet embrace
31 it more than voluntarily. When does it become a
32 regulation and as Natives we should take care of that
33 fishery. Somebody said, well, the stocks are healthy.
34 Well, why don't we fix it before it becomes a problem and
35 the crisis issue. And you read our RAC book. It talks
36 about sound management, principles, and we've got to
37 apply some of that somewhere.

38

39 And the last one is the charter boats.
40 Someone needs to understand that Bert and I, and I don't
41 know who else in here, is a charter boat operator, but
42 someone needs to understand that those fish belong to all
43 of us. It's not just their fish. It's not rural fish.
44 That fish belongs to all of us.

45

46 Thank you all for giving me information
47 so I can do my report. Since I didn't have my book, I
48 wasn't aware there was community reports. I missed the
49 last meeting. This is what happens when you miss the last
50 meeting. They put you at the end of the table. It's a

1 sad day.

2

3 (Laughter)

4

5 CHAIRMAN DR. GARZA: We can move you up
6 over lunch there, Floyd.

7

8 MR. KOOKESH: That would be fine.

9

10 (Laughter)

11

12 CHAIRMAN DR. GARZA: Mr. Douville.

13

14 MR. DOUVILLE: Thank you, Madame Chair.
15 I'd just like to mention, I don't know if we'll address
16 it anywhere in this meeting, but I support without
17 reservation Sitka and its quest to maintain rural status.

18

19 CHAIRMAN DR. GARZA: Thank you. My
20 Ketchikan area report will be fairly brief, because it
21 will be covered in other areas on the agenda.

22

23 Ketchikan and Saxman both held -- were
24 fortunate to have Federal Subsistence Board arrive in
25 quorum and heard testimony from Saxman residents as well
26 as Ketchikan residents. Saxman to maintain their status
27 as a separate community from Ketchikan and therefore
28 continue with rural status, which is the current
29 recommendation. They are concerned, like Sitka, because
30 of the change of the Board, it was a tight vote and that
31 vote could go anywhere right now.

32

33 Ketchikan showed up in mediocre force I
34 guess I would have to admit, but all in support of
35 Ketchikan being rural, and there was no opposition to it.
36 The opposition -- the harsh words that were spoken at the
37 meeting were from residents who have been denied rural
38 status and have had to fight things like Unit 2 deer
39 issues or basically just an issue of equality between
40 people from Ketchikan and even people from Saxman who may
41 be a quarter mile apart and have different rights and
42 benefits. So the Ketchikan meeting was a good meeting.
43 I think we didn't have high attendance, because we don't
44 have rural status, so we in effect don't really know what
45 we're missing.

46

47 And the response from Sitka was
48 marvelous, because they know the benefits they receive
49 through the Federal Subsistence Board process and through
50 the Southeast Regional Advisory Council.

1 The Unit 2 issue, we as Ketchikan area
2 residents or nonrural residents have access to the
3 southern part of Prince of Wales now at August 1. I
4 can't say that that is the end all. The subcommittee has
5 finished their work. The major decision has been made.
6 I haven't heard complaints. I haven't heard anybody say
7 that it was great. We'll have to see over the next year
8 if there are takes from that area. That certainly didn't
9 meet the needs of people that don't have a large boat
10 that can't go down to the southern portion. And we do
11 have a number of Ketchikan people that have low income
12 and will never have a large boat, but still want to get
13 deer early in August.

14
15 I just would also report the same as the
16 rest of Southeast, lots of rain, no berries. The concern
17 is that it will have an impact on bears getting more
18 aggressive as they try and fill their stomach for the
19 winter. They're missing one of their main components of
20 their diet, and so we have to be wary as humans I guess.

21
22 I think that's it for now. So thank you
23 for the time for Ketchikan, and also thank the Council
24 for their continuous support of Ketchikan and Saxman and
25 Sitka to remain rural status. That is very important
26 that we stay united in that front, and I think that has
27 been helpful.

28
29 So we will move on to public testimony.
30 But I do have one quick question. I have two requests
31 from FIS people, and so I wanted to ask if there will be
32 three FIS reports later, and that would be the proper
33 time? Is Sitka, Hetta, Carta all reporting as FIS
34 projects, or is public testimony the correct time.

35
36 MR. MCBRIDE: Madame Chairman. Doug
37 McBride with Fisheries Information Services. Sorry, you
38 caught me like a deer in the headlights. To my
39 knowledge, I'm certainly prepared to talk about the
40 strategic planning process that we did and the
41 recommendations from the TRC for the 2007 monitoring
42 program. There may be some other people here that are
43 here to talk about specific projects. We usually do that
44 in fall just because of the press of the agenda -- or
45 excuse me, in the winter meeting, because of the agenda
46 in the fall meeting. But there may be some other people
47 here that will briefly talk about some of the other
48 projects that are ongoing.

49
50 Madame Chair.

1 CHAIRMAN DR. GARZA: Okay. So I guess we
2 have -- there were three, and I don't see the Sitka guy
3 here. And so -- you're not the Sitka guy, but you can
4 testify if you want. The Sitka guy for the FIS project.

5

6

7 UNIDENTIFIED VOICE: If I could comment,
8 he is -- he's moved the mic away from him, and so he's
9 not coming through very good, and he needs to address
10 that, if he's going to speak so I can hear.

11

12 CHAIRMAN DR. GARZA: Okay. So basically
13 with the FIS we did lose the main coordinator. Meg
14 Cartwright did retire, and we wish her well in her future
15 activities, and maybe that's why we're a little bit
16 afloat here. Mr. Sanderson and Mr. Edenshaw, and then
17 there was a Sitka Tribe FIS presenter. We can do all of
18 those as one set of presentations, as number 18. That
19 would follow the proposal process. And that in my
20 opinion would probably be a better process, but, Mr.
21 Sanderson and Mr. Sanderson, if you were only going to be
22 here today, you're certainly welcome to testify now. But
23 if you wanted to do it as a group with you two as well as
24 Sitka, we will make that happen.

25

26 MR. EDENSHAW: Madame Chairman, what do
27 you want us to testify on?

28

29 CHAIRMAN DR. GARZA: Okay. Five-minute
30 recess.

31

32 (Off record)

33

34 (On record)

35

36 CHAIRMAN DR. GARZA: Come back to order.
37 Grab whatever you're going to grab, sit back down. We
38 have public testimony before us. That will probably take
39 us through lunch, and then we will have elections after
40 lunch and start the proposals before us. So I have five
41 requests for public testimony. Ray Nielsen, Jr. Erika
42 Bjorum, I'm not sure if I'm saying that correctly.
43 Heather Woody. Dan Edenshaw and Robert Sanderson, in
44 that order. We are trying to set something up for Ray, a
45 map on this gizmo here, so I'm going to ask Erika to come
46 up in front of him, if that's okay, Ray.

47

48 So we have public testimony. This is
49 your opportunity as public to tell us what your concerns
50 are. It can be on the agenda items that we have before

1 us. It can be on other concerns that you have that you
2 would wish us to bring up either as an item somewhere
3 later on our agenda, or some time in the future. Or it
4 can be to thank us for the work we've done. Who knows.
5 Maybe we're not worthy. But this is your opportunity as
6 a public, and then again also as a public you will have
7 the opportunity to speak for every proposal that's
8 brought forward, and a number of the proposals are on
9 Sitka area resources, so we may have some Sitka response
10 to those.

11

12 And then I know at least one person from
13 the public is coming in late. ANB Grand President Dewy
14 Scan will be speaking and is just flying in now I think.
15 So he'll be giving public testimony later.

16

17 And as I mentioned earlier, if you know
18 of someone who can't testify until tomorrow, because
19 they're out hunting or fishing, or doing something, we do
20 our best to make accommodation, but once we start the
21 proposal process, we're going to stay on those proposals,
22 and the public testimony would be pushed to the end of
23 that.

24

25 So, Erika. So for public testimony,
26 please make sure that your mic is on, speak into it and
27 clearly, so it can be recorded, and also so that the
28 public can hear you. and we do not have a five-minute
29 timer like we did last night, or the Board of Fish has.
30 No red or green or yellow lights. But do keep in mind
31 that there are other people who would like also to
32 testify. Okay. Erika.

33

34 MS. BJORUM: Hello. My name is Erika
35 Bjorum. I work with Southeast Alaska Conservation
36 Council. I want to thank the Council for the opportunity
37 to talk. I don't even think it will take up five
38 minutes.

39

40 It's come up a couple of times already
41 just in the community reports about the Long Island
42 pesticide spraying. And as you probably know, SEACC is
43 just one of many groups around Southeast Alaska that is
44 seriously concerned about the pesticide spraying on Long
45 Island and what that can mean for the rest of Southeast.
46 More groups that I can even mention right now. Tribes.
47 Community. City councils. Health care providers.
48 Fishing organizations. And the like.

49

50 And I wanted to first just thank the

1 Council for your opposition in the past to this pesticide
2 spraying, and as everyone knows, the possibility that it
3 could happen is still out there. I don't want to speak
4 for the people of Hydaburg or anywhere else. They've
5 already spoken, and I think will continue to speak much
6 more eloquently than could on what it means to them to be
7 able to gather their foods and medicines on Long Island.
8
9

10 But I just wanted to let you know that I
11 am here and I'm hoping to learn something by being here
12 over the next couple of days, and hope that we as SEACC
13 and other groups working on this can continue to have the
14 support of the Council on this issue either as the
15 Council or as individuals from communities from Southeast
16 that are concerned about this. We want to work to find a
17 safe alternative to what's being proposed for Long
18 Island, and I just wanted to speak on this issue, and
19 hope to be able to talk to each of you about it over the
20 next couple of days.

21
22 CHAIRMAN DR. GARZA: Thank you. Are
23 there any questions.

24
25 (No comments)

26
27 CHAIRMAN DR. GARZA: Mr. Nielsen.

28
29 MR. NIELSEN: Thank you, Madame Chair.
30 Council members. Staff. Welcome to Sitka.

31
32 I'd like to address Whiting Harbor and
33 Makhnati Islands. And we're trying to get the overhead
34 going here, through World War II, the military obtained
35 several sites around Sitka Sound, including that one.
36 And after the war, it was supposed to revert back to the
37 Native community here. That didn't happen.

38
39 So Mr. John Littlefield initiated the
40 steps to get those back to the hands of Native people.
41 And the first one was Makhnati Island.

42
43 I grew up on Japonski Island, so I know
44 the area intimately. It was our playground. I harvest
45 seals there. I gather herring egg on kelp and herring
46 eggs on hair kelp. And I've always done that all the
47 time. And during the herring fishery I participated as a
48 crew member. We went in there time but the spotter, he
49 said he had a big set, and the captain believed him, and
50 I said, no, there's nothing there. The pilot had spotted

1 a rock, from the air it looks like a big mass, a big
2 school. And, well, they caught the rock. The captain
3 ran away from fish was at.

4
5 And this year, being an active member of
6 a herring committee, and with interaction with Fish and
7 Game here in Sitka. And they called for catch fish. I
8 don't know if it was the second or third fishery. And
9 there was nobody offered to use their boat and put their
10 small seine at risk. This is shallow seine area, not a
11 deep seine. And here was not one that offered to do
12 that. And I knew that was going to happen right away.

13
14 And in the excitement of losing fish, I
15 was called upon to have a fishery. And I walked up on
16 the bridge to watch. And we watched from bridge,
17 watching over on the south side of the causeway. There
18 were a lot of pinnacles, and they'd come up very
19 abruptly, very sharp. On that side there is broadleaf
20 kelp and other kelps which we do not use, because it's
21 too deep. Whether it's a shallow seine or a deep seine,
22 if they were to fish there, they would wipe out that
23 substrate, and they will float away, and all the herring
24 that spawned on there, well, they're gone. They will not
25 swim away or come back.

26
27 And on the north side, northwest side, I
28 don't know if you can see it, when -- right to the left
29 of the words Whiting harbor, there's a little cove there.
30 It's very sandy. And that is hair kelp, very good hair
31 kelp. Some of the balls are -- when they spawn, they're
32 so huge, what is underwater, the herring, they're
33 attracted to that and they spawn on it. There's very few
34 of us know about it, and we go there and get it.

35
36 And then on the other side of that, right
37 below the word island, and I can't pronounce the one
38 there, there's some small, really small islands there.
39 That is macrocystic kelp. I've been harvesting
40 macrocystic kelp there for quite a few years. Not many
41 people go there either. People always tend to run to
42 Kasi Island, and other places, and that's okay.

43
44 But I shoot seals there. I've been
45 shooting seals since I was a kid. And that's a very good
46 spot, but they don't spawn there all the time. They
47 might nail it one day or maybe a couple tides. And they
48 do not stay in there either. It's very shallow. There's
49 rocks. And the only thing you'll probably catch would be
50 rocks and macrocystic kelp.

1 And during that fishery the herring were
2 coming around that end, coming around. Some boats fish
3 there, I'm not sure of the results of that.

4
5 But I know on the south side it was very
6 poor. The fisher was called, so they had to fish. And
7 we watch a lot of very small sets or let go sets, were
8 not even catching them at all. To me that was a waste.
9 But being a herring manager, he's calling his best shoot
10 as to not lose it.

11
12 And we knew this was happening, so we
13 were monitoring the radio, listening to the processors
14 and the companies. They did not want it. And the
15 packers, they were already running away to their plants
16 with their first load of herring.

17
18 And to me, this should be a safe zone.
19 They don't want to fish there anyway, and they don't want
20 to put their small seine at risk. And it would be good
21 for us, could we harvest on the north side and the south
22 side. We don't go there. Because there's still old
23 metal, old junked heavy equipment on the beach, and I
24 don't shoot seal there. I don't harvest herring. I do
25 not harvest herring eggs that spawn there. The substrate
26 is not to our liking.

27
28 So this is my pitch, what I know about
29 the area. And it would be good for us, we can get our
30 hair kelp and our macrocystic kelp. So this concludes
31 what I have to say about that.

32
33 And in last night's testimony, many of
34 you were not here, but you saw how important Sitka is to
35 obtaining our Native foods, health foods. Not just for
36 Native community, it's for everyone that lives here. Why
37 do they come here? Great outdoors. We take care of a
38 lot of people. They do not harvest, but our harvesters
39 take care of them.

40
41 And hopefully that the Board understood
42 what we're saying. We say it over and over. We all say
43 it in a different way, but the word is, this is our food,
44 this is our meat locker, the air, land, sea, everything
45 it has to give to us. It's very near and very dear to
46 us. And we fight for it. And it's not over. We've
47 still got December 10. We will see them there.
48 Hopefully we'll see you there, too.

49
50 Thank you.

1 CHAIRMAN DR. GARZA: Thank you, Ray. Any
2 questions.

3
4 (No comments)

5
6 CHAIRMAN DR. GARZA: Okay. Good. Okay.
7 The next slip I have is from Heather Woody.

8
9 And just before you move on down here, we
10 will be taking up these proposals after lunch, and so you
11 have two opportunities. You can testify now to the
12 proposals. You have 18 and 19 on your form, but the
13 public and the tribes will each have opportunity when the
14 proposal is before us to testify. And so if you want to
15 testify when the topic is on our table, you're welcome to
16 testify then, which might be a bit more germane, or
17 you're welcome to testify now, if you just need to get it
18 over with. It's your call.

19
20 MS. WOODY: Thank you, but I'd like to
21 testify when the proposal comes up. Thanks.

22
23 CHAIRMAN DR. GARZA: We'll keep you up
24 then.

25
26 Okay. Next is Dan Edenshaw, Organized
27 Village of Kasaan on Carta River.

28
29 MR. EDENSHAW: Madame Chair. I'm
30 representing the Organized Village of Kasaan today. And
31 I just wanted to talk about the Carta River.

32
33 For the past two seasons there's been a
34 weir project going on on the Carta River. And the stock
35 number of sockeye has been very low in that system.
36 Excuse me. So based on the two years of that low stock
37 number and local knowledge of the decline of sockeye in
38 that system, we're requesting that the Carta River be
39 reviewed again and reconsidered for the priority for
40 funding and monitoring.

41
42 I'd just like to stress that Kasaan is
43 not the only community that harvests out of that system.
44 At times there's been Ketchikan residents, Craig,
45 Klawock, Hydaburg, and, you know, pretty much most of the
46 island when other systems are failing.

47
48 So just basically all I wanted to say is
49 that I hope that the funding for this monitoring project
50 at the Carta River an continue. Thank you.

1 CHAIRMAN DR. GARZA: Questions. Mr.
2 Hernandez.
3
4 MR. HERNANDEZ: Thank you. Are you using
5 your weir to count any steelhead on the Carta?
6
7 MR. EDENSHAW: This year there was no --
8 we didn't count steelhead this year, but last year the
9 Fish and Game did count steelhead before the sockeye
10 project started. And I'm not sure what those numbers
11 were.
12
13 MR. HERNANDEZ: Thank you.
14
15 CHAIRMAN DR. GARZA: Okay. So it's --
16 from my memory, and I was just thinking Kasaan, but my
17 memory is short, OVK did submit a proposal to do
18 steelhead counts in that proposal. The FIS proposal did
19 not make it through to funding, is that correct?
20
21 MR. EDENSHAW: I'm not sure if they put
22 in a proposal to do steelhead on the Carta River for this
23 season, but they did two other systems for steelhead,
24 which would be the Eagle Creek system and the Cable Creek
25 system.
26
27 CHAIRMAN DR. GARZA: Okay. And so
28 basically your request is to keep carta in mind as we
29 look at the FIS proposal priority list that we'll be
30 bringing up later, probably tomorrow?
31
32 MR. EDENSHAW: Right. Yeah. Because the
33 project only ran two years, and to collect data, you
34 generally want to go for a five-year cycle. So with the
35 low numbers, Kasaan is really concerned about the decline
36 of fish and, you know, it could be detrimental to the
37 harvesters in Kasaan, and the, you know, POW generally.
38
39 CHAIRMAN DR. GARZA: Okay. one of the
40 concerns that has been raised by this Council at a past
41 Council meeting, and I know you weren't in attendance, so
42 I'm putting you a bit on spot, is that the FIS monies are
43 fairly limited. There is a lot of demand and we need to
44 have as a Council a better idea of why the data is
45 important and what possibly could be done with that, if
46 you are able to speak to that.
47
48 MR. EDENSHAW: I probably couldn't go
49 into any detail on why the numbers are important, other
50 than the harvesting issues, because I've only been living

1 in Kasaan for -- since the beginning of June, so other
2 than just looking over the numbers from the last season,
3 and I was actually the crew leader on this year's
4 project, so with those low numbers, you know, and local
5 knowledge, I really can't go into too much detail on why
6 it would be important to Kasaan.

7

8 CHAIRMAN DR. GARZA: Mr. Adam -- sorry,
9 Mr. Wright.

10

11 MR. WRIGHT: Thank you, Madame Chair. I
12 was wondering, you know, I'm seining is up in this end,
13 and then our seining is regulated by the amount of
14 sockeyes that are going into a river to some lake, and
15 why you have such a high number of harvesters going into
16 your system when you're getting low numbers. Is there
17 any way to regulate that and say, no, you can't do that
18 any more? Because I know out in Cross Sound, there is a
19 river there that is used by Chichagof Island residents
20 and Pelican residents, you know, so I'm just curious why
21 so many harvesters are hitting your river when the
22 numbers are low.

23

24 MR. EDENSHAW: I would suspect that it
25 would be just because of the low numbers in other systems
26 also. You know, for instance, people will go fish a
27 system and there's nothing, so they just kind of bounce
28 around between different systems, hoping that one of
29 them's going to hit, so they'll get their supply
30 harvested for the year.

31

32 As for the regulation part of it, there
33 probably is no way to regulate them coming into your
34 system and harvesting, not without a fistfight.

35

36 CHAIRMAN DR. GARZA: Thank you.

37

38 MR. EDENSHAW: Thank you.

39

40 CHAIRMAN DR. GARZA: Mr. Sanderson. Mr.
41 Sanderson asked me how much time he had, and I said he
42 has until lunch, so make yourself comfortable, because
43 I'm sure he has a lot to share with us.

44

45 You need to turn on your light and --
46 just a button right in front of you. Yeah. Okay. And
47 then please restate your name and where you're from for
48 the public record, thank you.

49

50 MR. SANDERSON: Yes. My name is Robert

1 Sanderson. I'm from Hydaburg. I've lived there all my
2 life, 78 years. I'm pretty familiar with what's going on
3 there, and I've been involved in practically everything
4 that's ever happened in that community over the last 50
5 to 60 years.

6
7 Now, I got involved in the Hetta Project,
8 you know, because years ago I remember working -- 18
9 years old, I was working on a petition on that to keep
10 the Forest Service from going in there and logging the
11 drainage here. And at that time, we had picked up a lot
12 of these old figures, the commercial catches, and also
13 the subsistence catches and what it meant for this
14 community. So I've kept track of it all these years.
15 Our cannery catches. Some were directed -- it's a
16 directed fishery at Hetta.

17
18 Now, I'll give you background on Hetta,
19 basically I'll start with that one for a minute here.
20 The lake is only two miles long, two and a half miles
21 long. The drainage is about 10 square miles, and you put
22 that in perspective here, the islands -- the systems up
23 island have 50 square miles of drainage, Klawock and
24 Carta River, the main ones. And the lakes are much
25 bigger. Yes, historically Hetta had commercial catches
26 of over 200,000 sockeye. It was the highest below the
27 Chilkat River. And it produced also for the subsistence
28 fishery in proportion. We're the largest user of the
29 sockeye historically in the Southeastern Alaska.

30
31 This year when we look at the weir
32 counts, and it kind of confirmed what we have told the
33 Fish and Game earlier when they first interviewed us.
34 There's three distinct populations of sockeye in that
35 lake. They comes to three peaks like this. Most systems
36 have one. A couple of them have two. But this run
37 starts, the first jumps will be around Memorial Day. And
38 they're still fishing the first of October. They's still
39 some going up. In September there's a fair amount.
40 August is the heaviest portion of the run. That's what
41 used to support the commercial fishery. In the past most
42 of the subsistence was taken in June and early July when
43 they start to get the rest from Eek (ph). Then everybody
44 would go out seining.

45
46 Now, this year we tallied, there was
47 about 9,500 sockeye that were taken for subsistence.
48 18,000 sockeye were counted over the weir, and probably a
49 few hundred after that that we didn't -- you know, that
50 we didn't get because we pulled the weir. 4,000 cohos

1 also. I found out there's a lot of silvers in that
2 system I didn't even know about. That's the second year
3 in a row we found this.

4
5 But again, you know, that stream probably
6 has the potential when it's at its peak to produce more
7 than almost all other sockeye systems put together.

8
9 And it's an important system. It has to
10 be. It's the most important system for the Hyda tribe.
11 And in peak years, we don't hardly take salmon from any
12 other system. Hetta can supply us. In big years, it can
13 supply a commercial fishery even.

14
15 So I've gone up there to -- and I've
16 wondered why a lake this small -- it's a deep lake. It's
17 very clear. It doesn't have that kind of plankton count.
18 But why, how it would support a commercial catch of over
19 200,000, and you would think there would be millions and
20 millions of smolt and fry in that lake. And how does it
21 support it? You know, I've looked, I've tried to get
22 some answers there. There are three runs. There's a
23 tributary at the head of the lake that all the early
24 system, you know, the June and early July run goes up.
25 Three days ago they walked the stream, only 24 left. The
26 rest were all spawned and gone, were the humpies. Now,
27 the late runs are all around the rim of the lake.
28 They're still there. We haven't seen the 18,000 sockeye
29 yet. You might have seen 1,000 or two along the edges.
30 Most of them are out in the middle. And when we finish
31 this project, probably at the end of this month, there's
32 a large portion of that run we're not going to see.

33
34 There's good numbers in November, there
35 will be fish in December. The Fish and Wildlife Service
36 and local residents have reported even getting them in
37 March. They spear one to eat, to boil. Claude Morrison
38 had said he was up there at one time in late January with
39 Charlie Charles, and he speared some to eat. He said at
40 that time of the year they're real sluggish. The water's
41 cold. And he said, they just swim away a little bit,
42 you'd miss them with a spear, and they come right back to
43 where they were at, you know. And he said, what he
44 remembers, the large amount of eagles that were there at
45 that time of the year feeding on spawned-out sockeye.

46
47 So kind of unusual, you know. It makes
48 people scratch their heads on it, you know. We spotted
49 seven sockeye that were in one spot six weeks, and they
50 were still there when we left. Bill Bale, who's with

1 Fish and Game, we look at them every two weeks, they'd be
2 still there. And when we made a set for the seine on
3 halloween, just before halloween, we had about 50
4 sockeye, and every single one of them had solid eggs in
5 them. There's no loose eggs at all in them.

6
7 So it's -- there's other things that's
8 puzzling about that system. I remember walking around in
9 the lake there, on the edge of the lake, and there was a
10 lot of small fry. In fact, it looks like they were just
11 hatched out. This is September. And they're not
12 humpies, you know, and I don't think they were coho.
13 Coho fry would have been bigger. There must have been
14 some really late hatch out in the sockeye. And we're
15 trying to get some answers on this one here. I've got
16 some -- I wouldn't mind -- I wish I had management
17 authority on that system, you know, I could make some
18 recommendation fast on it about the timing, when you
19 should go out. The changing -- you know, take in account
20 those three peaks. It showed this year both in the
21 substance and also the weir counts. It's three distinct
22 peaks. It's every year. It's been known for years.

23
24 Now, as far as the other systems, and on
25 the island, we're funded for the Hetta project. We're
26 looking at five other systems at the same time, keeping
27 track of them. We're doing this on our own. And we have
28 some answers on that, and we did a reconnaissance on some
29 of these other systems this year. I wish that we could
30 have done more, but we were charged with taking 30
31 percent of that fish to tag them and clip them. You
32 know, that was not required on the other systems. Dan
33 says they take 15 percent in the Carta.

34
35 And we had some mechanical problems down
36 there. The run is so late that when they mix with
37 humpies, and the big sizable running humpies that come in
38 the end of August, that we have a real problem there. If
39 we had last year's humpy run with this year sockeye run,
40 it would have been just almost hopeless, and we'd
41 probably have to open the weir and let them be. So
42 there's other -- we've been trying to figure out some way
43 to handle these fish. They don't segregate, they just
44 mix together. This year we had to dip net every single
45 one of those fish out, you know, about 30,000 -- no,
46 about almost 35,000 salmon were just dipped over because
47 of the mixture. You can't segregate them out. And we're
48 just lucky that the stream isn't that big, it's clear.
49 We never have brown water. And we wouldn't have the
50 problems like you'd see in say Klawock or Carta River,

1 five times the drainage and five times the run-off, and
2 you wouldn't have the scouring problems. We're lucky in
3 that respect here.

4
5 We learn from every year, you know. I've
6 been involved in this project probably for five years. I
7 really wanted to see it go and see if they could build
8 that run up to historical high levels. I've seen this in
9 the past. And during the 90s every year was probably
10 bigger than this year. At least two of those years, a
11 factor of five to one over this year. You know, we can
12 account for 28,000 fish this year.

13
14 So it's one that I hope to get continued
15 funding on it, and we'd like to expand it. We want to do
16 a reconnaissance on all of the other sockeye systems that
17 are in the Hyda area. There's a number of them. Not
18 much is known about them. There's four on the outside of
19 Dall Island, very little is known about. I guess I'm the
20 only informant left alive that know anything about them.
21 You see, most of the information we got on that came 30
22 years ago when Papa George Hamilton, Ed Sanderson,
23 Dilbert Nix were alive.

24
25 And even now there are old villages out
26 there that there's no one even knows the name to them.
27 We don't have a name for them. And neither do the
28 Tlingit people. And they're real ancient. There's caves
29 out there that are probably carbon dated 2,000 years
30 back, and just lots to find yet.

31
32 So we'll be out to Forester Island, we'll
33 take a survey on that. You know, the bird egg population
34 there -- I don't mean the population, but the harvest
35 used to be quite substantial in the past. We'll be out
36 there with a bunch of -- probably with Steve Langdon and
37 maybe an anthropologist from the University of Oregon.
38 We were slated to go this year, but they came up and the
39 weather got bad, and at that time you can't get off there
40 with big ground swell and just almost no way to do
41 anything. But at the same time, I think we're going to
42 do Dall Island on the outside coast while they have that
43 opportunity, and survey these sockeye systems at the same
44 time.

45
46 Especially I wanted to get a look at
47 Nichols Bay for the south. It's a substantial run. You
48 know, in the past it supported as high as 35,000, the
49 commercial catch. I don't think there's any impact on it
50 right now. You know, the area's isolated. But now as

1 you get bigger and faster boats, and the more and more
2 population pressures, you know, some of those areas are
3 going to be utilized, and we want to get -- at least we
4 need to know what's there.

5
6 The other systems, Eek was poor to fair,
7 about 700 sockeye taken. Kind of an unknown amount went
8 up, I think just maybe 1,000 or so. It's kind of poor
9 for that system. It's a good creek.

10
11 Hunters Bay was very poor this year. It
12 had had substantial runs for the last three years.

13
14 Kasook, one of the systems we're looking
15 at, has been bad for three years. Finally we walked up
16 the stream and found a big beaver dam below the lake
17 that's blocked the whole run, and we've had to remove
18 portions of it. We did this in Eek Lake, and another
19 little creek on Sukkwan Island. We call it Coffeeshuck
20 (ph). There's no sockeye left there. You know, it
21 wasn't a very big run, maybe a few hundred, small lake.
22 There's a beaver dam right below the lake right now, and
23 I haven't seen sockeye there for a number of years.

24
25 So we'll probably make this information
26 available when we're done. I've got a lot of it now.
27 And probably several hours on tape describing all the
28 sockeye systems, all the subsistence areas and all the
29 areas we historically use. I did Kasaan for good
30 measure, because there's the lack of elders now. I think
31 David Peale was the last one that's alive.

32
33 So I think if I run out of time here, you
34 know, I -- just one personal thing. I'm very upset on
35 the proposal to spray herbicide on Long Island. You
36 know, it feels like a slap in the fact. I used to go
37 there every year. My mother was 83 years old. She was
38 born and raised in Howcan. And we'd walk it up to that
39 time. Right below there's this village which we called
40 it Twentyhunglas which means Muddy Water. And some of
41 our families, the Young family, I think Dolly's family,
42 others were from that area. We called them muddy water
43 people. It's an old abandoned village, and just near
44 there is where they're going to be spraying. I've never
45 understood why they just take some of their shareholders
46 and take a chainsaw out and start to thin some of that
47 out, you know. But the Village of Klukwan is dead set
48 against it. It's not the village. You can't say
49 anything about that. They're dead set against this.
50 It's the corporation, Klukwan, Inc., outside

1 shareholders, Juneau, Haines, out of state, whatever, you
2 know. So what's going to happen on that, I don't know.
3 I think the State is pushing it in my opinion. When they
4 send someone down to Hydaburg to hold a public hearing,
5 they'd have some low level person that had their
6 expertise in a totally different area, and you could see
7 that. I felt like that the hearings were stacked. They
8 made up their mind and just kind of satisfy you when you
9 made enough noise for it, for someone to come down to try
10 to explain this.

11
12 So I think I could end up -- I could talk
13 all day on this stuff, you know, but I'll end it right
14 here. If there's any questions.

15
16 CHAIRMAN DR. GARZA: Mr. Douville.

17
18 MR. DOUVILLE: Thank you, Madame Chair.

19
20 I agree with you on the Long Island
21 spraying wholeheartedly. And I know there's good
22 research done on the numbers that historically used to go
23 in there by Dr. Langdon.

24
25 We've been counting sockeyes in several
26 of these streams for some time now, some of them at least
27 a cycle. I guess my question to you is do you have any
28 suggestion as far enhancement, or a way to bring these
29 fish back? And what I mean, do you have a suggestion
30 which would make it better or so we could increase the
31 population other than must counting them?

32
33 MR. SANDERSON: Yes. I think -- I've
34 looked at all the other sockeye systems around there,
35 plus Hetta. But like I say, Hetta has three different
36 populations, so you'd almost have to have a way to
37 segregate those populations out and have to harvest on
38 each segment of the population here.

39
40 In Hetta at one time, I thought that lake
41 fertilization was the answer, you know, when it first
42 came out. It's a deep lake. The drainage isn't that
43 big. You don't have the run-off problems, and the
44 hydrology of the area suggest that if you put right in
45 today, take about nine months to empty that lake out. So
46 would it hold its nutrient. I thought because of the
47 sheer size of the runs, maybe they're self-fertilizing, I
48 don't know. You know, what i would like to see there,
49 just total protection from the early runs right off the
50 bat. Start there. I would never open that season until

1 in my opinion July 7th. That entire June run, because it
2 has not recovered. I guess it was substantial at one
3 time there in Klawock, and the finger's been pointed to
4 everybody else. You know, the Russians did it, the
5 Japanese did it, the commercial fishing did it. It's not
6 that. To me, it was just over-fished on years where
7 there was no rain, you know, and everything was taken for
8 four years in a row. That portion of the run has not
9 recovered. Late runs are strong in most cases, like I
10 say, the 90s, with -- were getting up towards historic
11 high levels. It went down for a while. But the system
12 is real resilient.

13

14 You look at other sockeye systems, and
15 you get 4,000 up there, maybe 4,000 will come back. It
16 maintains itself at this level. At Hetta, you might get
17 four or 5,000, or you might get 30 or 40,000 back. A
18 good example, this year. The escapement in year 2002 was
19 probably the poorest on record ever. I would say this
20 year came back from it. And probably 14 or 15 to 1 came
21 back. It comes back fast. I've talked to Fish and Game
22 people on why, and they suggested this, and this is my
23 opinion, too, there's unusually high survival in the
24 spawn that's around the rim of the lake. It's almost
25 unique on the island. All other systems, they spawn in
26 the tributaries. This one here, the great bulk of it
27 spawn on the rim of the lake. Not every place. There's
28 springs and upwelling of water, delta areas like that
29 that they spawn in.

30

31 And this one here -- I really wanted to
32 see, you know, that had the potential to be -- you could
33 supply the whole island for subsistence if need be at its
34 peak. And not only that, but a good part of the
35 commercial fishery. So this one here I guess would be --
36 I don't know whether lake fertilization is the answer. I
37 think that Fish and Game at this time is two-minded about
38 it. You see, it's been tried in Yes Bay, which
39 historically was the second biggest system after Hetta.

40

41 But I think I'd -- at this point here,
42 you know, you have to use that weir as a management tool.
43 That's what I would do. I'd open the season according to
44 what you get up as escapement, and what you've observed
45 in the creek, because before we had this weir, we fished
46 out two of these runs here that were very poor, and by
47 the time it's fished out, it is too lake to get
48 escapement, and nobody knew and no one could get a handle
49 on it. That's the first thing I'd do.

50

1 I had other suggestions also, you know,
2 that had to do with other systems in that area, notably
3 Hunter Bay and Clay Pass, you know that -- there's a
4 problem in each one of them.

5
6 CHAIRMAN DR. GARZA: Okay. I guess we
7 will be hearing about the FIS strategic plan report
8 later, possibly not until tomorrow. But one of the
9 concerns the Council has is that because of limited funds
10 and high demand that we can't just continue to collect
11 data for streams over and over and over and over and
12 over. It has to be with something in mind. And so I'm
13 looking at you as well as Dan up there, is to get a
14 better idea from the tribal perspective of what you want
15 to use that data for, and how it will be used, whether or
16 not it's an enhancement or whether or not it's to back a
17 proposal to implement C&T if the stock is low enough in
18 an area that it warrants that, that the harvest should be
19 reduced or whatever. It's just to recognize that we have
20 limited funds and that we have to be careful in how we
21 allocate them so that there is a value from what's coming
22 out, and to recognize that we have stocks that are much
23 smaller. I know that Kasaan has submitted proposals
24 before, and I'm sure other regions, that do warrant some
25 attention, and they didn't rise to the surface in the
26 beginning, but they nonetheless are or should be a
27 concern to us as a Council. Mr. Sanderson.

28
29 MR. SANDERSON: Yes. One other comment
30 here. We've had the weir there two years, and what we
31 had proposed in the beginning, we wanted to get one
32 complete cycle out of it, five years. You know, that's
33 -- predominantly the fish there is four and five year
34 cycle, and we need to get a handle on it. This is the
35 first time we've ever been able to really say what really
36 went up that system. The mark/recapture, which I say
37 worked real well in the Eek. I have some problems with
38 that one in Hetta. By the time we close this project, it
39 will be on Halloween, most of the fish we will not have
40 even seen, so the great bulk of the data come from the
41 early run, which is almost -- it's over with right now.
42 So I'd take -- if I had to choose between the two, the
43 weir count and the mark/recapture in this case, I'd pick
44 the weir count every time. Every time. And it may be
45 different in other systems, notably Eek, and some of the
46 other places, but on this case here like I mentioned that
47 we're not going to see a large part of that fish by the
48 time the project's done. And we need to get a handle on
49 it. We need to change the scope of the project to
50 include at least observation in November and December.

1 At least.

2

3 In fact I felt like keeping the skiff in
4 the lake and taking a look at it in the winter just to
5 see what's there, you know. And I've talked to the Fish
6 and Game about this, and I was going to recommend some
7 changes in the scope of this project, you know, to take
8 into account the lateness of the run, the length of the
9 spawning, the uniqueness of the run, spawning around the
10 rim of the lake when all other systems are tributary
11 spawn. And it's something, you know, that as I
12 mentioned, I wished I had management authority here on
13 this system here. All of them for that matter. I'd sure
14 make some recommendations in a hurry. If we're going to
15 make some anyway, you know, first of all the early one,
16 and the need to keep the weirs in there. It's been there
17 -- there's money been put in there. It's a considerable
18 investment in there, you know, and I would really want to
19 get at least one complete cycle out of it, the five-year
20 like this, and see what's there.

21

22 Again, it's the largest -- historically
23 the largest producer. It's the most important one, and
24 it's -- this year I'd say that 80 or 90 percent of the
25 total Hydaburg subsistence catches were from Hetta, you
26 know, and -- so I just wanted -- I'm sorry, I'm really
27 talking to long here, but I'll let it go now, you know.

28

29 I had to say something about Long Island,
30 you know, just to kind of get it off my chest on this
31 one. I'm not sure how we're going to handle this yet.

32

33 CHAIRMAN DR. GARZA: Thank you, Mr.
34 Sanderson. We will be bringing up the aerial spraying
35 again, and will likely renew our support for it and see
36 if there's anything else we can do to that. And thank
37 you for all the information on the sockeye in your area.
38 Subsistence fisheries is our business, so we're going to
39 do the best we can to ensure fish keep coming back to the
40 residents of Southeast.

41

42 MR. SANDERSON: Yes. Just a last thing,
43 you know. I've been taped for several hours.....

44

45 CHAIRMAN DR. GARZA: You promise it's
46 last?

47

48 MR. SANDERSON: Yep, that's it. But we
49 are going to do this reconnaissance on all the different
50 sockeye systems in our area, from Nichols Bay all the way

1 around, and including the outside of Dall Island. And
2 for good measure, I want to do Kasaan. I could do that
3 also. So you'll get that information. We did tape,
4 hours and hours of taping, and many of them were on these
5 sockeye systems in other areas, too, that -- like
6 Forester Island and other areas that are of real concern
7 to the Native community there, the Hyda community, so
8 you're welcome to have that information.

9

10 Thank you very much, Madame Chairman and
11 members of the Board.

12

13 CHAIRMAN DR. GARZA: Stay there, Bob.

14 Bob.

15

16 MR. SANDERSON: What's that?

17

18 CHAIRMAN DR. GARZA: Sit down. You have
19 one more question from Mr. Hernandez.

20

21 MR. SANDERSON: Okay. Go ahead. I
22 thought we were done here.

23

24 MR. HERNANDEZ: Yeah, just you said you
25 had information on other areas. I was just going to ask,
26 with your extensive knowledge of sockeye, is Klawock Lake
27 something that you're familiar with and do you have
28 any.....

29

30 MR. SANDERSON: I'm very familiar with
31 it, you know. They historically -- like I mentioned Hetta
32 had three peaks, Klawock had two. They had a substantial
33 June run in the past. That's pretty well gone, and the
34 run used to stop there right at the 31st of July. Almost
35 all system, Hetta, Eek -- not Hetta, but Eek, Hunter Bay,
36 Klacass (ph), just like somebody chopped the run off with
37 an ax on that date. So your subsistence harvest for the
38 year to that date. But lately I found out that there's
39 fish that are starting to show there in August, whether
40 it's delayed, I hear that there was some in Kasaan, you
41 know. And Klawock is a big lake, you know, with a big
42 drainage here. It had very substantial runs of pinks in
43 the past. One of the biggest. Large runs of chum.
44 Everything, in fact. A lot of coho and pretty decent on
45 sockeye. I've looked at old records, that at the peak
46 catch, there was about 73,000. And so that's a good run.
47 About the same as Carta River in the good old days. And
48 I don't know what the answer to that place is, you know.
49 You're going to need total protection on the early run.
50 It's not recovering, neither is Hetta, in June. There's

1 no mix on the different populations. You'd think they'd
2 overlap right now, and they would have recovered. It
3 hasn't happened. What the optimum number in Klawock is?
4 I don't know what it would be in Klawock. You know, it's
5 a tributary spawn. I've walked some of the systems there
6 at Three-Mile Creek and 17-Mile Creek, to see what's
7 there. I've often wondered why it didn't have a larger
8 run than what it gets right now. I've speculated a lot
9 on it. It has a very large run of silvers. I thought
10 there might have been a relationship between the two, you
11 know, predation from silvers. It's got a bit one, one of
12 the biggest.

13

14 MR. HERNANDEZ: Okay.

15

16 MR. SANDERSON: Is that it?

17

18 MR. HERNANDEZ: Thank you again.

19

20 CHAIRMAN DR. GARZA: Okay. That's it for
21 public testimony at this time. We'll see if anyone
22 submits a form right after lunch that missed the
23 opportunity this morning but intended to.

24

25 So we will come back from lunch at 1:15.
26 We will do Council elections for Chair, Vice Chair,
27 Secretary, and then we will go into proposals.

28

29 Again to the public, as we address the
30 proposals, you are able to as the tribal representative
31 or as a public to testify to each of those proposals as
32 they come up. So you will be given that opportunity.

33

34 As we think about the chairmanship over
35 lunch, keep in mind that it is a lot of work. And I was
36 able to do it as part of my job, it still was more than I
37 could handle. And it really required the Chairman and
38 the Vice Chairman working together to get this done. So
39 keep that in mind. Just admiration for our last two
40 chairmen for the amount of work they must have put into
41 it.

42

43 So recess until 1:15.

44

45 (Off record)

46

47 (On record)

48

49 CHAIRMAN DR. GARZA: So if we could grab
50 our seats, we'll get started again.

1 So we have one more for public comment
2 and then before that, we have a quick announcement from
3 Helen.

4
5 MS. DANGEL-LORRIGAN: I just wanted to
6 announce that Sitka Tribe of Alaska is hosting a
7 reception at 5:00 following the RAC finishing for the
8 day. It's going to be in honor of Dolly Garza and John
9 Littlefield for their service on the RAC. So everyone is
10 invited. Please stay and help eat some food.

11
12 CHAIRMAN DR. GARZA: Thank you, Helen.
13 And they're going to be cooking the herring eggs here so
14 that we get hungry enough we'll finish on time. That's
15 what I've been told.

16
17 We did get one more request for public
18 testimony. Ralph Guthrie. And, Ralph, please turn it on
19 so you see the red light on, and then state your name for
20 the record.

21
22 MR. GUTHRIE: Yeah. Good afternoon to
23 you and the members of the Board, Madame Chairman. And
24 my name is Ralph Guthrie. I'm a (In Tlingit). I was born
25 in Ketchikan and raised in Petersburg.

26
27 I'm going to talk a little bit about
28 herring, and I'll give you a little history, because I'm
29 kind of concerned about different stocks, and I've
30 watched stocks grow and I've watched stocks deplete.

31
32 And one of the examples I'll give you is
33 in Petersburg when I was young. We fished herring all
34 winter long for food. And with the bait fisheries, it
35 was pretty wasteful. We lost those herring, that
36 individual stock of herring that laid in our harbor until
37 spring. So now that when October comes, a few out-
38 migrants of another bay disappear, so that herring isn't
39 there. So individual stocks of herring can be wiped out
40 fairly easy. And so, you know, that's one of the
41 examples that I'd like to -- you know, that's the main
42 example I'd like to talk about.

43
44 But there's another example that's
45 happening here in Sitka, and Sitka established a
46 threshold level, a minimum threshold level for a
47 continuation of the stocks in Sitka Sound, and this was
48 one of the very unique things about the herring fisheries
49 in Sitka, so that they have a long-term situation. And
50 Sitka herring fisheries was to be conducted in Sitka

1 Sound according to the way the Board of Fish set it up.
2 And there's two areas here, the Sitka Sound area and the
3 Salisbury Sound area.

4
5 The Salisbury Sound -- I entered a
6 proposal when they started trying to open Salisbury Sound
7 not part of the herring fisheries. And it was in my mind
8 an individual stock. We went to the Board of Fish with
9 this proposal, and we got turned down. And part of the
10 testimony by the Department that it was the same stock as
11 stocks in Sitka, which proved to be wrong this year by
12 the Sitka Tribes of Alaska with DNA sampling. It proved
13 that Salisbury Sound was a separate stock of herring.
14 And so conducting herring fisheries on a school of
15 herring, an indigenous school of herring without having a
16 minimum threshold level for that stock, you know, without
17 a survey before, you know, to establish how much herring
18 was in this stock, you couldn't do that.

19
20 And so for two years they've conducted
21 what I think is illegal fisheries on unsurveyed stocks
22 that are a separate and distinct stock. So I would like
23 you to ask the Board of Fish to review that fisheries and
24 open an emergency hearings to establish the guidelines
25 that are needed for that fisheries, you know. But I
26 still think that in the light of the situation, and being
27 a separate stock, that it's not and was never meant to be
28 a fishery in the Salisbury Sound. So, you know, that's
29 why I'm here, and I'm asking you, you know, to correspond
30 and make recommendations in this area to the Board of
31 Fish.

32
33 And the other one is macrocystic kelp,
34 you know, and for a few years Craig area had some
35 problems with selling macrocystic kelp, and that area,
36 you know, that has leveled off with the way that the
37 different kelp fisheries have been going on. You know,
38 pound fisheries where they have -- you know, so that
39 people can sell that product. But the closure date is
40 inconsistent with the different areas that have
41 macrocystic kelp, and by closing it prior to the --
42 excuse me, I had to burp -- prior to the time that the
43 farther northern spawns takes place on these, they need
44 to limit people before they even have a chance to
45 harvest. You know, harvesting after the closure date
46 makes them -- people that haul -- you know, that take
47 that macrocystic kelp illegal. So I would like to see
48 you support a situation with the Board of Fish that
49 eliminates the closure date on macrocystic kelp.

50

1 And that's all I have. Thank you.

2

3 MR. KITKA: Mr. Guthrie, would you write
4 the proposal to Board of Fish, and then we could sign on,
5 or do we want to sign it on ourselves?

6

7 MR. GUTHRIE: Well, you know, I was
8 planning on writing a proposal, and then asking for a
9 change of program for them to do this before the next
10 season's herring, so we can get it established that we
11 have a stock of herring that needs to be surveyed and
12 threshold levels established.

13

14 CHAIRMAN DR. GARZA: Mr. Adams.

15

16 MR. ADAMS: Thank you, Madame Chairman.
17 I would like to see that process, you know, take place
18 first. I think it would be best if -- I've preached this
19 many times on this Council, that proposals should come
20 from, you know, the community. And you can write up the
21 proposal, but if you take it through a public hearing
22 process in this area, you know, and get their stamp of
23 approval on it, and then when it comes here, you know,
24 there's a pretty good chance, you know, that your
25 proposal is going to go through. And then once it comes
26 through this process, then it goes to the Federal
27 Subsistence Board. There's a 99.9 percent chance, you
28 know, that that proposal will become a regulation.

29

30 MR. GUTHRIE: Well, you know, all I was
31 asking for is support, and I'll do that. You know, I'll
32 write a letter to you after I've, you know, written this
33 proposal, and ask for the change of the situation so
34 that, you know, that process can be supported by the
35 Regional Advisory Committee.

36

37 CHAIRMAN DR. GARZA: Mr. Adams.

38

39 MR. ADAMS: That would be fine. I think
40 that would be the process to go, and then once it gets to
41 this level, then we can do what you're asking, you know.
42 If it's a good proposal, then we will support it.

43

44 MR. GUTHRIE: Yeah. Okay. Well, you
45 know, my concern is that before -- you know, like the
46 resident herring that were in Wrangell Narrows when I was
47 child, and, you know, I used a rake to get winter food
48 for my family, and you can't do that any more. It has
49 been many years since that has happened. And with no
50 thought towards that stock of herring, we could very well

1 wipe it out, thinking that this is a Sitka Sound herring,
2 and it's not. It's a distinct stock of herring. And
3 when you do have a distinct stock of herring, there are
4 ways to do that, and that's what I'm hoping here, and I
5 appreciate your listening to me.

6

7 Thank you.

8

9 CHAIRMAN DR. GARZA: Thank you, Mr.
10 Guthrie. So we will look forward to getting draft
11 proposal from you that we would be able to support. We
12 would also need to see -- if STA did some genetic work,
13 that would be good to see that as well.

14

15 MR. GUTHRIE: Okay. Thank you. And I'll
16 try to comply with what you're needing. And like I say,
17 I'm pleased to see the Board here, and thank you for
18 coming.

19

20 CHAIRMAN DR. GARZA: Thank you, Ralph.
21 And during the public testimony, your name was mentioned
22 several times as providing for numerous people around
23 Sitka area, so we really appreciate your subsistence
24 efforts for Sitka community.

25

26 So I'm not trying to drag out my short
27 tenure as acting Chair here, but there are a few more
28 requests for public testimony. So we can do two things.
29 We can plow through them, or we could go through
30 elections and then come back to them. What's the wish of
31 the Council. Oh, I'll stand corrected. They will be
32 speaking to proposals. So we have three people for
33 Proposal 18 and 19.

34

35 Okay. So that concludes public testimony
36 for right now. Again, as the tribe or as public, you
37 will have opportunity to speak to the proposals when they
38 are before us, so this is not the end of public
39 testimony. If you know someone who missed this morning,
40 but still would like to speak to general issues that may
41 not be related to the proposal, the Counsel generally
42 works very hard to accommodate those requests. However,
43 once we start the proposal process, reviewing the
44 proposals, we generally stick with that. So any further
45 general public testimony would likely come before us
46 after the proposals have been reviewed.

47

48 So we're down to the Council elections.
49 Chair, Vice Chair, Secretary. And you guys know that
50 this is my last term. I'm retiring from the State and

1 leaving the country, so I will be running elections since
2 I'm not up for anything and have no vested interest. So
3 I would like to hear a motion that we open.....

4

5 MR. STOKES: I so move.

6

7 CHAIRMAN DR. GARZA: Let me finish. We
8 open the floor for nominations, and we should go in the
9 Chair, Vice Chair, Secretary. And just to remind you
10 again that just for the short time that I served, it is a
11 lot of work. Not to scare you off.

12

13 So it has been moved that we open
14 nominations for the Chair?

15

16 MR. STOKES: Yes.

17

18 CHAIRMAN DR. GARZA: Okay. Does that
19 need a second? Okay. So nominations are open for the
20 Chair. If you nominate, that does not require a second.

21

22 MR. STOKES: Madame Chair.

23

24 CHAIRMAN DR. GARZA: Yes.

25

26 MR. STOKES: I nominate Bert Adams.

27

28 CHAIRMAN DR. GARZA: Bert Adams has been
29 nominated.

30

31 MS. PHILLIPS: Move to close nominations
32 for Chair.

33

34 MR. DOUVILLE: Second.

35

36 CHAIRMAN DR. GARZA: It's been moved and
37 seconded to close nominations for Chair. Do we vote on
38 that? Okay. We've moved to close nominations for the
39 Chair. By doing that, we would also elect a new Chair.

40

41 MR. STOKES: Madame Chair.

42

43 CHAIRMAN DR. GARZA: Mr. Stokes.

44

45 MR. STOKES: I move that the Secretary
46 cast a unanimous vote for Bert Adams.

47

48 CHAIRMAN DR. GARZA: He is the Secretary,
49 acting as Vice Chair. So.....

50

1 (Laughter)
2
3 CHAIRMAN DR. GARZA: Where is Bill and
4 John. We're stuck.
5
6 MR. KOOKESH: Just let the record show
7 that it was unanimous.
8
9 CHAIRMAN DR. GARZA: Okay. So the record
10 will show that we have one nomination for Chair. In
11 closing it, we unanimously support Bert Adams for Chair.
12 All in favor signify by saying aye
13
14 IN UNISON: aye.
15
16 CHAIRMAN DR. GARZA: Opposed.
17
18 (No opposing votes)
19
20 CHAIRMAN DR. GARZA: Okay. Vice Chair.
21 Mr. Douville.
22
23 MR. DOUVILLE: I'd like to nominate Floyd
24 Kookesh for Vice Chair.
25
26 CHAIRMAN DR. GARZA: Are there any other
27 nominations.
28
29 MR. ADAMS: Madame Chair.
30
31 CHAIRMAN DR. GARZA: Mr. Adams.
32
33 MR. ADAMS: I move that the nominations
34 cease.
35
36 CHAIRMAN DR. GARZA: A motion that
37 nominations are closed. All in favor signify by saying
38 aye.
39
40 IN UNISON: Aye.
41
42 CHAIRMAN DR. GARZA: Okay. We have --
43 let the record show we have unanimously elected a Vice
44 Chair.
45
46 The next is secretary. Yes, Mr. Kookesh.
47
48 MR. KOOKESH: I'd like to make a comment
49 for the record, that out of due respect for process that
50 we ask to show anybody opposed, just for the record, even

1 if there's no opposition, even if this is your last act.
2
3 CHAIRMAN DR. GARZA: I can do things any
4 way I want, Floyd. Okay. So for the Chair, was there
5 any opposition.
6
7 (No opposing votes)
8
9 CHAIRMAN DR. GARZA: For the Vice Chair
10 was there any opposition.
11
12 (No opposing votes)
13
14 CHAIRMAN DR. GARZA: Okay. I'm clear.
15 Okay. We still have nominations open for Secretary, and
16 I didn't scare you guys off, the Secretary really doesn't
17 have to do anything except roll call. This is the one
18 for you.
19
20 DR. SCHROEDER: The Secretary does have a
21 role in the minutes under Robert's Rules of Order. And
22 this is an important role, because the minutes are the
23 way the Council -- the record of the Council's actions
24 are reflected. And over the past year Bert Adams has
25 reviewed those and made contributions.
26
27 CHAIRMAN DR. GARZA: I know you guys are
28 all here for fame and glory. Mr. Hernandez.
29
30 MR. HERNANDEZ: I would like to nominate
31 Harvey Kitka.
32
33 CHAIRMAN DR. GARZA: I won't look his way
34 so he can't decline. Hurry up. Hurry up. Close it.
35 Mr. Douville.
36
37 MR. DOUVILLE: I move that nominations be
38 closed.
39
40 CHAIRMAN DR. GARZA: It's been moved that
41 nominations be closed for Secretary. All in favor signify
42 by saying aye.
43
44 IN UNISON: Aye.
45
46 CHAIRMAN DR. GARZA: All opposed.
47
48 (No opposing votes)
49
50 CHAIRMAN DR. GARZA: Hearing none, we

1 have a unanimous set of officers. Chairman, Mr. Bert
2 Adams, Vice Chairman, Mr. Floyd Kookesh, Secretary, Mr.
3 Harvey Kitka. It looks like a good slate. And if any of
4 you would like to say anything before I turn over the --
5 I don't have a gavel. Bert.

6
7 MR. ADAMS: Thank you, Dr. Garza. And,
8 you know, this is big shoes that I'm going to be stepping
9 into. And, you know, we've seen outstanding chairmanship
10 from this body here from Bill to John and then you,
11 Dolly, have stepped up admirably and filled the gap, you
12 know, for the past few months or the year. And I know
13 that this is an awesome job. Even serving as a secretary
14 and a vice chair, you know, there's a lot required, that
15 sometimes Dolly couldn't do something or attend a meeting
16 or so forth, you know, and so that's what the vice chair
17 and the secretary did on those occasions. And so I hope
18 that we can carry on that tradition, you know, of good
19 leadership from this body. You know, I've gone to many
20 parts of Alaska, and I always hear about the Southeast
21 RAC and how put together we are and the great leadership,
22 you know, that has come from here. And, you know, I hope
23 that we'll be able to carry on that tradition here with
24 this new leadership.

25
26 You know, when I take over that chair,
27 I'm going to ask Mr. Kookesh, you know, to sit beside me,
28 because this is the first time we've ever been separate
29 during any of our meetings.

30
31 (Laughter)

32
33 MR. ADAMS: Thank you, Madam.

34
35 CHAIRMAN DR. GARZA: Mr. Kookesh.

36
37 MR. KOOKESH: I missed one meeting,
38 remember?

39
40 (Laughter)

41
42 MR. KOOKESH: I think it's very
43 important. One of the things I recognized when this
44 chairmanship came up was that it's very important that we
45 have a very strong chair, because we have had many great
46 people that have sat in that position, including a woman,
47 Dr. Garza. And I'd Bert to understand that when we carry
48 this thing forward, this process, that we stand strong.
49 My recommendation to Mr. Adams, that was over lunch, we
50 had lunch together, we talked about this, and my

1 recommendation to Mr. Adams is, fix the um's. Um is not
2 a word. That was all I had to say. That was my
3 recommendation. And I believe without it, we'll be
4 stronger, the voice will be clearer and it will carry
5 further.

6

7 So good luck, Mr. Adams. As the vice
8 chair I'll certainly support Mr. Adams. I've always
9 supported Mr. Adams and I've always supported this RAC.

10

11 Thank you.

12

13 CHAIRMAN DR. GARZA: Mr. Kitka.

14

15 MR. KITKA: Thank you, Madame Chair. I'm
16 sure as this goes on I'll find out what my duties are,
17 and I'm not too sure whether I'll like them or not. But
18 I know also that the chairmanship of this body has been
19 very important to the group, and we look to the chairman
20 for leadership. And we'll miss you, but I know Bert will
21 step in and do a well job.

22

23 Thank you.

24

25 CHAIRMAN DR. GARZA: Thank you. And I
26 didn't miss any meetings, but, you know, look at me, I
27 didn't even get a printed sign here. I didn't even get
28 the same color you guys do, so I don't what it is.

29

30 (Laughter)

31

32 CHAIRMAN DR. GARZA: Mr. Douville.

33

34 MR. DOUVILLE: Thank you, Madame Chair.
35 I will support Bert Adams as Chair as the best I can.
36 And I think it would be appropriate for Mr. Kookesh to
37 sit alongside him.

38

39 CHAIRMAN DR. GARZA: Okay. Five-minute
40 recess while we reorganize.

41

42 (Off record)

43

44 (On record)

45

46 CHAIRMAN ADAMS: Okay. Council people,
47 ladies and gentlemen, we're back in session. I want to
48 give some people an opportunity to introduce themselves.
49 There's some new people that came in, you know, since
50 that protocol took place this morning. So if there are

1 any new people that were not here this morning who have
2 walked in the door, we'd like to know who you are, and
3 introduce yourself, please.
4
5 MR. KOOKESH: Start on your right.
6
7 CHAIRMAN ADAMS: Let's start any new
8 people. I see these two couple up here. Are you.....
9
10 MR. AYO: Me?
11
12 CHAIRMAN ADAMS: Yeah. Would you.....
13
14 MR. AYO: Would you like me to introduce
15 myself?
16
17 CHAIRMAN ADAMS: Yes, please.
18
19 MR. AYO: Harold Sonny Ayoa (ph). Local
20 resident, commercial fisherman, subsistence user. My
21 wife Linda.
22
23 CHAIRMAN ADAMS: All right. Thank you.
24 Anyone else. Here. Up there.
25
26 MR. HARDING: Roger Harding with Alaska
27 Department of Fish and Game in Juneau, SportFish, trout
28 research.
29
30 CHAIRMAN ADAMS: Thank you. Welcome.
31 Any other new people. Still there's several new people
32 that came in.
33
34 CHAIRMAN ADAMS: I see Bobby Kirkman up
35 there. Would you come over and introduce yourself,
36 please. Oh, that's Mike See.
37
38 MR. SEE: Yes.
39
40 CHAIRMAN ADAMS: Would you please
41 introduce yourself to the people here, please. Thank
42 you.
43
44 MR. SEE: My name is Michael See. I'm
45 from Hoonah. I'm just here to -- hopefully I'm going to
46 be testifying here shortly. thank you very much.
47
48 CHAIRMAN ADAMS: All right. Thank you
49 for being here. Okay.
50

1 MS. DINOVELLI-LANG: My name is Danielle
2 DiNovelli-Lang. I also have been staying in Hoonah
3 recently, and I'm here mostly to get an education. But I
4 testified on behalf of someone else yesterday, Wanda Culp
5 of Hoonah.

6
7 CHAIRMAN ADAMS: Well, thank you and
8 welcome. And this is a good place to get an education.
9 Welcome.

10
11 MS. DINOVELLI-LANG: Thank you.

12
13 MS. DANGEL-LORRIGAN: I'm Helen Dangel-
14 Lorrigan. I represent the State of Alaska. I'm the
15 resources protection director.

16
17 CHAIRMAN ADAMS: The next things on the
18 agenda is the fisheries proposal. If you turn over to
19 Page 2 of your agenda, there's the presentation procedure
20 for the proposals.

21
22 First we're going to have the
23 introduction of the proposals and then an analysis will
24 be given. The Alaska Department of Fish and Game will
25 come forth and make Department comments. Other Federal,
26 State and tribal agency comments will be next. And
27 InterAgency Staff Committee comments. Fish and Game
28 Advisory Committee comments. Summary of written public
29 comments. Public testimony. Regional Council
30 deliberation, recommendation and justification.

31
32 So we'll take, you know, the proposals in
33 that order. The first one is Proposal FP07-17. That's
34 on Page 87 of your book. Thank you, Floyd. So who's
35 going to come and make that introduction? Thank you,
36 Bob.

37
38 DR. SCHROEDER: Mr. Chairman. Proposal
39 FP07-17 begins on Page 87 of your book.

40
41 If there are members of the audience who
42 like to check a book and follow this along, we may have a
43 couple of desk copies in the back.

44
45 This proposal was a Council-generated
46 proposal. Last year we had Proposal FP06-23 submitted by
47 a resident of Gustavus calling for customary and
48 traditional use of fish by residents of Gustavus in the
49 area where Hoonah has customary and traditional use of
50 fish recognized. That's Units -- or Sections 14(B) and

1 14(C) in Icy Strait.

2

3

4 The Council spent a fair amount of time
5 on this Proposal last year, and decided to recommend
6 tabling the proposal with the idea that the Council would
7 submit a proposal to look at customary and traditional
8 fish throughout the Icy Strait, Cross Sound area by
9 Hoonah as well as the other communities that are in that
10 area. And so the analysis you see before you from Page
11 87 to Page 129 looks at use in that area.

11

12

13 I think the Council's pretty familiar
14 with this issue, and the customary and traditional
15 fishing patterns in that area. I'll mainly focus on new
16 information that may not have been before you last year.

16

17

18

19 We also have as I mentioned earlier a
20 fisheries request for reconsideration which is on a
21 parallel track with this which concerns the customary and
22 traditional use of fish by residents of Gustavus. So
23 after you decide on a recommendation for this proposal,
24 we'll then talk about what Council action, if any, you
25 wish to take on that request for reconsideration.

25

26

27 I will point out that there's a map on
28 Page 91, and I'd like you to pretend that map doesn't
29 exist and look at the handout map which is in a handout
30 that I gave you on Page 13. Inadvertently the map on
31 Page 91 cuts off the area under consideration. So if you
32 look at the map on Page 13 in your handout, that's a
33 better map.

33

34

35 The existing customary and traditional
36 use determination for this area is one that was inherited
37 from the State customary and traditional use
38 determinations which were made in 1989 and '90 at
39 meetings of the Board of Fisheries in Petersburg and
40 Juneau. At these meetings the Board of Fish made a
41 determination that Hoonah had customary and traditional
42 of fish in 14(B) and 14(C), specifically of salmon, dolly
43 varden, trout, smelt and eulachon. The other communities
44 in the Icy Strait/Cross Sound area, Gustavus, Elfin Cove
45 and Pelican, did not receive positive customary and
46 traditional use determinations by the Board of Fisheries
47 in '89 and '90.

47

48

49 When Federal management of subsistence
50 resources commenced in 1990, the Federal program adopted
the -- it mainly adopted the determinations that were on

1 the books from the Board of Fisheries and Board of Game.
2 In this case they recognized the customary and
3 traditional use of fish in 14(B) and (C) by Hoonah. For
4 those other areas, if you look at the map on Page 13,
5 that would be 14(A), which is the area around Elfin Cove,
6 most of 13(A) and then the northern part of Unit 12.

7
8 There was no customary and traditional
9 use determination on the books in State regulations. The
10 Federal government decided that all rural residents would
11 be eligible for fishing in these areas where there was
12 not a community-specific customary and traditional use
13 determination.

14
15 Okay. That background is presented in a
16 little bit further detail. The analysis presents
17 information on the population sizes of the communities
18 that are known to fish in these areas. That's shown in
19 Table 1 on Page 95.

20
21 Probably the important thing to note
22 there is that there are a number of communities that
23 possibly use these areas. Sitka uses the outside waters
24 as -- some portion of the outside waters. The other
25 communities are smaller communities, Angoon, Elfin Cove,
26 Excursion Inlet is also a listed place, Gustavus, Hoonah,
27 Pelican, and Tenakee Springs. We provide a brief
28 description of community characteristics.

29
30 The main sources of information or
31 documented informations, these would be the studies or
32 other sources of written information that are available
33 that complement the traditional ecological knowledge that
34 the Council relies on and hears and obtains from public
35 testimony and from people's personal knowledge. The
36 written sources of information are ones that you're
37 pretty familiar with. There have been community studies
38 done. These are long ethnographic studies that were done
39 in Angoon, Hoonah, Tenakee and Sitka in the 80s. There's
40 a major piece of survey work done in the late 80s, the
41 Tongass Resource Use Cooperative Survey, which also
42 included a map component. The earlier ethnographic
43 studies also included a map component. A number of
44 studies have been -- oh, the TRUCS or Tongass Resource
45 Use Cooperative survey data was reanalyzed and written up
46 in a different ways, including Division of Subsistence
47 studies that were funded by Forest Service and delivered
48 to Forest Service in 1992 and '93. There was a further
49 round of household surveys in Angoon, Hoonah and Sitka in
50 1996.

1 In addition to these sources of
2 information, there are a set of maps that were created by
3 Division of Subsistence again called sensitivity to
4 disturbance maps or subsistence sensitivity to
5 disturbance. These were done around timber planning in
6 the late 90s.

7
8 And let's see, another source of -- other
9 sources of information include the permit data from
10 subsistence salmon permit harvests. An Alaska Department
11 of Fish and Game source that shows where people have
12 gotten permits, what fisheries people have fished in on
13 the permit data that they have returned and how many fish
14 they've taken.

15
16 The Council makes recommendation on
17 customary and traditional use determinations based on the
18 eight factors that are in our regulations. Since we may
19 have some new members here, I'll go through those eight
20 factors just briefly, because these are things that the
21 Council should have in mind when it's thinking about
22 whether there is customary and traditional use of fish by
23 a community in a particular area.

24
25 One is a long-term consistent pattern of
26 use, excluding interruptions beyond control of the
27 community or area. Two, a pattern of use recurring in
28 specific seasons for many years. Three, a pattern of use
29 consisting of methods and means of harvest which are
30 characterized by efficiency and economy of effort and
31 cost. Four, consistent harvest and use of fish and
32 wildlife as related to past methods and means of taking
33 near or reasonably accessible from the community area.
34 Five deals with the methods of handling, preparing, and
35 preserving and storing fish. Six talks about passing on
36 of knowledge and handing down a knowledge of fishing and
37 hunting skills, values and lore from generation to
38 generation. Seven talks about sharing and distribution
39 within a community. And eight talks about a pattern of
40 use which relies on a wide variety of, diversity of fish
41 and wildlife resources in the area for which -- and which
42 provide substantial cultural, economic, social and
43 nutritional elements to the community or area.

44
45 I'd move you ahead. We have -- we
46 presented quite a bit of data in this report and we can
47 look at specific components. You may find it most useful
48 to look at maps, which begin on Page 106. And these are
49 not research maps. These are maps wherein the Forest
50 Service subsistence team attempted to look at the

1 available sources of information for each community and
2 do our best at outlining the area where each community
3 does subsistence fishing.

4

5 So if we're looking at 106, this is the
6 area that comes out of the data that we have available
7 for Angoon. And as I said, this is based on those --
8 mainly on the available written or report sources of
9 information, and it's possible the Staff missed something
10 or that how people in a community would know other areas
11 that they use, or Council members may know of other areas
12 that they use.

13

14 The map for Angoon is shown on Page 106.
15 The map for Elfin Cove is shown on Page 107. And
16 superimposed on these are the section boundaries for the
17 different sections of District 14, 12, and 13. Map 4 on
18 Page 108 shows our best approximation of places where
19 Gustavus residents fish.

20

21 Hoonah's use area is shown on Page 109.
22 It's based on the epic ethnographic study that I did in
23 the late 80s. No, we also included ethnographic maps
24 that were done a long, long time before that, and a great
25 deal of input from Hoonah elders identifying traditional
26 territories by the different Hoonah clans.

27

28 Moving on, Map 110 shows the areas where
29 we think residents of Pelican do subsistence fishing.
30 Map 111 shows areas where Tenakee Springs does
31 subsistence fishing.

32

33 The tables in the appendix provide a good
34 deal of background information on both subsistence
35 harvest for each community. Table 3, we show a high
36 level of subsistence use harvest, receipt of subsistence
37 foods and distribution of foods. Table 4 breaks out --
38 looks at per capita harvest for all of these communities
39 and all the survey data that are available for these
40 communities and presents both a per capita harvest level,
41 as well as breaking out fish.

42

43 Summing up those data, we see that while
44 there are differences across communities in the region,
45 all the communities in the Icy Strait/Cross Sound area
46 harvest a lot of fish and wildlife and have a high
47 dependence on fish.

48

49 The next set of tables drilled through
50 the subsistence salmon permit data and presents all the

1 data that were available for the Alaska Department of
2 Fish and Game on salmon permits that -- the number of
3 salmon permits reporting, and also further on where the
4 fish were taken from. And note that this data source
5 only goes up to 2001. Fish and Game was unable to
6 provide data for most recent years from there.

7
8 The detailed information showing -- hold
9 still a second here while I find it. The detailed
10 information on what streams have been used according to
11 permit data, that's shown in Table 6 in your appendix.
12 And as you can see, flipping back and forth, the permit
13 data did influence the way the maps were drawn.

14
15 And maybe finally in terms of tables, let
16 me see here, finally Table -- also labeled Table 6, an
17 aggregated part of that table, just shows where the
18 different communities in this area had permits and what
19 the harvest levels were.

20
21 Okay. The proposal as written requested
22 customary and traditional use of all of the Icy
23 Straits/Cross Sound rural residents of all the fish
24 resources found in Districts 12, 13, and 14. The
25 determination also needs to consider the neighboring
26 rural communities that may use these districts. Those
27 would be Angoon, Hunter Bay and Hawk Inlet are known to
28 use Districts 12, 13, and 14, and there may be residents
29 outside of these named communities as well.

30
31 On the books right now, Angoon presently
32 has a positive customary and traditional use
33 determination for the southern portion of 12(A), and
34 Sitka uses Section 13(A). Sitka has a positive customary
35 and traditional use determination for the southern
36 portion of 13(A).

37
38 Dolly Varden, steelhead and other trout
39 species are the primary species likely to be harvested
40 under Federal subsistence management regulations in the
41 Icy Strait/Cross Sound area. Some harvest of eulachon,
42 herring and salmon may also occur; however, fishing for
43 these species generally takes place in marine waters
44 under State of Alaska jurisdiction. No resource
45 conservation issues are anticipated with any of these
46 species that would require restrictions placed on
47 subsistence harvest or discrimination among eligible
48 subsistence harvesters through Section 804 procedures.

49
50 The preliminary Staff conclusion is to

1 support the proposal with modification to more precisely
2 specify the determinations being made for each fishing
3 district or section. The modifications are also written
4 so that they don't affect the areas where Sitka and
5 Angoon currently have positive customary and traditional
6 use determinations. So they want to be simply neutral to
7 what those determinations are, so they don't reach into
8 those areas.

9
10 The proposed regulation is shown on Page
11 103. In District 12, Section 12(A) excluding the area
12 south of a line from Fishery Point to south Passage
13 Point, the recommended customary and traditional use
14 determination would recognize -- would apply to all the
15 residents of drainages flowing into Districts 12 and 14.

16
17
18 Now, the reason for that wording about
19 the line from Fishery Point to south Passage Point is
20 that south of that area is presently only Sitkans have
21 customary and traditional use of that area. And this
22 analysis did not want to change that existing use that's
23 on the books.

24
25 In 12(B), that would stay -- I'm just
26 checking this here. Okay. In section -- the bold shows
27 our changes.

28
29 And in District 13, this does something
30 similar for the area where Angoon has customary and
31 traditional use. It would recognize all the residents of
32 all the drainages flowing into Section 13(A), 13(B), and
33 District 14, that they would have customary and
34 traditional use of Section 13(A). this would not --
35 excuse me, I got those wrong.

36
37 The Fishery Point, that's on the Angoon
38 side of District 13. District 13 would be area south of
39 the latitude of Cape Edward is where Sitka presently has
40 customary and traditional use of fish.

41
42 The C&T for District 14 would be
43 residents of drainages flowing into sections 12(A), 13(A)
44 and District 14.

45
46 Now, all this may seem really
47 complicated, because it is. It really isn't that
48 complicated. There is a summary table on Page 100 which
49 sums up Staff's review of available sources of
50 information that led to the maps that are drawn in the

1 appendix that show which community uses which of these
2 sections.

3
4 Let's see, one other thing to bring out
5 at this time is that we received public testimony on last
6 year's proposal which concerned only Gustavus about
7 whether or not Gustavus should have a customary and
8 traditional use recognized. As was pointed out both in
9 the Council comments, the recommendation, as well as in
10 our teleconference in May, that ANILCA and the law that
11 we're administering is ethnically neutral. So that if
12 Gustavus are rural residents and meet the criteria
13 outlined for customary and traditional use determinations
14 that they're eligible to have those determinations.

15
16 The text does talk about how the
17 communities in this area have very different histories
18 and very different cultural identities, and recognizes
19 that much of this area is the customary and traditional
20 territory of the Hoonah Tlingit, and so recognizing the
21 use of -- the customary and traditional use of this area
22 by other residents of that area no way should be seen as
23 diminishing or not acknowledging this important cultural
24 use which has been going on in that area for thousands of
25 years.

26
27 Mr. Chairman, I'd leave it there and be
28 open for any questions to clarify this analysis.

29
30 CHAIRMAN ADAMS: Questions, anyone. Mr.
31 Kookesh.

32
33 MR. KOOKESH: Mr. Chairman. I have a
34 question for Mr. Schroeder, otherwise it's so complicated
35 when it could be simple. But what is on Page 108, you
36 did -- part of your discussion said for Gustavus, that
37 this is the best approximation of where Gustavus fishes.
38 Where did you get that from? The best approximation?

39
40 DR. SCHROEDER: The data sources for
41 Gustavus -- Well, let's back up a little bit. For a
42 number of the communities in the area, namely for Angoon
43 and Hoonah and Sitka, there's been a lot of community
44 participation in research, and there are long reports
45 that have been done on those communities that outline
46 where subsistence uses take place. For Gustavus, the
47 data sources would be where Gustavus have gotten permits
48 to fish, so we have the permit data is presented there,
49 and there has been some involvement by Gustavus residents
50 in Neva Creek, in Excursion Inlet, and out at Yakobi for

1 fishing in the subsistence permit fisheries. We also
2 have maps from the Tongass Resource Use Cooperative
3 survey which was done in 1989. That survey did provide
4 geographical information on maps. And the other sources
5 would be from the Gustavus -- I believe there was a
6 coastal management plan, and then we've had some field
7 visits to Gustavus.

8

9 So that's where the map comes from on
10 Page 108.

11

12 CHAIRMAN ADAMS: Dolly, go ahead.

13

14 DR. GARZA: So one recommendation was you
15 drop the um's and the other one is you look around and
16 see who's raising their hands.

17

18 I guess I have two questions. Is Page 1
19 -- excuse me, page 98, you list the eight criteria come
20 from, and in terms of making C&T determinations, what is
21 the requirement in ANILCA?

22

23 Thank you.

24

25 DR. SCHROEDER: Dr. Garza. ANILCA has no
26 requirement whatsoever for making any customary and
27 traditional use determinations. Customary and
28 traditional determinations started to be made when the
29 State of Alaska was administering ANILCA as being an
30 administrative way of doing it. It was a way of making
31 sense out of information that was there and trying to put
32 some order on subsistence.

33

34 The criteria were developed by Staff and
35 then adopted by the Board of Fish and Board of Game
36 probably in the early 80s as a means of looking at
37 subsistence data.

38

39 DR. GARZA: And then one quick follow-up
40 question and trying to clarify what looks complicated, on
41 Page 88 there appears to be a summary of areas, species
42 and determination. And it looks like it might be a
43 comparison. There are some in bold and then some not in
44 bold. Is that what currently exists and what is being
45 proposed? I'm not sure. Thank you.

46

47 DR. SCHROEDER: That's correct. What is
48 in bold is the proposed changes, and the other
49 information, the non-bold is what's on the books at this
50 time. So, for example, if we are looking at District 12,

1 Section 12(A), there is an existing community specific
2 C&T for residents of the City of Angoon.

3
4 CHAIRMAN ADAMS: Any other questions from
5 the Council. Don.

6
7 MR. HERNANDEZ: Than you, Mr. Chairman.
8 Referring to on Page 115, Bob, you mentioned for Gustavus
9 a lot of your information came from permit reporting.
10 Table 5 shows the permits for Gustavus, and it's a very,
11 very low numbers for the reporting compared to other
12 communities. Quite low. Some years with no permits
13 reporting.

14
15 I guess my question is, for Gustavus's
16 information, is the amount of permits being issued, is it
17 in any way influenced by their present status as not
18 having customary and traditional use, or how is
19 somebody's getting a permit, is there any effects by not
20 having that designation presently, or maybe some other
21 reason for the low number of permits for Gustavus.

22
23 DR. SCHROEDER: No, that wouldn't have
24 any effect on the number of permits issued. These are
25 State permits, and so all Alaska residents are eligible
26 for getting those permits. So this is what we have in
27 the data base for Gustavus. And so as we know from other
28 permit fisheries, sometimes the data may be incomplete,
29 particularly with respect to reporting.

30
31 MR. HERNANDEZ: So then -- okay. As a
32 follow up, I guess -- yeah I was a little confused there.
33 So all of this permit reporting is State permits? You
34 don't have very many Federal permits being issued not or
35 how does that work?

36
37 DR. SCHROEDER: Don, there are no Federal
38 permit fisheries in this area.

39
40 CHAIRMAN ADAMS: Okay. Everyone, I'm
41 going to have Floyd ask a question. Please turn to Page
42 128 in the book, and then, Floyd, go ahead.

43
44 MR. KOOKESH: Well, this goes back -- on
45 page 128, this goes back to my concern that the State
46 echoes when we want to be careful with this process. And
47 the thing that I followed up was I remember the State
48 making comments about us being a little bit cautious. I
49 remember Mike Turek sitting up here, and Marianne, and it
50 seemed like they talked about this. And my question was,

1 reading the one about the third paragraph on Page 128, it
2 says, the Department recommends that this and all current
3 proposals regarding customary and traditional use
4 findings should be deferred until the Federal subsistence
5 management program establishes policy and procedures.
6 What is the policy and procedures they're talking about?
7 Not taking away from what you haven't read it yet,
8 but.....

9

10 DR. SCHROEDER: Floyd, perhaps we should
11 hold on this. Right now we should just try to clarify
12 what is in the proposal. And when we're done with that,
13 the State will have its opportunity to present its
14 comments.

15

16 MR. KOOKESH: I'll wait.

17

18 CHAIRMAN ADAMS: Patty.

19

20 MS. PHILLIPS: Thank you, Chairman Adams.
21 On Page 101, bottom paragraph, Table 6, Appendix B, it
22 talks about permit data by year for the 1990 through 2001
23 harvest years. Is there an explanation of why the data
24 is lacking for '02 to current?

25

26 DR. SCHROEDER: Through the Chair.
27 Patty, I talked to our colleague, Mike Turek, and
28 requested that data and he said those data were just not
29 available. They may be available some time in the
30 future. Because I was thinking the same thing. I really
31 wanted to know what happened in the last few years,
32 especially since Council members from that area have had
33 concerns about what's going on, and particularly Yakobi
34 Island fisheries as well as other sockeye fisheries. But
35 just those data were not available.

36

37 MS. PHILLIPS: Thank you, Dr. Schroeder.
38 Thank you, Chairman Adams. I wanted to follow up and say
39 that I found this compilation of information very
40 helpful. Was the field surveys very well received?

41

42 DR. SCHROEDER: Are you referring to the
43 field visits?

44

45 MS. PHILLIPS: Yes.

46

47 DR. SCHROEDER: I think those were really
48 good, because really, you know, there hasn't been much in
49 the way of formal research or studies in the Icy Strait
50 communities for quite a few years. And we always run the

1 risk of making recommendations or Board decisions based
2 on data that are 10 or 20 years old. The Tongass
3 Resource Use Cooperative survey was done in 1989,
4 covering 1988, so we're getting to the 20-year mark on
5 this study. So I think that was really useful to confirm
6 what was there. And when Melinda Hernandez went out, she
7 used -- she incorporated the information she heard in
8 those interviews in the maps that she prepared.

9

10 CHAIRMAN ADAMS: Dolly, did you have
11 something? Then Floyd.

12

13 DR. GARZA: Mr. Chairman. Thank you.
14 And I did want to in my first question point out that as
15 part of making determinations for C&T, in ANILCA we're
16 not required to go through the eight points. That's not
17 our job. We have -- I think we have done it because it
18 makes it a little bit more defensible and we've tried to
19 accommodate ADF&G, but that is also not our job. And if
20 we don't have data from 2002 on, my suspicion would be
21 somebody's holding it back so they could say we don't
22 have data to make determinations. And if I were in the
23 right position, I'd go around and fire people for not
24 having that data. That's too long ago to not have data
25 in front of us. I know that SportFish Division turns out
26 a CD almost every year of their data from the last year.
27 I get it as a university employee. And so I'm quite
28 concerned we don't have that data in front of me. But I
29 am certainly willing to take action without it.

30

31 Thank you.

32

33 CHAIRMAN ADAMS: Thank you, Dolly. Bill,
34 do you have something to say in regards to this?

35

36 MR. KNAUER: Thank you, Mr. Chairman and
37 Dr. Garza. The continuation of the answer to the
38 question relative to the eight factors. The State did
39 have those. The State Boards did use those as a
40 checklist in their development of C&T for the program
41 when it was under the State. The factors that are
42 currently in Federal regulation and listed in the
43 analysis there were derived from the State, but they are
44 not the same.

45

46 Secondly, the Board does not use those as
47 a checklist. They do not go through and have to have
48 information on each and every one of those. They look at
49 -- they use those to analyze each situation separately,
50 and they look at the use of a community or area in its

1 entirety rather than a checklist for each and every one
2 of those. So they recognize that there may not be
3 information on each and every community on each and every
4 factor. They look at both the research data, but they
5 also consider testimony and public comment from the
6 residents of the area, too, and weigh that in making
7 their decisions, as do all of the Councils.

8

9 Thank you.

10

11 CHAIRMAN ADAMS: Thank you, Mr. Knauer.
12 Harvey and then Floyd.

13

14 MR. KITKA: Thank you, Mr. Chair. In
15 looking at the maps, I noticed that there was no maps of
16 the outside Baranof and Sitka area, and they show
17 territories that Sitka has claimed for many years as part
18 of their traditional food gathering grounds. And they
19 show the other areas. And it would be nice to show a map
20 that overlaps and shows that we do overlap in some of
21 these areas where we do gather in places that the
22 boundaries are really questionable, because our family
23 ties -- it actually -- a lot of the boundaries were not
24 really clan boundaries, but family boundaries. People
25 from families owned these places. And when you went in
26 and asked permission to fish in those boundaries, you
27 went and asked the family or the head of the family
28 whether you could fish there. And it had nothing to do
29 with townships. It had everything to do with families.

30

31 Thank you.

32

33 CHAIRMAN ADAMS: Thank you. Mr. Kookesh.

34

35 MR. KOOKESH: Mr. Chairman. I'm kind of
36 at a loss here, because I had a question that pertained
37 to C&T, and listening to Dr. Garza and Mr. Knauer and Mr.
38 Schroeder, I'm wondering what my question is any more,
39 because it's kind of gotten fogged up. I was kind of
40 following that eight criteria and I thought that's what
41 we followed. And I'm at a loss here. But I believe that
42 if anything that has a bearing on this, probably
43 listening to my brothers in Hoonah there rather the
44 largest.

45

46 But the questions I was -- I guess I'll
47 go back to my original question. My question was what
48 constitutes long-term consistent pattern of use and a
49 pattern of -- most specifically the long-term consistent
50 pattern of use. What does that mean? Is that two years?

1 Because the data like is 10 years old, and it's
2 unfortunate I just got my book this morning. I'm not as
3 well read on it as everybody is. I'd like to believe
4 that I'm the summary here, and I see the eight points.
5 What are they any more?

6
7 CHAIRMAN ADAMS: Does someone want to
8 answer Floyd's question.

9
10 MR. KOOKESH: Mr. Chairman. We're making
11 a determination from what I've understood based on eight
12 points, if I'm correct. Somebody can correct me if I'm
13 wrong here.

14
15 CHAIRMAN ADAMS: Do you want to take a
16 stab at it, Bob?

17
18 DR. SCHROEDER: Floyd, I'd never suggest
19 that you were wrong. But Bill Knauer was -- I really
20 appreciate that he pointed out that the Federal Board and
21 the Federal program doesn't consider the eight factors to
22 be some sort of a checklist such that a community would
23 be scored exactly on each factor, and that if you didn't
24 have incontrovertible proof about each factor that
25 somehow you couldn't act. So the factors are a way of
26 organizing data, and they are in our regulations as
27 things to be considered. So any change to C&T procedures
28 would require some sort of a rulemaking to take place,
29 because the Federal program has said this is the way we
30 make C&T determinations.

31
32 On the question of long-term, this has
33 been talked about a whole lot in the Federal program
34 around the State, and the program's been extremely
35 reluctant to put some exact year on what that use might
36 be, or how long long-term might be. And, you know, if
37 you think about it a bit, any number that you came up
38 with wouldn't do justice to subsistence use some place.
39 For example, there are a lot of places where a species
40 that wasn't available until just a few years ago is now
41 an important subsistence species, so there wouldn't be a
42 long-term pattern of use there of that specific species
43 if you took that to mean that people used it for 20 or 30
44 years, because it could be a species that moved in. So
45 that's been left to a more holistic interpretation by the
46 Councils and by the Board.

47
48 CHAIRMAN ADAMS: Any other comments. Mr.
49 Wright.

50

1 MR. WRIGHT: Yes, thank you, Mr. Chair.
2 When I was looking at the permits numbers, you know, it
3 looked kind of small in some areas, and one of the things
4 -- the last time we went over this, we had testimony from
5 one person. And the way I understand the process is that
6 when you are putting a proposal in to this body, then you
7 get consensus with other people or different
8 organizations to put the proposal in. A person doesn't
9 come in by himself or herself to put a proposal in. And
10 when you look at the numbers that, you know, one person's
11 got one permit here, and -- in a community got one permit
12 here, and then another year two, three permits per year
13 or four, something like that, then it doesn't seem to me,
14 I as a customary person, that this one permit is sharing
15 food with community members or long-term. I as a
16 customary person know that I share with many people in my
17 community, and there are many people that share with each
18 other. So it's -- I'm a little confused, because when a
19 community comes in and says they're customary and
20 traditional, here does customary and traditional come
21 when it relates to a community, you know, so has this
22 community come forward again and put more people on their
23 plate so that they could push a proposal through or has
24 it just been the one person that testified last year --
25 the last time I was here.

26
27 Thank you.

28
29 CHAIRMAN ADAMS: Bob, do you want to
30 respond to that?

31
32 DR. SCHROEDER: I guess I'm sort of
33 thinking of just procedure here, and usually in this part
34 of what we deal with on a proposal, is we try to stay
35 pretty close to interpreting what's in the write-up and
36 then we allow the State and any public testimony to take
37 place, and then we get into deliberations. And I think
38 some of these things definitely have to be looked at, but
39 maybe they happen a little bit better when the Council's
40 deliberating a proposal to try to figure out whether --
41 what long-term might be, or whether there is wide-spread
42 support for a proposal, if that's important. So that
43 would just be my suggestion.

44
45 CHAIRMAN ADAMS: And I think that is a
46 cue to go ahead and move on to -- what's the next
47 comments. It's Alaska Department of Fish and Game. Come
48 forward, please. Thank you.

49
50 MS. GILBERTSON: My name is Sarah

1 Gilbertson with the Alaska Department of Fish and Game.
2 And just by way of background, because many of you are
3 probably wondering where Marianne See is, she is still a
4 member of the liaison team. She is my mentor. And I'm
5 the new subsistence and federal issues coordinator for
6 the department. I've been with the department for a few
7 years, but I'm very new in this role, and I'm happy to be
8 here today.

9
10 And Marianne asked me to express, sorry
11 for the work, to express her gratitude for your patience
12 and your cooperation and your professionalism over the
13 years. And that's exactly what I hope can continue as we
14 work together.

15
16 Having said that, I thought I would
17 explain just how we structured our comments this time
18 around, because they are quite lengthy and if you just
19 got your book this morning, like Floyd, then you've got a
20 lot of reading to do. But what we thought to do was to,
21 number 1, talk about the opportunity provided by the
22 State in terms of subsistence opportunity, to also
23 discuss any conservation issues with the species, and to
24 bring to your attention any jurisdiction issues or
25 questions that we may have, as well as any other comments
26 or concerns so that you have all of these before you for
27 your deliberations and discussion.

28
29 And on this proposal in particular, as
30 your discussion just indicated, there are many questions
31 about what exactly is customary and traditional use
32 determination, and the State has been asking the Federal
33 Subsistence Board to better define and establish policies
34 and procedures for making such determinations. And in
35 December of 2005, the Secretary of the Interior directed
36 the Federal Subsistence Board to both come up with
37 policies and procedures for developing C&T
38 determinations, and also for closures, a closure policy
39 so to speak. And so the Department over the last year
40 has been asking the Federal Subsistence Board and the
41 RACs to defer taking action on these determinations
42 until we better understand the eight factors that are on
43 Page 98 and what those means.

44
45 So, hopefully, Floyd, that addresses some
46 of your questions. We have the same questions.

47
48 And as I understand it, there are these
49 eight factors, and they're not written in stone. You're
50 supposed to consider them, but they're not a checklist.

1 and this is an issue that's currently being litigated
2 between the State of Alaska and the Federal Subsistence
3 Board, because in one instance the State alleges that the
4 Federal Subsistence Board made too broad of a C&T
5 determination. So the eight factors are important.
6 These are important questions, they're important issues,
7 and unfortunately I don't have the answers, and I assume
8 that we'll all be wrestling with these issues for some
9 time.

10

11 In particular with respect to this
12 proposal, the Department was wondering what fish were
13 included, because as it's currently written, it appears
14 that the proposal includes all fish. And by including
15 all fish the proposal might include marine fish, which
16 are rarely or never found in waters that are subject to
17 Federal jurisdiction.

18

19 It would also extend the species and sub
20 areas which may not have a history of harvest for
21 subsistence purposes. This goes back to the eight
22 factors on Page 98 and what is the historical pattern of
23 use.

24

25 It may not be clear to subsistence users that this
26 applies only to fish found to waters subject to Federal
27 jurisdiction. So we're suggesting that if this proposal
28 does move forward, that maybe a list of fish that are
29 included within the customary and traditional use
30 determination be somehow identified or attached, or a
31 list of fish that are not included. That would help us
32 as we move forward.

33

34 And just in closing, once again we would
35 ask that any customary and traditional use determinations
36 be delayed until we answer some of the questions that we
37 were talking about.

38

39 Anything, Bill.

40

41 MR. DAVIDSON: Mr. Chairman.

42

43 CHAIRMAN ADAMS: Sure.

44

45 MR. DAVIDSON: Yeah, one thing I would --
46 that came to my attention, I didn't notice this before,
47 was that you only have.....

48

49 CHAIRMAN ADAMS: Would you please state
50 your name, please.

1 MR DAVIDSON: Oh, excuse me. My name is
2 Bill Davidson. I'm with Commercial Fisheries Division
3 here in Sitka. I'm the regional management coordinator
4 for commercial fisheries. And I've also worked
5 extensively with subsistence issues.

6
7 It came to my attention that we've only
8 -- that in this proposal information provided by the
9 State from State-issued and received an entered permits
10 is only current through 2001. And that's not because
11 that data is not available. I'm not sure exactly what
12 happened here. Mr. Turek will be back in town I believe
13 on Friday, and maybe he can shed some light on that, but
14 that data is available, and with respect to anybody being
15 fired, I don't think that anybody would have withheld
16 that information had we been asked for it. You know it's
17 public record. We would like you to have that
18 information to formulate good decisions.

19
20 So I would suggest though that in these
21 kind of tables it's very important to recognize the
22 agency that collected the data and what that data is.
23 And this data is basically, most of it, from State-issued
24 permits in State marine waters. And it's helpful data,
25 it establishes the subsistence fisheries in these areas,
26 but it would be nice to footnote the tables, what this
27 data is and where it comes from.

28
29 And so that's what I wanted to add.
30 Thank.

31
32 MS. GILBERTSON: Thanks.

33
34 CHAIRMAN ADAMS: Ms. Gilbertson, Mr.
35 Davidson, thank you. Is there any questions from the
36 Council. Patty, go ahead.

37
38 MS. PHILLIPS: Thank you, Chairman Adams.
39 A point of -- a question I guess is you reference this
40 procedures for these analysis and findings as directed on
41 October 27th, '05 by the Secretary of Interior. Do you
42 have a copy of that? Did we get a copy of that?

43
44 MS. GILBERTSON: Mr. Chairman. I did not
45 bring one with me. I am familiar with that. That is a
46 letter that came from the Secretary to the Federal
47 Subsistence Board asking for these policies and
48 procedures to be developed. And I just might add for the
49 Council's information that we had been working with the
50 Federal Subsistence Board, and some of you were on

1 teleconferences related to closure policies. And
2 recently the State did file a petition for rulemaking on
3 both C&T determinations and closure policies.

4

5 CHAIRMAN ADAMS: Mr. Bangs and then
6 Dolly.

7

8 MR. BANGS: Thank you, Mr. Chairman.
9 With all due respects to the data that's gathered by the
10 State and the wish of the State for us to make good,
11 sound decisions, I see here it says that the harvest
12 estimates do not provide information on the location
13 where the fish are taken, and whether they are taken in
14 fresh or marine waters. It seems like that would be an
15 important thing to know from the data that's gathered,
16 where the fish are coming from, and, you know, how can we
17 make a good decision? Thank you.

18

19 MR. KOOKESH: What page was that?

20

21 MR. BANGS: Excuse me. That's on page
22 101. And also that's in reference to the tables that
23 show estimates of harvest of -- by permit that's issued
24 by the State.

25

26 CHAIRMAN ADAMS: Okay. Thanks, Mike.
27 Dolly.

28

29 DR. GARZA: Thank you, Mr. Chair. And I
30 know there is more current data. I found it doing the
31 Ketchikan project, and I know that it's on the web, but
32 it is very, very difficult to find. You have to know the
33 author.

34

35 But in regards to the comments from Fish
36 and Game, we shouldn't be operating on what's been
37 requested and what might happen. We as a Council should
38 be operating on what we should be doing in our normal
39 course of work based on what currently exists. And I
40 think we heard from the Federal representative, Mr.
41 Knauer, that there are no eight criteria that the Federal
42 Subsistence Board goes through. They have not yet been
43 sued. Nothing has been settled. We have a requirement
44 to determine if there's a C&T determination for a few
45 communities. They should be based on the best available
46 information that we have, and based on what we know about
47 the communities as the local and the regional experts.

48

49 Thank you.

50

1 MS. GILBERTSON: Mr. Chairman, if I may.
2 Just a point of clarification. The State is suing the
3 Federal government on this issue and the eight factors,
4 and that's currently in court.

5
6 DR. GARZA: But it hasn't been resolved
7 and so we should make.....

8
9 MS. GILBERTSON: Correct.

10
11 DR. GARZA: We should make our decision
12 on what currently exists, and that's not a suit that
13 hasn't been settled. Correct.

14
15 CHAIRMAN ADAMS: Mr. Davidson, go ahead.

16
17 MR. DAVIDSON: And with respect to Mr.
18 Bangs' comment about the location of harvest, it's true
19 that the general location of harvests is reported on
20 State permits, but we do not know fresh water versus salt
21 water harvest based on what people have reported to us.

22
23 Another point that's made in the State
24 comments here is that we've already requested of the
25 Federal government to know where the exact boundaries are
26 in each of these locations, and I don't think we've yet
27 received that information. So in reality it's unclear
28 exactly where those boundaries are. Mean high water is
29 the best I could come up with to tell you, but I don't
30 think we've had a set of comprehensive maps with
31 definitive lines where this boundary exists. And until
32 we had that, we couldn't really be precise in getting
33 reporting accordingly.

34
35 Thanks.

36
37 CHAIRMAN ADAMS: Cal and then Patty.

38
39 MR. CASIPIT: Well, I just wanted to
40 provide some clarification here on a couple things that
41 went by.

42
43 I just wanted to point out that the
44 State-issued salmon permits are valid in both fresh and
45 salt water under our regulations. If you're a Federally-
46 qualified user, and if you have a salmon permit for say
47 Neva Creek, it's good in both State and Federal
48 jurisdiction, number 1.

49
50 The second issue over whether or not maps

1 have been drawn with lines, and thus, the Federal program
2 feels that the written definition of where Federal
3 jurisdiction is is adequate that appears in our Code of
4 Federal Regulations, and we feel that's adequate for
5 showing people where our jurisdiction is. And beyond
6 that I'm not going to say anything more, because that
7 issue is under litigation with the State of Alaska right
8 now.

9

10 CHAIRMAN ADAMS: Enough said then, Cal.
11 Patty.

12

13 MS. PHILLIPS: Thank you, Chairman Adams.
14 On page 128, opportunities provided by State, the final
15 sentence says the opportunity provided by the State
16 primarily benefits rural residents in Districts 12, 13,
17 and 14 because while harvest by Alaska residents who are
18 from urban areas may from urban areas may occur, such
19 harvest represents a small portion of the total harvest
20 and effort. How do you know that? How do you know it
21 only comprises a small portion of the total harvest and
22 effort?

23

24 MR. DAVIDSON: Ms. Phillips. We -- when
25 people obtain a State subsistence fishing permits, it
26 indicates the community of residency. And so in the
27 harvest reporting records that we receive, we can run a
28 report for a system by community of harvest and get that
29 information.

30

31 And that statement is absolutely true.
32 There are small numbers of people from Anchorage or
33 Juneau, from non-C&T areas who do occasionally
34 subsistence fish at local area sockeye systems. But it
35 is a very small fraction and insignificant compared with
36 the total. And that would be in State marine waters I'm
37 talking about.

38

39 CHAIRMAN ADAMS: Any one else.

40

41 (No comments)

42

43 CHAIRMAN ADAMS: Thank you, Ms.
44 Gilbertson and Mr. Davidson.

45

46 Turn on my mic. Other Federal, State and
47 Tribal agency comments. Mr. Knauer.

48

49 MR. KNAUER: Thank you, Mr. Chairman. I
50 need to respond to a couple of things.

1 On relates to the October 2005 letter to
2 the Federal Subsistence Board requesting the examination
3 of the procedures and possible development of a policy
4 relative to C&T. That was a request from the Secretary.
5 The Secretary did not ask the Board and the Councils to
6 suspend normal procedures and operations relative to
7 making the C&T decisions. They did not expect them to
8 cease work on this. It's business as usual.

9
10 The State, yes, did file a lawsuit
11 relative to C&T -- a C&T determination in Unit 12 on
12 moose. That has not been worked to completion, and it
13 really has no bearing.

14
15 Ms. Phillips brought up the issue that
16 the State talked about the opportunity provided by the
17 State. Although it is commendable that the State does
18 provide an opportunity for all users to harvest fish and
19 wildlife resources, this issue is not relevant, because
20 the State and Federal programs operate under different
21 mandates. The State attempts to insure a fair balance
22 between subsistence, sport, personal use and commercial
23 users. However, ANILCA requires the Federal program to
24 rural Alaskans a subsistence priority over other users
25 for the opportunity to harvest fish and wildlife
26 resources on Federally-managed lands. We are required to
27 ensure that the subsistence priority is given regardless
28 of any opportunity that might or might not be provided
29 under State regulations.

30
31 As relates to jurisdiction. When the
32 Federal subsistence program started in 1990, and again
33 when we started into the business of fisheries management
34 in 1999, we published definitions, regulations, and in
35 some cases maps showing jurisdictional boundaries. Those
36 were published only after lengthy consultation with the
37 State and what we thought was a general agreement as to
38 the location of the boundaries. Now it turns out some 16
39 or 7 years later that the State does not agree with a few
40 of these boundaries, including Federal jurisdiction in
41 some waters. Those instances may have to be resolved in
42 the courts, and they are subject to some litigation that
43 is currently there. However, the vast majority of land
44 and water in the Federal jurisdiction is undisputed. The
45 regulatory proposal process, however, is not the proper
46 forum to debate the claims of jurisdiction.

47
48 Maps and descriptions indicating Federal
49 lands are available in our regulation booklets, in the
50 Code of Federal Regulations and on our web site.

1 Thank you, Mr. Chairman.

2

3 CHAIRMAN ADAMS: Thank you, Mr. Knauer.
4 Are there any questions. Floyd, do you have a question.

5

6 MR. KOOKESH: I'm going to interpret what
7 you told me -- or told us, excuse me. Because I remember
8 that it seemed to me that there was a time when we just
9 handed out these C&T determinations like left and right.
10 That was a couple years ago, we were giving them to
11 Meyers Chuck and -- is that the process you're saying we
12 should continue? Because that's what I'm gathering from
13 hearing what you're saying.

14

15 MR. KNAUER: I'm not saying that they
16 should be handed out like lottery tickets if you have a
17 dollars. I'm saying that it is appropriate to look at
18 the eight factors, consider the public testimony.
19 However, it is not a situation of if one community has
20 C&T, another one can't have C&T for the same area. C&T
21 is only a record of use by a community irrespective of
22 what other communities have done or not done.

23

24 CHAIRMAN ADAMS: Dr. Garza. Let me say
25 something before you go.

26

27 DR. GARZA: Only if you're short.

28

29 CHAIRMAN ADAMS: We're not anxious to see
30 you go. I can tell from right here now that, you know,
31 it's a tough job here.

32

33 DR. GARZA: Thank you, Mr. Chair. And,
34 yeah, I am getting a long in the tooth. I don't think I
35 saw before. They showed when people got on the Council,
36 but Patty's got me beat by a year.

37

38 And back then C&T's were not handed out
39 willy nilly. We had anthropologists back when we
40 actually had money who did analysis and we seriously
41 debated them and reviewed them and made serious
42 decisions. And I think we still do. I think the
43 decisions that we made for the communities on Prince of
44 Wales were right on. I think if you live in an area and
45 you're rural, you're going to use those resources,
46 because basically that's what you have. If you've got a
47 ferry that comes in twice a month, you're not shopping at
48 Costco. And that's the way I look at this information.

49

50 But I do very much appreciate your

1 clarifications because again I feel like we are being
2 muscled by the State, by threats of what might be, when
3 we as a Council should be making our decisions on what's
4 in front of us, and just staying the course of doing what
5 we normally do. And that's recognizing subsistence uses
6 for rural communities.

7

8 Thank you.

9

10 CHAIRMAN ADAMS: Any other questions for
11 Mr. Knauer. Patty, go ahead.

12

13 MS. PHILLIPS: I just have a comment. I
14 like it when our Staff helps us look good. Thank you,
15 Bill.

16

17 MR. KNAUER: Thank you.

18

19 CHAIRMAN ADAMS: Thank you, Bill. Any
20 other Federal, State and tribal agency like to make
21 comments.

22

23 (No comments)

24

25 CHAIRMAN ADAMS: Okay. Yes. Steve, come
26 on down.

27

28 MR. KESSLER: Thank you, Mr. Chairman. I
29 thought you were going to ask next for InterAgency Staff
30 Committee comments, is that correct?

31

32 CHAIRMAN ADAMS: Yes. That's the next
33 one on the list.

34

35 MR. KESSLER: Yes, and that's what I was
36 going to provide you were the InterAgency Staff Committee
37 comments, if you're ready for those.

38

39 CHAIRMAN ADAMS: Well, you're on, Steve.

40

41 MR. KESSLER: Okay. I don't have any
42 InterAgency Staff Committee comments for you.

43

44 CHAIRMAN ADAMS: You mean, you came all
45 the way down here just to tell us that?

46

47 MR. KESSLER: Yes, I did. And I think
48 that, you know, under Chairman Littlefield's direction, I
49 was asked to come down for every one of the proposal,
50 even if there weren't any comments from the InterAgency

1 Staff Committee, and I guess I would like to know under
2 your reign, will it be the same way, or could I just say
3 from the audience that we don't have any comments on this
4 proposal.

5

6 CHAIRMAN ADAMS: Same way.

7

8 MR. KESSLER: Okay. So I'll be walking.
9 And in this situation, for this one, I don't have any
10 comments, although there have been a lot of good issues
11 that have come up especially associated with customary
12 and traditional use determinations, what the policy is,
13 and if there are some questions I can help answer with
14 Mr. Knauer or Dr. Schroeder while you're deliberating,
15 I'd be more than willing to try and do that.

16

17 Thank you.

18

19 CHAIRMAN ADAMS: Stick around, Steve.

20 Don't go anywhere. Dolly.

21

22 DR. GARZA: So I guess I have a question.
23 Out of curiosity did the InterAgency Staff not meet on
24 it? Do they not care about it? Did they just not agree
25 with it? So why do you have these no comment comments
26 coming from you guys?

27

28 MR. KESSLER: Mr. Chairman. Dr. Garza.
29 The InterAgency Staff Committee has reviewed every one of
30 these proposals, and has provided input primarily to the
31 proposal analyst, in this case Dr. Schroeder. At this
32 point the InterAgency Staff Committee does not have a
33 recommendation on any of these proposals. We meet to
34 make sure that the proposals are clear, and if there are
35 some situations that we want to be sure that the Council
36 is aware of, that the Council might not otherwise be
37 aware of, the Staff Committee would present those type of
38 situations. So in the past I've gotten up here and
39 talked about various situations that we just want to be
40 absolutely sure that you're aware of. In this situation
41 we feel that everything that you need to be aware of was
42 in the analysis that's written up in your book, and that
43 there really isn't anything new that we felt we could
44 contribute by providing comments.

45

46 CHAIRMAN ADAMS: Thank you Steve. Any
47 other comments. Questions.

48

49 (No comments)

50

1 CHAIRMAN ADAMS: Fish and game advisory
2 committee comments.

3
4 (No comments)

5
6 CHAIRMAN ADAMS: No one here for that.
7 Okay. Summary of written public comments. Dr.
8 Schroeder.

9
10 DR. SCHROEDER: Mr. Chairman. We've
11 received no written public comments on this proposal.

12
13 CHAIRMAN ADAMS: Okay. Thank you, Dr.
14 Schroeder. Public testimony. We've got Michael See.

15
16 (In Tlingit)

17
18 MR. SEE: Good afternoon. My name is
19 Michael See. I'm from Hoonah.

20
21 I'm here to speak in -- I don't know
22 whether it would be opposition to the inclusion of
23 Gustavus as a customary and traditional use area. I've
24 listened to the different comments here. Dr. Garza said
25 that at one time they used anthropologists to help
26 determine whether an area had customary and traditional
27 use, you know, capabilities or abilities. And yet we're
28 trying to establish that a town that wasn't even in
29 existence when my mother was born.

30
31 And there's also been talk about the
32 different area, like the Angoon area, the Sitka area, the
33 Hoonah area. I think everybody gets hung up on
34 boundaries being with the modern day idea of boundaries,
35 say, okay, this is my fence, this is my land, that's your
36 land. And back a long time ago, boundaries were a vague
37 thing. If there was a need, we could go to Angoon, we
38 could -- it was a boundary, but it was just -- it wasn't
39 a set in stone boundary. It was out of respect. The
40 boundaries were real fluid, you know.

41
42 I'm just here to speak in opposition. I
43 don't know whether I'm being selfish, but when you -- I
44 think the big flaw in this whole system is there is no
45 time limit on your eight points. When you speak
46 customary and traditional, I'm not speaking the last
47 hundred years. I think customary and traditional out to
48 be back, like Dr. Garza said, where you need
49 anthropologists to establish the fact that this was
50 customary and traditional.

1 That's basically all I have to say.
2 Thank you very much for allowing me to speak.

3
4 CHAIRMAN ADAMS: Thank you. Any
5 questions of Mr. See from anyone.

6
7 (No comments)

8
9 CHAIRMAN ADAMS: Okay. Regional Council
10 deliberation. So this is going to be brought before the
11 Council now. We've taken all of the comments from
12 everyone concerned here. Now it's our turn to discuss
13 this issue.

14
15 Dr. Garza.

16
17 DR. GARZA: Mr. Chairman. If the Council
18 would turn to Pages 88 and 89, I would move that we
19 accept and support the recommendation of Staff, and those
20 are the bolded areas for Area 12, Section 12(A) excluding
21 the area south of a line from Fishery Point to South
22 Passage. Species, all fish. Residents of drainages
23 flowing into Districts 12 and 14.

24
25 And the next one is the current. So the
26 next bold one, District 13, Section 13(A), excluding the
27 area from south of the latitude of Cape Edward. All
28 fish. Residents of drainages flowing into Section 13(A),
29 13(B) and 14.

30
31 The next bold is District 14. All fish.
32 Residents of drainages flowing into Sections 12(A), 13(A)
33 and 14. That we accept those recommendations.

34
35 Thank you.

36
37 CHAIRMAN ADAMS: Thank you, Dolly. Is
38 there a second.

39
40 MR. DOUVILLE: Second.

41
42 CHAIRMAN ADAMS: It's been seconded by
43 Mike. Now we're under discussion. Mr. Douville.

44
45 MR. DOUVILLE: Thank you, Mr. Chairman.
46 I have a question that was on this, maybe we could
47 clarify all fish. The ADF&G had some issue with it, and
48 I'm assuming that's fish in fresh water under Federal
49 jurisdiction. It doesn't say that, but I'm assuming
50 that.

1 CHAIRMAN ADAMS: Are you asking the State
2 people to come down and answer that question for you or
3 what?

4
5 MR. DOUVILLE: Mr. Chairman, I'm asking
6 for a Federal interpretation of what's written here. I
7 know that the InterAgency Staff Committee has gone
8 through it and essentially gave it -- you know, they
9 don't have a problem with it. But I would like some
10 clarification on it.

11
12 CHAIRMAN ADAMS: Cal, do you have
13 anything to.....

14
15 MR. CASIPIT: That's -- thank you, Mr.
16 Chair. Mr. Douville. That in fact is how we would
17 interpret it. That would be all fish within our
18 jurisdiction. You could probably use the same list,
19 salmon, Dolly Varden, trout, smelt and eulachon, and that
20 would work just as well. It's the pleasure of the
21 Council. But I would interpret it to be fresh water fish
22 that occurs in our jurisdiction.

23
24 CHAIRMAN ADAMS: Dolly.

25
26 DR. GARZA: If the Fish and Game regional
27 director would allow all fish, then we'll take the marine
28 as well. But we understand the limitations of our
29 capabilities, and the all fish is as far out as we can
30 go.

31
32 CHAIRMAN ADAMS: Go ahead, Patty.

33
34 MS. PHILLIPS: Thank you, Chairman Adams.
35 When it says all fish, and we're talking about this FP07-
36 17, does that include C&T for steelhead?

37
38 CHAIRMAN ADAMS: Go ahead, Cal.

39
40 MR. CASIPIT: Under the Federal
41 regulations, the term trout is defined to be steelhead,
42 cutthroat and rainbow trout.

43
44 CHAIRMAN ADAMS: And Dolly Varden?

45
46 MR. CASIPIT: Actually Dolly Varden is a
47 char. It's covered under char.

48
49 CHAIRMAN ADAMS: Floyd.

50

1 MR. KOOKESH: And as Mr. Adams said,
2 bullheads? And bullheads.

3
4 (Laughter)

5
6 MR. KOOKESH: Because they are up there.
7 My question was just like Mr. Douville's about what fish.
8 I think we need to be very specific about those fish,
9 because all fish is bad language especially we are the
10 makers of the proposal. In fact, we are the ones that
11 voted against -- in May seven to one we voted against
12 this, what we're reviewing again, which is back on the
13 table here.

14
15 And I do remember in following process,
16 and this is my opinion, I agreed with Mr. Turek and them
17 about this process for C&T. And I know that this is our
18 process and we can do it our way, but I still will say
19 this, I agree with the State on procedure, that the
20 procedure that they're looking at is the procedure I
21 like. I know that we can make our own decisions here,
22 and that's mine. I agree with the State. I believe that
23 the idea that -- it scared me down where we were in
24 Wrangell or wherever where we were giving C&T away. If
25 there's someone we've left out based on what I've heard,
26 let's just give everybody C&T. But I have to agree with
27 the State on the procedure, and that's my process.
28 That's something I like to follow.

29
30 And I would like to also agree with Mr.
31 Wright, that why is there no community support? Why is
32 there just one maker of proposal, and it bothers me that
33 we've never had public comments. We're not -- somewhere
34 along the way we're not doing our job. Someone's not
35 doing their job. There's something missing here. We
36 need more community involvement for these procedures.

37
38 Thank you.

39
40 CHAIRMAN ADAMS: Mr. Kookesh, I fully
41 agree with you on the process, you know, that for any
42 type of a proposal that comes before us, we need to real
43 hard at where it came from, what public comments, you
44 know, it went through, right on up the ladder. And it
45 comes, you know, through an organization, like an
46 advisory committee or a tribal council or the community
47 of some sort, then that gives us, you know, a good idea
48 that it went through the public process. And I fully
49 agree with that comment that you made there. And it's
50 something that we as a Council really need to look

1 closely at when we consider, you know, passages of -- or
2 adopting any proposals.

3

4 Patty.

5

6 MS. PHILLIPS: Thank you, Chairman Adams.
7 You do make a valid point. However, the process allows
8 for an individual to submit a proposal for our review,
9 for the public review. It was submitted as a proposal.
10 It went out for public comment, it came before us in
11 Wrangell. We had a special meeting to deal with it via
12 teleconference. It went out for public comment again.
13 And here we are with it in front of us for public review
14 one more time.

15

16 As a Council member who has submitted
17 proposals solely, independently without a community body
18 support, i don't have a problem with that, because this
19 process allows us to do that. It's what this whole
20 process is about. Yes, a community supported proposal
21 does have more weight. You know, you can say, oh, there
22 is community support for that. But it shouldn't stop us
23 from moving a proposal forward if the analysis supports
24 the forward movement of that proposal.

25

26 I think this analysis has done a fairly
27 thorough job of recognizing C&T for communities that
28 didn't have it before.

29

30 I do agree that this area we're -- the
31 areas we're talking about is the traditional territory of
32 the Hoonah Indian people. And it also crosses over with
33 the Sitka Tribes on the west coast of West
34 Chichagof/Yakobi Island. And with the Angoon people on
35 the inside waters, Chatham Straits area, and Sitka Tribe
36 on the Chatham Straits/Peril Straits area.

37

38 I do fully recognize the Hoonah Tlingit
39 people in their traditional territory. However, part of
40 being a tribal people is we are communally based. We
41 take care of each other, and that includes people who
42 come into our territory. Gustavus area was a traditional
43 -- is part of the traditional homeland and had a tribal
44 base there. With this advent of Western habitation and
45 to dividing property up and giving property out, and
46 selling property, having property there, it's a legal
47 right of property that we have accepted. So we have to
48 accept there's people in that community who have
49 property, who have had property passed on from family to
50 family for generations. It could be that it wasn't there

1 at the time of Mr. See's mother's birth. That could be
2 absolutely correct. But it shouldn't stop us from
3 recognizing that they live in that area, or they live in
4 my area for that matter, and we have customary and
5 traditional and social practices that we pass on from one
6 family member to another, from one neighbor to another.
7 If there's somebody come into my community, wants to know
8 how to do up a deer, you know, am I going to stand back
9 and just let them figure it out on their own? If they're
10 going to ask me, I'm going to tell them. It's just part
11 of who we are as a people.

12

13 So anyways, I'm going to support it.

14

15 CHAIRMAN ADAMS: That's well said, Ms.
16 Phillips, and thanks for jerking my memory on the process
17 that we went through for this proposal and getting us
18 this far. But I think Mr. Wright, you know, has a
19 concern there. Did the Hoonah people have an opportunity
20 to consider this proposal? Because it seems like it
21 affects them pretty drastically, you know, and I think
22 maybe that might have been the message that I got from
23 Floyd and his concern about this.

24

25 Go ahead, Dolly. And then Mike.

26

27 DR. GARZA: Thank you, Mr. Chair. This
28 proposal in one form or another has been before us. This
29 is the second time, so all residents of Southeast have
30 had opportunity to comment on it. And what I did notice
31 on Page 89 is that we received none. No written comment
32 from any communities.

33

34 What we have on Page 88 is the current
35 situation as well as the proposed situation. So the
36 current situation for District 12 recognizes Angoon, for
37 District 13 recognizes Sitka, for District 14 recognizes
38 Hoonah. The intent of this proposal would be to expand
39 and include other communities as listed on Page 95 is
40 where I could find a summary of the communities. So it
41 would include Elfin Cove, XIP, Gustavus, Pelican, Tenakee
42 Springs.

43

44 We seem to have focused on one community
45 that there may be some issue with, but all these other
46 communities are being considered as well. And all these
47 other communities have long-standing existing -- they
48 have existed as communities. They have people that are
49 using the resources. They have Native and non-Native
50 people. And I stand prepared to support this proposal

1 for all of these communities.

2

3 As was pointed out earlier, this is a
4 Council and a Federal process that is not racially based,
5 it's not ethnic based. It's based on rural. All of
6 these communities are rural, and I don't know of a single
7 community, maybe people in general, but a community that
8 does not use its local resources. People don't just move
9 to nowhere and then just order everything from Costco.
10 That just doesn't happen.

11

12 I'm prepared to vote on it without
13 extensive data and extensive household harvest surveys.
14 Having gone through the harvest survey for Ketchikan, it
15 is a lengthy, expensive process. It's one that most
16 communities could not afford, and Ketchikan was very
17 fortunate to be able to access funds to do that. I think
18 that the information, the data that was provided to us in
19 this packet is enough to make me feel comfortable that if
20 we had to go through the eight criteria, that we would
21 meet it for every single community.

22

23 In terms of long-term, that could be
24 argued maybe for one community, I'm not sure. But
25 certainly you have communities like Pelican, like Tenakee
26 Springs, they've been there forever. Whether or not
27 they're all a bunch of old hippies or a bunch of draft
28 dodgers is none of my business. They're there and
29 they're using that resource, and they have to be
30 recognized for that.

31

32 So I'm prepared to support this proposal
33 as it is on Page 88. Thank you.

34

35 CHAIRMAN ADAMS: Gunalcheesh, Dolly.
36 Mike.

37

38 MR. DOUVILLE: Thank you, Mr. Chairman.
39 I intend to support this proposal. The process we use is
40 very public. Nothing is hidden away. And I generally
41 have seen a tendency of people that when they agree with
42 something, they don't necessarily write a letter say,
43 yes, I agree with it. They have more tendency to do that
44 when they disagree. And since it has no opposition or
45 public comment doesn't mean it isn't well received. It's
46 before us, because we didn't feel that we had enough data
47 to support it last year. I believe we do now, and I
48 fully intend to support it.

49

50 Thank you.

1 CHAIRMAN ADAMS: Thank you, Mike. You
2 kind of answered the question that I was going to bring
3 up next, you know, if you don't get any comments, what
4 does that mean. And I think you answered that for me.
5 So, thank you.

6
7 Mr. Bangs.

8
9 MR. BANGS: Thank you, Mr. Chairman. I
10 would venture to guess that not very many people even saw
11 this proposal, and don't even know that it's going
12 through the process. I don't think that many people get
13 this book. I don't think it's in public notices. I just
14 don't think that it's -- not that it wouldn't be well
15 received. I don't think that a lot of people get this
16 information. And that makes it difficult to get public
17 comment. I don't know if there's a way we could bring
18 this to public attention in a better fashion. But I
19 think that's probably one of the main reasons why we
20 don't get public comment.

21
22 And especially when, in regards to what
23 Mr. See had mentioned about customary and traditional,
24 and his perception, the way he feels about his boundaries
25 and things like that, I think that just the words
26 customary and traditional are vague at best in putting
27 parameters or guidelines for use to make decisions. It's
28 your interpretation. And a family could have a tradition
29 after two years, you know. Customary is vague as well.

30
31 So we have to deal with making a decision
32 the best we can and deal with the information that's
33 before us. And it's our mandate to make a wise decision
34 based on what we know or we're told.

35
36 And I just wanted to make that point.
37 Thank you.

38
39 CHAIRMAN ADAMS: Thank you, Mike. Have
40 we discussed to death already? Some more comments. Mr.
41 Kitka.

42
43 MR. KITKA: I have some reservations on
44 this, and basically it has to do with the boundary lines.
45 I seems like once before they were already set. We don't
46 really need to -- I feel that if they change the boundary
47 lines from what they were, then it takes away a lot of --
48 some of the areas that we use for subsistence, as far as
49 Sitka goes. And I don't know if there's anybody from
50 Sitka that even saw this proposal and had a chance to

1 comment on it.

2

3

CHAIRMAN ADAMS: Dr. Schroeder.

4

5

DR. SCHROEDER: Harvey, the way the
6 proposal is written, this would not adversely affect
7 Sitka. This would recognize Sitka's use of the outer
8 coast area, going up in Area 13(A), and so at the present
9 time Sitka's use in 13(A) is recognized up to -- let's
10 see, I've got to check it here, the latitude of Cape
11 Edward. This would recognize Sitka's use throughout
12 13(A), and so this does not restrict or change Sitka's
13 recognition.

14

15

Very specifically, the analysis and the
16 proposal submitted by the Council did not want to change
17 anything for Sitka or to reduce the existing C&T's for
18 Sitka or Angoon. So that's not done in this proposal.

19

20

CHAIRMAN ADAMS: Mr. Wright.

21

22

MR. WRIGHT: Thank you, Mr. Chair. One
23 of the things that we in Hoonah kind of objected to wa
24 the words customary and traditional. See, that's -- I
25 know the Federal government's got their own
26 interpretation. I have no objection for other
27 communities using the drainages that come out, not at
28 all. It's just that when it comes to we as a people, I
29 know we're not -- racially is not supposed to be there,
30 but customary and traditional to us is a sacred thing.
31 So like I said, I really don't have any objection for the
32 people to use the resources that are there, but when it
33 comes down to those two words, it's hard to swallow when
34 our people have been there for thousands of years and use
35 customary and traditional methods of preparing food and
36 our traditional foods and customary ways of using it,
37 customary ways of using these things, so that was
38 probably one of the biggest objections that we had was
39 that was that. I certainly don't have any objection for
40 people eating. None at all. We are a people that share.
41 We are a people that help each other. We are people that
42 help people that are not even within our community. If
43 they come to our community, if they're hungry, we'll feed
44 them. But those two words is what we probably most
45 objected to.

46

47

Thank you.

48

49

50

CHAIRMAN ADAMS: Thank you, Frank. Mr.

Hernandez.

1 MR. HERNANDEZ: Well, just a comment in
2 relation to what Mr. Wright just mentioned there.

3
4 I happened to hear of a book that was
5 written by a Gustavus resident, written in 1988. Jim
6 Makoviak (ph) wrote a book called Homesteading and
7 Hardship, I think is the title of it. and he talks about
8 the early homesteaders to what was then called Strawberry
9 Point, now Gustavus, in 1914. And people came to
10 homestead that land, and eventually it sound to me like
11 they probably would have starved to death if it hadn't
12 have been for the Hoonah residents who were generous
13 enough to supply them with meat, you know, to get through
14 their first winters there, because they really just
15 didn't have the wherewithal to make it on their own, so I
16 think that speaks well to what -- you know, the
17 generosity of the subsistence people and how it's always
18 been.

19
20 Also, maybe another point that kind of
21 needs to be brought out here is the -- you know, in
22 regards to customary and traditional. There's Title 8 of
23 ANILCA also has another means of dealing with that, you
24 know, in times of shortages or in order to preserve
25 subsistence users, there's a whole another set of
26 criteria, you know, for deciding, you know, the
27 importance of a community's use, you know under adverse
28 circumstances that does -- you know, for that purpose the
29 length of a community's use and the level of their use is
30 more of a consideration, you know, in that circumstance.
31 And that's another provision of Title 8 that we haven't
32 talked about yet, but, you know, it's kind of part of the
33 whole discussion that kind of, you know, brings out how
34 ANILCA deals with the different uses amongst different
35 communities. So I think you should keep that in mind
36 also.

37
38 I'm going to vote in favor of this
39 proposal.

40
41 CHAIRMAN ADAMS: Thank you, Don. Dolly,
42 please.

43
44 DR. GARZA: I have a comment, but first I
45 would like to ask a clarification. We're trying to
46 remember the three or four criteria we're supposed to be
47 using to make our decisions on. And so far we have
48 conservation, other uses and adequate data. Are those
49 the main points, or are we missing something.
50

1 DR. SCHROEDER: Let's see. Is this a
2 test, Dolly?

3
4 (Laughter)

5
6 DR. SCHROEDER: I don't know if I'm going
7 to pass the test. We also look at affects on other
8 subsistence users. Is it beneficial -- is there a
9 conservation concern. What is the effect on subsistence
10 users. Is the recommendation supported by substantial
11 data. And then we're not required to do so, but the
12 Council has a tradition of looking at the affect of the
13 proposal on other users, meaning non-subsistence users.
14 So those are our four.

15
16 Mr. Chair, could I make a clarification.

17
18 CHAIRMAN ADAMS: Go ahead, Dr. Schroeder.

19
20 DR. SCHROEDER: Just in responding to Mr.
21 Kitka, it got Steve and I thinking about the affects of
22 this proposal. And at the present time in this area,
23 only Hoonah residents can fish Federal subsistence regs
24 in Sections 14(B) and (C). In Section four -- in 13(A)
25 and -- in Sections 14(A) and 13(A), for those portions
26 where there isn't a specific recommendation, all rural
27 residents may fish or all Southeast residents may fish.
28 So the effect of making a community-specific C&T means
29 that other people can't fish there.

30
31 And getting to what -- your question,
32 Harvey, the language as written would recognize Sitka's
33 use of fish in 13(A), but it would not recognize Sitka's
34 use of fish in 14(A). 14(A) is that area around Elfin
35 Cove. And when Staff wrote this up, we weren't aware of
36 use of that area by Sitka in 14(A), the area close to
37 Elfin Cove. So I just wanted to make that real clear.

38
39 MR. KITKA: Mr. Chairman.

40
41 CHAIRMAN ADAMS: Mr. Kitka.

42
43 MR. KITKA: Thank you, Bob. I know for a
44 fact that Sitka had use of the waters and things all the
45 way up to Surge Bay. They overlapped with the Hoonah
46 people in that area. And we've taken fish all the way up
47 to Surge Bay. And the sockeyes in Surge Bay, and the
48 dogs in Golden Harbor, Portlock, and those places. And
49 you're starting to get into an area where Cape Edwards
50 is, is actually some of the Hoonah people don't even make

1 it down there to those areas. I was raised subsisting in
2 those areas. I probably spent as much time throughout
3 all Perils Straits as well as the outside of Chichagof.
4 And my mom and my father, my father's father, and we go
5 back a long ways, subsisting in those areas. And to put
6 a line there, that would eliminate our possibilities of
7 going back there and subsisting. It's kind of strange to
8 my way of thinking.

9

10 Thank you.

11

12 CHAIRMAN ADAMS: Dr. Schroeder.

13

14 DR. SCHROEDER: We should take a break.

15

16 CHAIRMAN ADAMS: We'll hear from Patty

17 and then.....

18

19 MS. PHILLIPS: Chairman Adams. The Staff
20 analysis under justification, Page 104, says the analysis
21 suggests that a review of the customary and traditional
22 use determinations for Angoon and Sitka should take place
23 in the next regulatory cycle to ensure that
24 determinations include all areas used by these
25 communities, and that the customary and traditional use
26 areas currently delineated for Angoon and Sitka do not
27 exclude other users who may have traditionally fished in
28 the Angoon or Sitka areas. So this proposal would
29 benefit other users in that it would begin the process of
30 reviewing C&T use determinations in the areas you were
31 concerned about.

32

33 CHAIRMAN ADAMS: Okay. Any other

34 comments.

35

36 (No comments)

37

38 CHAIRMAN ADAMS: You know what, I was
39 hoping we could have taken a break at 3:00 o'clock, and
40 we've gone, you know, quite a bit beyond that now, so why
41 don't we go ahead and take a 10-minute break, and then
42 come back here prepared to vote on this.

43

44 MR. KOOKESH: Five minutes.

45

46 CHAIRMAN ADAMS: Five minutes my Vice

47 Chairman said.

48

49 (Off record)

50

1 (On record)

2

3 CHAIRMAN ADAMS: Everyone, please take
4 your seats, please. We're going to start. We're back in
5 session. Before we vote on this thing, I'd like to just
6 have someone, you know, anyone who would like to make a
7 final comment on this, and then we'll go ahead and vote
8 on it. Anyone like to make a final statement. Dolly, go
9 ahead.

10

11 DR. GARZA: Yeah, Mr. Chairman. And that
12 sort of final statement is important to cover our
13 criteria, so I'll make sure you do that. We have three
14 criteria that as a Council we should be addressing when
15 we make this decision.

16

17 Is it to the benefit of subsistence
18 users. Mr. Chairman, I intend to vote for this proposal,
19 because it will recognize that there are subsistence
20 users and communities that we have not yet recognized,
21 and I think that that's important. The subsistence users
22 have a documented use pattern of using resources in the
23 area indicated on the maps, in 106, 107, 108, 109 maps.
24 Those documented uses are based on adequate data, and
25 that data source is summarized on Page 100, whether or
26 it's from TRUCS, from TEK, from interviews. There's a
27 variety of different sources that have been used to
28 document the use patterns of residents using these
29 resources in the mapped areas.

30

31 Is there a conservation issue. Mr.
32 Chairman, no, there is not. This doesn't provide for any
33 regulation or opportunity. It simply recognizes that
34 there is a pattern of use of these resources for the
35 residents in these areas.

36

37 So for these reasons, I would support
38 this proposal.

39

40 I would, however, recognize the comments
41 from our counselor from Hoonah that there is a difference
42 in patterns of use, and that some of these newer
43 communities have demonstrated a pattern of use. They do
44 use the resources, and it is different than C&T. And
45 we're using the wrong terminology. Unfortunately we're
46 stuck with it through the Federal process. The way the
47 Tlingit and the Haida and the Tsmishian people have used
48 these resources for 9,000 plus years, they certainly have
49 C&T. And that is different than the newer communities.
50 However, ANILCA requires that we recognize the patterns

1 of uses for all the rural residents of Southeast, so
2 recognizing that there is a difference, I still am
3 supporting this resolution, this proposal as written.

4

5 Thank you.

6

7 CHAIRMAN ADAMS: Thank you, Dolly. And
8 thanks for bringing out the criteria that we follow when
9 we consider these proposals.

10

11 We've heard from one person who is in
12 favor of it. Is there anyone who would like to speak in
13 opposition to this. Mr. Kookesh, please.

14

15 MR. KOOKESH: One of the comments that
16 came up earlier in our discussions, not in this forum,
17 but in this building, was that it's unfortunate that
18 we're using these boundaries, like 14, Unit 14. It's
19 unfortunate we're using that and just taking our Tlingit
20 laws and just throwing them out just because of this.
21 It's unfortunate that we're compromising our values for
22 this.

23

24 I had concerns when we were doing C&T,
25 when we were giving C&T all up Peril Straits. I've never
26 claimed to have lived in Peril Straits for 100 years, but
27 there was something about it that bothered me as a
28 native. It was something that belonged to us. We never
29 questioned it. And for us to have gotten data that said
30 that Sitka had C&T into Peril Strait all the way up Peril
31 Straits bothered me.

32

33 And from looking at this proposal and not
34 supporting it, we voted this proposal down two times,
35 twice in the same forum. Today it's coming back to us in
36 a third form, which is encompassing more units. And if
37 we vote this down, I believe it will probably come back
38 to us in a Southeast C&T that will cover all of
39 Southeast. It's a never ending process.

40

41 But I want to go on the record that I'm
42 not going to support this.

43

44 Thank you.

45

46 CHAIRMAN ADAMS: Is there anyone else
47 with a burning desire to either spoke for or against this
48 proposal at this time. Otherwise we're going to -- I'm
49 going to entertain a motion to vote on it.

50

1 (No comments)
2
3 MS. PHILLIPS: Question.
4
5 CHAIRMAN ADAMS: The question's been
6 called. All in favor of the motion signify by saying
7 aye.
8
9 MR. KOOKESH: Aye.
10
11 DR. GARZA: Aye.
12
13 MR. DOUVILLE: Aye.
14
15 MR. STOKES: Aye.
16
17 MR. BANGS: Aye.
18
19 MS. PHILLIPS: Aye.
20
21 MR. HERNANDEZ: Aye.
22
23 MR. DAVIS: Aye.
24
25 CHAIRMAN ADAMS: Opposed.
26
27 MR. KITKA: Aye.
28
29 MR. KOOKESH: Aye.
30
31 CHAIRMAN ADAMS: Aye.
32
33 MR. WRIGHT: Aye.
34
35 CHAIRMAN ADAMS: Motion carries. Well,
36 there's a question about what was the number. All favor,
37 please raise your hand.
38
39 (Mr. Kookesh, Dr. Garza, Mr. Douville,
40 Mr. Stokes, Mr. Bangs, Ms. Phillips, Mr. Hernandez, Mr.
41 Davis)
42
43 CHAIRMAN ADAMS: Seven. Opposed.
44
45 (Mr. Kitka, Mr. Kookesh, Chairman Adams,
46 Mr. Wright)
47
48 CHAIRMAN ADAMS: Will be four. Thank
49 you.
50

1 Excuse me, Dr. Schroeder. We're going to
2 excuse Patty. She has to go to a teleconference. And so
3 we'll see you later, Patty.

4
5 DR. SCHROEDER: Mr. Chairman, we have a
6 request for reconsideration that is before the -- will be
7 going before the Federal Board. This is found on Page 12
8 of your handout.

9
10 And basically, I won't go through the
11 details of the RFR, the RFR addresses specifically the
12 claim of Gustavus of Chuck Burkhardt in Gustavus, that
13 Gustavus's use of 14(B) and (C) should be given a
14 customary and traditional use determination.

15
16 Your action on Proposal FP07-19 (sic)
17 recommends even broader customary and traditional use
18 determination for Gustavus. It would include 14(A) as
19 well as 14(B) and (C). 13(A). We're on page 12 of this.

20
21
22 In the Federal system, this proposal --
23 the proposal you just acted on will be decided by the
24 Federal Board at its January meeting. Under Federal
25 procedures, the RFR is sort of on a separate track, so
26 because the RFR is in the works, the Federal Board will
27 need to decide what to do with the RFR before its January
28 meeting. It will be having a meeting sometime in
29 November.

30
31 The Council already weighed in on the
32 issue of the RFR and that letter is found on page 63 of
33 your book, and that was the discussion that took place in
34 May 10th. And at that time the Council hadn't seen this
35 analysis, but the Council did not want the Federal Board
36 to proceed with the RFR.

37
38 So at this point it would be appropriate
39 for the Council to say what its wishes are with the RFR.
40 You could support the RFR, not support the RFR, or simply
41 say that because of the action on -- your recommendation
42 on Proposal FP07-17 that there wasn't any need to deal
43 with the RFR. So it's the Council's wishes.

44
45 CHAIRMAN ADAMS: Michael, go ahead.

46
47 MR. BANGS: Thank you, Mr. Chairman. I
48 believe we should take no action based on the actions we
49 just took.

50

1 CHAIRMAN ADAMS: Is there a second.
2
3 MR. KOOKESH: Second.
4
5 CHAIRMAN ADAMS: Okay there's a motion
6 and a second -- yes, Dr. Schroeder.
7
8 DR. SCHROEDER: If the Council takes no
9 action, the Board could take no action. If the Board did
10 take action and based on the analysis find that there was
11 a positive C&T for Gustavus for 14(B) and (C), that would
12 be in effect when the Board makes that decision if it
13 would make it in November. The Board would then be
14 dealing with this larger C&T in January. We can't
15 predict exactly how the Board will act in January. If
16 the Board followed the Council's recommendation, the
17 action on the Request for Reconsideration would basically
18 have a short window of applicability.
19
20 So I just wanted to point that out.
21
22 CHAIRMAN ADAMS: Okay. What's the
23 Council wish on this.
24
25 (No comments)
26
27 DR. GARZA: Question.
28
29 CHAIRMAN ADAMS: Question's been called.
30 All in favor please say aye.
31
32 (No audible answer)
33
34 CHAIRMAN ADAMS: Opposed.
35
36 (No audible answer)
37
38 CHAIRMAN ADAMS: Do I have to ask for a
39 raise of hands again?
40
41 UNIDENTIFIED VOICE: What was the motion
42 again?
43
44 MR. KOOKESH: Read the motion again, i
45 just got my book this morning and i haven't had a chance
46 to read.
47
48 DR. SCHROEDER: The motion, we have an
49 RFR for consideration, that's a request for
50 reconsideration of last year's action on the then

1 Gustavus C&T proposal. And the motion before you is to
2 take no council action concerning the RFR because of the
3 Council action on the proposal you just dealt with, FP07-
4 17.

5
6 CHAIRMAN ADAMS: The motion is to table
7 then.

8
9 DR. SCHROEDER: That's correct..
10

11 CHAIRMAN ADAMS: It appeared to me like
12 the motion passed from the ayes I heard, but I didn't
13 hear any no's, not even a whisper.

14
15 MR. KOOKESH: The ayes won.

16
17 CHAIRMAN ADAMS: So the Chair rules, you
18 know, that the aye's won.

19
20 Okay. The next proposal is FP07-18 and
21 19. Mr. Suminski, please.

22
23 MR. SUMINSKI: Good afternoon, Mr.
24 Chairman. Council members. My name is Terry Suminski of
25 the Forest Service. I'll be presenting FP07-18 and 19.

26
27 Proposal FP07-18 was submitted by the
28 Southeast Alaska Subsistence Regional Advisory Council.
29 Proposal FP07-19 was submitted by the Sitka Tribe of
30 Alaska. Both proposals would close the Federal public
31 waters in the Makhnati Island area near Sitka to
32 commercial herring fishing during the months of March and
33 April. The proposals are nearly identical and will be
34 analyzed together.

35
36 The Council and STA believe that a
37 regulatory change is needed to insure that subsistence
38 needs for herring and herring roe are met. The
39 proponents feel that commercial fishing activities
40 displace subsistence users from traditional harvesting
41 sites, may disrupt herring such that good quality
42 deposition of herring eggs does not take place at
43 traditional site, may cause herring to spawn away from
44 subsistence sites and may seriously reduce the biomass of
45 spawning herring upon which subsistence users depend.
46 The proponents feel that closing Federal marine waters to
47 commercial harvesting during March and April will be a
48 constructive step in insuring that subsistence needs may
49 be met.

50

1 Under current Federal regulations, all
2 rural residents of Alaska are eligible to harvest
3 herring, herring roe on macrocystic kelp, herring roe on
4 hemlock or herring roe on other substrates from Federal
5 Waters in Southeast Alaska. There are no seasons or
6 harvest limits in regulation.

7
8 The Federal public waters near Makhnati
9 Island comprise a small part of the spawning area of
10 herring in the Sitka Sound, and also make up a small part
11 of where subsistence herring eggs are gathered.

12
13 Evaluating the effect of a closure in a
14 small area of Federal public waters is extremely
15 difficult due to the large yearly fluctuations in the
16 intensity and location of herring spawning activity in
17 Sitka Sound. From 1978 to 2006 the nautical miles of
18 beach on which herring spawn has varied for 13 to 104
19 nautical miles per year and are not the same areas every
20 year. Some areas are more consistent than others, but
21 spawn is not guaranteed in every area every year.

22
23 Spawn and subsistence harvest occurs in
24 most years within the Federal public waters, but there's
25 no way to know how much of the harvest comes from only
26 Federal public waters. The traditional harvest of eggs
27 on substrate is affected by many natural factors such as
28 weather, where and when and how much the herring spawn.

29
30 Subsistence users are allowed to harvest
31 herring and herring eggs anywhere in and around Sitka
32 Sound. Establishing a small area for only subsistence
33 use may not provide additional benefit to subsistence
34 users if herring lacks spawning fidelity and simply don't
35 spawn there in a given year. Where people harvest
36 herring eggs is ultimately determined by where herring
37 spawn.

38
39 The area where the commercial sac roe
40 herring fishery occurs also varies widely from year to
41 year. From 1992 to 2006 Federal public waters near
42 Makhnati Island made up part of the areas open to
43 commercial sac roe herring fishing six out of 15 years.

44
45 Since the area of Federal public waters
46 has been a part of larger areas open to commercial
47 fishing, there's no way to apportion the harvest from
48 only Federal public waters. The closure of a relatively
49 small area of Federal jurisdiction would probably not
50 effect whether commercial quota is reached, but it will

1 reduce the area available for commercial fishing and may
2 increase the chance of commercial fishing taking place in
3 better traditional egg harvesting areas.

4

5 In 2002 a memorandum of agreement was
6 signed between the STA and the Alaska Department of Fish
7 and Game in response to poor spawn harvest in 2001.
8 Since the agreement was signed, amounts necessary for
9 subsistence as determined by the Alaska Board of
10 Fisheries were met in 2003, 2004 and 2006, but not in
11 2005.

12

13 A Federal closure of a fishery may only
14 be exercised when it's necessary to conserve fish stocks
15 or to continue subsistence uses. In most years,
16 subsistence needs for herring spawn on substrates have
17 been met. In years where subsistence needs are met, a
18 permanent closure in regulation would not be necessary.

19

20 An alternative to a permanent regulatory
21 closure would be for the Federal managers to closely
22 coordinate with ADF&G and STA. During the 2006 herring
23 harvest, the coordination and communication between STA
24 and ADF&G was successful. Supporting and building upon
25 this success is key to ensuring a subsistence harvester
26 is as successful as possible.

27

28 In-season action by Federal managers
29 would be difficult to implement in a timely manner, but
30 if subsistence needs were not being met or a conservation
31 concern was identified in the Makhnati area, Federal
32 managers have been delegated the authority to close or
33 modify fisheries in-season.

34

35 The preliminary conclusion is to oppose
36 the proposal. And the justification is that in most year
37 subsistence needs for herring spawn on substrates have
38 been met. And in years where subsistence needs are met,
39 a permanent closure in regulation is not necessary. An
40 alternative to a permanent regulatory closure would be
41 for Federal managers to work closely and coordinate with
42 ADF&G and STA in their efforts to ensure subsistence
43 harvests are as successful as possible.

44

45 Thank you, Mr. Chairman.

46

47 CHAIRMAN ADAMS: Thank you, Mr. Suminski.

48

49

50 Dr. Garza, you've got a question,

1 comment?

2

3

DR. GARZA: So the statement that subsistence use needs were being met, is that based on the harvest compared to what ADF&G estimated their needs should be, or is that based on interviews with subsistence users.

8

9

MR. SUMINSKI: It's actually a combination of surveys that were done by ADF&G and surveys that were done by Sitka Tribe. But the amounts necessary is as determined by the Alaska Board of Fisheries.

14

15

CHAIRMAN ADAMS: Floyd and then Mike.

16

17

MR. KOOKESH: Mr. Suminski, my question is in the event if we do support your proposal -- the Proposal, excuse me, 18 and 19, the boundaries that I have here, are those like clearly defined everywhere that -- and my next question is are these areas that are fished, is that -- are these areas fished?

23

24

MR. SUMINSKI: There is clearly defined in regulation, not on the ground. And it's also fished. You know, in the analysis there's -- not every year, but, you know, almost every year it's fished by subsistence users and I think I said there's -- what was it, six out of -- yeah, 6 of the last 15 years it was part of a larger commercial opening area.

31

32

CHAIRMAN ADAMS: Mr. Bangs.

33

34

MR. BANGS: Thank you, Chairman. Mr. Suminski, when you said that in most year subsistence needs were met, in those years that the needs weren't met, do you have any information as to why they weren't met?

39

40

MR. SUMINSKI: I would suggest that the Sitka Tribe representatives or the Department might have a better answer for you there. There's some -- some of the reasons had to do with weather, some had to do with where the herring ended up spawning. But, you know, I think they might be better situated to talk about that.

46

47

CHAIRMAN ADAMS: Harvey, please.

48

49

MR. KITKA: Thank you, Mr. Chairman.

50

1 Mr. Suminski, realizing you said this had
2 to do with our subsistence needs in this area, I was
3 wondering whether you guys considered the conservation
4 issue on this area on herring.

5
6 MR. SUMINSKI: Mr. Kitka, I did. I just
7 wasn't able to come up with any conservation concern.
8 You know, there's definitely concerns, I'm not going to
9 say that that's not true, but I wasn't able to
10 demonstrate or document a clear conservation concern in
11 my analysis. Thank you.

12
13 CHAIRMAN ADAMS: Go ahead, Harvey.

14
15 MR. KITKA: Mr. Chairman, thank you.

16
17 I know it's been documented that all our
18 bays in this area, in the Sitka Sound area used to have a
19 stock that was available year round. And when I attended
20 the meeting, I believe the biologists said that the
21 herring that spawned within the Sitka Sound area did not
22 -- were not hatched in Sitka Sound area. And when they
23 asked what happened to this herring that spawned in this
24 area, I said what I always said, they fished it out. All
25 the bays do not have herring any more. And we need a
26 place that has at least some point of where we can
27 conserve some herring, and I'm sure Sitka Tribe will come
28 up and talk about this.

29
30 Thank you.

31
32 CHAIRMAN ADAMS: Anyone else.

33
34 (No comments)

35
36 CHAIRMAN ADAMS: Okay. Alaska Department
37 of Fish and Game.

38
39 MS. GILBERTSON: This is Sarah Gilbertson
40 with the Alaska Department of Fish and Game. And because
41 the State believes it is relevant, I will put on the
42 record the opportunity provided by the State, which is
43 that the State does not restrict fishing periods,
44 seasons, or amounts or does not require permits, limiting
45 harvest, or requiring or quitting the harvest of herring
46 eggs on hemlock boughs, hair kelp, the prominent product
47 types of subsistence herring harvest.

48
49 The herring stocks are managed under
50 conservative management strategy, one that has proven

1 over time to provide for conservation of the resource.
2 And at this time there are not conservation or management
3 concerns, and this is considered to be a healthy stock.

4
5 On the issue of the Makhnati Island and
6 the jurisdiction questions, we did submit separate
7 comments relative to the Federal Register notice on that
8 one.

9
10 We do have a great working relationship
11 with the Sitka Tribe of Alaska. We have a memorandum of
12 agreement, which is very relevant for this proposal. We
13 have daily contact between the Tribe and the Department,
14 and the Tribe is consulted regarding whether a proposed
15 commercial opening might affect subsistence opportunity.
16 If the Tribe concludes there potential for subsistence
17 fishery to be negatively impacted, they let us know, and
18 they provide this conclusion and their reasoning to the
19 Department, both verbally and in writing. We have been
20 working very closely together and we have cooperated on a
21 harvest survey as recently as recently as March of 2006

22
23 One of the key elements of the
24 Department's regulatory management plan for the sac roe
25 fishery is to distribute that fishery by time and area,
26 and closing this portion to the commercial fishery would
27 hamper the Department in that we would be -- we wouldn't
28 have the same area to distribute the commercial fishery
29 over this broader area.

30
31 As Terry mentioned, there are issues with
32 Federal Staff and their ability to act quickly in-season.
33 There are problems with the effectiveness of this
34 approach, because the commercial fishery occurs so
35 quickly, and we don't know for some time the quantity of
36 subsistence harvest. We don't know that for months
37 following the closure of the commercial season.

38
39 Finally, any actions in this small area
40 would mostly likely have little or not impact on the
41 outcome of either the commercial season or the
42 subsistence fishery.

43
44 The Federal Subsistence Board has not, as
45 I discussed before, developed a closure policy, and the
46 available information about locations and amounts of
47 harvest in both the commercial and the subsistence
48 fisheries in recent years does not indicate that a
49 closure to non-Federally-qualified users is necessary to
50 provide for conservation of the resource or continued

1 subsistence uses. Commercial harvest rarely occurs in
2 this proposed closure area, and the area is not the
3 primary subsistence area, making the proposed closure in
4 the Department's view both ineffective and unnecessary.

5
6 In our view, the best solution to this
7 issue is to continue our work with the Sitka Tribe under
8 the memorandum of agreement. We're committed to working
9 with subsistence users to provide a reasonable
10 opportunity for subsistence use through adjustments to
11 the commercial fishery. The amounts necessary for
12 subsistence were met in three of the past four years as
13 Terry mentioned under this plan.

14
15 Depending upon where and when herring
16 spawn in a give year, adoption of either of these
17 proposals could be detrimental to subsistence.

18
19 Do you have anything to add?

20
21 MR. DAVIDSON: No, I think that's an
22 adequate and fairly complete summary of our positions on
23 these proposals.

24
25 Basically in a nutshell, we feel that the
26 stock conservation needs are provided for in our
27 regulatory approach to management of the commercial
28 fishery and the subsistence fishery. And key provisions
29 for subsistence are lack of restrictions in the
30 management of the fishery, and consultation with the
31 Tribe on a daily basis, taking into account any decision
32 that we might make in management of the commercial
33 fishery, how that might impact the subsistence fishery.
34 We take that responsibility quite seriously. We
35 understand the importance of subsistence herring
36 fisheries in this area, their cultural importance, and
37 want to continue that relationship.

38
39 Basically if this proposal were adopted,
40 there would be permanent closed waters which we would
41 have to manage the commercial fishery around. That would
42 to some extent diminish options that the commercial
43 fishery manager would have when he's deciding on an
44 opening. And this area in question, there's been very
45 little commercial harvest in that area. This past season
46 was one exception. There was an opening that occurred in
47 this area. That opening was done in consultation with
48 the Tribe and with agreement of the tribal liaison and
49 the Department manager in the fishery.

50

1 So I'm only reiterating the same basic
2 comments that you just heard, and I'm here for any
3 questions.

4
5 CHAIRMAN ADAMS: Are there any questions?
6 Don, go ahead.

7
8 MR. HERNANDEZ: I'd like to talk a little
9 bit about jurisdiction. You mentioned, I see it written
10 here on Page 145, jurisdiction issues. It says, please
11 be advised that in response to the Federal Subsistence
12 Board's Federal Register notice of May 1st, 2006, ADF&G
13 submitted separate comments on the June 25th, 2006
14 regarding the title status of submerged lands in this
15 area.

16
17 I guess I was under the impression
18 reading through the Federal analysis that there was
19 pretty clear-cut findings that these designated waters
20 with a lot of latitude and longitudes and clearly defined
21 on a map have been declared Federal waters. And I don't
22 know that there's any -- we haven't heard of any dispute
23 about that fact.

24
25 So that leads to the obvious question.
26 Does the State even have jurisdiction to open a
27 commercial fishery in waters that they don't have
28 jurisdiction over?

29
30 MR. DAVIDSON: Kind of by way of -- Mr.
31 Chairman, if I can go ahead and respond.

32
33 By way of a comparative example here,
34 State waters are generally from mean high water out to
35 three miles off shore, and beyond that it's Federal
36 waters. And there's areas in Chatham Strait known as
37 sort of donut holes that are under Federal jurisdiction.
38 So if the State is managing fisheries in State waters and
39 if the Federal government is not managing fisheries in
40 Federal waters, by default the State management extends
41 to the limits of Federal jurisdiction. So the example,
42 perfect example to understand this is the trawl fishery.
43 You know, that's outside of State waters, but it's a
44 traditional long-standing fishery that takes place in
45 Federal waters that the Federal government is not taking
46 on management of salmon fisheries in their Federal
47 waters, and so that's the same case in this, in Sitka
48 Sound here.

49
50 This proposal, excuse me, would assert

1 Federal jurisdiction and also a Federal closure in these
2 waters that are claimed by the Federal government. And
3 so, yeah, that would be a different situation. We would
4 need to manage around that as far as I know.

5

6 CHAIRMAN ADAMS: Go ahead, Harvey.

7

8 MR. KITKA: Thank you, Mr. Chairman.

9

10 Bill, just one point of clarification on
11 the agreement with STA. If they object to an opening,
12 they have to submit it in writing. How soon do you have
13 to act on that? Is that after they have the opening or
14 will it stop it right now?

15

16 MR. DAVIDSON: Mr. Kitka. There isn't a
17 specific time limit on it, but the entire reason for
18 working through a liaison appointed by STA is so that we
19 can take timely action. In other words, a suggestion or
20 a request not to do something would not be held up by
21 waiting for some paperwork. We would be in contact
22 before announcing the decision, discussing it with the
23 tribal liaison, and we could go, based on our agreement,
24 oral agreement, we would ask for it in writing, because
25 we do need a record of these kind of things if we are
26 going to overturn, you know, the wishes of the tribe or
27 the tribal liaison and take -- if we feel it's not
28 necessary, then we would ask for it to be in writing.
29 But if there's agreement, we don't need it in writing.
30 Ideally we would get something in writing very soon.

31

32 But the entire herring fishery -- in
33 recent years the quotas have been on the order of 10,000
34 tons, and it takes generally three commercial openings to
35 harvest and process that amount of herring in a timely
36 basis. And the time span that we're talking about to
37 manage the commercial fishery is generally one week. And
38 so we could not wait a day, a full day for something in
39 writing. We would have to go for an oral agreement, but
40 we would ask for it in writing as a backup and get the
41 agreement that that would be forthcoming.

42

43 If we felt that there was merit to the
44 objection to an opening, would could suspend our decision
45 and meet with the herring committee of the Tribe or the
46 Tribal Council, if we didn't feel it was jeopardizing the
47 loss of a fishery. And I think that we have done that in
48 past fisheries. We've suspended our decision in order to
49 get together and meet and discuss where the fishery is
50 going and what action we might take.

1 So I hope that answers it. It's not
2 specifically addressed. There's no time limit
3 specifically in the memorandum.

4
5 CHAIRMAN ADAMS: Any other questions,
6 comments.

7
8 MR. KOOKESH: I have a question.

9
10 CHAIRMAN ADAMS: Mr. Kookesh.

11
12 MR. KOOKESH: My question is one of the
13 things that's very important under jurisdiction, if it's
14 Federal or State, is, I'm reading here, that Federal
15 managers should closely work with ADF&G and Sitka Tribes.
16 What do you have in writing? Is there something going to
17 be put in writing, or is this like -- is this, we'll just
18 wing it as we go along, or suspend. Is there something
19 going to be more concrete going to occur here or -- that
20 I'm seeing. I don't know the relationship with Sitka
21 Tribes and the State and the Feds. But if this Federal
22 jurisdiction, marine jurisdiction occurs, is something
23 going to go in writing that's more concrete than what
24 you've been telling us, that I've been hearing?

25
26 MR. DAVIDSON: Mr. Adams. Mr. Kookesh.
27 We do have a memorandum of agreement with the Sitka Tribe
28 of Alaska, signed by the Commissioner and the Board of
29 Fisheries and Chairman of the Sitka Tribe. And it
30 specifically addresses our daily communications during
31 the fishery. And so this is in writing.

32
33 Our basic position on this proposal,
34 however, is that we don't feel it's necessary either for
35 conservation or in order to meet subsistence needs. We
36 feel that because there is Federal land in Sitka Sound in
37 itself is ont sufficient reason to adopt a closure of the
38 commercial fishery. We feel that as things are that
39 subsistence needs are going to be provided a reasonable
40 opportunity and will be met and we would hope to
41 accomplish that by this communication process that we
42 have in place, and according to the regulation that we
43 have regarding management of the Sitka herring fishery.

44
45 But it's not just a vague notion.
46 There's a specific memorandum about agreement.

47
48 CHAIRMAN ADAMS: Anyone else.

49
50 (No comments)

1 CHAIRMAN ADAMS: All right. Thank you.
2
3 MR. DAVIDSON: Thank you.
4
5 CHAIRMAN ADAMS: Other Federal, State and
6 Tribal agency comments. Would you please identify
7 yourself for the record, please.
8
9 MR. BENNETT: You know me, Bert.
10
11 CHAIRMAN ADAMS: I know you, but.....
12
13 MR. BENNETT: My name is George Bennett.
14 I live here in Sitka, and I sit before you just to give
15 you a little bit of testimony on Makhnati Island and also
16 to support the Proposal 18. And we'll just kind of share
17 a little bit of this as we go back and forth. We're
18 right now just doing an introduction, and then Mike can
19 pick it up and I'll just pick it up from him.
20
21 MR. MILLER: Thank you, Mr. Chair.
22 Welcome to Sitka. Congratulations to your appointment
23 and certain appreciation to the outgoing Chair for past
24 work with this group.
25
26 My name is Mike Miller. I am the vice-
27 chair of the Sitka Tribe's herring committee. Mr.
28 Bennett's the Chairman.
29
30 And I guess we have quite a bit of things
31 to say about this, but procedurally we're a little
32 confused. It's our own ignorance I guess as to how you
33 want to do this. We do have Staff that has several
34 reports to give, and actually ourselves are all signed up
35 for testimony, too. We do have one Staff member that
36 does have to leave due to a family obligation here, and
37 so I guess at the call of the Chair, if you would like to
38 go to those Staff reports and then have us come back if
39 you have specific questions you could ask in our
40 testimony, or if you want to have the Staff reports and
41 then have us -- there's several of us here, so I'm not
42 sure how you want to handle this.
43
44 CHAIRMAN ADAMS: Dolly, do you have a
45 process to suggest here?
46
47 DR. GARZA: Mr. Chairman. In following
48 the presentation procedures, this is the time for
49 Federal, State or Tribal agency comments, so the comments
50 would be the official comments of the Tribe. So if you

1 by resolution from the STA council have the authority to
2 give testimony on behalf of STA, this would be the time.
3 If the Staff members have the authority to give a report
4 as a Staff member of STA, then this would be the time.
5 If you have signed up for testimony as a subsistence user
6 or a tribal member who does not have the authority to
7 speak for the Tribe, then you would speak during public
8 comments. Does that clarify it?

9

10 CHAIRMAN ADAMS: Thank you, Dolly.

11

12 MR. MILLER: So my understanding then is
13 that we will be able to speak here as the standing
14 committee for herring for the Sitka Tribe, but also we
15 will be able to testify individually.

16

17 DR. GARZA: (Nods affirmatively)

18

19 MR. MILLER: Very good.

20

21 CHAIRMAN ADAMS: So are you going to be
22 testifying on behalf of Sitka Tribes?

23

24 MR. MILLER: Yes, at this time we will.

25

26 CHAIRMAN ADAMS: Okay. All right.

27 That's appropriate.

28

29 MR. MILLER: Okay. I mean, I'll cover a
30 lot of stuff. I didn't bring my notes, but I'll cover a
31 lot of my own stuff again. Mike Miller, the Vice Chair
32 of the Sitka Tribes Herring Committee. I've been
33 involved in this issue of subsistence herring for quite
34 some time, representing the tribe at length in dealing
35 with the State and now with yourselves on the very
36 important harvest of herring eggs in Sitka Sound. I'll
37 be able to cover a lot of specific numbers, although if
38 you need them, feel free to ask me, on past history of
39 harvest. I did testify to this Board also previously
40 when you guys took up this issue.

41

42 The Sitka Tribe in authoring this
43 proposal is in support of it at this time. We have been
44 -- it's basically the result of what we feel is, if not a
45 breakdown, at least a flaw in the system of working with
46 the State in protecting this fishery. It's a very
47 important subsistence fishery, not just for Sitka, but
48 for all of the State actually. This is the source for
49 herring eggs for the State of Alaska and for outlying
50 areas, other states and Canada, and it really goes all

1 over the place. I'm sure you guys are familiar with
2 that.

3

4 Back in, just briefly, in 2001 we had a
5 year that was a poor year. We worked with the State
6 through this MOA that they're referring to to try to
7 resolve that issue. In 2005 we had a similar year even
8 with the MOA in place, that was outside of what the State
9 had set as the amount reasonably necessary for
10 subsistence harvest. It was well below that. It was
11 documented there.

12

13 I feel personally, and I think the
14 Tribe's stand, the reason we're even here, is because we
15 have tried to work through the process with the State.
16 We have the MOA. We went to the Fish Board, and I was
17 the representative at the Fish Board meeting and said
18 last year to the State, we need to make the MOA stronger.
19 We need more protection to make sure that the subsistence
20 harvest is protected. And I asked them, I said, please,
21 give me something to take back to Sitka, to the Tribe
22 that we can say that we're progressing, because if we're
23 not progressing, we have no choice but to come to the
24 Federal side. And this is a small proposal at Makhnati ,
25 but it is something. And we have to stand for that.

26

27 So that's why we're here. Nothing
28 changed down there. There's the assurances that things
29 will get better, but nothing put on paper. I said in
30 Ketchikan we're committed to working with the State, but
31 until the point where they actually change some way, some
32 how, the agreement with the Tribe that gives more teeth
33 to it to protect the subsistence interest, this is where
34 we're at.

35

36 So again I urge, myself and the Tribe
37 urges you to support this proposal at this time, because
38 this is where we had to come. So I'll have more in the
39 public testimony I guess, and hand it over to the
40 Chairman.

41

42 MR. BENNETT: Thank you, Mike.

43

44 As Mike said, I chaired the Herring
45 Committee that's sanctioned by Sitka Tribes. And
46 everything that we do in the Herring Committee basically
47 is we act as an advisory to recommend on certain issues
48 that come up, specifically with us, as you know, is the
49 customary and traditional use of gathering the herring
50 eggs. And even though that we done have an MOA with the

1 State Department of Fish and Game, we try to act as a
2 partnership with them.

3
4 We also feel that we're somewhat
5 incumbent to try to at least be teachers from our
6 traditional perspective on what our people know for
7 hundreds of years on what we've been doing. And the
8 alarm in fact was 2001 when we had a pretty bad year in
9 the gathering. And it seems to me that since we started
10 a partnership with the Fish and Game, some of that has
11 began to come back, but not -- it's not every year it's
12 lucrative.

13
14 But when we look at it, we have a lot of
15 things at stake, not only from the commercial
16 perspective. We told them at one time when they said to
17 us that you guys are trying to interfere with the
18 commercial fishery, and you'll cause the herring to start
19 diminishing. One of our Herring Committee members who is
20 not with us at this time just told the, and said, no,
21 we're not going to do it. You guys will do it.

22
23 So if you really look at the picture, the
24 subsistence user and the State of Alaska, we look pretty
25 small, and we're not that protected and we should be.
26 And I think it was good that the Sitka Tribes took it
27 upon themselves to go ahead and incorporate this Herring
28 Committee to at least advise them, maybe not so much as
29 from the cultural perspective, but the understanding of
30 the State regs and laws that is laid before, because
31 we're the people that always has to try to come over
32 these hurdles all the time. If we thought everything was
33 going pretty good for us, we wouldn't be here today.

34
35 But we have to have a starting point, and
36 Makhnati Island happens to be one of those. And we
37 realize what the waters are around Makhnati Island.

38
39 I was out there watching the fishery last
40 year -- I mean, this spring, and watching how boats out
41 there were practically running over each other just
42 trying to make sets. And it's a very small area, and
43 it's also very shallow. And it seems to me that it was
44 sort of like the last resort to try to come up with the
45 amount of poundage for the allocated fish set for that
46 spring.

47
48 So realizing that, it seems to me that
49 Makhnati is not very conducive to a lot of commercial
50 fishery going on in there. But again, we have to have a

1 starting point. And that's one of the areas. And
2 realizing that we're getting into the legal litigation of
3 things, and sometimes I always feel that there's a fear
4 here. But when we look at our people and how they do
5 things, there's always a rule that I follow all the time,
6 because I grew up in -- it's the values that were taught
7 to me. And one of them is to be conservative and respect
8 to our fish and the wildlife. And every one of you guys
9 seated here, you know that.

10

11 And that's one of the things that we take
12 upon very highly and very dearly to our heart when we
13 begin to meet and try to at least see what our
14 stakeholders are. These are the ones that seek the roe
15 for their tables and for the traditional practices. So
16 realizing that Sitka Tribes has a responsibility, and
17 being that we acting as advisory to that, we take our
18 responsibility pretty serious, and we know that this
19 proposal is a beginning. If we take that particular
20 area. It's also an area that we also realize that we
21 also have an obligation to our subsistence users that go
22 out and harvest is to be safe. It's to insure that we're
23 inside a safe area of Sitka Sound. We don't want them
24 going outside of Sitka Sound, because the commercial
25 industry has pushed them from the customary and
26 traditional use areas. So we have two things going for
27 the protection. It's to insure our customary and
28 traditional use will always be there year after year. If
29 that is there year after year, you can insure the
30 commercial will also be there and be safe. And we can
31 partnership up pretty good on that. And we try to at
32 least help our people to be safe.

33

34 So I'm just going to cut my comments
35 right there, and if there's any other questions, I'm sure
36 our staff who has helped us very much with a lot of the
37 information will assist in any other questions. Mike.

38

39 MR. MILLER: Well, thank you. Mr. Chair.
40 I'll just in closing also for this part, if there are
41 specific questions to the MOA or some of the past history
42 to that, we'll be happy to take them, but we do have
43 other opportunities.

44

45 CHAIRMAN ADAMS: Mr. Hernandez, you have
46 a question.

47

48 MR. HERNANDEZ: I had, yeah, one
49 question. If I understand correctly, that you two
50 gentlemen are both directly involved in negotiations with

1 the ADF&G at the time of the harvest, that you're pretty
2 familiar with this process of how the MOA is implemented
3 and, you know, just the real workings of how you work out
4 where the fishing takes place and doesn't take place. Is
5 that you two gentlemen that do that?

6
7 MR. MILLER: Mr. Chair. We actually hire
8 a person who is a liaison each year that works directly
9 with the Fish and Game. The problem we're both harvester
10 that go out and harvest. And actually I've this year
11 fished in the fishery also, so it's kind of a busy time
12 of year. So we have a different person that each year
13 talks directly with the Fish and Game.

14
15 Now, the MOA is something that we drafted
16 back in 2002, and I actually was part of doing that in
17 negotiations with the Fish Board in developing that and
18 really pushed it when we wrote it. So it's kind of two
19 different -- once we got that in place, each year we hire
20 a person specific to implementing the things that are
21 written in the MOA.

22
23 CHAIRMAN ADAMS: Go ahead, Don.

24
25 MR. HERNANDEZ: Maybe you're not the
26 right people to answer the question, but I'll just -- you
27 know, maybe you can direct me to who could answer it
28 later. But my -- I mean, I would really like to, you
29 know, vote in favor of this motion for -- you know, to
30 protect that Makhnati area for subsistence users. My one
31 worry is that by doing so it may kind of compromise the
32 whole, you know, negotiation process, you know, in the
33 course of deciding where fishing will and won't take
34 place, you know, sort of along the lines of, well, you
35 have Makhnati Island as your area, that you don't really
36 need to be harvesting here at Halibut Point or, you know,
37 something like that. And maybe Makhnati Island might not
38 have a good spawn some year, and subsistence users would
39 lose out. So, you know, I'm looking for some reassurance
40 that, you know, that situation wouldn't happen, and that
41 this could come back to bite you at some point in the
42 future, so I'd really like to hear from somebody
43 commenting on that question.

44
45 MR. MILLER: Thank you. That's an issue
46 that actually somebody actually raised that question in
47 the earlier teleconference that we had. That's the issue
48 that we've dealt with and worried about for quite some
49 time. We were always afraid that if we -- one of the
50 proposals at a previous Fish Board meeting was to create

1 a super exclusive area of subsistence only fishing, and
2 we were wary of that for those exact reasons, that if we
3 had a three-mile or four-mile area specific just for
4 subsistence that some year the fish wouldn't be there,
5 which they do move around. And we wouldn't have any
6 recourse then, because whoever could say, well, you have
7 your spot, and if you didn't do good there, too bad. So
8 that's definitely, you know, a concern.

9
10 But at the same time, we're having
11 problems. In your documentation the State it refers to
12 the one year out of four, but it didn't mention that the
13 whole reason for the MOA was because of the year previous
14 to that, so we saw the two years out of five or six, and,
15 you know, can you go about year-by-year not knowing if
16 your needs are going to get met. We don't know that this
17 is specific -- you, is this going to fix everything. We
18 don't know that for sure, because the fish are fairly
19 fluid. But at the same time, we know when things aren't
20 working. And so that potential in any given year for
21 things not to work under the existing structure is there.
22 And it's with a lot of thought that we've put into this
23 that we are proceeding with this at this time.

24
25 CHAIRMAN ADAMS: Mr. Kookesh.

26
27 MR. KOOKESH: Mr. Chairman. I just want
28 to let you know that between the State and the Feds,
29 we're fighting already over the salmon streams and the
30 salmon, so I don't know how this could be any different
31 if the marine jurisdiction is under Federal control.
32 There's going to be a fight in there anyway. The idea is
33 to have a good compromise where we have a great
34 understanding. Because like I said, we're fighting
35 already with the State and the State's fighting with us,
36 so welcome to the club.

37
38 MR. BENNETT: I want to make a comment to
39 Mr. Hernandez. Let me kind of tell you what we do. When
40 the fishery begins to get ready to open, what members of
41 the committee we have, we actually meet down at Sitka
42 Tribes, one of the buildings at like 6:00 o'clock in the
43 morning. We do have our liaison who's meeting with the
44 biologists and other Staff members of the Department of
45 Fish and Game, and communicating their intent of areas to
46 be opened. It gives us enough time, even though two
47 hours may not be enough time, but we're asked to make a
48 quick decision. I know the decisions we recommend may
49 not be ruled on, but sometimes they're pretty good. They
50 listen to what we do and what we have to say. Let's say

1 for along the Halibut Point Road, if they're deciding to
2 open that area, they at least let us know. And in the
3 short period of window time that we do have, that's
4 brought to the committee at the time that the committee
5 meets at 6:00 o'clock in the morning, and we're there
6 waiting for the proposed areas to be opened and the time
7 lane, how long it's going to be open. We make a
8 decision, we give a recommendation, whether it's for or
9 not. We have our liaison go back to Fish and Game and
10 let them know our position. And because of that MOA, we
11 have that latitude. And that's where our committee comes
12 in sometimes with just me and Mike and then sometimes
13 there's four or five of us. But it's all based on our
14 knowledge of this area and understanding of the customary
15 and traditional use, and that's the way -- you know,
16 that's part of our responsibility and how we deal with
17 it. I hope that answers your question, Mr. Hernandez.

18

19 CHAIRMAN ADAMS: Okay. Anyone else.

20

21 (No comments)

22

23 CHAIRMAN ADAMS: Thank you, gentlemen.

24 Next is InterAgency Staff Committee comments.

25

26 DR. GARZA: Mr. Chair. Before that, I
27 was under the impression that STA may also have Staff, if
28 they have a report or two, then we should hear that at
29 this time.

30

31 CHAIRMAN ADAMS: Oh, that's right. STA,
32 do you have a staff? Okay. Are you it?

33

34 MS. PERKINS: Well, for right now.

35

36 CHAIRMAN ADAMS: Okay.

37

38 MS. PERKINS: Hi. My name is Jessica
39 Perkins. And I am the acting general manager for Sitka
40 Tribe. I've been the resource protection director at the
41 Tribe for four years, and I've been involved with the
42 herring fishery with the Tribe for that time.

43

44 I wanted to speak to some of the -- I
45 guess the justifications for why the Tribe put this
46 proposal forward. Tribal elders and tribal citizens come
47 to the Staff of the Tribe and they talk about the
48 dwindling spawn in Sitka Sound of the herring. And they
49 talk about that, you know, there used to be a lot of
50 spawn south of town, and there's no longer any spawn

1 south of town. Now the spawn is all, you know, more
2 concentrated.

3

4 And I bring this up, because to the Tribe
5 I think there is a conservation concern. And there's
6 been a long-standing conservation concern. You know, in
7 the past Sitka Tribe has supported a full moratorium of
8 commercial fishing throughout the Sound, and the Tribe
9 abandoned that position and worked to this let's work
10 with the Fish and Game, let's work with the State system,
11 let's work and have them protect our subsistence under
12 their State law. And that's what we've been doing since
13 2002 after the 2001 fishery was a failure.

14

15 And since that time, we have had the MOU,
16 and we have been able to communicate with the Fish and
17 Game about each opening that they have. But even in that
18 system things have not worked out perfectly and in 2005
19 we didn't get the amount reasonably necessary under the
20 State law. And even though we had the MOU and even
21 though we had the procedure set up where the Tribe had
22 the opportunity to comment during the commercial fishery.
23 And part of that, it's a timing thing. The commercial
24 fishery happens very fast. The subsistence fishermen,
25 you know, kind of -- the commercial fishery takes the
26 fish before they spawn, the subsistence fishermen take
27 them after they spawn. And so it's not a perfect system.

28

29 And the concern here is that, you know,
30 we have these -- we have the MOU with the State, but it's
31 not always insuring that subsistence opportunity is met.
32 And when we've brought these concerns to the State, as
33 Mr. Miller was talking about, we brought these concerns
34 to the Board of Fish, and we asked for further
35 regulations, because their intent to distribute their
36 commercial fishery does not always work. They don't
37 always distribute it even when we ask them to. They
38 didn't adopt any further regulations. And that has, you
39 know, created a problem for the subsistence fishery in
40 Sitka.

41

42 And additionally, when we're at the Board
43 of Fish, the State's message was, you know, you have this
44 MOU, and it shows a process, and, yes, it says that it's
45 a way to ensure that you guys are getting your
46 subsistence, but there is no teeth in it. An MOU is not
47 enforceable. It's just an agreement to get along. And
48 so when there is a disagreement -- an in the fishery when
49 there's a disagreement, if the Tribe says, we object to
50 this opening, the State biologist does not have to take

1 that consid -- he does not have to take that objection.
2 He does not have to not open at that time. And that
3 could be very detrimental to the subsistence fishery.

4
5 So this proposal was, you know, and
6 attempt at insuring that at least subsistence could be
7 had in this one area, and that we wouldn't have to worry
8 about any commercial fishing in that area, so that people
9 can get their subsistence.

10
11 And I guess I wanted to respond a little
12 bit to some of the questions I've heard so far. One of
13 them was about, well, if we have this proposal, and the
14 Makhnati is set aside, aren't we concerned that we'll be
15 limited from other places for subsistence fishery. Well,
16 my understanding is if we have a subsistence priority,
17 that shouldn't happen. The commercial fishery might get
18 cut, but the subsistence fishery shouldn't be cut in any
19 location. You know, the subsistence fishery should be
20 allowed. If there needs to be a cut in a fishery, it
21 would have to be the commercial fishery, not the
22 subsistence fishery.

23
24 There was a question about what the basis
25 was of the amounts reasonably necessary, whether that was
26 based on data that was collected by the tribe or the Fish
27 and Game set that up. I wasn't the Staff person on that,
28 but I was there. And what I recall was when we went to
29 the Board of Fish in 2002 and were going to have -- we
30 asked them to adopt further regulations to protect the
31 subsistence herring in Sitka Sound, they said in order to
32 do that, you have to have an amount reasonably necessary
33 for subsistence, so what is it? And it was like that.
34 It was very quick. And we took some data that we had
35 from before, and we said, we think this is the range.
36 And we said, let's do a collaborative survey and see what
37 it really is. And so we've been working with Fish and
38 Game to do a collaborative survey, and then, you know, in
39 perhaps the next cycle, the plan was to go back and maybe
40 adjust the amount reasonably necessary based on what we
41 actually had data for.

42
43 I think that's all for now.

44
45 CHAIRMAN ADAMS: Thank you. Any
46 questions, anyone.

47
48 (No comments)

49
50 CHAIRMAN ADAMS: Thank you.

1 MS. WOODY: Hi, thank you. My name is
2 Heather Woody, and I work for Sitka Tribe as their
3 research biologist. Basically I just wanted to say I
4 support Proposal FP07-18 and FP07-19.

5
6 By closing the Federal marine waters in
7 the Makhnati Island area, we would be starting something
8 big, such as establishing marine protected areas. The
9 Makhnati Island area supports essential fish habitat that
10 is critical for the reproduction and early life stages of
11 Pacific herring. A conservation effort such as Proposal
12 FP07-18 and 19 is the first step in insuring that the
13 Sitka Sound herring biomass continues to be one of the
14 largest and healthiest in the world.

15
16 Thank you.

17
18 CHAIRMAN ADAMS: Thank you. Any
19 questions for Ms. Woody.

20
21 (No comments)

22
23 CHAIRMAN ADAMS: No. Thank you. Next.

24
25 MS. DANGEL-LORRIGAN: I'm Helen Dangel-
26 Lorrigan. I'm the resources protection director.

27
28 And I'm just going over my testimony. I
29 might be reading what others have said, but I wanted to
30 say that, you know, Sitka Tribe supports this proposal,
31 FP07-18 and 19 to close the Federal public waters of
32 Makhnati Island area to commercial fishing during March
33 and April.

34
35 Basically this area is going to be a
36 cushion for the herring population. It might be small,
37 but it's a start. And it's better than nothing if the
38 commercial fishery takes too much. As noted before when
39 they're managing for the fisheries and subsistence, the
40 subsistence naturally -- the subsistence harvest of
41 herring eggs take place after the fishery, because the
42 fishery is going after eggs in the herring, and the
43 harvest of subsistence is after the herring has spawned.
44 It's very difficult to manage for subsistence this way,
45 and often it has in the past at least been that the
46 amount necessary for subsistence hasn't really been
47 reached.

48
49 So I just wanted to say that and
50 reiterate that this is an area where we can have a refuge

1 for the herring population, even if it's small.

2

3 Thanks.

4

5 CHAIRMAN ADAMS: Thank you, Helen. Stay
6 seated there. Mr. Kookesh has a question.

7

8 MR. KOOKESH: I don't know if you can
9 answer this question. I'm just curious. This Makhnati
10 area, how much of the total commercial herring fishery
11 does it encompass? I'm just curious. Percentage-wise.

12

13 MS. DANGEL-LORRIGAN: I don't think that
14 they can -- because they fish in many different areas,
15 it's not like a percentage. As noted before I believe
16 they fished there in that area six out of the last 15
17 years. So it's not even fished every single year. But
18 when it is, it's been like one opening out of three or
19 four. And I don't have the -- I don't know the exact
20 figures.

21

22 CHAIRMAN ADAMS: Dolly.

23

24 DR. GARZA: Thank you, Mr. Chair. Helen,
25 are you the last of the Staff reports?

26

27 MS. DANGEL-LORRIGAN: Yes.

28

29 DR. GARZA: Okay. I have a few
30 questions, and I was holding off, because I wasn't sure
31 who to ask, so I'm going to ask them, and if someone else
32 should answer them, I would ask them to come down.

33

34 My first -- I have two, Mr. Chair. And
35 the first question is it's my understanding the MOU was
36 created in 2002 or early 2000 based on an issue, and then
37 we heard again that there was the inability of
38 subsistence users to get their harvest in 2005. So I
39 would like to know for either the 2005 or 2001, if 2001
40 is the correct year, why did that happen? Why did
41 subsistence users not get their -- what they consider an
42 adequate amount?

43

44 MS. DANGEL-LORRIGAN: I'll answer what I
45 know and maybe Mike can fill in. For 2001, the entire
46 fishery took place along the six miles of the Sitka road
47 system I believe. And so it was concentrated in one area
48 and it severely impacted the herring spawn.

49

50 In 2005, I believe there was two openings

1 around Middle Island and the fish did not spawn there.

2

3 MR. MILLER: If I might respond to that
4 also. Thank you.

5

6 Basically that's a good summary, but in a
7 bit more detail, our contention in 2001 was there's a
8 couple of factors that play into that, and geographic
9 location is one. But the size of the quota also. And
10 the one thing that was a common theme between 2001 and
11 2005 was the large quota, which is indicative of a good,
12 healthy biomass. Our contention was when you do have a
13 large biomass forecasted to return, you have a
14 corresponding large quota. We felt that if you've got
15 that many fish, and up to 50 to 60 to 70 miles, nautical
16 miles, of spawn, why take the entire bulk of that quota
17 in the same areas where the bulk of the subsistence
18 harvest takes place. So in 2001 the recommendation was,
19 and the MOA specifically refers to the Department trying
20 to disperse the fishery by geographic and time. That
21 worked good for a couple years, but they were smaller
22 quotas. 2005 -- 2001 quota was about 12,000 tons is what
23 they took out. Back in 2005 the quota was around 11,000
24 tons. Once again, all the openings, there was four
25 openings, took place in the same areas direction adjacent
26 to where the subsistence harvest takes place. So we feel
27 in our eyes that that was the thing that compromised the
28 fishery. You've got fish spawning in other places where
29 there was no commercial harvest, but they also are places
30 that the subsistence fishery couldn't take place.

31

32 CHAIRMAN ADAMS: Thank you. Dolly, did
33 you have another one.

34

35 DR. GARZA: So following up on that,
36 there's two possible explanations for that. One would be
37 that the commercial fishery took the fish that might have
38 gone to that beach and spawned, or scared those fish
39 away. So do you have an idea of what happened in either
40 of those years, 2001 or 2005? You would think with a
41 large biomass returning, that even if there was a
42 fishery, that something would have hit the beaches?

43

44 MR. MILLER: Well, obviously the fish
45 were there to start with, because they fished in those
46 area. I would just say that this table is the
47 traditional use area, places that the skiffs can go.
48 It's protected, there's no sand. It's protected from the
49 ocean. And all the other tables are the other places
50 where the herring spawn. When you take the entire

1 fishery, the entire quota based on that whole biomass
2 from this area, it makes sense that you're going to
3 impact the harvest that's supposed to happen later when
4 those fish are supposed to hit the beaches and spawn
5 there. And all that time those other fish are spawning
6 out there. And that's -- our contention was a common
7 sense thing. If the fish were there, you took them out.
8 There wasn't as much fish left, and definitely the
9 branches gave great testimony to that, so that's what we
10 believe.

11

CHAIRMAN ADAMS: Frank, please.

12

13

MR. WRIGHT: Thank you, Mr. Chairman.

14

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Excuse my ignorance about herring, but
this morning I thought I remembered something about a
person saying that there were herring that came from
different areas and is that true? Like is -- I think he
said something about DNA or something like that, or there
was different species or -- what I'm trying to get at is,
if that is so, then is this a special area for special
herring, or is it -- see, I don't know anything about
herring, so -- I just use it for bait

MS. DANGEL-LORRIGAN: Our research
biologist, Heather Woody, has been working on a project
studying the salmon -- the herring otoliths, which is
their ear bones, and it gives detailed information about
it. This project is still midway. We've gotten one year
of data, and we haven't gotten the results yet from the
second data.

But basically preliminary findings
suggest that -- or indicate, and Heather knows this more
than I do, that Salisbury Sound, which is north of Sitka,
is a separate stock. It's distinct. The fish spawn
there and they come back there to spawn. And that's
where they're from.

And the other Sitka Sound, it's kind of
nebulous. We also haven't -- she sampled an island?

MS. WOODY: Gold Island.

MS. DANGEL-LORRIGAN: Gold Island in the
Makhnati area, but we have not gotten that data back yet,
and it may indicate that the Makhnati area is a specific
stock of salmon -- or a specific stock of herring, but we
don't know that yet. And we would certainly like to

1 figure that out and present that, but we don't have that
2 data yet.

3

4

Do you want to elaborate?

5

6

MS. WOODY: Just to clear up what Helen
7 was saying, is we did micro-chemical analysis on trace
8 elements on herring otoliths, and over the past two
9 years, '05 and '06. We've probably sampled close to
10 about 1,000 fish or so. Random samples. And what we
11 found out is that the herring that are born in Salisbury
12 Sound show site fidelity to Salisbury Sound and actually
13 return to Salisbury Sound to reproduce, and they're
14 exclusive to Salisbury Sound. they don't mingle with the
15 -- what we would say like the main Sitka Sound area
16 herring. They're just exclusive to Sitka Sound -- I mean
17 Salisbury Sound.

18

19

The rest of Sitka Sound is still being
20 analyzed in the lab. However, we're finding that what we
21 call most of Sitka Sound, here at the Tribe we're just
22 calling it zone 2 just to be, you know, short and clear.
23 Fish found in zone 2 which would be where Makhnati Island
24 is, we're finding that they're not born in zone 2, but
25 they spawn in zone 2, so the Tribe's trying to figure out
26 where these fish are actually originating from.

27

28

And that's the current status of this
29 project.

30

31

MR. WRIGHT: Mr. Chairman.

32

33

CHAIRMAN ADAMS: Frank, go ahead.

34

35

MR. WRIGHT: Yeah, thank you. I -- thank
36 you, Mr. Chair.

37

38

I was just asking that question, because
39 I wondered about the area that we're talking about, you
40 know, if there's a special fish that goes there. Since
41 you've said that the fish that do spawn there don't come
42 from this area then, so you're in the process of finding
43 out where. And I think it would be interesting to know,
44 you know. I am in favor of this proposals, but, you
45 know, these scientific things are kind of like, you know,
46 don't mess with Mother Nature, you've got to be careful.
47 So I think it would be helpful to know, but, you know,
48 too, but I speak in favor of this motion.

49

50

Thank you.

1 CHAIRMAN ADAMS: Don, go ahead.

2

3 MR. HERNANDEZ: Well, maybe just a
4 comment here on this whole topic. Fish and Game said
5 that, you know, there's no conservation concerns, and I
6 know I've heard testimony from Sitka tribal members that,
7 yeah, maybe there are some conservation concerns. And
8 this whole topic of discrete stocks and mixing and
9 whatnot, you know, it's got a long history here, too.
10 It's been a debate going on for a while.

11

12 I remember I was quite involved in the
13 fishery back in about 1995/96. A big topic down in our
14 area, Ketchikan, Dolly's probably familiar with it, maybe
15 Mike, too, with the Kashakes (ph) Cove fishery down
16 there. There's no longer a fishery down there. So when
17 Fish and Game says that it's -- that they have a well-
18 managed program, I think their record doesn't necessarily
19 speak to that. There were fisheries in Lynn Canal for
20 sac roe herring. There hasn't been one there in 29 years
21 now. There was quite an argument about the make up of
22 the stocks down there at Kashakes Cove, Bokadequadra,
23 they fished in there for years and years, and then they
24 started -- the fishery started declining, and they said,
25 well, the fish have moved to the Cat Island area. And
26 they started fishing them over at Cat Island. And there
27 hasn't been a fishery there in the last seven, eight
28 years, because the stocks haven't recovered from that
29 fishery. So, yeah, I guess I'm not, you know, willing to
30 accept that it's a well-managed fishery and there's no
31 conservation concerns.

32

33 CHAIRMAN ADAMS: Dr. Garza.

34

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

36

37 And again I'm not sure who in Staff this
38 should be directed to, but I want to have a better idea
39 of the MOU and the working arrangement during the season.
40 If it's Sitka Tribe and ADF&G, are there other
41 stakeholders at that table, and does STA's effort have
42 any veto power in any of the decisions that are made, or
43 is STA purely advisory.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN ADAMS: Mr. Miller, go ahead.

48

49 MR. MILLER: Mr. Chair. Thank you.

50

1 Dr. Garza, and I guess Dave could correct
2 me, or Bill could correct me if I'm wrong on this. The
3 way we wrote that up was the -- on a day that a fishery
4 gets called, the -- each day when the -- after two-hour
5 notice, the Tribe is meeting each morning and talking
6 with its liaison person. We've got that central point of
7 contact so that they can always reach them. But if they
8 decide to call a fishery, they call the liaison person.
9 The way we originally set that up and it worked for the
10 first couple years was there was a panel that was made
11 up, and I think early on they would meet -- in the first
12 couple years they would all meet no matter what to agree
13 with the fishery. It was a person that's a
14 representative of the Tribe, a person who -- and
15 initially it was set up as a processor representative, a
16 representative of the advisory of the advisory committee,
17 and then a representative from the Fish and Game to agree
18 to the proposals. That kind of fell apart. Those things
19 didn't seem to happen later on. And I don't even know if
20 there was an advisory committee person that even was
21 involved with the discussion of the openings in the later
22 years.

23

24 Basically though, the Tribe at any
25 openings has the ability to say that they don't agree
26 with the opening. They could say it. But at the end of
27 the day, the State was unwilling to actually make that
28 binding at any time. So the fishery manger at the end of
29 the day has the ability to override any objections.

30

31 In the MOA though there is the procedures
32 for what to do if the Tribe doesn't agree with the
33 opening. The Tribe, if the opening happens anyway, can
34 provide the written comments, I believe it's by the end
35 of the day of the opening. But there's no really binding
36 thing to make them not have an opening. And that was the
37 thing that I think even the Department said it kind of --
38 it doesn't give them clear direction of what to do when
39 there is objection. And so that's why we were asking for
40 some changes to strengthen the MOA.

41

42 DR. GARZA: Mr. Chairman, I also wanted
43 to give ADF&G a chance to respond to that if they wanted
44 to.

45

46 MR. DAVIDSON: Mr. Chairman. Ms. Garza.
47 If you were to turn to Page 146 of your meeting booklet,
48 and I basically am agreeing with how Mike has laid this
49 out, but I just want to make sure this is clear to
50 everybody how this does work, so we indicate here that

1 there's daily contact between STA and ADF&G.

2

3 Preseason we meet with the STA Herring
4 Committee and talk about the season, talk about the prior
5 season, what we can do, how did subsistence go. Go
6 through all those sorts of things. And the Tribe selects
7 an individual who is the tribal liaison that they are
8 authorizing to speak for the Tribe with the Department.

9

10 So once the fishery goes on what we call
11 two-hour notice, and I'm talking about the commercial
12 fishery here, we are in contact with that person
13 throughout the duration of the commercial fishery until
14 it's done. And when we're going to have an opening, we
15 discuss it with that individual. And in turn that
16 individual meets with the Sitka Tribe Herring Committee,
17 which usually meets in the morning, and they talk about
18 common concerns and information that's brought forth from
19 subsistence harvesters who are out on the grounds fishing
20 and in contact with the resource and how are things going
21 and are there concerns. So those concerns are fed
22 through the Herring Committee to the tribal liaison who
23 in turn talks to us.

24

25 And if we were to propose an opening in
26 an area at a certain time, then that is routed through
27 the tribal liaison, and the tribal liaison will in turn
28 let us know is there's a problem with that opening or
29 not. If there's not, then we go ahead and fish. That
30 can be done in a phone call, or in-person meeting, or in
31 a face-to-face meeting. And if the tribal liaison were
32 to tell us, don't fish, that's a problem for subsistence,
33 then we could postpone our decision, not have our
34 fishery, select a different area to fish, or have a
35 meeting and discuss it, and postpone things a day.

36

37 The reason for going through a liaison
38 and going through this formal process of the Sitka Tribal
39 Council I believe appointing a liaison is because in the
40 management of the commercial herring fishery, we are
41 catching herring at that moment in time prior to spawning
42 when their roe content is optimal. The fishery is not
43 simply to catch herring. It's to catch herring in a
44 mature condition where they're of value to the commercial
45 fishery. That's not an easy task. It's something that
46 has to be done by an executive authority, and that's why
47 there -- even within Fish and Game we don't have a
48 committee managing this fishery. We delegate management
49 authority to the fishery to the Sitka area management
50 biologist at the time, whoever that is. That's his area.

1 That's his responsibility. We give him advice and so
2 forth, but that's his decision.

3
4 So too many committee members, you can't
5 make a decision in a timely basis, and that's why we have
6 this liaison process here.

7
8 Now, toward the middle of the page on
9 Page 146 you'll see in quotation marks what's in
10 regulation. Okay. What's in regulation is to distribute
11 the commercial harvest by time and area if the ADF&G
12 determines that it is necessary to ensure subsistence
13 users have a reasonable opportunity to harvest.

14
15 So, yes, it does ultimately boil down to
16 that one decision-maker who is in charge of the
17 commercial fishery, how he manages the commercial
18 fishery. If it were otherwise, I would think that there
19 would be numerous instances where somebody would say,
20 don't fish, and then he would be bound to that.

21
22 So we are taking advice. We are
23 listening to any concerns. For the most -- most of the
24 commercial fishery goes without expressed concerns. We
25 consider the tribal liaison to be somebody who is up to
26 speed through his own process and familiarity with the
27 fishery.

28
29 So anyway that's a long-winded
30 explanation, but I just wanted to make it clear how this
31 works. And does that fit with -- I mean, does that sound
32 about right to you, Mike?

33
34 MR. MILLER: Yeah.

35
36 MR. DAVIDSON: Okay. All right. Thank
37 you.

38
39 CHAIRMAN ADAMS: All right. Thank you.
40 Any more -- Dolly, go ahead.

41
42 DR. GARZA: So, Mr. Chairman, we also
43 heard that commercial fishery occurred in this area 6 out
44 of 15 times over the last 15 years. That's a fairly
45 small area. So of those six times, is that like 1 or 2
46 or 10 boats? I do know it's shallow. I'm familiar with
47 that area. So I'm trying to get a feel for the potential
48 impact.

49
50 MR. DAVIDSON: Mr. Chairman. Ms. Garza.

1 In fact, the area has probably been open more than six
2 times as far as legally, technically open and a place
3 where people could fish. In fact, there's been very
4 little fishing in that area. And 2006 is the one year
5 that I can for sure say fish have been harvested from
6 that area, because we had an opening in that area.

7
8 Generally the Japonski Island and the
9 Thompson Harbor breakwall and the Sitka Airport and
10 causeway, Whiting Harbor, is a natural boundary. And so
11 we use that natural boundary to open an area so we're not
12 putting up regulatory markers all over the place.

13
14 Because the area is open doesn't insure
15 that somebody's going to go in there and fish. And the
16 situation, I think it was in the second opening last
17 year, was the fishery seemed to be getting away. There
18 were lack of opportunities to access the commercial
19 quota, and there known test results in that area that
20 showed good quality herring and there were no other
21 options, and so that's why the fishery was opened in that
22 area at that time. But it generally is not an area
23 that's fished. It's more an area that's a boundary.

24
25 CHAIRMAN ADAMS: Okay. Thank you. How
26 are we doing? Any more?

27
28 (No comments)

29
30 CHAIRMAN ADAMS: Thank you, gentlemen.
31 InterAgency Committee. Following that will be fish and
32 game advisory committee comments, a summary of written
33 public comments, public testimony and then Council
34 deliberations. So that's kind of the process in which we
35 will go to the end of this day. Thank you.

36
37 MR. KESSLER: Mr. Chairman. Steve
38 Kessler with the InterAgency Staff Committee.

39
40 The Staff Committee does not have any
41 comments on this proposal, although I guess sort of from
42 the Forest Service standpoint and as the in-season
43 manager in this area, I guess the question could be
44 asked, and maybe it would be appropriate to think about
45 in your deliberations, is how can the Federal system
46 participate in the way that the deliberations during the
47 fishery occur. And perhaps there is a way that the
48 Federal manager could help alleviate some of the concerns
49 associated with the subsistence users in this area. So
50 it's just something to think about. It's not a comment

1 from the Staff Committee, but that's a comment more from
2 the Forest Service managers.

3
4 Thank you.

5
6 CHAIRMAN ADAMS: Thank you, Steve.

7
8 Any questions. Don, go ahead.

9
10 MR. HERNANDEZ: Steve, are you willing
11 to, you know, kind of accept Fish and Game's statement
12 that they essentially are managing this area by default,
13 that, you know, it is Federal jurisdiction, but by the
14 Federal managers not actively managing for herring
15 fishing in this area, that it's management by default as
16 Mr. Davidson kind of explained to me?

17
18 MR. KESSLER: Mr. Hernandez, I guess I'm
19 not really ready to respond to that, because I haven't
20 really had a chance to think about it very much as far as
21 management by default. And I think that's one of the
22 things that maybe would be good for the Staff Committee
23 to think about, because I don't think we've ever really
24 been asked that question before.

25
26 CHAIRMAN ADAMS: Okay. Any other
27 questions for Mr. Steve.

28
29 (No comments)

30
31 CHAIRMAN ADAMS: Thank you, sir. Fish
32 and Game Advisory Committee comments.

33
34 DR. GARZA: Bert. Bert.

35
36 CHAIRMAN ADAMS: Dolly.

37
38 DR. GARZA: I guess I had one more
39 question on the workings of the MOU or MOA with Sitka
40 Tribe and ADF&G, and it's quite a quick question, but in
41 that process of meeting in the morning and deciding
42 what's going to happen for the day, has Fish and Game
43 announced an opening in an area that STA objected to, but
44 ADF&G conducted anyway.

45
46 CHAIRMAN ADAMS: It looks like you, Mike.

47
48 MR. MILLER: We're racing down here to
49 give you our different versions. Do you want me to go
50 first or what?

1 MR. DAVIDSON: Go ahead.

2

3 MR. MILLER: Correct me if I'm wrong on
4 this, which I'm sure you will. Yes.

5

6 Mr. Chair. Dr. Garza. By and large the
7 Tribe has since the implementation of the MOU has gone
8 along with all the fisheries. In 2005, which was the
9 trouble year for us, it became apparent to the Tribe
10 after three openings -- actually four openings, there was
11 two that were consecutive, back-to-back, that we were
12 facing a problem, a crisis time. The fishery by and
13 large was finished at that point.

14

15 There was a clean-up fishery, co-op
16 fishery of about 900 tons. There was some communication
17 problems between the liaison and the Fish and Game, but
18 the tribe at the time of that fishery did ask that there
19 be no more fishery in the traditional use areas, but I
20 think the determination by the manager was that extra 900
21 tons wouldn't make that much difference. But it appears
22 that it did.

23

24 MR. DAVIDSON: Mr. Chairman. I believe
25 there may have been one year when we had a concern
26 expressed by the Tribe, and I don't remember which year
27 this was, but there was -- there had been a small oil
28 spill around the Kasiana vicinity. Some boat pumped its
29 bilge or had a problem with a hydraulic line or
30 something, and there was a concern for the health of --
31 you know, healthy quality of subsistence eggs. And there
32 had also been some harvest, and there was a desire not to
33 take too much from an area. And I think that was
34 communicated in writing and as it turned out, we did not
35 fish against the Tribe's wishes. So nothing happened
36 where we overrode the Tribe's concerns.

37

38 In 2005, I think there was a situation
39 toward the end of the fishery, and I -- Mr. Gordon is
40 here, and he can correct me if I'm wrong, but I believe
41 there were like 300 tons remaining out of a 10,000 ton
42 quota, and we had had an opening. We had communicated to
43 the Tribe our intent to take the remainder of the quota
44 in one more opening and be done and be out of there. And
45 we came up a little bit short, and there was a
46 cooperative opening to mop up harvest, the remainder, but
47 we were talking 300 tons out of 10,000, and I think that
48 occurred late in the afternoon, and, you know, the
49 liaison was not readily available I think. So that's my
50 recollection of kind of what happened. There was a rough

1 edge or a glitch, but it wasn't germane to the outcome of
2 the fishery, and it certainly wasn't the bearing on why
3 subsistence came up less than the amount necessary that
4 year.

5
6 MR. MILLER: Mr. Chairman Just to
7 clarify, too, I believe the question was directly
8 specifically where the
9 Fish and Game called for a fishery, then the Tribe raised
10 its objections. And again, to my knowledge, it's only
11 happened one time. The previous time that Mr. Davidson
12 was referring to was a general statement saying that even
13 though a fishery hadn't been called in the area where the
14 oil spill was, the Tribe said that you probably shouldn't
15 call a fishery there, because we don't want to see fish
16 get caught and get wasted due to oil contamination. So
17 it was not the same circumstances as them calling a
18 fishery and then having us protest it.

19
20 CHAIRMAN ADAMS: Go ahead, Dolly.

21
22 DR. GARZA: Thank you, Mr. Chair.
23 Hopefully this will be my final question.

24
25 The other issue is the distribution or
26 clustering of the opening. So has there -- I mean, it's
27 my understanding that part of the issue from 2005, and
28 maybe I'm wrong, is that there was a condensed fishery in
29 an area that had an impact that would have been the
30 subsistence harvest area, sort of the east coast of
31 Middle Island. And so how do you through this MOA
32 process address the issue of how spread out the fleet
33 would be, and what is the potential recourse if Sitka
34 Tribe is not happy with the actions that are being taken.

35
36 MR. DAVIDSON: Mr. Chairman. Ms. Garza.
37 You know, in managing a commercial fishery to harvest
38 herring roe, the only possible place for a fishery is
39 where there is demonstrated availability of ripe herring.
40 And unfortunately, in 2005, that availability was within
41 that small area.

42
43 Our recourse is really to encourage the
44 fleet to participate in a voluntary test program to
45 sample roe and to conduct our own aerial observations of
46 where we observe concentrations of herring, and to make
47 sure that we're getting good information from a wide
48 area. In order to have the choices of dispersal where we
49 can disperse the fishery, I don't believe those things
50 coincided where we had choices of where the fish could be

1 taken. So that's why these fisheries occurred in
2 seemingly such a small area.

3
4 Oftentimes we're fishing on large
5 commercial biomasses. We want to make rapid progress and
6 have the commercial fishery completed, and some of the
7 subsequent spawning is small groups of herring that are
8 widely distributed, but aren't really a meaningful
9 opportunity as it would seem, you know, considering
10 mileages and so forth.

11
12 Now, I'm not sure if I'm answering all of
13 your questions there, but that's kind of how it works
14 managing the commercial fishery.

15
16 If the Tribe is -- I think my overview,
17 my experience with the collaboration with the tribe, and
18 with the consultation process that's taken place with the
19 tribal liaison is that we have worked together, and we do
20 listen to what the tribe -- if there's an objection
21 there, we will definitely take that very seriously and
22 consider all of our other options and try not to fish
23 against the Tribe's wishes. If we feel there's another
24 avenue that we can take to have a successful commercial
25 fishery, then we will go that direction in respect of the
26 Tribe's opinions. But as it's turned out, we have not
27 had serious objections to any commercial openings since
28 this consultation process has started. And really that's
29 kind of where we're at.

30
31 We're still trying to make this work,
32 and, you know, there's really -- you know, we have good
33 observations. We have a vessel survey, we have an aerial
34 survey, we have spawn surveys. We have consultations
35 with the Tribe. We have consultations with pilots. We
36 have consultations with fishermen. It goes on. The
37 amount of information, the amount of people feeding into
38 that one manager is incredible, and it takes place in a
39 very short time. So -- yeah.

40
41 CHAIRMAN ADAMS: One final remark there,
42 Mike.

43
44 MR. MILLER: Final? Just kidding.

45
46 It's actually nice to sit here with Bill.
47 We've worked hard together, and along with the Department
48 to try to work through this situation, but it comes down
49 to I think that question of what's the recourse if it
50 doesn't work. True, during the fishery we haven't --

1 we've had the one objection. It wasn't during a main
2 opening. It was -- there's still some debate as to
3 exactly how much tons was left when it came out, but
4 irregardless it wasn't a major opening. And we did have
5 a significant compromise of the harvest that year.

6
7 But you've got to look at the fishery,
8 too. And, you know, that fishery happens prior to the
9 subsistence harvest. And there -- as was stated, you
10 know, they want the fish with the eggs in them. We want
11 the fish after they're out of the fish.

12
13 So in saying we haven't stated any
14 opposition to that isn't fully true, because when you
15 look at 2005 we came -- after that fishery, we came with
16 the proposal to the Fish Board to change things, and that
17 is quite a statement of opposition. It's saying that
18 somewhere, even though we have our best intentions of
19 working together, something isn't working. And it got to
20 the point at that meeting with the State Fish Board where
21 referencing the MOU which the State now is saying we're
22 going to use to ensure the reasonable opportunity, the
23 Department of Law basically said that it's doomed to
24 failure. I didn't get exactly why he said that, but he
25 did say that at the meeting, and to me what that says is
26 there's not enough teeth in it. There's too much left in
27 play to ensure what the State says -- you know, the State
28 says that subsistence has a priority, but there's not
29 enough in that MOU to guarantee that, and so again that's
30 why we're here.

31
32 CHAIRMAN ADAMS: Exactly. Thank you,
33 Mike.

34
35 I think Harvey had a comment or question.

36
37 MR. KITKA: Thank you, Mr. Chair.

38
39 Mike, wasn't -- during that 2005, wasn't
40 there also spawn in other areas equal or maybe even
41 bigger than that area?

42
43 CHAIRMAN ADAMS: Go ahead, Mike. I'll
44 give you one more.

45
46 MR. MILLER: Thanks. 2005 and 2001 were
47 similar years in where there was a large biomass return.
48 The spawn was split out. There was about equivalent
49 amounts of fish that ended up being in the traditional
50 use areas, and then there was an outlying group. In 2001

1 it was about 30 miles south where there was a major spawn
2 down there. In 2005 there was a big major spawn that
3 happened along the Kruzof shoreline, which is -- both
4 places are inaccessible for subsistence uses.

5
6 CHAIRMAN ADAMS: Thank you. You know, I
7 was just informed about 10 minutes ago that the food is
8 here and it's warm. It was warm still. So I think what
9 we're going to do now is we're going to take a break from
10 this process.

11
12 We thank you gentlemen. I'm really
13 encouraged, you know, by the Sate and the Tribe, you know
14 getting together and working out this proposal. I think
15 that's really important, you know, that those kinds of
16 entities, you know, can get together and come up with
17 working relationships. So, thank you, gentlemen.

18
19 We're going to take a break now and I
20 think -- why don't we come back at 8:30 tomorrow morning
21 to start. I know there's much more to talk about on this
22 particular proposal.

23
24 So we'll take a break now. The reception
25 and the food, you know, is already to go.

26
27 (Off record)

28
29 (PROCEEDINGS TO BE CONTINUED)

