

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME II

7
8 Wrangell, Alaska
9 October 12, 2005
10 8:40 o'clock a.m.

11
12
13 COUNCIL MEMBERS PRESENT:

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

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P R O C E E D I N G S

(Wrangell, Alaska - 10/11/2005)

(On record)

CHAIRMAN LITTLEFIELD: Good morning. A beautiful day in the neighborhood. I'd like to call the meeting back to order.

At this time we were discussing -- when we ended last night, we were discussing rural determination, and Mr. Buklis gave his presentation. At this time public testimony is open for any member of the public that would wish to testify on the rural determination process.

Who do we have on the list first? Is it here? Melinda, do you have any slips for us? I have Merle Hawkins, Lee Wallace and Rob Sanderson. Is there any specific order that you would like to make a presentation on any one of the three of you? I don't know if you've talked about it. Is there anyone that wants to be first? Okay. I'd like to call on Lee Wallace first, if he would make his presentation.

(Pause)

CHAIRMAN LITTLEFIELD: Just stand by for a minute, please.

(Pause)

CHAIRMAN LITTLEFIELD: Let's go to Merle Hawkins. No? Okay. We'll just stand by for a second, just a short at ease. Hold on. Keep your seats.

(Off record)

(On record)

DR. GARZA: We're waiting and we don't want to rush anybody here if they need to breath. I just wanted to get an idea of the process that we'll be going through. So we will hear testimony from my understanding primarily from a couple of tribes today, and then we will go back to item 16 tomorrow in terms of action items for rural/urban status?

CHAIRMAN LITTLEFIELD: That was my intent, is that we take the action requested by OSM. Mr. Buklis

1 yesterday identified that as an action item. We need to
2 take a vote on that. And it was my intention to keep that
3 under 16. If the Council has other wishes, we can take
4 care of that at this time. But I think if we wait until
5 16, it will give us time to craft our response
6 appropriately.

7
8 DR. GARZA: And then also, Mr. Chair, there
9 are three communities of concern, and we have two of them
10 here. Are we going to be hearing from Sitka, do you know?

11
12 CHAIRMAN LITTLEFIELD: I don't know of
13 anyone planning to be here from Sitka, although if they
14 come in before 16, they'll certainly be given the
15 opportunity to address the Council.

16
17 DR. GARZA: And in terms of planning for
18 tomorrow, is it our intent to work on resolutions that
19 would be submitted that would also be available to the
20 tribes?

21
22 CHAIRMAN LITTLEFIELD: I would say, yes,
23 it's a matter of public record. I can contact them today,
24 or someone can contact them and ask them if they have any
25 kind of written information that they would like to share
26 with us before we take action on item 16.

27
28 Any other questions from the Council on
29 process.

30
31 (No comments)

32
33 CHAIRMAN LITTLEFIELD: Okay. We'll go to
34 Mr. Lee Wallace then. Mr. Wallace.

35
36 MR. WALLACE: Good morning, Council and
37 Chair.

38
39 First of all, I'd like to thank you for the
40 opportunity for me attending this meeting, and for you
41 really adjusting your agenda to hear me, because I'm only
42 here for yesterday and today. I'll be here all day until
43 5:00 o'clock. But again I do thank you for your time.

44
45 Secondly, I'd like to formally and
46 officially invite the Southeast Council to Saxman for their
47 February 2006 meeting. I know it was your intent to go to
48 Saxman in 2006, but then -- and I understand that you guys
49 were wanting to meet in the new community building, but, of
50 course, that isn't going to be complete, but there is a

1 section that is completed, the theater section, which is an
2 area in the building that is able to house and seat 300
3 people, so it would be quite adequate for the Council to
4 meet in that section of the building, and again I do invite
5 you guys to Saxman in 2006.

6
7 The other item I'd like to address is
8 Saxman OVS is interested in serving on this Council, and we
9 will be putting forth a couple names before your deadline,
10 but I did want to express that we are very interested in
11 serving on this Council.

12
13 Most importantly why I'm here is Saxman's
14 being named on the list for review for rural status, based
15 on this news release back on July 28th, 2005 listing 10
16 communities. And Saxman shouldn't be on this list at all.
17 It should never have been put on this list. Saxman hasn't
18 changed in the last 10 years or 13 years when the initial
19 determination of rural status that Saxman attained and
20 still has.

21
22 And we understand basically through the
23 laws every 10 years communities are up for review. It's
24 Federal Staff that are taking upon this review status. And
25 Federal Staff are probably sitting up in Anchorage and not
26 even looking or being in the different communities that
27 they're determining. One thing they should have done is if
28 they're going to make a determination, go see the
29 community. And have we seen Federal Staff in Saxman? The
30 answer is no.

31
32 They're looking at stats. What stats are
33 they looking at? Census 2000. There's a rural
34 determination that they've work on. But definitely they
35 should have made a visit to Saxman to make some kind of a
36 determination.

37
38 Look at the criteria for determination.
39 The threshold is 2500 people. Saxman in the 2000 census
40 was 431. A far cry from attaining that threshold of 2500
41 people. The makeup of Saxman is predominantly Alaska
42 native, American Indian. It's population, about 70 percent
43 of those people that reside in Saxman are of that ethnic
44 group.

45
46 Saxman in terms of BIA, BIA terms Saxman as
47 a small and needy tribe. And I do stress small and needy.
48 For a tribe that small, 431, we're definitely a very small
49 tribe.

50

1 Probably at this time maybe it's a good
2 idea to give you some background on the history of Saxman.
3 Saxman wa formed years ago prior to the existence of the
4 City of Ketchikan and the Gateway Borough. Predominantly
5 -- the village was formed from a couple of Tlingit villages
6 of Cape Fox Village, Village Island, the people of the Sanu
7 Kwaan, Tanu Kwaan people. they moved to Saxman for the
8 betterment of their children's lives. They wanted to move
9 together to increase the population, and they were able to
10 have a school built for the education of the children.
11 Not unlike many different villages in Southeast during that
12 time frame.

13
14 My family's originally from Hydaburg, and
15 my grandfather was the founder of Hydaburg. And Hydaburg
16 was formed from three villages: Howkaan (ph), Suckwan (ph)
17 and Klinkwan (ph), again for the same purposes of bringing
18 three smaller villages into a larger village, and then they
19 could have education of the children, having good resources
20 of teachers to come into the area and educate the younger
21 children.

22
23 Again, with the makeup, with a small
24 village like Saxman, like Klawock, like Angoon, like
25 Hoonah, we're indigenous people, and we practice our
26 inherent rights of living off the land that we continue
27 today. And that hasn't changed in the last 10 years. It
28 hasn't changed in -- since time immemorial. We just
29 continue to practice that.

30
31 If you have the opportunity to, in your
32 booklet turn to Page 222 if you could. That's one of the
33 maps that the Staff had used to demonstrate what's going on
34 in the Ketchikan/Saxman area. What you see on Page 222 is
35 you see one square mile of Saxman, it's the Village of
36 Saxman. Then you see the other dark shaded area of
37 Ketchikan, that's the City of Ketchikan. And all the other
38 cross hatched area, the gray area, is the Ketchikan Gateway
39 Borough. So what you see there is two municipal
40 governments, the Ketchikan Gateway Borough, you have the
41 City of Ketchikan, and you have the Municipality of Saxman.

42
43
44 There's been numerous attempts by Ketchikan
45 Gateway Borough and the City of Ketchikan to unify the
46 three municipal governments. In all attempts, Saxman has
47 remained firm and they will remain firm not to ever unify
48 with the governments of the City of Ketchikan and the
49 Ketchikan Gateway Borough. We're a distinct and separate
50 group, and we would never go to the point of where we would

1 unify governments for the purposes of unification of those
2 municipal governments.

3
4 The other two governments you have in the
5 area are the Ketchikan Indian Community, the recognized IRA
6 in the area, and you have the Saxman IRA, Organized Village
7 of Saxman.

8
9 So you have five different governments in
10 that map there.

11
12 If you look on the map also, there's this
13 area called Gravina Island right across from Saxman. In
14 that area, you notice that inlet, Bostwick Inlet. Bostwick
15 Inlet has been recently termed the pantry of Saxman. In
16 the recent testimonies that we've given to the U.S. Forest
17 Service with their desire to develop and log in the area,
18 the communities of Metlakatla and the Village of Saxman
19 have really disagreed, with not wanting any development in
20 that area with the logging situation, because again it is
21 one of our prime areas that the village people of Saxman go
22 to subsist off. There's deer hunting, there's gathering of
23 crab, there's berry picking and sea asparagus, just to name
24 a few activities that happen in that Bostwick Inlet. So
25 again we are a subsistence gathering peoples, and we do
26 this customary gathering.

27
28 Not only -- other areas that we use in the
29 whole area, I personally use Carda River, Yes Bay, Hetta
30 Inlet for gathering of sockeye. And I also go to the
31 Hydaburg area to gather dungeness crab and sea asparagus in
32 that whole area. And so I'm not unlike many of my
33 neighbors who live that way. It's our inherent rights, and
34 it's in our DNA. It's something that we do on an annual
35 basis, no different than any one of you that are sitting on
36 this Council.

37
38 Again, I just want to stress that again we
39 are a separate, distinct group of people and governments in
40 that whole area.

41
42 Looking at the 2000 census data prior to
43 coming up here, I noticed that the unemployment rate in
44 Saxman is 14.9 percent. A high rate.

45
46 The recent history of the area of Ketchikan
47 and Saxman is the loss of many timber industry jobs. You
48 had some sawmills that operated in the Ketchikan area. You
49 had the Ketchikan sawmill right down there in downtown
50 Ketchikan. I remember a lot of the Saxman men working at

1 that mill. That's no longer there. And also there was
2 tribal members that worked at the Ketchikan Pulp Mill, and
3 that's been closed and workers have been displaced. Some
4 may have not been retrained to go into another advocacy.
5 Some have.

6
7 But again what I primarily see in Saxman is
8 the tourism industry. It's a five-month industry that
9 happens from May to September. A lot of the Saxman
10 residents are involved in that industry and so they're
11 employed for basically five months, and then you have seven
12 months of unemployment. Some may go acquire, you know
13 other jobs in the area, but a lot of them don't simply
14 because they don't have the KSAs to go into another area.
15 That's knowledge, skills and abilities. So the knowledge,
16 and skills and abilities that they do attain and do have is
17 the knowledge of subsisting and living off the land.
18 They're hunting and fishing and other gathering. Again,
19 it's something that's been put in their DNA and that's what
20 they continue to do, and that's what we do.

21
22 So on those meager budgets of five months
23 of unemployment, and I've been there, you tend to live more
24 off the land. Personally right now I'm having to do that.
25 The day I came up here, I checked on line to check and see
26 if my paycheck was deposited by DHS into my bank account,
27 and lo and behold there was \$100 deposited, a far cry from
28 what my full salary would be. And I'm just hoping that DHS
29 didn't decide just to send all their monies to Katrina,
30 although they're in need. So now I've told my family
31 before I came up, guess what, we're going to be eating fish
32 and rice. It will be on the menu until this payroll
33 problem's taken care of.

34
35 But that is a situation that many of my
36 tribal members are under, is that they don't have full year
37 employment, and so they turn to their subsistence way of
38 life.

39
40 Also in the 2000 census you'll notice that
41 there's a poverty level mentioned in the stats based on the
42 information they gathered back in 2000. And again, the
43 poverty rate in a lot of your villages like Saxman are
44 abnormally high than say an urban area. And again, when
45 you have poverty rates, or low income rates, you turn to
46 your subsistence way of life, because that's the only thing
47 you can to sustain yourself.

48
49 You know, while the criteria changed from
50 1990 to the 2000 determination, the verbiage was changed

1 somewhat, you know, the percentage rates went from 15
2 percent to 30 percent for commuting to one community to the
3 other. I don't have the data before me, but I guess I
4 would ask for the data, but I would guess that if you
5 looked at 30 percent of the individuals in Saxman that were
6 able to work, my guess right off hand is that 30 percent do
7 not commute to Ketchikan or another area for their
8 livelihood.

9
10 The deal with the school district and the
11 high school, that really hasn't changed either. Originally
12 when Saxman was formed, they did have their own school
13 building, which they taught K through 12. But in recent
14 times, and most times I know of that we've shared the same
15 high school, Ketchikan High School. It doesn't make sense
16 for a small village of 431 people to have their own high
17 school when there's a high school that's been in existence
18 for years down the road.

19
20 And the road that connects Ketchikan and
21 Saxman, again Saxman was there first, and Ketchikan grew
22 around us and the borough grew around us, and, of course,
23 roads came in, and then we had that connection.

24
25 Commuting. So again, if there's any data
26 that whoever, the Federal Staff or the Board used to make
27 this determination, Saxman would like to see it and view
28 it. Also, some other data Saxman would like to see is
29 stats from the Fish and Game, so I'd ask Mike Turek to come
30 forth and supply Saxman with some data that we could use to
31 show that we are a gathering and subsistence People.

32
33 One again formally that Saxman would like
34 to see is a hearing in Saxman. I understand we've missed
35 deadlines. About 13 years ago we went through this same
36 process. I remember that. I remember young children, I
37 remember elders going into the Elks or the Eagles Building
38 down there on Creek Street in Ketchikan with public
39 testimony. We went and gathered with song and drum, and
40 again there was quite a bit of input from young people all
41 the way up to elders and everybody in between. And if we
42 have to go through that same process again, we're going to
43 hear the same thing. The Board will hear the same thing.
44 They'll hear that we subsist and live off the land, and we
45 are a distinct people from the City of Ketchikan. So if
46 that opportunity is given to Ketchikan to have a hearing,
47 as long as the Board is in the area, I would formally
48 request that Saxman also be heard, if this process goes to
49 that level.

50

1 Other things that we do have is we've
2 spoken to other organizations, Ketchikan Indian Community
3 IRA has told me that they have a resolution that's in hand
4 that will be in support of Saxman. The Organized Village
5 of Saxman already went to the City of Saxman and they
6 requested a resolution stating that they support the Saxman
7 IRA with retaining the rural status of Saxman. We have
8 that in hand. And also there's small villages. The
9 Village of Kasaan and the Saxman IRA has said they would
10 support us retaining our rural status.

11
12 They say they're going to support us,
13 because guess what, we have the same footprint as them. We
14 have the same criteria. We have the same way of life. And
15 why should Saxman be put on a list just simply because
16 there's a connection of the South Tongass Highway
17 connecting Saxman and Ketchikan. It should not be.....

18
19 And I would ask the Board, the Chairman,
20 and the Council here to support us retaining the rural
21 status of Saxman.

22
23 I have a question here for Staff. When you
24 turn to pages -- it's not page, but appendix 1, it's number
25 81 Saxman. It does show the increase of 62 individuals in
26 Saxman. It shows a 17 percent. And over on the far right
27 column there it says reason, reason (b) -- reason (2).
28 Reason (2), not currently part of the grouping, but there
29 are reasons for further -- to further evaluate inclusion of
30 the group in a grouping. And I guess the question for
31 Staff is -- so this is the only data that I have that I was
32 able to look at, that if the Staff has -- if this is all
33 they used, and I'm sure it's not, and that's why I request
34 all the data that they used to make this recommendation to
35 put Saxman on a review.

36
37 Increase of 62 people. The increase of
38 population again of 431. Okay. Saxman can afford to grow
39 600 percent before we broke the threshold of 2500 people
40 for the criteria. And so another question is what is the
41 weight -- I think a large amount of weight should be given
42 on the population of this particular Village of Saxman.
43 Again, it's a small village, very much like Klawock, very
44 much like Angoon, very much like Hoonah, and any of your
45 other small villages in Southeast Alaska. Kasaan,
46 Hydaburg, Craig, Klawock. No different than them.

47
48 But again, the only thing tying us together
49 is that tie of the highway. But the tie of a highway does
50 not make up a people. We're very distinct, and we're very

1 different than again the makeup of Ketchikan.

2

3 I would again respectfully request that the
4 Chairman and the Council look at the data, and I would hope
5 that you would go to the Board in December and request that
6 Saxman be taken off this list for review, and retain our
7 rural status.

8

9 Thank you.

10

11 CHAIRMAN LITTLEFIELD: Thank you, Mr.
12 Wallace.

13

14 Are there Council members that have
15 questions for Mr. Wallace or comments. Ms. Phillips.

16

17 MS. PHILLIPS: Thank you, Chairman
18 Littlefield.

19

20 Mr. Wallace, thank you for your
21 presentation. Does the Organized Village of Saxman have
22 the professional and technical resources to compile socio-
23 economic analysis to support the rural determination and
24 refute the integration into Ketchikan?

25

26 MR. WALLACE: Like I've stressed before,
27 we're a very small and needy tribe. Our office consists of
28 the tribal administrator, a secretary, and that's it as far
29 as staff. And they're strapped with other areas to deal
30 with, and then this is one of the others that just pops up.
31 And right now I would say, no, we don't. I guess we could
32 turn to probably Central Council to see if they could
33 assist us in ways, or other agencies, but again we are a
34 small and needy tribe.

35

36 CHAIRMAN LITTLEFIELD: Follow up.

37

38 MS. PHILLIPS: Thank you, Chairman
39 Littlefield.

40

41 Mr. Wallace, so you only have a tribal
42 administrator and a secretary. Is there a possibility of
43 a government-to-government consultation with the U.S.
44 Forest Service to notify them of your -- that you need to
45 put together an analysis to support your rural
46 determination?

47

48 MR. WALLACE: I would hope that would be a
49 possibility.

50

1 CHAIRMAN LITTLEFIELD: Any other Council
2 comments, questions for Mr. Wallace. Mr. Adams.
3
4 MR. ADAMS: Mr. Wallace, just thank you for
5 your testimony. I appreciate it.
6
7 MR. WALLACE: Thank you.
8
9 CHAIRMAN LITTLEFIELD: Any other Council.
10 I have -- what you're requesting from the Advisory Council,
11 and remember we're Advisory Council, is that we make a
12 recommendation to the Federal Subsistence Board that,
13 number 1, we support Saxman continuing as a rural
14 community, and that we also support your request to the
15 Board. In other words, we can't direct them to do
16 anything. Support a request to the Board to hold a meeting
17 in Saxman. Is that the action items that you would wish us
18 to take?
19
20 MR. WALLACE: Right. I know originally it
21 was scheduled to happen in February of 2006, but I know of
22 no any formal or invitation from a resident of Saxman,
23 whether it be from the City of Saxman or from the Saxman
24 IRA, but as a resident and the IRA president, I do formally
25 invite you folks to Saxman. I've talked with the Saxman
26 mayor and I've talked to Saxman city council, you know,
27 with this opportunity, and they want to open up Saxman for
28 your February meeting.
29
30 CHAIRMAN LITTLEFIELD: Dr. Garza.
31
32 DR. GARZA: Thank you, Mr. Chair.
33
34 So it sounds like there's three things.
35 One is an invitation for the Council to meet in Saxman, and
36 it's either the end of January or first part of February,
37 but it's in the back of this book. Secondly, is that
38 basically you want Saxman's name removed from that hit list
39 of 10?
40
41 MR. WALLACE: Correct.
42
43 DR. GARZA: So it shouldn't even be
44 considered.
45
46 MR. WALLACE: Correct.
47
48 DR. GARZA: Shouldn't be analyzed. It
49 should remain rural. Thirdly, if by chance it does stay on
50 that list, then Ketchikan did submit a request for a formal

1 hearing in Ketchikan, and if necessary, then the Board
2 should also hold a similar meeting in Saxman at the same
3 time or the day after or whatever. So those are the three
4 items right now.

5
6 MR. WALLACE: Correct. You've heard me
7 right.

8
9 CHAIRMAN LITTLEFIELD: Other Council. Ms.
10 Phillips.

11
12 MS. PHILLIPS: Thank you, Chairman
13 Littlefield. I request that Mr. Wallace's public testimony
14 be submitted verbatim as opportunity to comment on review
15 of rural determinations.

16
17 Thank you.

18
19 CHAIRMAN LITTLEFIELD: It's in the
20 transcript, and it is included verbatim. And when we make
21 our recommendations, they will have reviewed it
22 appropriately. But it is a matter of the record.

23
24 Any other Council. Mr. Adams.

25
26 MR. ADAMS: Thank you, Mr. Chairman. My
27 colleague on my left here, he also appreciates your
28 testimony.

29
30 Thank you.

31
32 CHAIRMAN LITTLEFIELD: Mr. Wallace, I'd
33 like to thank you for your testimony. Previous action of
34 the Regional Advisory Council not only supported Saxman,
35 but Ketchikan as well. And I suspect that the Council when
36 they're making their recommendations will certainly look at
37 your testimony favorably, so thank you for your testimony.
38 I appreciate it.

39
40 MR. WALLACE: Thank you, Council. And
41 thank you, Chair.

42
43 CHAIRMAN LITTLEFIELD: I have Merle Hawkins
44 and Rob Sanderson, Jr. Is there any order that you wanted
45 to come forward? Rob Sanderson.

46
47 If there are any members of the public that
48 would like to testify on this, this is the time to sign up,
49 and see Merle -- or, not Merle, see Melinda at the back of
50 the room and get a blue slip from her.

1 Thank you.

2

3 MR. SANDERSON: Good morning. I'd like to
4 thank the Chair and the Council at this time for giving me
5 the privilege to speak before you today.

6

7 My name is Robert Sanderson, Jr. I am a
8 KIC Tribal Council member. I sit at -- I seat -- excuse
9 me. I'm the chair for the Culture Subsistence Committee
10 for KIC.

11

12 I'm going to start off with reading our
13 position statement for Ketchikan Indian Community regarding
14 the Federal Subsistence Management Program rural review of
15 the Ketchikan area. Our policy statement.

16

17 Residents of Ketchikan must be able to
18 continue to live the lives they choose gathering, preparing
19 and sharing subsistence foods and the quality of life that
20 this provides.

21

22 The issue. Many of our citizens and elders
23 are unemployed or underemployed or have lost their
24 longevity or other benefits. Subsistence foods supplement
25 their diets not only in a healthy way, but economically.
26 In addition, our membership must be able to continue to
27 teach their young cultural and customary respect and use of
28 natural resources.

29

30 Our position. A good quality of life
31 exists for our tribal members and especially our elders
32 when they lead a life rich with native foods and/or
33 subsistence foods which includes the gathering, preparation
34 and sharing with their families; have their inherent right
35 to subsistence foods protected; have their subsistence
36 foods protected from over-harvesting.

37

38 The Ketchikan Indian Community contends
39 that population should not be the criteria for the decision
40 of rural status for Ketchikan, rather it should be by
41 customary and traditional use has been a way of life for
42 our people in Ketchikan for generations.

43

44 Ketchikan does possess significant
45 characteristics of a rural nature as Ketchikan is dominated
46 by extensive land uses such as forestry and large open
47 spaces of undeveloped land defined as rural.

48

49 The town of Ketchikan is considered a small
50 settlement, located on an island, no accessible by land,

1 also defined as rural.

2

3 Ketchikan is recognized as a rural
4 community under various Federal programs.

5

6 Many native and non-native residents in
7 Ketchikan have adopted the subsistence way of life to
8 support their inherent diet and have identical values
9 regarding nutrition derived from the fish and wildlife
10 available to them.

11

12 Subsistence harvest of all resources are
13 less than five percent of the total impact, and all
14 Ketchikan residents have demonstrated conservation of use
15 of the food harvested and good stewardship of the habitat
16 they harvest from.

17

18 The Federal Subsistence Board must
19 continuously improve their efforts to support individuals
20 in leading healthy life styles by subsistence foods; be
21 part of on-going monitoring to ensure desired outcome and
22 the satisfaction of the people served and their families.

23

24 Ketchikan Indian Community further requests
25 that the Federal Subsistence Board add Ketchikan to the
26 list for further analysis so that Ketchikan can be
27 considered for redesignation from non-rural to rural
28 status. This is necessary to allow Ketchikan to
29 demonstrate its inherent right and customary and
30 traditional use of natural resources. The Ketchikan Indian
31 Community.

32

33 With that, I have a list here of Ketchikan
34 elders that have migrated to the Ketchikan area over the
35 last years, for a lot of years. And I'm going to read a
36 letter to the Board here from one of our cherished elders,
37 Erma Lawrence, who is 93 years old now. She lives in
38 Ketchikan. She is by way of Kasaan. And it goes like this
39 here:

40

41 Dear Subsistence Board Members, as a
42 resident of Ketchikan, I have benefitted from gathering
43 subsistence foods for over 70 years and my family for
44 generations. Without these foods, we would get sick,
45 because of the wonderful elements in these foods. For
46 instance, if you don't eat black seaweed, you can get
47 goiter. It's some kind of name that she's got there. So
48 other -- many medical qualities in our foods, that's why I
49 believe you can get ill without them. Our designation as
50 a rural community will insure our way of life from being

1 over-harvested or wiped out completely.

2

3 My grandfather owned a sockeye creek in
4 Tlakas Inlet, meaning a sheltered place, and my grandmother
5 owned a sockeye creek at Carta Bay. Make it law that no
6 one could use that creek without your permission. That was
7 the way of making sure there was no over-fishing areas and
8 these creeks were well cared for.

9

10 I depend on these foods even now at 93
11 years of age and have to rely on other people to bring
12 these foods to me. Young people go out to gather foods
13 just for the elderly. There should not be restrictions on
14 gathering for these elders who still alive. the elderly
15 depend on these foods to them healthy and alive. Gathering
16 activities have included whole extended families, which are
17 activities that are essential for the spiritual, emotional
18 and well being of all people. I have also become more
19 dependent on subsistence foods on a daily basis since the
20 economy of Ketchikan has been on the downturn with the
21 closing of the mill and the price of salmon remaining at an
22 all low for years.

23

24 Please preserve this way of life by
25 correctly designating Ketchikan as a rural community.

26

27

28 Thank you. Sincerely, Erma Lawrence, KIC
29 Haida elder.

30

31 I have a list here of elders from Ketchikan
32 that have migrated over the years to Ketchikan from the
33 outlying areas. Erma Lawrence, Kasaan. Barbara Bean,
34 Klawock. Harriet Brendible, Metlakatla. Myrna Garza,
35 Craig. Nancy Haldane, Hydaburg. Cheryl Have, Tsimshian
36 elder, Metlakatla/Old Metlakatla. Virginia Allard, KIC.
37 Clifford Bolton, KIC, Metlakatla. Isabelle Banhart, KIC.
38 Gertrude and John Pete Johnson, KIC, Metlakatla. Richard
39 John, Sr., KIC by way of Hydaburg. Laurene John, KIC.
40 Delores Churchill, Hydaguay (ph). Emily Whitesides,
41 Metlakatla. Alvina Martinez. Alice Woofman. Vivian
42 Aldrich. Viola Chance. Clara Frazer, KIC, Metlakatla.
43 Tillie Hoff, the Tongass Tribe. Julius Douglas, KIC,
44 Hydaburg. Georgiana Douglas, KIC, Hydaburg. Al Feller,
45 Albert Feller, KIC. Alice Demmert. Dilbert Alexander,
46 Hydaburg. Ethylyn Steinke, Hydaburg, Halcan (ph). Willard
47 Jones, Kasaan. Millie Newman, Metlakatla.

48

49 I have a list of letters here which I will
50 be submitting to the Council from our elders for you guys

1 to review. Is there any questions?

2

3 CHAIRMAN LITTLEFIELD: Council, comments,
4 questions for Mr. Sanderson. Dr. Garza.

5

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

7

8 Thank you for your presentation, Mr.
9 Sanderson. I think that the policy statement reads very
10 well for Ketchikan. I understand that you have submitted
11 a letter to Federal Subsistence Board requesting a hearing.
12 Have you heard from the Federal Subsistence Board regarding
13 whether or not they will come down to Ketchikan for a
14 hearing?

15

16 MR. SANDERSON: I haven't at this time.
17 Maybe my vice president, Merle Hawkins, when she comes up,
18 she can answer that question for you.

19

20 DR. GARZA: Mr. Chairman, I would suggest
21 we hear from Vice President Merle Hawkins, and then open
22 for questions.

23

24 CHAIRMAN LITTLEFIELD: Any other questions
25 for Mr. Sanderson.

26

27 (No comments)

28

29 CHAIRMAN LITTLEFIELD: Okay. Thank you for
30 your testimony, and we will -- when Merle testifies, we may
31 ask you some other questions, too, that either of you could
32 answer.

33

34 MR. SANDERSON: Okay. Thank you, Mr.
35 Chair.

36

37 CHAIRMAN LITTLEFIELD: Merle Hawkins.
38 Yeah, Rob, yeah, just stay up there. That's good.

39

40 MS. HAWKINS: Good morning. My name is
41 Merle Hawkins, Ketchikan Indian Community Vice President,
42 member of the Cultural Subsistence Committee, here to
43 testify regarding acquiring Federal rural subsistence
44 status for Ketchikan.

45

46 There was an article in the Ketchikan Daily
47 News October 6th regarding this, and so we're trying to
48 build up community support. And Rob read the position
49 statement from the tribe. We also have a resolution from
50 the tribe. We have over 5,000 members enrolled in

1 Ketchikan Indian Community. Camp 14, Ketchikan ANB/ANS
2 also submitted a resolution supporting Ketchikan as rural.
3 That was December '04 when the Board was there in
4 Ketchikan. Central Council, Tlingit and Haida Indian
5 Tribes of Alaska also did a resolution, as did the local
6 chapter of Tlingit and Haida. Both Rob and I are delegates
7 to Tlingit and Haida, Ketchikan Chapter. ANB/ANS Grand
8 Camp also did a resolution. We've requested the Ketchikan
9 Gateway Borough to do a resolution, and the City of
10 Ketchikan, in support of rural status for Ketchikan. Many
11 of our programs from the tribe will also be submitting
12 letters.

13

14 We just started an elders program, and
15 that's excellent, because we're going to start -- they have
16 a food bank where they got coho from our hatchery and set
17 them aside specifically for the elders and their dinners.
18 Our cultural camp also teaches our native traditions to the
19 young people. You'll get a letter from them. And so you
20 can see we've got our work cut out for us, but it's.....

21

22 I believe that the methodology used to
23 determine rural status is kind of warped, because I read
24 that awful report on how they go about that. I couldn't
25 get anyone else on the board to read it, but I did read it.
26 And it just doesn't fit with a tribal group.

27

28 It's pretty obvious that in the Ketchikan
29 area that our natives live a lifestyle. We haven't had any
30 eulachons for two or three years from the Unuk or Chickamin
31 River. We do have fishermen that go up there, and they've
32 come home empty handed for two years.

33

34 I'm going to go through my notes here.
35 Competition should be not considered in the decision
36 whether we have rural status or not. Some of these signs
37 they have up here, I found kind of -- just don't fit our
38 lifestyle, because as native people, natives did not
39 believe in land ownership, but we believed in natives
40 having rights to the resources of an area. And so as a
41 tribe, all our tribal members have rights to the resources
42 in the Ketchikan area. All of Revillagigedo is our tribal
43 territory.

44

45 And all of this becomes very convoluted as
46 I represent Tongass people. They were the original
47 inhabitants of the area. They move into the area as did
48 the Cape Fox people about 1897, which predated Ketchikan
49 even being there. Ketchikan wasn't incorporated until
50 1901. So it was originally a Tongass Tlingit fish camp,

1 kitch-can (ph). I don't know the proper Tlingit
2 pronunciation.

3
4 And Tongass tribe is not Federally
5 recognized, but I have worked with many Federal and State
6 agencies to represent these people. I make sure that I go
7 and talk to them, and when I represent them, that I have
8 their permission. And I've actually been trained for about
9 10 years by a Tongass tribe elder, Esther Shay, Tatiya (ph)
10 is her Tlingit name. She's now deceased. She as one of
11 our beloved elders. She taught in the school systems for
12 26 years, and she taught our children about the traditional
13 songs, dances, the language, and so right now her Tongass
14 people are wanting to go after Federal recognition, and I
15 have represented them, because their tribal lands are in
16 the Ketchikan area. Revillagigedo Island, Gravina Island,
17 Duke Island, Misty Fjords National Monument. So many of
18 their lands fall under ANILCA and the national monument
19 designations.

20
21 So we would go out on field trips with the
22 University, taking college students and educating them
23 about village sites, about the old canneries, the old
24 forts. So people would understand our culture.

25
26 Myself, I'm Haida. My grandmother was
27 originally from Halcan (ph) which was a Haida village, one
28 of the three that Lee Wallace talked about. Kalcan (ph),
29 Klickwan (ph) and Sukwan (ph) in 1912 moved to Hydaburg at
30 the request of the Government, because they'd come in and
31 they'd taken all of our land, the Tongass National Forest.
32 And so they moved to Hydaburg so they could get health care
33 and education, which is a good thing.

34
35 So there's a lot of issues here, and it's
36 really difficult to sort them all out, so I'm going to be
37 all over the place.

38
39 Like I said before, natives did not believe
40 in land ownership. The clans had right to the resources of
41 a certain area, and those might have been identified by
42 pictographs, or petroglyphs. Petroglyphs are pecked into
43 the rock. You would find them in the inner-tidal area.
44 And they might mark a migration route, clan occupation of
45 an area with the right to the resources.

46
47 And I've been to many of these sites in the
48 Ketchikan area where we found pictographs in caves that
49 have never been identified or documented before. You don't
50 hear me talking about that much now, because it's sacred

1 information. But we want to use this information to get
2 the rights that we're entitled to.

3
4 Let me see. I have some more information
5 I can look at.

6
7 We had a traditional knowledge conference
8 in March of '03, and Esther Say was there and she spoke
9 about our land, that the land is still ours. Even though
10 the Forest Service holds it in trust for us, in our hearts
11 it is ours. She did a video about her people, and it's
12 called The Bear Stands Up.

13
14 I've been to many village sites with Esther
15 and other elders, into Village Islands, Cat Island, Gravina
16 Island. Gravina Island is very important to us right now,
17 because I'm sure you've all heard about the bridge that
18 they want to build. The tribe has never taken a position
19 on it, but we worked with the Forest Service for about five
20 years to protect the Boswick Inlet area, because as Lee
21 Wallace spoke about, it's the food pantry of the natives
22 and even non-natives in the Ketchikan area, because it's so
23 close to town.

24
25 With the new Federal regulations on halibut
26 subsistence, because we're not rural our fishermen have to
27 go so far out of town, over a mile, which can be quite
28 dangerous.

29
30 So we're asking for subsistence priority,
31 which fits into our life style. The residents of the area
32 have always relied on subsistence to supplement their
33 income. This has become even more important in the past
34 couple years. All the community members of Ketchikan lost
35 their longevity bonus checks, and that was \$250 a month
36 that supplemented their income.

37
38 I have some more information. KIC did
39 start a food bank for the elders. We got a freezer. But
40 also the Alaska Native Brotherhood and Alaska Native
41 Sisterhood, Camp 14, we've used this freezer to store black
42 bear meat that was donated by hunters, because hunters are
43 allowed to come in, and they want to hunt black bears and
44 they don't really want to eat the meat. To them, it's just
45 sport. And so they're required to salvage the meat, but
46 most of them don't want to take it home to eat it, so our
47 camp would get those donations and distribute them to
48 elders and other people in the community.

49
50 Also, the Ketchikan chapter of Tlingit and

1 Haida Indian tribes, we've voted to work collaboratively
2 with Camp 14 and with KIC in getting several freezers so we
3 could have the salmon filets, halibut and other seafoods
4 available for the community in need and for the elders, and
5 also for potlatches and other ceremonial and cultural
6 celebrations. This is very traditional as the act of
7 harvest of subsistence resources requires cooperation by
8 several individuals, particularly during times of resource
9 abundance, such as salmon runs, herring egg time,
10 eulachons. We share the labor in producing and processing
11 subsistence foods. And especially since KIC has so many
12 elders in our community, in our tribe.

13
14 And I know I talk a lot about the tribe and
15 the community, but that's what I'm most familiar with.

16
17 I do plan to go into the community of
18 Ketchikan and get more support.

19
20 This memorandum dated April 7th, 2005 to
21 the tribal council from our enrollment officer, we have 169
22 elders that are age 66 and older. KIC has age 61 through
23 65, we have 270 elders in that age category. And then the
24 other -- so we need to -- even just recently one of the
25 letters we received in support of rural designation was
26 from Laverne and Richard John. They've gone out for ears
27 and gotten their own sockeye from the different areas that
28 they can. Yes Bay, Carter River. And they're getting too
29 old to do that type of thing any more. So it's my dream to
30 provide a service that the tribe could do this for some of
31 our elders.

32
33 Another significant age group I notice on
34 this memorandum is ages 6 to 18. There's 1,088 of our
35 tribal members are in that age group. So it's our
36 responsibility as a tribe to educate them on cultural and
37 traditional uses of our resources, so we can carry on the
38 traditions, which can be very challenging. Like I said,
39 I'm Haida, but I've learned significantly a lot from a
40 Tlingit. And that's the way we do things at home, because
41 we're all interrelated. KIC cultural youth camp happens
42 every summer, and they take anywhere up to 70 kids out to
43 Naha (ph) area to learn about the resources. They bring
44 the elders and some of them are from Saxman area. That
45 would be the Abbots, Tom and Sarah Abbott. So even though
46 we're not really connected to Saxman.

47
48 And we do support Saxman in retaining their
49 rural status also.

50

1 Ketchikan's also had a large impact in that
2 we lost our pulp mill in 1997. That was like 500 jobs that
3 were in the high wage scale. Since then we've had to rely
4 a lot on tourism jobs. I know one guy that's on our
5 council, he had to get a job as a bus driver. He drives in
6 the summertime the tourism buses, and in the wintertime he
7 drives the buses for the school district. And I know that
8 his wages are a lot lower. And that's just one example.
9 So we lost our pulp mill in Ketchikan. And also the timber
10 industry jobs are way down, because they are not cutting as
11 much timber as they once did, because the markets are down,
12 the prices are down, and it costs so much to export the
13 logs.

14
15 So let me look through my notes and see if
16 I missed anything.

17
18 Although producing a major portion of the
19 food supply, subsistence harvest represents just a small
20 part of the annual harvest of wild resources in Alaska.
21 About two percent. Commercial fisheries take 97 percent of
22 the resource. Sport fisheries take about one percent. And
23 I bet that number's going up for the sports fishermen. I
24 think they take a lot more.

25
26 So I think it's important that Ketchikan
27 receive rural subsistence status so we would have a
28 priority in cases of shortage.

29
30 So I think -- oh, there's one more piece of
31 information that I got this morning from our agent, from
32 our tribe. It's a list of Federal agencies, Department of
33 Agricultural, Rural Development. These are possible grants
34 that we could get, and we probably have received many of
35 these grants. I know that our hatchery that the tribe
36 owns, we employ native youth and train them in job
37 employment, and we got many EDA grants, economic
38 development grants to build up the hatchery. But the
39 problem with those jobs is they're seasonal, which works
40 very well for our college students returning.

41
42 But under many of these grants, like
43 emergency community water assistance grants, well, we're
44 under the municipal government that provides that.

45
46 Department of Agriculture, Forest Service
47 rural community assistance, rural development grant, you
48 have to have a population of less than 10,000. And as we
49 talked about before, our population in Ketchikan is about
50 13,000 and -- but we had no control over that.

1 We were originally -- the Tongass people
2 were there, and it was a seasonal fish camp, and many of
3 the letters that we'll submit are from elders that moved
4 into the area for economic purposes. Myself, I've lived in
5 the same house for 49 years. My grandmother purchased that
6 house. And the way she went about that is she would take
7 her five daughters to Waterfall, which is a cannery, which
8 was once a cannery. Now it's a sports fishing lodge. And
9 they would work there all summer, and then she'd come back
10 to town and purchase property. And so this is the way the
11 natives have learned to survive.

12
13 So I would just like to thank the Board for
14 being here and listening to our comments, and request your
15 support in rural status for Ketchikan. So I'm ready for
16 questions.

17
18 CHAIRMAN LITTLEFIELD: Thank you. Council,
19 questions, comments. Ms. Phillips.

20
21 MS. PHILLIPS: Thank you, Chairman
22 Littlefield.

23
24 Thank you, Merle. Is there a way to
25 document the movement of Prince of Wales tribal members to
26 Ketchikan that would not be reflected in your 5,000 member
27 population?

28
29 MR. SANDERSON: I can answer that.

30
31 MS. HAWKINS: Oh, Rob said he could answer
32 that one.

33
34 MR. SANDERSON: Yes, ma'am, we have a new
35 system in there for our enrollment called Prodigy. Right
36 now we're going through the process of getting it installed
37 to bring our numbers down. You know, like we have a lot of
38 people that have passed on in the tribe, and they're not
39 taken off our rolls. So right now we're working on that.
40 We just installed it just this last year, and stilling
41 having to go through 5,000 people and weed out the people
42 that are no longer with us that moved away, that had to
43 dis-enroll and enrolled in another tribe, so, yeah, we have
44 our work cut out for us in that area.

45
46 MS. PHILLIPS: What I was wondering is
47 there's a movement of tribal members from Prince of Wales
48 Island into Ketchikan. So that would increase the number
49 of Alaska natives in that community above your \$5,000 est
50 -- 5,000 population estimate.

1 MR. SANDERSON: Since '97 we have grown to
2 over -- our enrollment increased 2,000, so, yeah, we have
3 a lot of people coming into the tribe. That's a lot of
4 people, you know, since that time. Back in 1993 I believe
5 we just had over 1,000. Now we're at 5,000.

6
7 CHAIRMAN LITTLEFIELD: Other questions or
8 comments for the KIC Staff. Mr. Wright.

9
10 MR. WRIGHT: Thank you, Mr. Chairman.

11
12 Did I hear you correct that you requested
13 the City of Ketchikan to support rural status, and did you
14 get a response?

15
16 MS. HAWKINS: Yeah, our president just
17 followed up on that request, and submitted a letter. I do
18 have a copy of that letter here somewhere, that they
19 requested the City -- yeah, here it is. To Carl Avalon,
20 City Manager. So we haven't heard back from them. This is
21 just dated October 5th. So I can submit a copy of this
22 letter. And we have a copy of the resolution, and I think
23 a copy of -- the borough hasn't done the resolution yet,
24 but we have a sample one that we sent to them that was done
25 for Sitka.

26
27 CHAIRMAN LITTLEFIELD: Go ahead, Frank.

28
29 MR. WRIGHT: Yeah, Mr. Chairman.

30
31 Because I'm just curious, because I don't
32 know what, you know, you've -- you know, it changes
33 Ketchikan status tremendously if you go from urban to rural
34 or, you know -- so I'm just curious of what their response
35 would be, because, you know, I fully understand the
36 situation of the tribal people, you know, having to be in
37 the same community with a population like that, and it puts
38 you guys in a difficult position. So I was just curious
39 about what Ketchikan was -- the city was going to say.

40
41 Thank you.

42
43 MS. HAWKINS: Oh, yeah. Well, we'll let
44 you know as soon as we hear, but I'm sure we'll get their
45 support.

46
47 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

48
49 MR. KOOKESH: My question kind of mirrored
50 what my friend here, Mr. Wright, was saying. I really want

1 to tell you that from what I've heard, I really want to
2 encourage you to -- it sounds like you're the grassroots.
3 It sounds like you're going to take this forward, and I
4 encourage you to pursue it strongly with the city, because
5 from just my impression, it sounds like somebody's just
6 sitting there, and I really want to applaud you for the way
7 you're taking this program. And don't stop.

8
9 MS. HAWKINS: Thank you.

10
11 MR. KOOKESH: It sounds like that's where
12 it's going to -- the success lies is in what you're doing.

13
14 CHAIRMAN LITTLEFIELD: Other Council. Mr.
15 Adams.

16
17 MR. ADAMS: My colleague on the left here
18 has finally said something that I agree with, so I support
19 all of his comments.

20
21 Thank you.

22
23 CHAIRMAN LITTLEFIELD: Other council. Dr.
24 Garza.

25
26 DR. GARZA: Thank you, Mr. Chair.

27
28 And thank you, Mr. Sanderson and Ms.
29 Hawkins, for your valuable presentation.

30
31 I know you are aware that this Council has
32 supported Ketchikan's effort to be reclassified properly to
33 a rural community. The initial request came from Camp ANB
34 -- Camp 14 ANB/ANS which I know you were a part of when we
35 met in Ketchikan. So we still thank Willie Jackson and
36 James Stainey for their efforts.

37
38 It is an uphill battle. We've talked about
39 it. And we continue to support you. We affirmed our
40 support at another meeting about a year go, and that
41 continues to be our effort, is to support Ketchikan.

42
43 Speaking as a Council person who has dealt
44 with numerous proposals before us, I know that if Ketchikan
45 were properly designated rural, it would put the whole U-2
46 deer effort on a different playing field. It would allow
47 this Council to consider a broader range of proposals, and
48 make our life much easier, which isn't the sole purpose to
49 make a designation, but it would be quite helpful for both
50 the State and the Federal if Ketchikan were rural.

1 And it would help Ketchikan. I don't think
2 you were at the meeting, but initially when we -- the
3 Federal Subsistence Board was trying to come up with
4 criteria for determining how to designate urban and rural,
5 ISER, Institute of Social and Economic Research, held a
6 meeting in Saxman and in Ketchikan. I did look at those
7 notes again.

8
9 And in Ketchikan -- it was interesting, in
10 Saxman it was all native people, which is what you would
11 guess. And, of course, they said they're rural. And then
12 in Ketchikan, the meeting was held at KIC, and I had
13 expected to see KIC members there, but myself, Bill Thomas
14 and I think John Littlefield was there, were the only
15 native people at that meeting, which was a shock. But it
16 was set up as a working group, sort of a peer group. I
17 forget what it's called. And so it was city administrator,
18 a troller, a seiner, a gillnetter, a business owner, an
19 environmental person, a couple other people that
20 represented Ketchikan. Basically the non-native community.
21 And at that meeting, every single person except one said
22 that, of course, Ketchikan was rural. The administrative
23 person was just shocked that Ketchikan would be considered
24 urban because of the various programs that she deals with.
25 The funding that Ketchikan gets is based on their rural
26 status quite often, and they can get fairly big funds,
27 because of that.

28
29 And so I would expect, I would hope that
30 Ketchikan Borough and City when they received the request
31 for support, that they will offer that support. But that's
32 hard to say.

33
34 I guess what I did want to ask you is, and
35 I'm not sure if Patty asked that, but the same question
36 that was asked of Saxman. Do you have the staff members at
37 KIC to basically engage in this battle, to do the socio-
38 economic background work in order to order to gather data
39 that can be presented to Federal Subsistence Board.

40
41 MS. HAWKINS: Basically, no. I had to go
42 in there and basically in my delicate Haida way raise hell
43 with them to get the support that I'm now getting from the
44 tribe. And it was a battle. But now I have one person
45 designated to help me with this project. But she was not
46 educated on it, and we know how much time it takes to read
47 this documentation and grasp the concept of exactly what we
48 need to do. And even my own board, I'm going to have to go
49 to the next meeting and snap the whip and make sure that
50 they do letters in support. So it is -- I mean, even when

1 I can't get my own people to respond to what needs to be
2 done, it is an uphill battle. But I'm pretty determined
3 when I set my mind on a goal. But it's not about me, it's
4 about what's for the betterment of the total community of
5 Ketchikan, even though they're the ones that moved into the
6 area. It's going to benefit the native folks that I
7 represent. But we're going to keep working on it.

8
9 And Sam Bergeron, our president of KIC,
10 he's past borough assembly, and he assures me that we will
11 get the resolution of support from the borough.

12
13 DR. GARZA: Hopefully from our new mayor.

14
15 MS. HAWKINS: Oh, yeah, Joe Williams. Our
16 new mayor of the Ketchikan Gateway Borough, Joe Williams,
17 Jr., was just elected, so we're pretty excited about that.
18 I'm sure we'll get it now.

19
20 DR. GARZA: Okay. Just a couple more
21 points, and then I'll give it back to you, Burt.

22
23 And so going back to that ISER study, when
24 they did the initial sort of this is how we'll -- this is
25 the criteria we'll plop in, and it'll come out either rural
26 or urban, Ketchikan actually fared fairly well. They met
27 two of the three criteria, and the one criteria they could
28 not meet was demonstrating their use of fish and wildlife.
29 And I want to bring this up to the Council and to the
30 Public, because it's sort of a Catch 22. You get data on
31 your use of fish and wildlife from basically ADF&G,
32 Division of Subsistence, but those are data collected for
33 rural communities. So if you are a rural community, you
34 have access to the personnel to collect this kind of data.
35 Funding is a total different issue.

36
37 But if you're an urban community, you don't
38 have access to the kind of researchers that will collect
39 that kind of data, and so the numbers read low when you
40 look at it. But in my opinion, and in the opinion of many
41 people in Ketchikan, that data is not adequate. I mean,
42 it's old, it doesn't represent the actual use, and there
43 isn't anybody that's dedicated from the Federal or the
44 State level to assist KIC in this effort of even pulling
45 together information on how much these resources are used.
46 At that round table discussion that ISER held in Ketchikan,
47 every single person there, whether they were a commercial
48 fisherman or an administrator, said that they were a rural
49 resident that used subsistence fish and game.

50

1 And so KIC and Ketchikan should not be
2 dinged because they don't have good data there when they
3 don't have personnel dedicated to assist them. And we need
4 to figure out how we can get that kind of information and
5 help KIC, who has one person who has no basic background in
6 this kind of information who's going to try and pull things
7 together in six months. That just isn't right. And so we
8 need to figure out how we can support them, and see if we
9 can shake somebody loose from Forest Service or Fish and
10 Wildlife Service or BIA or whoever to help them start
11 gathering data. And the efforts that they have collected,
12 the letters that they've gotten, have simply been almost
13 these two people in front of us. And one staff member who
14 has just started who I'm sure it's not her full-time job.
15 And so it is an uphill battle for Ketchikan, and whatever
16 we can do and however we can offer, we need to figure out
17 and go forward.

18
19 Thank you.

20
21 CHAIRMAN LITTLEFIELD: Mr. Adams.

22
23 MR. ADAMS: Thank you, Mr. Chairman.

24
25 Let me just share some concepts with you
26 that I think you can use as a tool to help you, you know,
27 get what you need. To me, I think the big hurdle that we
28 have to overcome here is the population issue. That is a
29 Federal law. And in order to, you know, change that, it's
30 going to take some doing.

31
32 Now, let me share with you a concept that
33 I think that you can use. Look into the Declaration of
34 Independence, where it says that we were all created equal
35 in the eyes of the Creator. And that among these are the
36 protection of our lives, our liberties and our pursuit of
37 happiness. This pursuit of happiness thing, you know,
38 deserves a little bit of interpretation here. In order to
39 have happiness in our lives, we have to have, you know, the
40 necessities, you know, food, shelter, clothing. And I
41 think you can use that as a basis of all of the things that
42 you're trying to put before us at this point.

43
44 The Declaration also says that, a sentence
45 or two right after that, that when the Government no longer
46 does these things, that is protect our lives, our
47 liberties, and our pursuit of happiness, then it is up to
48 us as Americans to either alter or abolish that government,
49 and to start up a new one based on those very same
50 principles. And that is the protection of our lives, our

1 liberties, and to guarantee us our pursuit of happiness.

2

3 I don't think that we need to abolish our
4 Government right now. Probably won't ever have to. But we
5 can do a lot of altering. And one of the basic principles
6 that I think the founding fathers and our forefathers
7 practiced was the fact that we can benefit from the
8 resources of our lands. That's a guarantee that the
9 governments are supposed to provide for us. They're not
10 supposed to take things away from us. They're supposed to
11 guarantee us these resources.

12

13 Now, the Creator gave these resources to
14 us, and he also manifested that we need to be good stewards
15 of these resources, that if we over-use them, that we abuse
16 them, then they are going to be naturally taken away from
17 us. And so I hope maybe that as you go through this
18 process that you will use these tools to help you achieve,
19 you know, your goal of receiving, you know, rural status
20 and being able to go back to your subsistence lifestyle.
21 If you need any more information, I'll be happy to talk
22 with you individually about these. So thank you.

23

24 MS. HAWKINS: Thank you. Can I make one
25 more comment?

26

27 CHAIRMAN LITTLEFIELD: Go ahead, Merle.

28

29 MS. HAWKINS: Yeah, I did have a question,
30 because I'd read somewhere that -- or heard somewhere that
31 the population methodology is not in ANILCA. It was the
32 Federal Subsistence Board. So if I could get clarification
33 on that, and if there's some way to change that, we'd work
34 on that, whatever it takes to get our goal.

35

36 Thank you.

37

38 CHAIRMAN LITTLEFIELD: Just in answer to
39 that, rural is in ANILCA, and the numbers, the 2500 and
40 7,000 are a regulatory interpretation of that law.

41

42 MR. SANDERSON: Thank you, Mr. Chair. I'd
43 like to reflect on Dr. Garza's comment about our committee
44 at KIC. Yes, KIC's a large tribe. We're the second
45 largest tribe in the State.

46

47 Our subsistence committee, we have three on
48 our committee, and all the things that we're talking about
49 here today, rural/non-rural, herbicidal spraying, there's
50 a broad -- there's a whole bunch of issues that we're

1 dealing with at council level -- at our committee level,
2 and we don't have the staff to take on these
3 responsibilities that we're trying to push forward at KIC.
4 Granted, we have -- we're the fourth largest employer in
5 Ketchikan. Right now I would have to say that we're not
6 really tribally motivated, and that's Merle's big dream,
7 and mine, is to go ahead and identify a source of funding
8 to go ahead and hire some people to help us work in this
9 area here. So the work that Merle does and that I do and
10 another council member does, it should be like a full-time
11 job for some people.

12
13 So, granted we have an uphill battle. And
14 there's a lot of other things that we're fighting for at
15 KIC. To get a couple of staffers to help us out would be
16 great. So just to let you guys know that a lot of this
17 work does come from the committee with no outside help. We
18 just have to go out and get it ourselves.

19
20 Thank you.

21
22 CHAIRMAN LITTLEFIELD: Other Council. And
23 I recognize that a lot of work has gone into this by both
24 Ms. Hawkins and Mr. Sanderson, and we know full well that
25 it's an uphill battle. Ketchikan has a battle.

26
27 But I would ask you to summarize your --
28 just like we did for Saxman. They did not want to be on
29 the list, but I think your request is that you be on the
30 list. So if you could just summarize the actions that you
31 would like the Council to make recommendations on.

32
33 MS. HAWKINS: Yeah, KIC would like a
34 hearing on this so we could be on the list to be considered
35 having rural status, because we can definitely prove that
36 we have customary and traditional use of our resources of
37 the area, and so that's -- I think that's where we need to
38 start is -- and then we'll compile all the information, all
39 the resolutions and letters and everything that we have.

40
41 CHAIRMAN LITTLEFIELD: Any other Council.
42 Dr. Garza.

43
44 DR. GARZA: Mr. Chairman. So first KIC has
45 submitted a letter requesting a formal hearing in
46 Ketchikan. That was done by Dave Landes and your
47 subcommittee in March or something?

48
49 MS. HAWKINS: Yes, that's part of the
50 resolution.

1 DR. GARZA: Okay. So then we as a Council
2 need to support that request, because they have not heard
3 back from anybody.

4
5 Secondly is that, I guess I'll continue to
6 call it a hit list, that hit list of 10. I think number 9
7 refers to Ketchikan, and so we want to have Ketchikan City
8 and Borough included in that number 9, so that they can be
9 considered for rural status. And that's the second
10 request?

11
12 MS. HAWKINS: Yes.

13
14 DR. GARZA: And then third, I'm sort of
15 inferring from hearing just recently from Mr. Sanderson,
16 but also from you that if we can support your effort to get
17 any kind of Staff from any Federal agency to assist you in
18 the next couple months, you would gladly -- you would be
19 glad for that?

20
21 MS. HAWKINS: Yeah, that would be very
22 helpful.

23
24 So I do have a copy of that resolution. We
25 should get copies of that to the Board. I'll have your
26 Staff person do that.

27
28 CHAIRMAN LITTLEFIELD: Other questions, or
29 do you have any final comments?

30
31 MR. SANDERSON: I have nothing at this
32 time. I'd just like to say gneesh-shee-halla (ph) to you
33 guys, and appreciate your guys time very much.

34
35 Thank you.

36
37 CHAIRMAN LITTLEFIELD: Aaa (ph). Okay.
38 Are there any other members of the public that want to
39 testify on rural determination?

40
41 (No comments)

42
43 CHAIRMAN LITTLEFIELD: Okay. We have a
44 request from the Sitka Tribe of Alaska, from Robby Craig,
45 who's the deputy manager, that a resolution which was sent
46 by fax be read into the record, and Ms. Hernandez will do
47 so. Go ahead.

48
49 MS. HERNANDEZ: This is Sitka Tribe of
50 Alaska, Tribal Council Resolution, 2005, Number 46. It's

1 entitled Federal Subsistence Board travel to Sitka.

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Whereas the Sitka Tribe of Alaska is a Federally recognized tribal government for more than 3,800 enrolled tribal citizens in Sitka, Alaska, organized under the Indian reorganization Act of 1934, as amended; and

Whereas the Sitka Tribe of Alaska is responsible for the health, safety, welfare and cultural preservation of its tribal citizens and the protection of their continued access to use the Sitka Tribe of Alaska's traditional territory; and

Whereas the Sitka Tribe of Alaska's traditional territory reflects the lands and waters historically and presently the stewardship responsibility of the Shee'ka Kwaan ans as such are composed of the western side of Baranof Island, the greater reaches of Peril Strait, southwestern portions of Chichagof Island, and the myriad of islands as well as the waters between these locations; and

Whereas located in the remote panhandle region of Alaska on an island that our ancestors named Shee and which today is known as Baranof Island, we do not have road access to any of the other small communities located on our large island; and

Whereas our ancestors selected this location for us to live so that we could feed our children by hunting for deer, mountain goat and marine mammals, by fishing for salmon, rock fish, halibut, trout, herring, herring eggs, and other species of fish while also gathering seaweed, berries, and medicinal plants, other traditional foods such as birds, bird eggs, as well as natural materials to create the traditional art work of our tribal people; and

Whereas the practice of harvesting our

1 customary and traditional foods is of
2 vital importance to the physical and
3 spiritual health of the Sitka tribal
4 citizens; and
5

6 Whereas our traditional foods are the
7 backbone of our customary ceremonies where
8 we pay our respects to our ancestors, and
9 we share our tribal history with our
10 children; and
11

12 Whereas in 1996 the Sitka Tribe of Alaska
13 collaborated with the Alaska Department of
14 Fish and Game's Division of Subsistence on
15 a random household subsistence use survey
16 utilized to illustrate our community's
17 rural character, titled Methods for
18 Rural/Non-Rural Determinations for Federal
19 Subsistence Management in Alaska, Final
20 Report, Analysis and Recommended
21 Methodology, a report commissioned by the
22 U.S. Fish and Wildlife Service and
23 researched by the Institute of Social and
24 Economic Research at the University of
25 Alaska;
26

27 Whereas in a community such as Sitka, with
28 a high rate of seasonal employment, and
29 the limited number of full-time jobs, our
30 community's economic reliance on
31 traditional foods may not be understood by
32 others; and
33

34 Whereas our people have welcomed and
35 treated kindly our non-native neighbors
36 and we do not think that any of us living
37 in Sitka want our community to lose the
38 rural designation due to population size
39 when so many individuals in our community
40 practice a customary and traditional
41 subsistence lifestyle.
42

43 Now therefore be it resolved the Sitka
44 Tribe of Alaska strongly believes that
45 Sitka is a rural Alaskan community in
46 character and history and in our modern
47 reliance and continued cultural use of
48 traditional foods.
49

50 Now therefore be it further resolved the

1 Sitka Tribe of Alaska respectfully
2 requests that the Federal Subsistence
3 Board travel to Sitka, Alaska to
4 experience our community and to hold
5 public hearings regarding the review of
6 Sitka's rural community status.

7
8 CHAIRMAN LITTLEFIELD: Thank you. Are
9 there any other members, public testimony. We'll put that
10 in the record, it's read into the record, but I'd like to
11 have the facts on it.

12
13 Any other members like to testify on that?
14

15 Again, I would remind everyone that the
16 Council is going to consider this under item 16, at which
17 time we will open up public testimony again. If anybody
18 wants to testify at that time, you still have the
19 opportunity to do so before we go into deliberations.

20
21 Let's take a short break.

22
23 (Off record)

24
25 (On record)

26
27 CHAIRMAN LITTLEFIELD: Call back to order.
28 A couple of little changes here. Number 1 is we are agoing
29 to allow Mr. Mike Turek from the Department of Fish and
30 Game, this would be item 16.E., to make a presentation now,
31 because it includes some information that's germane to the
32 rural determination process that he's been asked -- that
33 others, Lee Wallace and others asked for information, and
34 I believe Mr. Turek can provide that, so it makes sense to
35 consider that right now.

36
37 We also have another item 16 -- that's
38 going to be moved to sometime today, and I don't know
39 exactly when, and that would be the BLM presentation by
40 Taylor Brelsford. He had to leave tomorrow, so sometime
41 today we are going to make an attempt to move 16.D. up.

42
43 So at this time, Mr. Turek, you have the
44 floor.

45
46 MR. TUREK: Thank you, Chair. Good
47 morning, Chair and Council members. Thank you for taking
48 this time to let me do a brief report to the RAC. I'm
49 leaving tomorrow morning on a northbound flight for a
50 meeting with my new director in Juneau, and then Friday

1 morning going up to Anchorage for the Alaska Native Harbor
2 Seal Commission 10th anniversary meeting. So that's why
3 I'm leaving early.

4
5 Well, I can start off with some information
6 about the rural review that you've just been discussing.
7 I've already been in contact with Robbie Craig of the Sitka
8 Tribe and sent her some information on our data for Sitka.
9 And we can also work with, excuse me, the Organized Village
10 of Saxman and with KIC on this.

11
12 Briefly, we do have data for both Sitka and
13 Saxman. Quite a bit of data for Sitka. We have the 1987
14 Truck's household survey data, and then the 1997 household
15 survey data that we did in Sitka. WE have 12 years of
16 harbor seal harvest data for the Community of Sitka, and
17 two years of subsistence herring egg harvest and use data.
18 We will have two years of subsistence halibut data by
19 December of 2005. We have 2003 data now in. We will have
20 the 2004 data by December 2005. So we have a pretty good
21 data set for subsistence, and so we can work with STA on
22 putting this material together.

23
24 For Saxman we also have some pretty good
25 subsistence data. We have the '87 Truck's and our 2000
26 household survey data. Again 12 years of subsistence
27 harbor seal survey data, and two years of the halibut data.

28
29 For Ketchikan, we have limited subsistence
30 specific data. We have the harbor seal data, and we will
31 have two years of subsistence halibut data. We could
32 probably also look at some of the data that the Department
33 has, in particular the deer harvest data, and we could
34 probably take a look at that and put that information
35 together for KIC.

36
37 The one issue that we have, one problem we
38 have is lack of State general funding for our staff, so if
39 there's any possibility of getting some support from either
40 the Forest Service or OSM to do this work with the tribes,
41 that would be -- that will help quite a bit.

42
43 I can continue with a brief report if you'd
44 like me to at this time, or I can -- okay. Then I'll just
45 do that.

46
47 I brought in a couple of posters. One is
48 the sustainable -- traditional principles of sustainable
49 salmon harvest for Prince of Wales Island, and that has to
50 do with Nancy Ratner's work in Klawock, in Craig. And then

1 I also brought in another poster, I believe I brought at
2 the last RAC meeting, of the Prince of Wales Island
3 steelhead report. And I also distributed smaller posters
4 to everybody here on the Council.

5
6 And, Mike, if you'd like to take that
7 poster, the larger poster, the POW steelhead poster back
8 with you to Craig to give to the Craig IRA to put up, that
9 would be great.

10
11 So I've submitted the final report for the
12 Prince of Wales Island steelhead project to FIS. And we've
13 also submitted final reports for the Klawock project, the
14 Kake subsistence salmon project, the Hoonah project, and we
15 will be submitting a final report of the Wrangell project
16 in probably the next couple months.

17
18 Presently we're working with Sitka Tribe of
19 Alaska on two FIS projects, a subsistence TEK data base
20 project and a subsistence salmon project.

21
22 One thing I forgot to include in that data
23 set for Sitka, what we will have by spring of 2006 is some
24 recent subsistence salmon data from Sitka. We're going to
25 be doing a subsistence salmon survey in Sitka this winter
26 for 2005 data. And we'll also be including Dolly Varden,
27 trout and steelhead harvest data. And the plan on that is
28 that we're going to take and do a random selection of
29 probably about 300 households in Sitka, and do a survey,
30 and our universe, the households that we're selecting from
31 are the people that have gotten subsistence salmon permits
32 in Sitka. And so we'll be doing face-to-face surveys,
33 asking about subsistence salmon harvest, and also Dolly
34 Varden, trout and steelhead harvest, so that will be some
35 more data for Sitka. We should have that data ready in
36 time for the 2006 December Board meeting.

37
38 Subsistence halibut surveys. We've just
39 gotten preliminary data from the 2004 SHARC survey
40 statewide. Again, Southeast is -- has harvested the most
41 halibut, and there has been an increase, I believe about 20
42 percent increase of SHARC in 2004. And the harvest is
43 about -- a little bit higher than it was in -- at least to
44 this point in the preliminary data, than it was in 2003.
45 And I could give you a little more preliminary information
46 if you'd like on that. And I can do that before I leave,
47 if you'd like.

48
49 Subsistence harbor seal and the seal lion
50 surveys. Twelve years of surveys and the last 10 we've

1 worked with the Alaska Native Harbor Seal Commission on
2 this. And as I mentions, I'll be going to their 10th
3 anniversary meetings in Anchorage this coming weekend.
4 This year a little bit different in Southeast in that the
5 Alaska Native Harbor Seal Commission will be overseeing the
6 hiring and supervision of the local harvest monitors, seal
7 harvest monitors, and Matt Kookesh will be doing that
8 through the Southeast Alaska Native Fish and Wildlife
9 Commission. So Matt will be continuing with the project,
10 and we'll be working with him, but he'll be doing it --
11 contracting with the Harbor Seal Commission directly
12 through the Alaska Native Fish and Wildlife Commission.

13

14 I think that's all I have unless you'd like
15 to briefly discuss the preliminary 2004 halibut data.
16 Okay.

17

18 We will have a draft for public review
19 report ready probably by the middle of November with the
20 data. So that will be coming to you sometime in November
21 to take a closer review of. But at this time, we don't see
22 any surprise. There's no great surprises. There's a
23 consistent pattern of harvest statewide.

24

25 In 2004 there were 14,000 SHARCs. That's
26 approximately a 20 percent increase of fishers from 2003.
27 So people are still signing up for SHARCs.

28

29 Estimated harvest for 2004 was about -- was
30 15 percent more than 2003, 1.2 million pounds, which is
31 below the estimated increase, due to the increase in
32 fishers. So there's no dramatic increase in harvest.

33

34 Statewide, 62 percent of the surveys were
35 returned, which is a very high number for a voluntary mail
36 return survey. And Southeast was very high. In
37 particular, Sitka was very high, 90 percent of the SHARCs
38 returned from Sitka. And one reason for that is because we
39 worked with the Sitka Tribe, and they hired people to go
40 out and follow up on people that didn't return their
41 SHARCs, and so that brought up -- the Sitka Tribe itself,
42 the tribal SHARCs, 92.1 percent of those were either
43 returned or through contact with the local researcher, so
44 that was very good.

45

46 Rock fish, it's still a relatively small
47 harvest compared to sport and commercial harvest, but it
48 appears to be out-pacing halibut harvest. In other words,
49 it's increasing at a higher rate than the halibut. It went
50 up about 28 percent statewide, and most of this harvest was

1 in Southeast. We're presently discussing a proposal for
2 doing some more work, specifically for subsistence rock
3 fish harvest in Southeast. And we may be able to get
4 funding to do that.

5
6 Let's see. One other thing I can mention
7 to you is the Board of Fisheries in Southeast, meetings in
8 Southeast this coming January and February. And January 20
9 -- both of the meetings, it's going to be two different
10 meetings, and both of the meetings are going to be in
11 Ketchikan. And January 22nd through February 1st is the
12 Board of Fishery meeting in Ketchikan which will be
13 addressing Southeast and Yakutat fin fish, except ground
14 fish, proposals. Public comment deadline will be January
15 6th, 2006. And from February 20 to 26 it's going to be
16 again in Southeast, a second meeting, and that's Southeast
17 and Yakutat ground fish, dungeness crab, shrimp and
18 miscellaneous shell fish. And the comment deadline for
19 that is February 6th, 2006.

20
21 The Department has submitted a proposal to
22 the Board meeting, the first meeting in January for the --
23 concerning the customary and traditional use of subsistence
24 fish stock, the amount necessary for subsistence, and if
25 you'd like, I can briefly go through that right now.

26
27 Review and update of the amount reasonably
28 necessary for subsistence, ANS, of salmon in Southeast
29 Alaska and Yakutat. Reviews are requested whenever needed,
30 and we felt that it was needed at this time to review that.
31 And we did that because the last time that the Board looked
32 an ANS for salmon in Southeast Alaska was in 1989, and at
33 that time the Board established ANS for Southeast Alaska,
34 but it's what we refer to an administrative ANS finding.
35 It wasn't in regulation. So if you look at our regulation
36 book right now, there is no ANS finding for Southeast
37 Alaska, but there was a process that the Board went
38 through, and they made an administrative finding.

39
40 And what they came up with was the Board
41 established an ANS range of 21,000 to 34,000 salmon for
42 Southeast Alaska, and for the Yakutat area 1,200 to 3,000
43 salmon. And these findings were based on available permit
44 data at that time, which was biased low due to under and
45 nonreported harvest, so it was a very low number they were
46 using. And also these findings were made for such large
47 geographic areas, Yakutat and all the rest of Southeast,
48 that they were not really useful when examining harvest
49 rates for our small local sockeye runs in Southeast.

50

1 So what we did is we put together material
2 for what we thing is a better way to approach this in
3 Southeast Alaska. And what we did is we looked at the
4 existing permit data from 1996 to 2003, and permit data is
5 based on yearly collected permit data by stream and river
6 system. And the estimations we still feel are bias low due
7 to under and nonreporting. Household harvest survey data
8 collected by the Department provides a more accurate
9 estimate of the amount of salmon caught for personal
10 consumption, but this kind of data is not collected on a
11 yearly basis, and most of the data has not been collected
12 by stream or river system.

13
14 So we developed a system using permit data
15 expanded to the non reported permits to recommend ranges
16 for new ANS findings for salmon harvested under subsistence
17 regulations. So the recommended ANS ranges we came up with
18 were based on the six fishery management areas in Southeast
19 Alaska: Yakutat, Haines, Juneau, Sitka, Petersburg and
20 Ketchikan management areas. And the ANS findings are based
21 on management areas -- we believe ANS findings based on
22 management areas will be more meaningful and useful to
23 management than findings for the entire region. And based
24 on the harvest data from '96/2003, possible ranges for six
25 management areas may be 5800 to 7,832 for Yakutat, 7,174
26 salmon to 10,414 for Haines, 4,178 salmon to 10,133 salmon
27 for Juneau, 10,487 to 20,225 salmon for Sitka, 4,120 to
28 7,345 salmon for Petersburg, and 9,086 to 17,503 for
29 Ketchikan. And some of those management areas are broken
30 up into smaller areas, in particular the Juneau management
31 area is broken up into the Angoon and Hoonah areas.
32 Petersburg management area is broken up into the Petersburg
33 subsistence area, Wrangell subsistence area and the Kake
34 subsistence area. And the Ketchikan management area is
35 broken down into the Kasaan subsistence area, and the
36 Craig/Klawock/Hydaburg subsistence areas. So that's the
37 proposal that the Department put together that the Board
38 will be addressing at the meeting in January. And that's
39 the proposal that I'll be doing the most work on.

40
41 CHAIRMAN LITTLEFIELD: Ms. Phillips.

42
43 MS. PHILLIPS: Thank you, Chairman
44 Littlefield.

45
46 Dr. Turek, what is the aggregate total for
47 Southeast Alaska?

48
49 MR. TUREK: The aggregate total for these
50 areas that I mentioned, the six management areas range from

1 48,800 -- or, excuse me, 46,824 to 70,041. So it's quite
2 a bit higher than the '89 data. And the data is used by
3 managers to manage the fisheries, and the number you really
4 want to -- the important number in the range is the lower
5 number. If that number is not reached, that lower number of
6 the range, then that means there's something -- there's a
7 problem, and the managers have to address it. There's no
8 cap. This isn't -- the upper end isn't a cap. This is a
9 range for management purposes, so the significant number is
10 the lower one. There's nothing in regulations limiting the
11 subsistence fisheries to a certain number.

12

13 So this is primarily for managers to use to
14 manage the fisheries, and so they'll see a red flag when
15 one comes up if that lower number is not reached in the
16 yearly harvest.

17

18 CHAIRMAN LITTLEFIELD: Council, questions.
19 I have a question. These numbers, they're pretty broad
20 ranged, and I've been involved with them when we did the
21 herring survey, and I know that if you miss a few people,
22 you're in big trouble, and these numbers, they don't get
23 the people who fish with a rod and reel, and those fish are
24 actually subsistence taken fish in my opinion, because, you
25 know, almost all of those fish are taken home and eaten
26 whether caught by rod and reel. You don't catch the -- you
27 don't capture the numbers here. I think there may be a
28 factor, you know, by half they're off or something like
29 that. They seem really low to me. I know years ago I made
30 a subsistence set myself where we had 3,000 pinks in it, in
31 one set, you know, that I made. And we distributed that
32 throughout the whole village. So if you missed me that
33 year, you would have missed a bunch.

34

35 So what did -- how did you gather that
36 data, and we would like to -- I think the Council would
37 like to have their hands on that data that you used to
38 compile the numbers from Southeast and Yakutat. And maybe
39 you could just expand on this a little bit, because, you
40 know, we're charged with doing a similar type deal,
41 subsistence use amounts.

42

43 MR. TUREK: Chair and Council members.
44 That data is based on permit data. You're correct, we're
45 not including any kind of household survey data in this
46 estimate. It's based on permit data that's been expanded,
47 and that's the way the division deals with subsistence
48 salmon fisheries in Southeast. And we come up with a
49 yearly report which is partially funded by FIS, a
50 subsistence fisheries report, and that's how we're coming

1 up with that data, is using the subsistence fisheries
2 report, permit data and then -- which is expanded to
3 permits that were not returned. So that's the best
4 available data that we have, that the Department was most
5 comfortable with presenting to the Board for this exercise.
6

7 CHAIRMAN LITTLEFIELD: Does the information
8 include the new coho fishery? In other words, the Federal
9 system accepted a coho fishery in Yakutat a few years ago,
10 and subsequent to that the Board of Fish adopted a coho
11 fishery with 20 fish -- I think it's 20 daily and a 40
12 annual household limit, which should have captured a lot of
13 these numbers, but it's relatively new. And do these
14 numbers have that coho fisher in there?
15

16 MR. TUREK: Chair and Council. This data
17 set will have those numbers in it, but like you said, it's
18 relatively new the last couple of years. So the numbers I
19 read off to you are based on 1996 to 2003. I'm hoping to
20 have the data for 2004 to include in this presentation to
21 the Board of Fisheries in January, which would have that
22 coho data.
23

24 CHAIRMAN LITTLEFIELD: Is it possible that
25 you could share that with the Council, that data when it
26 come in? I think we'd like to look at that.
27

28 MR. TUREK: Chair and Council. Yes, I can.
29 When I get my final report and present it for the Board
30 book, then I'll be able to present it to you.
31

32 CHAIRMAN LITTLEFIELD: Are there questions
33 for Mr. Turek, or comments.
34

35 (No comments)
36

37 CHAIRMAN LITTLEFIELD: Okay. We've -- are
38 there any other issues in the Board of Fish book that you
39 think are pertinent to the Subsistence Council? You know,
40 this is one of them that comes up. There are some other
41 ones. We've asked for all of those to be made available to
42 us. Are there any that you think that we should be looking
43 at specifically?
44

45 MR. TUREK: Council and Chair. There are,
46 and I can get that material together to you and send that
47 to you through Bob Schroeder. I could give it to you
48 preliminary, but I'd rather wait and do a little more work
49 and give it to you in a little clearer presentation.
50

1 MS. SEE: Mr. Chair. This is Marianne See.

2

3 There also is a specific issue of direct
4 interest to the Board about the Stikine, and we can discuss
5 that either now or at the pleasure of the Council later on
6 in agency reports, or in the Board of Fish section,
7 whatever you prefer.

8

9 CHAIRMAN LITTLEFIELD: I think we should do
10 that later in order, but I'd like to have from the Board of
11 Fish, Mr. Turek, if you could give us what pertains to
12 Southeast/Yakutat area, has to do with subsistence, as well
13 as the discussion on the Stikine subsistence fishery, we
14 could take that at a later time and be prepared. I'd like
15 to have that information for the Council to review ahead of
16 time.

17

18 MR. TUREK: Chair. Council. Yeah, I
19 should be able to that. I brought that material with me,
20 and I can briefly tell you which proposals I flagged as of
21 concerns to subsistence.

22

23 CHAIRMAN LITTLEFIELD: Mr. Casipit.

24

25 MR. CASIPIT: Yeah. The Federal Staff has
26 some recommendations as to proposals you might want to look
27 at as well, and that's -- we're on number 14 for that.

28

29 CHAIRMAN LITTLEFIELD: Okay. When we get
30 to 14, if anything catches anybody's eye in the Board of
31 Game or the Board of Fish, and that you think this Council
32 should look at, whether it be Federal Staff or members of
33 the Council or State, if you think it's something worthy,
34 I'd like to make sure that we get a record -- get some
35 discussion on it if we can.

36

37 Other council. Ms. Phillips.

38

39 MS. PHILLIPS: Chairman Littlefield. I'm
40 curious how can we as a Council address the lack of general
41 funds available for the Subsistence Division. How can we
42 show our -- a show of support for funds to address these
43 subsistence harvest reports.

44

45 CHAIRMAN LITTLEFIELD: Maybe Dr. Schroeder
46 could -- there's some rules of who we can and can't send
47 letters to directly. I believe we can address the Board of
48 Game and Board of Fish directly, but probably not the
49 Legislature for funding. I mean, you could clarify what we
50 can or can't do there.

1 DR. SCHROEDER: Thank you, Mr. Chair.
2
3 The Council can support activities that are
4 done by the Division of Subsistence, Fish and Game. The
5 Councils are specifically ordered not to lobby the
6 Legislature for funding. So we have a fine line there of
7 being able to say that we really support activities that
8 are done, but funding decisions remain in the political
9 arena.
10
11 CHAIRMAN LITTLEFIELD: That's one that we
12 have to be careful of on our correspondence policies.
13
14 Are there other Council.
15
16 (No comments)
17
18 CHAIRMAN LITTLEFIELD: Okay. Thank you.
19 And I take it, Ms. See, you'll be available later on on the
20 other part.
21
22 MS. SEE: Yes.
23
24 CHAIRMAN LITTLEFIELD: Thank you for your
25 testimony and report, Mr. Turek. Have a good, safe trip.
26 It looks like your weather is improving.
27
28 DR. GARZA: Mr. Chairman.
29
30 CHAIRMAN LITTLEFIELD: Dr. Garza.
31
32 DR. GARZA: If we are back to the agenda on
33 proposals, I would move that we reconsider Proposal 23,
34 recognizing Gustavus customary and traditional use of
35 various fish species in Sections 14(B) and 14(C).
36
37 CHAIRMAN LITTLEFIELD: There is a motion to
38 reconsider previous action on Proposal 23. Is there a
39 second.
40
41 MR. KITKA: Second.
42
43 CHAIRMAN LITTLEFIELD: It's been moved and
44 seconded to reconsider our action on Proposal 23. If we
45 vote in favor of this, what it will do, it will bring back
46 Proposal 23 as if no action was taken. And we had held a
47 vote yesterday in which it was opposed.
48
49 Under discussion, several things came up
50 during the meeting that we didn't flesh out enough. In

1 other words, the other communities within 14(B) and 14(C),
2 and we found out that Staff was directed not to address
3 those, because they were to address the Gustavus request.
4 And we feel that this proposal should have included,
5 because it's a C&T designation, and in past -- conformance
6 with the Federal Subsistence Board action should have been
7 as inclusive as possible to all the communities in 14(B)
8 and 14(C).

9
10 So if this reconsideration were to be
11 accepted, we would make sure that the record is clear that
12 we would request staff to prepare a SERAC generated
13 proposal for the next fisheries cycle that will address the
14 Gustavus request as well as all of the other communities in
15 14(B) and (C), which would include Pelican, Elfin Cove,
16 Excursion Inlet, Gustavus. In other words -- and those
17 residents that live in the outlying areas. All of those
18 communities.....

19
20 DR. GARZA: And Hoonah.

21
22 CHAIRMAN LITTLEFIELD: And Hoonah, of
23 course. They should all be included in this and presented
24 in a form that makes the case. It's very similar to what
25 we did last year when we were discussing the Stikine. We
26 had a report that included the customary and traditional
27 use of the Tlingit tribes that was delineated in the
28 Goldsmith Haas report. All of those things probably should
29 have been included in this proposal, and that would be --
30 and that's my understanding of the request for
31 reconsideration, that the record should show that we want
32 to replace that proposal with one that the SERAC will
33 generate that will include all of those things, and if the
34 recommendation for reconsideration is accepted, the next
35 action would be to -- of course, that would bring 23 back
36 to the -- back onto the table, and the next action would be
37 that we recommend the Board table Proposal 23 until we can
38 complete our action next year on this and do it correctly.

39
40 So is there further discussion. That's my
41 interpretation of what we're doing here, but is there any
42 discussion on the motion to reconsider. Mr. Wright.

43
44 MR. WRIGHT: Mr. Chairman. You're talking
45 14(B),14(C), but 14(B) and 14(C) does not include Elfin
46 Cove and Pelican. 14(B) runs up to Lemishore (ph). So if
47 we're going to reconsider, we have to go with 14, not
48 just.....

49
50 CHAIRMAN LITTLEFIELD: I agree. It should

1 be -- to be clear, it should be District 14 would be
2 inclusive of all of those communities, is that correct?

3

4 MR. WRIGHT: That's right.

5

6 CHAIRMAN LITTLEFIELD: Okay. I believe
7 that should be made clear to the Council, that District 14
8 is what we're looking at. And if you look at the C&T
9 designations, that's what they talk about right now is
10 District 14, and 14(B) and (C), but we can make this for
11 all of 14 should be considered. I think that's clear.
12 Without objection, we would order them to do that.

13

14 Is there any other discussion on the motion
15 to reconsider. Ms. Phillips.

16

17 MS. PHILLIPS: Thank you, Chairman
18 Littlefield.

19

20 Mr. Wright brings up a question in my mind,
21 and 14 goes from Bingham to Spencer it looks like, but the
22 traditional territory of the Huna Indians goes to 13. So
23 I think we should include that in any.....

24

25 CHAIRMAN LITTLEFIELD: I probably didn't
26 make that clear enough. That what I said is we wanted a
27 proposal crafted similar to what we did on the Stikine last
28 year, and the Stikine overlaps some districts, just like we
29 recognize the Huna Tlingit went into District 12, and
30 that's in this analysis, that they would go into 12. We
31 also recognize that they would go down into 13. All of
32 those should be included in this analysis, the traditional
33 area that they use should all be recognized in the SERAC-
34 generated proposal.

35

36 Other discussion on the motion to
37 reconsider. Mr. Kookesh.

38

39 MR. KOOKESH: Mr. Chairman. Does that mean
40 that we're going to be contacting Elfin Cove and Pelican,
41 the affected.....

42

43 CHAIRMAN LITTLEFIELD: I believe by
44 noticing this when we -- all of those communities should be
45 put on record that this proposal will affect them. And I
46 don't know exactly how we do that, whether we contact them.
47 Dr. Schroeder, do you have any comments how we do that.

48

49 DR. SCHROEDER: Mr. Chair, I think given
50 our discussions, the intention would be that the

1 communities would be contacted and that their input would
2 be solicited so that these proposals would reflect the
3 community interest. And since we have Ms. Phillips from
4 Pelican, I believe she wished Pelican to be considered for
5 a C&T use so we've already contacted at least one person,
6 the mayor, the standing mayor and long-time mayor and
7 community activist of that community. Mr. Wright could
8 speak for the community of Hoonah, and we already have the
9 proposal from a resident of Gustavus. So the answer would
10 be, yes, we would contact the communities.

11
12 CHAIRMAN LITTLEFIELD: And we'll just make
13 sure that that's part of the directions in this, that all
14 of those communities and residents be notified by some
15 method. Ms. Phillips.

16
17 MS. PHILLIPS: I'm curious about the
18 parliamentary procedure. We're considering, so then it
19 will bring it back on the floor, and then we can have more
20 deliberations, or are we having the deliberations now?

21
22 CHAIRMAN LITTLEFIELD: The motion to
23 reconsider, if accepted, would bring Proposal 23 back
24 before us exactly as if we had taken no votes, so we could
25 continue to discuss Proposal 23 if you wish. My
26 recommendation would be that we table it, because we've
27 already had the discussion on it, which we found was
28 somewhat lacking. That's why we're sitting here today, so.
29 But it opens it up, 23 can be discussed.

30
31 Other Council.

32
33 (No comments)

34
35 CHAIRMAN LITTLEFIELD: Are you read for the
36 question on the motion to reconsider. The motion before
37 you is to reconsider the previous action on Proposal 23.
38 All those in favor of reconsidering, please signify by
39 saying aye.

40
41 IN UNISON: Aye.

42
43 CHAIRMAN LITTLEFIELD: Those opposed, same
44 action.

45
46 (No opposing votes)

47
48 CHAIRMAN LITTLEFIELD: The motion is
49 adopted. Proposal 23 is before the Council right now, and
50 for the record my notes show that the language on Page 64

1 was Proposal 23, and that is before you at this time. And
2 Council can dispense with this motion in any way they see
3 fit. It's back on the floor.

4

5 Dr. Garza.

6

7 DR. GARZA: Mr. Chairman. Thank you.

8

9

10 I did make the motion to reconsider
11 Proposal 23 for several reasons. First, several of us I
12 think were very uncomfortable in the vote that we took, in
13 realizing that Gustavus is rural, but that the data, the
14 substantial evidence that we have to meet was not there.
15 I think that if we vote that down, that that would send a
16 negative message to the community, and it may turn its back
17 on us, when in fact what we're hoping to do is to get
18 additional information from the community and perhaps from
19 Staff that would better testify their C&T request. So
20 that's my intent in asking for reconsideration of this
21 motion.

22

23 It can be a two-step process, Mr. Chair.
24 One, we can table this proposal and let them know that we
25 are submitting or would like to submit a proposal that
26 would be comprehensive for the District 14 as well as 13
27 and 12 if that's what it takes to determine the C&T uses
28 and patterns of the communities in that area.

29

30 CHAIRMAN LITTLEFIELD: That would be my
31 recommendation. But at this time there's discussion, and
32 before someone moves to table, which we cannot debate after
33 that goes on board, if there's other discussion that you
34 would like to make for the record on 23, now is the time to
35 do it, because it's on -- Ms. Phillips.

36

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

39

40 Based on our previous discussion after the
41 motion to reconsider, under eight factors for determining
42 customary and traditional uses, the Staff analysis stated,
43 these household surveys provide a description of
44 subsistence use patterns and document the strong
45 subsistence involvement for Gustavus. That's Page 69.

46

47 Then on Page 71, it says, the map data and
48 interviews were examined to determine where community use
49 was documented. I would have liked to have viewed those
50 data.

51

1 And it goes further to say, respondents
2 were asked to draw on mylar maps showing the areas they
3 personally used for different resource harvesting
4 activities. And these map data show use of all of District
5 14 by at least some of the community of Gustavus. The
6 intensity of use varies with use being more intense in
7 harvest areas closer to Gustavus and less intense in areas
8 distant from Gustavus. So it's confusing to me the level
9 of their harvest.

10
11 It would be good to interview other
12 communities affected within the Icy Straits corridor.

13
14 Additionally, there needs to be government-
15 to-government consultation with the Huna tribe by
16 culturally tolerant facilitator. There is mistrust, and it
17 is hard to explain, because the Huna people have been
18 burned over and over again by government policies. We need
19 to acknowledge that this is the traditional territory of
20 the Huna Indians, since we have an obligation to
21 distinguish, not extinguish ANILCA subsistence protections.

22
23 Through analysis to determine the Federally
24 qualified subsistence user and the area in which they have
25 traditionally hunted or fished to protect subsistence uses
26 by qualified subsistence rural residents, I will support
27 opening up this proposal and expanding its C&T
28 determination analysis.

29
30 Thank you.

31
32 CHAIRMAN LITTLEFIELD: Other Council
33 comments on Proposal 23.

34
35 (No comments)

36
37 CHAIRMAN LITTLEFIELD: Dr. Garza.

38
39 DR. GARZA: He's sort of bossy, Mary, I'm
40 over here. I'm not sure I appreciate that.

41
42 Mr. Chairman, I would move that we table
43 Proposal 23 and that will be followed by another motion.

44
45 CHAIRMAN LITTLEFIELD: There's a motion to
46 table 23. A second.

47
48 MR. STOKES: Second.

49
50 CHAIRMAN LITTLEFIELD: The motion to table

1 is not debatable. The motion before you is to table
2 Proposal 23. All those in favor please signify by saying
3 aye.

4
5 IN UNISON: Aye.

6
7 CHAIRMAN LITTLEFIELD: Those opposed same
8 sign.

9
10 (No opposing votes)

11
12 CHAIRMAN LITTLEFIELD: The motion to table
13 is adopted, and that will be our recommendation to the
14 Federal Subsistence Board is that they table this motion
15 with the background information provided to them that we
16 will prepare an all-encompassing and fully substantiated
17 proposal at the next fisheries proposal period, which is a
18 year from now.

19
20 At this time we will have some delicate
21 Haida training. You wanted the floor. Delicate Haidas.

22
23 DR. GARZA: They don't exist.

24
25 (Laughter)

26
27 DR. GARZA: So, Mr. Chairman, following
28 what you said, do we need that in the form of a motion?

29
30 CHAIRMAN LITTLEFIELD: For the proposal?
31 I believe the record should be clear enough that we intend
32 -- that Staff will generate that proposal for us, and I
33 guess, Dr. Schroeder, do you think that we've captured the
34 directions to the Staff to craft that proposal for the next
35 period?

36
37 DR. SCHROEDER: Mr. Chairman, I think the
38 record's quite clear. You'll have the chance to submit
39 that proposal at your next meeting, because the fishery
40 proposal period will be open at that time. So Staff will
41 have a draft before you, and you can modify it and send it
42 in as a Council proposal at that time.

43
44 CHAIRMAN LITTLEFIELD: Okay. So I don't
45 think we need a motion on that. I think our directions are
46 clear to Staff. We expect next year to see a full-blown
47 analysis of District 14 and those communities that are in
48 that area.

49
50 I have one -- some paper was given to me.

1 Apparently these are some lunch opportunities.

2

3 (Chairman goes over lunch options)

4

5 CHAIRMAN LITTLEFIELD: Okay. Well, let's
6 go back to business here on proposals. Proposal 25 is
7 going to be presented by Terry Suminski, and I'll let him
8 go through it. Terry, do page numbers, okay?

9

10 MR. SUMINSKI: Good afternoon, Mr.
11 Chairman. Council members. My name is Terry Suminski.
12 I'm a subsistence fisheries biologist in Sitka for the
13 Forest Service.

14

15 The analysis starts on Page 84 of your
16 book. And I'd like to draw attention that justification,
17 part of the justification was left out of your book. And
18 you'll find the full justification in your supplemental
19 materials.

20

21 MS. PHILLIPS: Which one are we on?

22

23 MR. SUMINSKI: Proposal 25. Does everybody
24 have a copy of that?

25

26 CHAIRMAN LITTLEFIELD: Okay. So everyone
27 on the Council needs to add that sheet that says number 3.
28 If they will put that in there so we have full record here.

29

30 Go ahead, Mr. Suminski.

31

32 MR. SUMINSKI: All right. Proposal FP02-35
33 was submitted by Mr. Mike Jackson of the Organized Village
34 of Kake.

35

36 MR. KOOKESH: Mr. Chairman, a question.
37 Burt and I are kind of wondering where the Bay of Pillars
38 is exactly. Can you tell us exactly where it is?

39

40 CHAIRMAN LITTLEFIELD: Mr. Casipit, we have
41 the handout that has -- could you tell us where we're
42 supposed to be?

43

44 MR. CASIPIT: There's two sets of maps.
45 There's a set of black and white maps that are in the book,
46 but we also provided the color maps as well. If you look
47 at Page -- or it would be map number 15 of your -- I'm
48 looking at the colored versions. If you look at Kuiu
49 Island there, the Bay of Pillars is -- it's in, I guess it
50 would be section 9(B). And if you go down the western

1 shore of Kuiu Island there, you see that big kind of bay
2 area, well, down right below it is the Bay of Pillars, and
3 you can kind of see Kutlaku Lake there as well. It's not
4 labelled, but.....

5
6 CHAIRMAN LITTLEFIELD: Is everybody clear?
7 We need to -- maybe -- Mr. Hernandez tried to point this
8 out on the map that's up there on the board. And if you
9 could go up there again, Mr. Hernandez and point to where
10 the Bay of Pillars is.

11
12 We do have this map. I think it's -- we
13 should have some better maps, you know, like those atlases
14 should be available for us to have on the table for every
15 Council member. So hopefully we can do this -- we've had
16 this problem several times.

17
18 If you could help us there, Mr. Hernandez.
19 Okay. Is everybody clear of where that little bay is?
20 He's pointing to it up there on the -- and you can also see
21 it on the maps.

22
23 Mr. Suminski.

24
25 DR. GARZA: Wait, wait, wait. No. Okay.

26
27 CHAIRMAN LITTLEFIELD: Dr. Garza.

28
29 DR. GARZA: So map 15, I can see those --
30 it looks like two bays on the west side of Kuiu. Is it the
31 upper one or the lower one?

32
33 MR. DOUVILLE: That's this one here.

34
35 CHAIRMAN LITTLEFIELD: Mr. Suminski.

36
37 MR. SUMINSKI: Yes. Proposal FP06-25 was
38 submitted by Mr. Mike Jackson of the Organized Village of
39 Kake. It would remove the Federal Harvest limit for
40 sockeye salmon in the streams draining into the Bay of
41 Pillars. And that pretty much means Kutlaku Lake.

42
43 The proponent believes that the Federal
44 harvest limit for sockeye for streams draining into the Bay
45 of Pillars has become obsolete and should be removed.
46 Kutlaku Lake is a sockeye system that flows into Bay of
47 Pillars.

48
49 Proposal FP01-31 submitted by the Organized
50 Village of Kake and the City of Kake requested that the

1 Federal Subsistence Board close the Federal waters draining
2 into Falls Lake, Gut Bay Lake and Pillar Bay drainages to
3 the harvest of sockeye salmon by non-Federally qualified
4 subsistence users. The Board subsequently closed Kutlaku
5 to the taking of sockeye to non-Federally qualified
6 subsistence users because of the uncertainty of the
7 escapement data, and the potential for other users to
8 interfere with subsistence fishing.
9

10 At that time, in 2001, there was no Federal
11 regulation that would tie the Federal limit to the State
12 subsistence limit, so the Board set a Federal harvest limit
13 at 15 sockeye per individual, and 25 sockeye per household
14 in possession, which mirrored the State subsistence limit
15 in effect at that time.
16

17 In 2002, the Department of Fish and Game,
18 Division of Commercial Fisheries sponsored a subsistence
19 salmon task force meeting attended by community
20 representatives from Angoon, Kake, Sitka, Hoonah, and
21 Pelican, as well as ADF&G and USDA Forest Service Staff.
22 Representatives of the Organized Village of Kake proposed
23 a daily limit of 50 sockeye at Kutlaku, to increase harvest
24 efficiency by subsistence users. Users expressed a desire
25 to go once rather than numerous trips. It was thought that
26 harvest reporting would also improve since the higher
27 harvest limit would allow users to report what they
28 actually took.
29

30 ADF&G managers have the authority to change
31 harvest limits on State permits, and starting in the 2002
32 season, changed the State subsistence harvest limit for Bay
33 of Pillars from a possession of 15 per individual and 25
34 per household to a daily possession and annual harvest
35 limit of 50 sockeye per household or individual. This
36 caused a divergence of Federal and State limits.
37

38 If this proposal is adopted, the sockeye
39 limits for Kutlaku Lake would be determined by the limits
40 listed on the State permit as directed by the following
41 regulation which was adopted by the Board during the 2005
42 regulatory cycle. And I'll just read that quickly. It's
43 if a harvest limit is not otherwise listed for sockeye in
44 this section, the harvest limit for sockeye salmon in this
45 -- is the same as provided for State subsistence or
46 personal use fisheries. So if the harvest limit is not
47 established for the State subsistence or personal use
48 fisheries, the possession limit is 10 sockeye and the
49 annual harvest limit is 20 sockeye per household for that
50 stream.

1 So in this case it would simply be the
2 State limit that's on the permit since there would be no
3 Federal limit in effect.

4
5 The preliminary conclusion is to support
6 this proposal, and the justification is that the proposal
7 would have no effect on the resource since users are not
8 limited by the Federal harvest limit. Users can fish under
9 the State limit which is higher at this time. Removing the
10 Federal harvest limit from regulation would allow Federal
11 and State managers the flexibility to work with users to
12 determine appropriate harvest limit on an annual basis.
13 These limits would be more responsive to changes in sockeye
14 abundance at Kutlaku, and accounts for needs of users.

15
16 This proposal would align State and Federal
17 subsistence harvest limits without adversely impacting
18 subsistence users.

19
20 There would be no effect on other users
21 since subsistence fishing practices will remain unchanged.

22
23 Thank you.

24
25 CHAIRMAN LITTLEFIELD: Are there any
26 questions for Federal Staff from the Council. Mr. Kitka.

27
28 MR. KITKA: Thank you, Mr. Chair.

29
30 In reading through this proposal, I noticed
31 that there were other bays and streams that are also
32 obsolete, and I was wondering if there's a way to craft
33 this to where we could cover these other bays and make them
34 the same.

35
36 Thank you.

37
38 MR. SUMINSKI: I did ask Mr. Jackson if he
39 would want to include some of the other streams in his
40 area, and he wanted to talk to the tribal council first,
41 but I didn't hear back from him. I asked him later, and he
42 hadn't done that. I believe that would be up to you, would
43 be to your discretion.

44
45 CHAIRMAN LITTLEFIELD: Dr. Schroeder, could
46 you give us the limits of what we're -- I know we had some
47 previous discussion on Gustavus what was allowed and what
48 isn't. I think we need to have the data here. I guess
49 maybe you could give us the ground rules of what we can and
50 cannot include in this proposal.

1 DR. SCHROEDER: Mr. Chairman. I would also
2 ask Cal Casipit's opinion on that matter. I think if we
3 were talking about closely related systems for which Staff
4 were able to provide data, that would be acceptable. I
5 think that if we were attempting to act on something
6 regionwide at this time, we'd run into problems, because
7 other communities and the public haven't been noticed to
8 respond.

9
10 Cal, you might add to that.

11
12 MR. CASIPIT: I agree with what Dr.
13 Schroeder said. We'd be happy to talk about some of these
14 other systems if you'd like.

15
16 CHAIRMAN LITTLEFIELD: Okay. So the way I
17 understand you to say that because we noticed
18 27(c)(1)(iii), whatever it is there, that included the
19 words False Lake Bay, Gut Bay, Pillar Bay, that should have
20 been sufficient notice that this particular paragraph was
21 under discussion so the public should be aware of it, is
22 that correct? So it's all fair game. If the Council would
23 like to do that, that's their prerogative.

24
25 Are there other Council member that have
26 questions on the Federal Staff presentation?

27
28 (No comments)

29
30 CHAIRMAN LITTLEFIELD: Okay. Thank you,
31 Mr. Suminski.

32
33 ADF&G comments.

34
35 MS. SEE: Thank you, Mr. Chair. Members of
36 the Council. For the record my name is Marianne See
37 representing the Department for the comments to provide on
38 this proposal.

39
40 I think the complicating thing with this
41 proposal from the State's perspective is that under the
42 different jurisdictions in place in this area, and I wish
43 we had a map, there's the Federally managed portion of the
44 area which is the stream essentially, there's a terminal
45 area of the stream and then there's the marine waters. so
46 I'm going to be going between those two areas, and I'll try
47 to keep my comments really clear on which I'm talking
48 about.

49
50 The regulatory history is worth noting in

1 this whole issue, and there's some information in the text,
2 but we'll reiterate some key points. The existing limits
3 mirror the State limits that were in effect in 2001. The
4 Federally managed waters were closed to non-Federally
5 qualified users in 2001 in response to public testimony
6 that the system was over-harvested and that sport fishing
7 was perceived as interfering with subsistence.

8
9 In 2002, in response to requests for more
10 efficient subsistence fishing, especially in the adjacent
11 marine waters, and to bring the reporting in line with
12 actual harvest, the State increased the limits on the State
13 permit to 50 fish. In a request for reconsideration, which
14 is sometimes called that RFR, to the Federal Subsistence
15 Board in 2001, Fish and Game requested rescinding the
16 Federal closure since there was insufficient evidence for
17 concern about the stock status. That request failed.

18
19 Then in 2005 Fish and Game again proposed
20 removing the closure following two years of study which had
21 been funded by Office of Subsistence Management. And that
22 study had showed that salmon escapements to the system were
23 adequate for harvest. And that was a determination made by
24 Fish and Game managers. And those data were actually
25 reported to you in the last cycle when we provided an
26 update on those studies. However, this request again
27 failed over uncertainty which was based on the opinion at
28 that time of the Regional Forest Supervisor there were no
29 data provided for the Board's action on that request.

30
31 More recently in 2005, the State removed a
32 small closure at the mouth of the stream that was on the
33 State permit since it was unnecessary. We typically would
34 put a closure on the mouth of a stream, because oftentimes
35 fish will pool up there, making them vulnerable to heavy
36 harvest at times. But it was felt by the managers at the
37 time that that was not a concern, there were adequate fish,
38 and that subsistence fishing could occur there without
39 restriction.

40
41 Additional stock assessments would help
42 assess the findings that were made from the first study.

43
44 The Commercial Fisheries Division has
45 previously commented to the Federal Staff on previous
46 analyses, draft analysis for this proposal, that it didn't
47 seem logical to raise the bag and possession limits for the
48 Federal fishery while the fishery still excludes non-
49 Federally qualified subsistence users, because of a
50 perception that the stock status is poor and cannot support

1 the extra harvest that non-Federally qualified users would
2 take. The Federal exclusion is even more puzzling due to
3 the fact that there's apparently no harvest reported
4 occurring the waters where the Federal Government claims
5 jurisdiction.

6
7 The proposal analysis we believe should
8 evaluate the effects this proposal would have on harvest
9 and on spawning escapement in Bay of Pillar's drainages.
10 The analysis should also identify whether there are any
11 biological or conservation-related concerns and the
12 potential effects of the proposal. The Department
13 maintains and has said for some time, especially after we
14 got the escapement information, that if there's not
15 evidence of a conservation concern, then the Federal
16 Subsistence Program should recommend that the closure in
17 the Federally managed waters that currently effects non-
18 Federally qualified users be repealed. The Federal program
19 has an obligation under ANILCA not to unnecessarily impact
20 other users -- other uses. Keeping this area closed to
21 non-Federally qualified subsistence users, despite the
22 stock status being adequate to support increased harvest
23 limits when Federally qualified users are not using it
24 seems to be an unnecessary restriction on those other
25 users.

26
27 Now, that's kind of a mouthful, but the
28 point is that if there's a request in to increase the
29 harvest limits, why would there be justification to
30 maintain a closure to non-Federally qualified users. We
31 believe that the analysis should summarize the findings of
32 the stock assessment work at Kutlaku Lake, the harvest
33 trends before and after the 2001 closure, and then project
34 the likely harvest. We think that would be a far more
35 comprehensive way to look at this issue, which is somewhat
36 complicated because of the existing closure that's in
37 place, while at the same time out in marine waters, which
38 is where most of the fishing is occurring, we feel there
39 are adequate numbers of fish to support the current limits
40 that the State has in place on the permit.

41
42 Thank you.

43
44 CHAIRMAN LITTLEFIELD: Thank you for your
45 testimony. Are you opposed or -- do you support or oppose
46 this proposal?

47
48 MS. SEE: Without any modification to what
49 we see before us as the proposal, we do not see a way to
50 support this, because the closure's still in place.

1 CHAIRMAN LITTLEFIELD: Do you oppose or
2 support the proposal?

3
4 MS. SEE: I believe the position is clear
5 from my last statement, Mr. Chair. We try not to use the
6 words support or oppose at this early stage where the
7 Council hasn't yet gone on record with his evaluation of
8 the proposal or the analysis. We obviously have a strong
9 opinion here, which I hope I've stated clearly. Thank you.

10
11 CHAIRMAN LITTLEFIELD: Okay. I'm going to
12 assume that you oppose. I like to keep track of these,
13 where the State is, where the written comments are, and
14 it's helpful to me as a Council member to know what your
15 position with regards -- just a checkmark that I put down.

16
17
18 Are there questions for the ADF&G
19 presentation from the Council. Any questions for Ms. See.

20
21 (No comments)

22
23 CHAIRMAN LITTLEFIELD: Okay. Thank you for
24 your testimony.

25
26 We're at other Federal, State and Tribal
27 agency comments.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Interagency Staff
32 Committee. Excuse me, Mr. Kessler, apparently we have some
33 comments here from Ms. Hernandez on the.....

34
35 MS. HERNANDEZ: We've got one written
36 public comment from the Chilkoot Indian Association. They
37 would support the proposal. This change of regulation
38 would make subsistence fishing safer for those living the
39 Kake area. Anything that takes danger and risk out of
40 fishery is supported by the Chilkoot Indian Association.

41
42 CHAIRMAN LITTLEFIELD: Okay. Interagency
43 Staff Committee. Mr. Kessler.

44
45 MR. KESSLER: Mr. Chairman. Members of the
46 Council. I do have just a short comment on this one. By
47 the way, I'm Steve Kessler with the Forest Service and
48 Interagency Staff Committee.

49
50 We did consult with the Solicitor's Office

1 on this to try to figure what the sideboards should be for
2 this discussion, and the Solicitor's Office felt that the
3 sideboard was to talk about harvest limits, it was not to
4 talk about the Federal closure. So the Federal closure as
5 far as the solicitors and Staff, Interagency Staff
6 Committee are concerned is not what is before you right
7 now. And otherwise I believe when we were discussing this
8 one with the Interagency Staff Committee, we recognized
9 that what this proposal would do, would provide flexibility
10 for the amount of harvest depending on the numbers of fish
11 that return to the system. And that was the sum total of
12 what this proposal would provide. And if there were plenty
13 of fish, then the harvest could be higher, and if there
14 weren't enough fish, it could be lower, and then that would
15 be written into the permits.

16
17 CHAIRMAN LITTLEFIELD: Then responding to
18 a previous question, the fair sideboards would be that we
19 could consider the possession limit, the last -- the two
20 possession limit sentences at the beginning -- at the end,
21 but not the closure to only Federally qualified, is that
22 what you're trying to say? I believe Mr. Kitka asked what
23 else could be considered, and I would take that to be the
24 last two sentences that have to do with possession.

25
26 MR. KESSLER: That's correct. It's the
27 amount of possession, but it's not the Federal closure.

28
29 CHAIRMAN LITTLEFIELD: Thank you. Are
30 there questions for the Interagency Staff Committee, Mr.
31 Kessler.

32
33 (No comments)

34
35 CHAIRMAN LITTLEFIELD: Okay. Thank you.
36 Fish and game advisory committee comments. Were there any.

37
38 (No comments)

39
40 CHAIRMAN LITTLEFIELD: Summary of written
41 public comments. That was the only one was from the Kake
42 -- and could we have a copy of that, please for the record.

43
44 Are there any members of the public who
45 would like to testimony on Proposal 25.

46
47 (No comments)

48
49 CHAIRMAN LITTLEFIELD: Okay. We're going
50 to go to Regional Council deliberations. Proposal 25

1 starts in your Council book on Page -- the executive
2 summary's on Page 83, and the analysis starts on 84. so a
3 motion is in order to adopt FP06-25. Mr. Adams.

4

5 MR. ADAMS: I move that we adopt FP06-25.

6

7 CHAIRMAN LITTLEFIELD: Is there a second.

8

9 MR. STOKES: I'll second it.

10

11 CHAIRMAN LITTLEFIELD: It's been moved and
12 seconded to adopt -- or to recommend that we support
13 Proposal FP06-25. The language is on Page 83, is that
14 correct, Mr. Adams.

15

16 MR. ADAMS: That's correct, Mr. Chairman.

17

18 CHAIRMAN LITTLEFIELD: Okay. That motion
19 is before the Council. Any discussion on the motion. And
20 again I remind the Council that we need to satisfy those
21 four questions that have to do with conservation concerns,
22 substantial data, beneficial use of subsistence users as
23 well as an effect on other users, so if you could cover
24 those in your discussion. Council. We need to cover the
25 four points, so somebody's going to have to do that.

26

27 And again if you have question of either --
28 of Staff, we have the ability to request that they answer
29 any questions you might have, even though this is in the
30 deliberation stage. Law enforcement, any of them, if you
31 have questions, you can ask those.

32

33 I need some help here from the Council to
34 justify our decision. We can't just take a vote on it,
35 because it -- we're not going to be doing our homework. So
36 we do need to cover those four points. Is the evidence
37 submitted substantial enough for us to make a decision on
38 whether to include that, and we have the Federal
39 information as well as the State that was submitted, and as
40 well as the information from the tribe. Is there a
41 conservation concern on the Bay of Pillars, Kutlaku. What
42 is the net effect to the subsistence users. Is it good or
43 bad for them. And also what effect does this have on the
44 sport, commercial other users.

45

46 Mr. Adams.

47

48 MR. ADAMS: Thank you, Mr. Chairman.

49

50 I would like to ask Mrs. See, if I might.

1 She made a statement in her testimony that this proposal
2 would adversely affect other users, and I would like to
3 maybe have her, you know, elaborate that some more.

4
5 Thank you.

6
7 CHAIRMAN LITTLEFIELD: Okay. Ms. See, did
8 you capture the question.

9
10 MS. SEE: Mr. Chair. I believe the
11 question was about the statement that -- about adverse
12 impacts to other users, is that correct? There -- because
13 they -- although it's not apparently the purview of this
14 discussion by the Council, is simply a fact that there is
15 a closure in place to non-Federally qualified users in the
16 Federally managed waters, and that is perceived as having
17 an adverse effect on other users. And so with that
18 condition in play, that is one concern about seeing these
19 harvest limits changed when there's still a closure in
20 place, and there -- because there is a closure, that is in
21 fact the portion that is adverse to other users. I hope
22 that clarifies the earlier statement. Are there further
23 questions on that point.

24
25 MR. ADAMS: Thank you. I'm still not quite
26 sure with the details, you know, the fact that there's a
27 closure in place, you're advocating that it does have an
28 effect on other users, but let's say if it were open again,
29 how would that effect, you know, other users?

30
31 MS. SEE: Mr. Chair. Mr. Adams. The
32 closure right now restricts non-Federally qualified users
33 from fishing in the Federally managed waters. If that
34 closure was rescinded, then other users could in fact fish
35 in that area, so there -- that adverse effect would go
36 away. As long as there is still a closure in effect, any
37 regulatory issue regarding the limits for subsistence still
38 carries with it that associated impact, because the closure
39 is there on non-Federally qualified users. Does that help,
40 I hope.

41
42 CHAIRMAN LITTLEFIELD: Dr. Garza, do
43 you.....

44
45 DR. GARZA: Thank you, Mr. Chair.

46
47 I'm speaking in favor of the motion, and --
48 oh, no, I don't need to -- oh, okay. And I believe that
49 there is substantial evidence. The stocks are doing well.
50 We have subsistence harvesters that have to travel a fair

1 distance to go get 15 sockeye at a time, and so this makes
2 it much more efficient for them, and much more safer.
3 That's a long run on outside waters to have to run down.
4 And if you can get, as the State provides, 50 sockeye in
5 one deal, then you meet your subsistence needs rather than
6 having to go down three or four times to get 15 at a time.

7
8

9 I don't believe it violates conservation
10 rules. It looks like the State is more lenient in terms of
11 providing the opportunity for up to 50 sockeye at a time.
12 And the stock is doing well.

13

14 So this is an obvious benefit to
15 subsistence users. In terms of its impacts on other
16 subsistence users, the fact that it is closed to non-rural
17 users at this time is not germane to this proposal
18 discussion. However, what is germane I think is that what
19 we have heard from Kake residents is that, and what we have
20 heard from other residents is that even though they have
21 the opportunity to go down for 15 at a time, we still have
22 unmet subsistence needs. If we lift this restriction, it
23 may give them the opportunity to go down and actually get
24 enough sockeye to take care of themselves for the year.
25 And so I don't think that we're saying that there's an
26 abundance out there that we can allow everybody to come in,
27 but that there's enough fish there that perhaps we can help
28 one community meet their subsistence needs in a very
29 efficient manner.

30

31 Thank you.

32

33 CHAIRMAN LITTLEFIELD: Thank you, Dr.
34 Garza. Are there any other Council comments.

35

36 I was going to comment on the unnecessary
37 part of it that Mr. Adams brought up, but I think you
38 covered it in there, that the closure part of it is not
39 germane to the issue. All we are discussing is the limits,
40 and that is not a restriction on other users, to increase
41 the limits.

42

43 Are you ready for the question. I think
44 we've covered -- Dr. Garza covered that quite well. Is
45 there any other comments. Mr. Adams.

46

47 MR. ADAMS: Just as a follow up on what you
48 just alluded to. If you look on Page 86 on the paragraph
49 down the middle of the page there, after the -- it says,
50 removing the Federal harvest limits from regulation would

1 allow Federal and State managers the flexibility to work
2 with users to determine harvest limits and so forth. So
3 that clarifies a lot for me.

4
5 Thank you.

6
7 CHAIRMAN LITTLEFIELD: Dr. Garza. Are you
8 ready for the question.

9
10 MR. ADAMS: Question.

11
12 CHAIRMAN LITTLEFIELD: The question before
13 the Council is to recommend FP06-25 as shown on Page 83 is
14 adopted, and that would be to strike the in Pillar Bay
15 drainage, the individual possession limit is 15 sockeye
16 salmon with a household possession limit of 25 sockeye
17 salmon. All those in favor please signify by saying aye.

18
19 IN UNISON: Aye.

20
21 CHAIRMAN LITTLEFIELD: All those opposed
22 same sign.

23
24 (No opposing votes)

25
26 CHAIRMAN LITTLEFIELD: FP06-25, our
27 recommendation to the Federal Subsistence Board will be to
28 adopt.

29
30 At this time I'd like to turn the chair
31 over to Dr. Garza for that analysis on Proposal 26.
32 Proposal 26 begins on Page 88.

33
34 VICE CHAIRMAN GARZA: Okay. So we have
35 Proposal 26 before us, and presenting will be Terry
36 Suminski.

37
38 MR. SUMINSKI: Thank you, Madam Chair.
39 Council members. My name is Terry Suminski, subsistence
40 fisheries biologist for the Forest Service in Sitka.

41
42 Proposal FP06-26 was submitted by Mr. John
43 Littlefield of Sitka. It would remove all requirements to
44 remove fins to identify subsistence-caught fish in the
45 Southeastern and Yakutat areas. The proponent believes
46 that removing fins from subsistence-caught fish interferes
47 with traditional means of handling, processing, and
48 preserving fish, and is an unnecessary burden on
49 subsistence users.

50

1 In the Federal regulations, there are no
2 requirements to remove fins on any fish except for salmon.
3 In Southeastern Alaska subsistence users are required to
4 remove the pelvic fins, while in the Yakutat area, users
5 must remove the dorsal fin.

6
7 State regulation makes it unlawful to buy
8 or sell subsistence-taken fish. And State regulations
9 require the removal of -- or I should say State subsistence
10 regulations require the removal of the dorsal fin of
11 subsistence-caught salmon in the Southeastern and Yakutat
12 areas.

13
14 Public testimony from the Southeastern and
15 Yukon areas indicate that the removal of the dorsal fin
16 exposes the meat of the fish, which allows bacteria to
17 enter and reduces the food quality of the food.

18
19 Although pelvic fins are not used during
20 preservation, the proponent states that they are used to
21 handle the fish during catching and processing.

22
23 This marking also imposes a burden on
24 subsistence users that is not imposed on sport and
25 commercial fishermen.

26
27 The reason for marking subsistence-caught
28 salmon by clipping fins is to prevent those fish from
29 entering the commercial marketplace. In the Southeastern
30 Alaska and Yakutat areas, there are commercial and
31 subsistence fisheries that occur in the same area. Forest
32 Service law enforcement has received complaints that
33 subsistence-caught fish were not properly marked, and were
34 entering commercial markets.

35
36 The preliminary conclusion is to oppose
37 this proposal, and the justification is that law
38 enforcement indicates that marking subsistence fish by
39 subsistence users is working as intended and is effective
40 in keeping those fish out of the commercial markets.

41
42 Thank you.

43
44 VICE CHAIRMAN GARZA: Are there any
45 questions for Federal Staff.

46
47 (No comments)

48
49 VICE CHAIRMAN GARZA: Thank you, Terry.
50 ADF&G.

1 MS. SEE: Thank you, Madam Chair. Members
2 of the Council. For the record, my name is Marianne See
3 with the Department of Fish and Game.

4
5 The Commercial Fisheries Division Staff
6 believed that the requirement to mark subsistence fish
7 taken under Federal regulations by fin removal, and, of
8 course, there's pelvic fin in Southeast and dorsal in
9 Yakutat, that that is effective in helping ensure that
10 subsistence-caught fish do not enter the commercial salmon
11 market.

12
13 It's interesting to note that the Federal
14 law enforcement has received a number, and we quote from
15 the analysis, a number of complaints from the public that
16 illegal sale of unmarked fish is occurring. We would
17 certainly urge that the Council hear directly from the law
18 enforcement official who happens to be present at the
19 meeting today about that issue.

20
21 The Department considers that adopting this
22 proposal as written would make the enforcement situation
23 worse. However, an alternative means of marking
24 subsistence-taken salmon from Federal waters might be a way
25 to allow the specific customary and traditional processing
26 practices to continue without a burden to users. We
27 encourage the Council to consider alternative ways to make
28 distinctions between subsistence and commercial-caught
29 fish.

30
31 Thank you.

32
33 VICE CHAIRMAN GARZA: Are there questions
34 for ADF&G. Mr. Littlefield.

35
36 MR. LITTLEFIELD: Thank you, Madam Chair.

37
38 I don't know if this should be directed to
39 Mr. Myers or to you, but you did mention it in your
40 discussion, that it's interesting to note that Federal law
41 enforcement has received a number of complaints from the
42 public. I wonder if you would have been interested at all
43 to note that the same comment could be made about sport
44 fishery. In other words, we're only talking about the
45 subsistence fish which we know hardly reaches any stage of
46 significance, 20 fish out of 2.2 million. Do we have any
47 complaints about other fisheries, the sport fishery, the
48 guided sport? Those number of complaints. I guess that
49 number, I'm trying to thrash that out, and I don't know
50 whether this is the appropriate time, but I think you're

1 just quoting Mr. Myers, so maybe the next -- it might be
2 better under the next, other Federal agencies to address
3 that, but it's interesting.

4
5 MS. SEE: Mr. Chair. I would appreciate it
6 if that question could go to Mr. Myers.

7
8 Thank you.

9
10 VICE CHAIRMAN GARZA: So under other
11 Federal, State agencies, we'll be hearing from you? You're
12 on the hot seat, Mr. Myers.

13
14 MR. MYERS: Marty Myers. I'm with the U.S.
15 Forest Service, Law Enforcement in Juneau. The enforcement
16 subsistence coordinator.

17
18 And I addressed these concerns in the
19 proposal mainly -- and it's inappropriate for me to address
20 specifically the information that's come forth that we're
21 looking into, because it is an on-going investigation.

22
23 But I will say this, is that there's
24 several reasons why it's important to have some sort of
25 marking, whether it's the pelvic fin or the dorsal fin or
26 whatever case is used to mark them, that it's important
27 that -- because of our regulations that are in the books
28 that we have some sort of means to identify what's
29 subsistence-caught fish and what's not. We have the
30 concern about the commercial fisheries, having subsistence
31 fish mixed with that. The opportunities are out there, and
32 obviously it's not something that everyone does, but the
33 opportunity for those who can, will.

34
35 The other aspect of the regulations
36 regarding the difference between subsistence fish and other
37 fish is the fact that it is -- you can't possess
38 subsistence-taken fish and sport fish at the same time.

39
40 And so it's important to identify those
41 fish, at least from our perspective, that they're marked
42 somehow.

43
44 There is -- I'd say the issues with public
45 coming to us and saying there is a problem with a couple of
46 occasions that we're looking into, I think is important
47 enough for us to actually consider this carefully, because
48 it's not like we're going out there and seeing it or --
49 it's the public coming out there and saying something about
50 it, so -- but these aren't easy thing to resolve. They're

1 not easy things to look into, because these are -- the
2 areas that these occur in are pretty remote.

3
4 The second thing I'd like to say about
5 these aspect of commercial fish is that the opportunities
6 are there as well. I mean, with the numbers of salmon
7 allowed to be caught daily, the opportunity to have
8 unmarked fish being sold or traded to commercial fisheries
9 is available.

10
11 The other point I wanted to make is that
12 since this proposal came forth, we've asked the officers to
13 go out there while they're in the field making contacts
14 with users, if they come across those who have taken
15 subsistence fish, to find out -- you know, of course we're
16 going to check them to see if they've been marked, and to
17 date they have been marked, and the responses from the
18 users is that is that they mark them, it's not a problem,
19 it's not an issue that they're concerned about. It's not
20 a big deal.

21
22 And so, you know, with that said, if it's
23 not a big deal to them to clip those fins, I think it's
24 very important that we maintain the regulation that we
25 have, to continue to designate what we have for subsistence
26 fish.

27
28 Now, I'm not a proponent of regulating
29 people as much as we can. As a matter of fact, I'm just
30 the opposite, and I would prefer to have less regulatory
31 process in place than we do. But, you know, with that
32 said, when the issue came up with marking trout last year,
33 I was opposed to that, because the trout typically aren't
34 something that goes into the commercial market. But in
35 this case, salmon do, and I think it's important that we
36 keep that system, that there's some sort of system in place
37 to keep the designated subsistence fish from entering the
38 commercial market.

39
40 Thank you.

41
42 VICE CHAIRMAN GARZA: Mr. Littlefield.

43
44 MR. LITTLEFIELD: I have a question for
45 enforcement. You know, my understanding is on the Federal
46 permit, the Federal Subsistence permit that I'm issued for
47 taking cohos and whatever else in the Sitka area, I have to
48 fill that out immediately. I think that's a requirement.
49 When I catch those fish, I fill out the report. So that's
50 some means of identifying them. If you were to come to me

1 on the Katlian River or something like that and say where's
2 your permit and I would give it to you, and it says, ah-ha,
3 today is 11th of October and you've gotten 18 fish. Isn't
4 that sufficient, and you look down and I have 18 fish,
5 isn't that sufficient in itself to determine that those
6 fish were subsistence take, because I'm required under the
7 regulations to legally harvest in accordance with the
8 regulations. And I consider that just the additional step
9 of chopping off the fin is not required for you to identify
10 whether I've done it properly or not.

11
12 MR. MYERS: Yeah, John, I would agree with
13 that, I think the concept of marking the fish serves two
14 purposes. The first is being a compliance method for the
15 user, you know, as they're taking the fish. The second
16 aspect of it is because of both the State and Federal
17 regulations are currently in place, commercial fisheries
18 purchasers know that they can't buy marked fish in order to
19 sell them. So I guess it serves two purposes in that case.
20 So we didn't mark their fish, subsistence fish, they could
21 easily get in the commercial market. The commercial person
22 wouldn't know that they were subsistence-caught fish, and
23 they'd be easy to sell that way. So that's the other
24 aspect of that.

25
26 MR. LITTLEFIELD: And then I know this is
27 a little outside our bailiwick, but the subsistence
28 fisheries totally dwarfed by the State sport fishery and
29 guided sport fishery. I know we're not -- that's not our
30 concern, but don't you have any concern about whether those
31 fish enter the commercial fishery? I'm telling you that
32 the fish -- if I go up and catch sockeyes at Redoubt, and
33 I'm dipping in Federal waters and bringing it out in State
34 waters, you know, my net actually comes out in State, I'm
35 not going to sell those fish and no one else in Sitka is
36 either. I'm going to take them home and smoke them. I
37 want those fish. And they're not -- they are different,
38 they are marked, because they're water marked when they get
39 in there. They're marked because they are net marked.
40 There's a difference between a troll caught coho or what --
41 and one that you catch in a beach seine or gillnet, and any
42 processor can tell what a net-caught fish is.

43
44 So I guess I just find it, that you're willing to see the
45 sky is falling for the subsistence users and not recognize
46 that there's a whole another subset of people out there
47 that totally dwarf what we're doing, and it's okay for
48 them, but it's okay to put this burden upon the subsistence
49 users to walk off fins, to mark on cards and everything
50 else just to take what I consider to be a very

1 insignificant amount of fish.

2

3 MR. MYERS: Yeah, I understand what you're
4 saying, John, but, you know, I can only address the Federal
5 side of the issue, and from our perspective in enforcing
6 the regulations that we have in place that that's the part
7 that we're concerned about. And I think if we were to
8 eliminate that, it would make our job actually harder when
9 we did have an occasion that came up when sales were
10 actually occurring. I mean, the reality is, if somebody
11 really wanted to do it anyway, they're going to do it.
12 It's just it makes it harder to catch them.

13

14 But this I think makes it, from what I
15 understand of our folks talking to people, it's really not
16 that big of an issue that they can't deal with it. And it
17 also, you know, protects them as well. It protects them
18 from being scrutinized, you know, for something that they
19 probably didn't do. And I would rather have them take a
20 little extra effort to take care of that rather than not.

21

22 Thank you.

23

24 MR. LITTLEFIELD: Just for the record, I
25 don't know who you interviewed, but at our camp, we take
26 care of fish in the customary traditional methods that were
27 handed down to me. And this is what ANILCA is all about.
28 It's subsistence. I watch people, and maybe those are the
29 ones you've talked to, take the fish, subsistence caught
30 fish, cut it down the middle, cut the head off, and where
31 we utilize the head, everything. We use every part of it.
32 Cut the head off and then take filet knife around -- and
33 chop down and whack the belly right out of it, so they have
34 a small little filet.

35

36 To us, fins and whatever are needed. To
37 them, they're something they don't want to deal with. They
38 don't even want it. They want this little piece of filet
39 of meat, like -- it's like taking the ptarmigan breast out
40 of something and utilizing that, and throwing away all the
41 rest. That's not what a customary and traditional user
42 does.

43

44 So interviewing some people that say, oh,
45 I don't use those, I have to agree with you. There are
46 many people that take fish that don't utilize those parts,
47 but the customary and traditional users do utilize those
48 parts. For years my wife and I, before we got kicked out
49 of that charter place, we ate, fed our family on what the
50 charter operators threw away all summer long. They threw

1 away the heads, they threw away the bellies. My wife
2 picked them up every day, and that's what we ate.

3
4 So for customary and traditional users that
5 are in this program, which we're supposed to be protecting,
6 I say leave the head the head on, leave the fins on, leave
7 them alone. Take them home and use them. And I think
8 that's a traditional practice. So I don't know who you
9 interviewed.

10
11 VICE CHAIRMAN GARZA: Are there any other
12 questions for Marty.

13
14 (No comments)

15
16 VICE CHAIRMAN GARZA: Are there any other
17 Federal or State agencies or tribes that wish to testify at
18 this time.

19
20 (No comments)

21
22 VICE CHAIRMAN GARZA: Is that public
23 comment? Okay.

24
25 MR. LITTLEFIELD: Interagency Staff
26 Committee.

27
28 VICE CHAIRMAN GARZA: Yeah, we'll do
29 Interagency Staff first, Melinda.

30
31 MR. KESSLER: Madam Chair and Council
32 Members. I'm Steve Kessler with the Interagency Staff
33 Committee. And we don't have any comments on this
34 proposal.

35
36 VICE CHAIRMAN GARZA: Are there fish and
37 game advisory committees that wish to testify or have
38 testimony.

39
40 (No comments)

41
42 VICE CHAIRMAN GARZA: Is there written
43 public comment. Melinda.

44
45 MS. HERNANDEZ: Thank you, Madam Chair.
46 There's two written public comments. The first one is
47 printed on Page 91 of the book from Chilkoot Indian
48 Association. They support the proposal. they agree that
49 it's unnecessary to -- it is an unnecessary chore to remove
50 a fin.

1 And the second is in the supplemental
2 materials in the blue folders. This one is from the
3 Wrangell-St. Elias National Park Subsistence Resource
4 Commission. On number 26, Mr. Adams supports the proposal
5 for reasons stated by the author. He does not see problems
6 with keeping the fins on, and states that there is usually
7 a 48-hour break between the commercial and subsistence
8 opens.

9
10 VICE CHAIRMAN GARZA: Are there any blue
11 cards for public testimony, Melinda?

12
13 MS. HERNANDEZ: No.

14
15 VICE CHAIRMAN GARZA: Is there anybody in
16 the public who wishes to testify regarding this proposal.

17
18 (No comments)

19
20 VICE CHAIRMAN GARZA: Okay. We have
21 reached the point of Council deliberation. Mr. Wright.

22
23 MR. WRIGHT: Yeah. Madam Chair, I was
24 wondering, you know, sometimes I do purse seine fishery for
25 the community of Hoonah. And a couple times I've had
26 almost 1,000 fish on board, and it's a subsistence fishery.
27 And I'm wondering, was I in violation of not taking the fin
28 off when I was fishing for the community? And, you know,
29 I park my boat down in front of town. The people come down
30 on the float and take care of the fish there. So I'm
31 curious, since I was the captain of the boat, and I caught
32 1,000 fish for the community, does that mean I was in
33 violation for not taking the fin off.

34
35 MR. LITTLEFIELD: Madam Chair.

36
37 VICE CHAIRMAN GARZA: Mr. Littlefield.

38
39 MR. LITTLEFIELD: Thank you, Madam Chair.
40 I would like to move to support Proposal FP06-26 as shown
41 on Page 88.

42
43 MS. PHILLIPS: Second.

44
45 MR. STOKES: Second.

46
47 VICE CHAIRMAN GARZA: It's been moved and
48 seconded to support Proposal 26. Further discussion from
49 the Council. Mr. Littlefield.

50

1 MR. LITTLEFIELD: Madam Chair. As I talked
2 to the law enforcement, the question is -- I don't think
3 their data is sufficient at all to overrule this. Their
4 recommendation is to oppose. And I think the
5 recommendations and data that we've got from the
6 Subsistence Resource Commission as well as Chilkoot, the
7 true customary and traditional users support this. And so
8 I think the data that's in the Staff analysis is
9 insufficient to support their recommendation to oppose.

10
11 This is a benefit for subsistence users.
12 It's an unnecessary burden on them that simply is applied
13 to subsistence users when it really should -- if there's
14 any really concern about the resource, the conservation, it
15 should be applied to the sport users or others who really
16 take the numbers. This has absolutely no effect on any
17 other user other than subsistence users.

18
19 So obviously, for those reasons, I'm the
20 proponent, I'm going to vote in favor of this proposal.

21
22 VICE CHAIRMAN GARZA: Mr. Kookesh.

23
24 MR. KOOKESH: As a subsistence user, I
25 don't necessarily agree that it's an unnecessary chore or
26 a burden. I believe that it's uncalled for.

27
28 I do know that when I subsist in the
29 streams or the bays I'm at, I do know that then I take my
30 product back to Angoon and start washing it off, I know a
31 fine sand comes out of -- off of those fish. And I know
32 that we're just contaminating them while we're doing that.
33 It's -- to me, it's just uncalled for. We don't need a
34 dirty fish.

35
36 As like was stated earlier, I believe that
37 if they're going to do it for one user group, maybe we
38 should do it for everybody, let everybody have dirty fish
39 along with us. Because you are just targeting one user
40 group, and it's -- and we're not talking very much fish.

41
42 The first thought that comes to me when I
43 deal with this issue is sockeyes, that's all I take. I
44 don't go over cohos. A lot of us don't take all salmon,
45 you know. A lot of us aren't humpy eaters. And a lot of
46 us don't eat dog salmon.

47
48 But to be removing it -- I have found out
49 in my years of experience that it dirties the fish. You
50 dirty the meat. A lot of people don't have the luxury of

1 having wash-down hoses on their docks like we do, and I'm
2 sure they have nice gritty salmon at home, you know. And
3 we shouldn't be doing this. It's not a healthy practice.

4

5 Thank you.

6

7 VICE CHAIRMAN GARZA: Mr. Adams.

8

9 MR. ADAMS: Thank you, Madam Chairman. I'm
10 going to stand neutral on this proposal, mainly because --
11 even though I made a statement, you know, at our SRC
12 meeting that I didn't have any problem with this. I was
13 thinking, you know, in terms of Federal subsistence fishing
14 in these areas.

15

16 In Yakutat, we are -- our subsistence
17 fishery is under the State regs, and so we follow State
18 rules, and they do have that rule.

19

20 There is a 48-hour after commercial fishing
21 closes. Take, for instance, on the Situk River, you can
22 subsistence fish 48 hours after, you know, the closure.
23 And then you have to stop fishing 40 hours before the
24 opening. That happens, you know, earlier in the year. And
25 then if there is an abundance of salmon coming into the
26 river, then, you know, subsistence, you know, then
27 coincides along with commercial fishing. And so we do have
28 to have some way of showing, you know, the difference
29 between subsistence and commercial fishing.

30

31 Sport fishing on the other hand, you know,
32 is done way upriver, and I don't think there's really any
33 intermingling of the sport fishery, you know, with the
34 commercial and the subsistence fishery, but again, you
35 know, I'm going to stand neutral on this issue, because it
36 really doesn't effect us that much up there.

37

38 Thank you.

39

40 VICE CHAIRMAN GARZA: Thank you. Mr.
41 Douville.

42

43 MR. DOUVILLE: Thank you, Madam Chair. I
44 am going to support the proposal as the amount of fish that
45 we're talking about is very small. And it takes a lot of
46 effort to get them, and they're the most heavily regulated.
47 And I agree with John's comment that the paperwork alone
48 that you do before you even have to leave the river with
49 your fish to be legal is sufficient to cover you. It's
50 unnecessary in my mind.

1 I could imagine the comment you'd get if
2 you had sport fishers, sport fishing -- say on -- it would
3 be interesting to see the State say, okay, you have to cut
4 the dorsal fin off all your fish when you're sport fishing.
5 Take that nice king salmon and whack it.

6
7 But, anyway, I believe that it is
8 unnecessary, and there's not enough fish -- I've never
9 known anybody to violate this. Maybe I'll catch a
10 steelhead this winter, and the last thing I'm going to do
11 is to try to escape from the river with it and take it to
12 the local cold storage and try to sell it. It just doesn't
13 make sense.

14
15 VICE CHAIRMAN GARZA: Thank you. Mr.
16 Hernandez.

17
18 MR. HERNANDEZ: Thank you, Madam Chair. I
19 think I'm going to have to vote against this proposal. I
20 do recognize that it's a burden upon the subsistence users,
21 but I think in my mind that would be outweighed by the
22 problem of illegal fish entering the commercial markets.
23 The evidence given here that told me that there are on-
24 going investigations into illegally subsistence caught fish
25 enter commercial markets kind of swayed me in that
26 direction. Had Mr. Myers been able to say that there was
27 not a problem, wasn't -- didn't have on-going
28 investigations, I would have voted for the proposal, but I
29 feel that having that situation in itself is detrimental to
30 the subsistence program. People who are violating the law,
31 it's just image for subsistence, and that needs to be
32 corrected. And I think as near as I can tell, this is one
33 of the few tools we may have to stop that situation, so at
34 this time I think I would have to vote against the
35 proposal.

36
37 VICE CHAIRMAN GARZA: Thank you. Mr.
38 Littlefield.

39
40 MR. LITTLEFIELD: Yeah, I have a question
41 for Mr. Myers. Where did you have an on-going
42 investigation that's targeting subsistence salmon entering
43 the markets? I mean, there may be some other agency that
44 is doing this on halibut, but what are you targeting?

45
46 MR. MYERS: The issue we're dealing with is
47 with salmon. I can't give you the specifics on location
48 and who's doing it and where it came from. But we are
49 looking into it. And part of what we're looking into is
50 whether or not it's actually a Federal issue or whether

1 it's a State issue, but it's in a Federal area. So that's
2 all I can say about it right now. And until we figure out
3 what actually has occurred, and see if there's any real
4 validity to the public information that we got, then that's
5 why we're looking at it right now. I can't give you any
6 more than that.

7
8 VICE CHAIRMAN GARZA: If I could follow up
9 on that question, Mr. Myers. So you have one on-going
10 investigation. Has there in the past been anyone who was
11 successfully prosecuted?

12
13 MR. MYERS: We haven't prosecuted anybody
14 for that particular offense. I don't know what the State
15 has done, but we haven't done it.

16
17 MR. KOOKESH: Madam Chairman.

18
19 VICE CHAIRMAN GARZA: Mr. Kookesh.

20
21 MR. KOOKESH: Are you the Chair? I have a
22 question, and my question, and I don't mean you any
23 disrespect, Marty, is -- and I know that from what I've
24 heard Mr. Hernandez say, it makes -- you know, it makes
25 difficulties, you know. And I know it does make your job
26 harder, and I wish we all had easy jobs, too, you know, but
27 it doesn't work like that. And if the job becomes more
28 difficult, then that's -- there's nothing wrong with that.
29 It's part of being in that position.

30
31 But the position I take is I think that for
32 what I do, it's -- I don't like to be eating those sand --
33 eating sand in my food. It's dirty food. And that's where
34 I stand on the position.

35
36 Thank you.

37
38 VICE CHAIRMAN GARZA: Are we ready for a
39 question.

40
41 MR. ADAMS: Question.

42
43 VICE CHAIRMAN GARZA: The question has been
44 called by Mr. Adams. All in favor of Proposal 26 signify
45 by saying aye.

46
47 IN UNISON: Aye.

48
49 VICE CHAIRMAN GARZA: All opposed same
50 sign.

1 MR. HERNANDEZ: Aye.

2

3 (Mr. Adams abstains)

4

5 VICE CHAIRMAN GARZA: The proposal passes
6 with one voting against.

7

8 We're on for lunch. There were two places
9 that have specials that could possibly serve us quicker.
10 One was something Seas, and the other is the Stikine Hotel.
11 And Zack's has a special as well. And so we will take
12 lunch until 1:30. 1:30.

13

14 (Off record)

15

16 (On record)

17

18 CHAIRMAN LITTLEFIELD: Please take your
19 seats. We have another agenda change. I have a request
20 from Mr. Louie Wagner from Metlakatla to comment on
21 subsistence hunting and moose. And, of course, we allow
22 testimony on any subject. He has travel restraints. He
23 can't stay here until later. There is nothing on the
24 agenda that really addresses this, so I'm going to -- with
25 Council's indulgence, I'd like to let Mr. Wagner go ahead
26 and make his testimony before us at this time. And when he
27 is completed with that, we'll go to Proposal 27, Mr. Robert
28 Larson.

29

30 MR. WAGNER: Thank you, Mr. Chair and
31 Council. My name is Louie Wagner. I'm from Metlakatla.
32 Born and raised there for 57 years.

33

34 And I brought a packet up that you'll all
35 receive later I guess. It's in the secretary's hands
36 there, a day-to-day journal of how the subsistence moose
37 hunt has progressed since it was passed, of our daily hunt
38 on the river and so you'll be informed of how the
39 subsistence moose hunt has been going on.

40

41 And there seems to be some gray areas in
42 the subsistence hunt. We have a non-rural hunter that's
43 been participating and bringing in subsistence hunters and
44 using his cabin, his outboard, and he's hunting with the
45 two subsistence hunters that he's brought in. And it
46 doesn't seem right. It's all explained in the packet that
47 I brought up for the Council to read.

48

49 And this gray area that we've been told by
50 the enforcement, the Federal enforcement, seems to be -- it

1 needs to be clarified.

2

3 At times we're made to feel like we're the
4 ones that shouldn't be there hunting with our subsistence
5 permit. The feeling's not too good sometimes.

6

7 That's what we -- my main concern is then
8 for being here, so you folks would be informed on the
9 activities of the Unuk River.

10

11 CHAIRMAN LITTLEFIELD: You say you have a
12 diary of that hunt and you're going to share that with us?

13

14 MR. WAGNER: Yes, it's in your hands now.
15 She has it.

16

17 CHAIRMAN LITTLEFIELD: Okay. That's great.
18 And I guess one of the questions, we can take your question
19 -- we have law enforcement here. My understanding is that
20 you have a non-rural resident bringing in two subsistence
21 hunters. And we've kind of addressed this under guiding
22 before, but maybe if Mr. Myers could respond to his
23 observation.

24

25 MR. MYERS: Chairman. Council. I'm not --
26 I don't have information on any specifics on this, but, you
27 know, without knowing whether or not it's actually a guided
28 trip versus -- you know, a paid guided trip, or whether
29 they're friends of non-subsistence hunters, and what the
30 actual specifics are, whether they're just friends going
31 out with them, actually hunting. I don't know all the
32 details, so I really couldn't answer specifically as far as
33 what needs to be addressed here on this particular issue.

34

35 I believe Ken Pearson may have more
36 information on it, but I don't have it personally.

37

38 Thank you.

39

40 CHAIRMAN LITTLEFIELD: I don't know if you
41 want to share anything more with us on who's doing it or
42 whatever, but could you address whether it's a guided hunt,
43 or whether it's just friends or something like that, and
44 them, Mr. Myers, if you could respond whether those are
45 legal under our regulations.

46

47 MR. WAGNER: One of the subsistence users
48 is a brother.....

49

50 CHAIRMAN LITTLEFIELD: Just put your mike

1 on.

2

3

4 MR. WAGNER:and one of the
5 subsistence users is a brother, and he's from Prince of
6 Wales, which is fine. And the other one is a friend from
7 North Tongass Highway, Mile 16. IT's in the packet.

7

8

9 But this non-rural, he is participating in
10 the hunt, and is actually hunting. He's out of the boat
11 chasing the moose, and it's explained in there pretty well
12 I do hope. But he is running the boat, and completely
13 doing the complete hunt.

13

14

15 CHAIRMAN LITTLEFIELD: Mr. Myers, does that
16 help make a recommendation here, or observation whether
17 that's legal under the existing regs?

17

18

19 MR. MYERS: Well, obviously the non-
20 subsistence hunter cannot actually hunt and kill the
21 animal, so again I don't know that I have enough detail to
22 actually say what's happening here. Ken Pearson may have
23 more information.

23

24

25 And the other side of this is there's
26 another side of the story, which we don't have here as
27 well, as far as what the people, these non-subsistence
28 users are -- what they're actual intent was and what their
29 activities were on their behalf. So I really couldn't say
30 at this point.

30

31

32 CHAIRMAN LITTLEFIELD: Did you have
33 anything else you wanted to add?

33

34

35 MR. WAGNER: Just that we're there first
36 hand and we were last year hunting the same two moose that
37 we -- his party had seen the previous to opening day, as
38 we'd seen the two bulls together. And we did try hunting
39 them together, and the individual with his two subsistence
40 users, the three of them, they were definitely hunting.
41 And I did make a complaint, and it looked to me like the
42 non-rural user did shoot the second moose, because the two
43 for subsistence users were dressing out the first kill.
44 And it was all on this one little island, and we were
45 trying to hunt the same moose, and we were running around
46 and trying to get them, and pretty soon we were kind of
47 ducking, because there were so many bullets flying and
48 yelling, and all this shooting to drive these moose onto
49 the Federal land off the private land, which we were told
50 we couldn't hunt on.

50

1 So it's in the packet, and you'll
2 understand a lot more when you read it.

3
4 CHAIRMAN LITTLEFIELD: Okay. Thank you.
5 I'd just note that there's a similar situation that occurs
6 under a non-subsistence -- or a non-OSM regulated program,
7 and that would be marine mammals. And in that we've got
8 rulings where the non-native could not drive the boat,
9 couldn't participate in anything, couldn't help you pull a
10 seal out or a sea otter or in any way participate.

11
12 And this sounds to me like maybe we might
13 consider drafting -- I guess you're asking us to look into
14 this for a proposed regulatory change, or are you going to
15 submit one yourself?

16
17 MR. WAGNER: Well, we've given it a lot of
18 thought and didn't know which avenue to take. We thought
19 we'd start with informing the Council on the activities of
20 the subsistence hunt. And it was -- we were told there's
21 this gray area, and it doesn't seem right there should be
22 a gray area in the subsistence hunt.

23
24 As I say, if I went up there and was
25 participating with my rifle and my skiff in the State hunt,
26 I'm sure an officer would write me up for hunting without
27 a permit and tag.

28
29 CHAIRMAN LITTLEFIELD: Okay. My
30 recommendation would be that you submit a proposal and get
31 help from -- I believe Mr. Dave Johnson would be the
32 appropriate person to help you craft that proposal. What
33 that will do is it will flesh out the information. Both
34 law enforcement and staff will review that and present that
35 to us, and then we'll be able to make a decision based on
36 your input as well as what the regulatory effect is, so
37 that would be my recommendation is that you go ahead and
38 submit that proposal. and I believe the date is October
39 28th, is that correct? So it needs to be done by October
40 28th to get in the next cycle.

41
42 Any other Council. Mr. Myers?

43
44 MR. MYERS: Yeah, I would say this. If the
45 non-subsistence hunter did shoot a moose, that is a problem
46 in the subsistence area. So, you know, we'd like to look
47 into that.

48
49 But as far as defining methods of hunt and
50 who can be there, I think that aspect is not really

1 addressed in the regulations, and if that is a problem,
2 then that should be addressed like you said, because right
3 now, I mean, if you have a friend come along with you with
4 a rifle on a hunt, he may not be hunting. He may be just
5 protecting himself from the bears. And that's something
6 that everybody has a right to do, even -- no matter where
7 they're at. But if it's a subsistence hunt, and we -- and
8 the Council chooses to restrict who's on that particular
9 hunt, then that needs to be forward in regulation.

10

11 Thank you.

12

13 CHAIRMAN LITTLEFIELD: And I stand
14 corrected. The date is October 21st. So you need to --
15 it's something that you'll have to -- maybe you could take
16 care of today, as I think -- is Dave here? He could
17 probably -- I'm sure the Federal Staff can give you the
18 information of how to submit a proposal, and it should be
19 fairly easy. And they'll do the homework on this.

20

21 Other Council have any questions or
22 comments of Mr. Wagner. I appreciate -- Mr. Adams.

23

24 MR. ADAMS: Thank you, Mr. Chairman.

25

26 I have never seen this, you know, in our
27 area, but I had heard that, you know, in the Yakutat area
28 that there were non-subsistence hunters trying to get into
29 the subsistence hunting window. And we talked about it,
30 you know, in our tribal council, and also informed, you
31 know, the public that if you see a situation like this,
32 please report it to your enforcement people. Now, some of
33 the younger people are saying, well, we don't want to be
34 tattletales, or be regarded as, you know, tattletales, but
35 it's your subsistence hunt, and it's your time when you can
36 take advantage, you know, of getting your game. And we
37 need to protect that, because any violations, you know, is
38 going to be seriously affecting, you know, the future of
39 our subsistence hunts.

40

41 Another thing that we advised our tribal
42 members or the people in the community was, you know,
43 please be self-regulating yourself. If you see something
44 happening, you go to that individual or go to those people
45 and say, you know, we think you're violating this
46 regulation, and please don't do it, otherwise we will
47 report you. And, you know, I think that's wise counsel
48 that came from our tribal council, you know, to the
49 community, and I share that with you at this point, you
50 know, for your information.

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: Other Council
4 comments or questions. Dr. Garza.

5

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

7

8 And I did want to, since you're here, Mr.
9 Wagner, to ask you about the eulachon in Unuk, and if you
10 could update us on the last two years.

11

12 MR. WAGNER: There's not too much to
13 report. There hasn't been much fish coming in. And the
14 Forest Service has been staying up there anywheres from a
15 month to, what, let me see, four to six weeks. They've
16 been staying up there and trying to monitor and keep a
17 close watch on what was coming in.

18

19 And I just don't know what's happening to
20 them, but it seems to me since the Navy testing station has
21 moved in in Behm Canal, West Behm Canal, the run has
22 declined dramastically (sic) there. And I've asked --
23 before we went to the subsistence fishery, I asked the Fish
24 and Game in Ketchikan there, in the office, if they would
25 -- if they could look into it, and maybe get the Navy to
26 stop testing during the migration of the eulachon when it
27 comes into the river. None of us know if it comes in the
28 East Behm or West Behm. And never really got a response on
29 it. And then I asked the Forest Service if they could look
30 into it, and I don't know if they've had the time to look
31 into that part of it yet.

32

33 But I know last year in Florida they got it
34 on the news once where the Navy was doing their underwater
35 testing, and they drove the dolphins right up on the beach,
36 and killed a lot of dolphins. And this happened in
37 California a few years back, too. I think it's something
38 worth looking at, to see -- at least get them to stop
39 testing during the migration of the eulachon.

40

41 And other than that, it's -- we've had
42 problems with -- apparently this global warming, the ice is
43 coming out too early, and usually in the past the ice would
44 stay in there until about the third week of March and come
45 out, and then the eulachons would go right up. The water
46 temperature would be right and everything. And now, gees,
47 there's no ice, no snow. There should be like three, four
48 feet of snow on the banks up there, and there's just
49 nothing. Those glaciers up on the mountains are hardly
50 there now. There's not much there. The water's hardly

1 green any more. You come up -- I see coming in on the jet
2 here, the water's still fairly green, but it's just pretty
3 much muddy out of the Unuk River now. So there's probably
4 a number of things that's causing the run.....
5

6 I talked to a good friend in Prince Rupert,
7 I keep in touch with him, because he goes up the Skeena and
8 dips eulachons as soon as they come in, and then he gets
9 them from Nass, from his family from the Nass, and they had
10 a fair run. But he -- the small ones came in and he was
11 waiting for the big ones to come in, and I don't think the
12 big ones came in, the big eulachons.
13

14 And I guess there's still a -- there was a
15 pretty good run up here last year. But other than that, I
16 don't know. We're watching it close.
17

18 CHAIRMAN LITTLEFIELD: Okay. I believe our
19 next presenter, Mr. Bob Larson can address probably some of
20 those questions. I think this is in his bailiwick. Mr.
21 Adams.
22

23 MR. ADAMS: Thank you, Mr. Chairman.
24

25 We had this same problem with the eulachon
26 run in our area this past year, so we were waiting for, you
27 know, the run to come, and then we got all those small ones
28 and none of the larger ones. So I don't know what's
29 happening there.
30

31 Anyhow, the purpose of my asking your
32 indulgence, Mr. Chairman, was to yield two minutes to my
33 colleague. He has a question to ask.
34

35 CHAIRMAN LITTLEFIELD: Mr. Kookesh.
36

37 MR. KOOKESH: Mr. Wagner, Louie, I have to
38 hand it to you to come forward and talk about this
39 enforcement issue.
40

41 I don't agree with Mr. Adams that you walk
42 up with a gun to another guy with a gun and tell him what
43 you're doing is wrong. I think that's kind of asking for
44 it.
45

46 But I believe that -- at this stage in
47 time, I believe enforcement should be on your side. There
48 shouldn't be a need to walk up to someone and say, what
49 you're doing here is wrong. I know we do have peer
50 pressure that can be put on them, but I believe that

1 enforcement should side with you and you shouldn't have to
2 go down that one road.

3

4 But I have to commend you for coming here
5 and telling us, because we usually don't hear those things.
6 It's hard to walk up to somebody and say, we don't like
7 your night hunting, because I have issues in Angoon with
8 night hunters and just try to ask enforcement to take care
9 of it, you know. It's hard when you live in those
10 communities where you have to deal with the issue. But I
11 really want to hand it to you for coming forward. It takes
12 a lot to do that, and I wish you luck. And I know we
13 support you, so, thank you.

14

15 CHAIRMAN LITTLEFIELD: Any other Council
16 comments.

17

18 (No comments)

19

20 CHAIRMAN LITTLEFIELD: I'd like to echo
21 that. Oh, Mr. Adams.

22

23 MR. ADAMS: Just the fact that Floyd forgot
24 to mention that I told him to say what he said, so thank
25 you.

26

27 CHAIRMAN LITTLEFIELD: He said what you
28 said, both was right, and I agree with that. I do applaud
29 that, Mr. Wagner. I've always tried to tell people if they
30 have complaints, which we talked about this morning, that
31 they formally lodge those, because it puts at jeopardy the
32 subsistence program. People use that to fight us, to limit
33 our opportunities because of perceived complaints, and if
34 you have a complaint, I applaud your ability -- your
35 putting that forward in writing.

36

37 Any other Councils.

38

39 (No comments)

40

41 CHAIRMAN LITTLEFIELD: And thank you very
42 much for your testimony. It's good to see you. I'd like
43 to let you know that it's October 21st. It's in Saxman,
44 which is close to this area, and so perhaps it would be
45 easy for you guys to testify at the next meeting.

46

47 Thank you.

48

49 And then, Mr. Larson, if you could address,
50 before you go into Proposal 27, maybe share some data with

1 us on the eulachon, or whatever you call them. Hooligans.

2

3 MR. LARSON: Mr. Chairman. I really have
4 a limited amount of data to share with you at this time.
5 As the Forest Service would like to, and we have made some
6 plans to meet with users in Ketchikan, and to investigate,
7 you know, all avenues of why the eulachon runs in the Unuk
8 River are diminished to the point that they are. I don't
9 know if we have any answers, except that those fish, you
10 know, are no longer present. Or at least they have not
11 been in the last few years.

12

13 As far as the Stikine River is concerned,
14 which is right here in our back yard, we have made some
15 attempt to develop an index of abundance, so we could in
16 fact tell you if it's -- the run is low or high or medium.
17 And depending upon the amount of ice in the river and -- it
18 affects the abundance and our ability to see. It's not
19 that easy of a project to do. It appears that most recent
20 years, you know, the run has not been large. But it
21 doesn't appear that we have sufficient kind of information
22 to say that it's been small either, so it's -- we have
23 spent some time looking at it, and it appears to be doing
24 just fine.

25

26 Other than reporting that we've made some
27 plans to meet, you know, in a collaborative way with the
28 users and the managers in Ketchikan, and with members of
29 the Council to investigate what would be the appropriate
30 response to this stock situation, and concern that we have
31 in Ketchikan. That's in the offing.

32

33 CHAIRMAN LITTLEFIELD: Is there any time
34 frame on when this may be completed?

35

36 MR. LARSON: We would like to do it this
37 fall, in plenty of time to gather whatever information
38 there is available, and to have adequate time to make
39 plans.

40

41 CHAIRMAN LITTLEFIELD: Okay. So we would
42 probably have some information before the Council at the
43 Saxson meeting so that we could take some action if that
44 was deemed necessary? Would that be enough time? In
45 February?

46

47 MR. LARSON: Oh, yes, certainly.

48

49 CHAIRMAN LITTLEFIELD: Dr. Garza.

50

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

2

3 And on that note, I know that Todd Tizler
4 and Rob, Bob, the regional manager for Forest Service
5 intended to be at this meeting, because they did want to
6 meet with the Council and give them an update on what they
7 had, but something came up and they had to cancel at the
8 last minute. So they do intend indeed to present to the
9 Council. So I imagine they will be happy not to have to
10 travel to be able to present at the next meeting.

11

12 CHAIRMAN LITTLEFIELD: So we'll be waiting,
13 anxiously awaiting some additional information, because we
14 don't have any to make any decisions now.

15

16 Proposal FP06-27 starts on Page 92,
17 executive summary. Presenter Robert Larson.

18

19 MR. LARSON: Mr. Chairman. I'll address my
20 remarks with the draft Staff analysis on Page 93.

21

22 Proposal FP06-27 was submitted by the
23 Southeast Regional Advisory Council, and it would remove
24 the gillnet mesh restrictions for the subsistence fishery
25 on the Stikine River.

26

27 The five and a half-inch gillnet
28 restriction for -- in a directed chinook fish -- or coho
29 salmon fishery is not in the best interest of subsistence
30 fishermen. Mesh of that size decreases the ability of
31 subsistence users to harvest chinook and coho salmon. It's
32 not necessary for management of those fisheries.

33

34 The U.S./Canada Pacific Salmon Treaty and
35 its annexes do not address allowable gear for the Stikine
36 River. However, the treaty specifies guideline harvest
37 levels, seasons and reporting requirements. There is a
38 clause stipulating that any proposed regulatory changes to
39 the fishery would need to be reviewed within the
40 U.S./Canada process. We have forwarded this proposal and
41 Proposal 28/29 to the Transboundary Panel, and the Canadian
42 regulators. We have not had a response to date.

43

44 The next meeting of the Transboundary Panel
45 where this topic could be brought on their agenda is
46 scheduled for January 9th. I've not seen the agenda yet.
47 I assume that, and we have some assurances that this topic
48 will be there, and they will discuss it.

49

50 Our recommendation is that the Council

1 support with modification, with the proviso that the
2 maximum mesh size of eight inches be established during the
3 chinook fishery.

4
5 As you recall from a previous deposition or
6 discussion, there was a special action in June of this year
7 to change the mesh size from the maximum of five and a half
8 inches to a maximum of eight inches. And that was
9 supported by the Canadian Government. A mesh size of that
10 size promotes efficiency in harvesting of chinook salmon,
11 and should be satisfactory to the intent of the U.S./Canada
12 process.

13
14 Thank you.

15
16 CHAIRMAN LITTLEFIELD: Are there questions
17 for Federal Staff on the presentation. Council. I guess
18 there's no questions. Dr. Garza has a question.

19
20 DR. GARZA: Thank you, Mr. Chair.

21
22 So it's the understanding that if it passes
23 here and it passes at Federal Subsistence Board, it still
24 needs to go through the Pacific Salmon Commission
25 Transboundary process. And so when you had mentioned the
26 January 9th meeting, is that the Alaska side of the
27 Transboundary Panel?

28
29 MR. LARSON: The bilateral -- I believe
30 it's the bilateral meeting is on the 9th. And that is
31 correct, that we have the Board meeting, has agreed to a
32 collaborative process with the U.S./Canada treaty process,
33 that changes to our regulations would be brought before
34 that panel.

35
36 Now, it's a little unclear that because the
37 annex does not address gear, whether or not we actually
38 have to have their opinion that says -- or their approval.
39 But we do need to bring these changes before that body.

40
41 Now, we'll digress a little, and in a
42 moment we'll be discussing changes in-season in Proposal
43 28. Now, that is an item that's addressed within the
44 annex, which is actually part of the treaty. That will
45 need to be approved in formal action by the panel and the
46 Pacific Salmon Commission.

47
48 And yesterday there was some discussion
49 about and some interest in harvest within the commercial
50 fishery from both the U.S. side and the Canadian side, and

1 I do have those numbers.

2

3 CHAIRMAN LITTLEFIELD: Dr. Garza, and then
4 Mr. Stokes.

5

6 DR. GARZA: I'd like to hear the numbers.

7

8 MR. LARSON: Mr. Chairman. In the 2005
9 season, which was the first season where there was a
10 directed chinook fishery for Stikine River bound salmon --
11 well, not the first, but it's the first recently. I
12 believe that fishery was closed in the early 70s due to
13 over-exploitation. But in 2005 they again had a directed
14 fishery. We also had within the subsistence realm a
15 directed Federal fishery for chinook for the first time.

16

17 And if we were to look at chinook in
18 particular, that we've probably taken around king salmon in
19 the Federal subsistence fishery. Those permits are not due
20 until this week. We have about half of the permits back,
21 and we have nine fish reported so far. So it would very
22 likely be around 20 fish.

23

24 The estimates we have from the Canadians
25 and the U.S. commercial fisheries and their estimate of
26 take within the Canadian food fisheries, are preliminary at
27 this date and will change. But they'll give you an order
28 of magnitude, or at least an idea of what the total harvest
29 is and the total run size.

30

31 For instance, in the U.S. sport fishery,
32 there's about 2600 Stikine river fish that were harvested.
33 In the gillnet fishery, there was about 31,000. In the
34 Canadian food fishery, there was 700. And in the Canadian
35 commercial fishery, about 18,000.

36

37 CHAIRMAN LITTLEFIELD: What was the number
38 on the commercial fishery, U.S. side?

39

40 MR. LARSON: The total, if we combine the
41 troll estimate -- and the troll estimate I should specify
42 is -- and the commercial gillnet fishery as well, now these
43 are terminal fisheries, so they don't make an estimate of
44 Stikine River contributions for troll fisheries or other
45 gear types away from the terminal area. So if we restrict
46 our discussions to District 8, which is the terminal
47 fishery, the gillnetters took about 24,000 and the trollers
48 about 4,000.

49

50 CHAIRMAN LITTLEFIELD: Okay. Thank you.

1 Is that -- Dr. Garza, did that answer your question?
2
3 DR. GARZA: And do those numbers fall in
4 line with what is allowed under the annex and negotiations?
5
6 MR. LARSON: Yes.
7
8 CHAIRMAN LITTLEFIELD: Okay. I have Mr.
9 Stokes next, followed by Mr. Kookesh.
10
11 MR. STOKES: Do you have a count on the
12 total amount of sockeye taken by the Canadians?
13
14 MR. LARSON: Mr. Chairman. Mr. Stokes.
15 Yes, that -- the latest estimates that we were just
16 discussing were chinook salmon, or king salmon, only.
17
18 Now, in the sockeye harvest, I also have
19 those numbers. One of the interesting things about the
20 sockeye fishery was that the forecasts during the season
21 were reduced by about 200,000 fish over preseason
22 forecasts. The U.S. fishery in, and we'll restrict
23 ourselves to gillnetters only now, was 96,000 fish --
24 98,000 fish, excuse me. The Canadian commercial fishery
25 was about 80,000 fish. The food fishery was about 4500.
26 So the total Canadian harvest of sockeyes for the Stikine
27 River were 8400 (sic) fish versus the total U.S.
28 contribution was about 98,000.
29
30 CHAIRMAN LITTLEFIELD: Go ahead.
31
32 MR. STOKES: I was just wondering, you said
33 8500 or 85,000?
34
35 MR. LARSON: I'll be more clear. The
36 Canadian harvest was --- totalled about 84,000 sockeyes.
37 That is the sum of the commercial fishery at 80,000 and the
38 food fishery at 4500.
39
40 MR. STOKES: I know the Tolten subsistence
41 fishers didn't get any sockeye this year. One of the
42 better fishermen up there got 17. And they were blaming
43 the U.S. for taking all the fish. And this isn't so,
44 because right at the border where the primary fishing takes
45 place, each license is allowed two nets, and they have one
46 drift net and one anchored net. And when they anchor them
47 out, they're anchored in such a position that it forms a
48 trap. And the Tolten people were unhappy with us, because
49 I've been there several times this year. And they don't
50 have any put up for the winter.

1 And the Canadian Government opened the
2 season for seven days a week. And I have -- most of the
3 fishermen are friends of mine, and I've talked with them.
4 And some -- they were so tired they couldn't navigate. But
5 they were happy. They were bringing in, and they were
6 selling their fish here at the sea level. And they were
7 making two trips a day with their fresh fish.

8
9 MR. LARSON: Yeah. Mr. Chairman. That's
10 the Canadian commercial harvest is, you know, much larger
11 than, you know, a long-term average would be.

12
13 And I almost forgot the most important
14 component of the harvest of sockeyes is the 250 or so that
15 will be taken in the subsistence fishery.

16
17 CHAIRMAN LITTLEFIELD: Go ahead.

18
19 MR. STOKES: And there at the Tuya, the
20 sockeye are larger than the ones that go up the Tolten, and
21 they were harvesting them right in the river, and you've
22 probably seen where they pick them up, and they have a
23 helicopter that goes in and lifts them out. And they take
24 them in and they -- I don't know where they fly them to,
25 whether it's Prince Rupert or right to Vancouver, but this
26 is what they were doing.

27
28 CHAIRMAN LITTLEFIELD: While we're at it,
29 why don't we get all the numbers here of what -- we've got
30 about 20 kings roughly, and 250 sockeye. Last year we had
31 no coho. Maybe you could just fill us in on all the
32 numbers of the subsistence take, so we get some idea of
33 what's going on here.

34
35 MR. LARSON: Yeah. Mr. Chairman. In the
36 Stikine subsistence fishery, we issued 34 permits in 2005.
37 Our harvest estimate is -- for chinooks is 15 to 20 fish.
38 And for chum salmons, 36 fish. Cohos will probably be
39 around 10 or 12. Pink salmon, 134 pink salmon. Four Dolly
40 Vardens. And 260 sockeyes.

41
42 CHAIRMAN LITTLEFIELD: Okay. Thank you.
43 Mr. Kookesh.

44
45 MR. KOOKESH: My question was pertaining to
46 two words on Page 99. It says, and maybe I just need some
47 clarification, but it says, under preliminary conclusion,
48 it says support with modification to specify a maximum mesh
49 size of eight inches. And when I read the proposed
50 regulation to read, it says maximum gillnet mesh size is

1 eight inches. What's the difference?

2

3 MR. LARSON: I'm not sure there is any
4 difference. The maximum mesh size is a concept that the --
5 both the State and the Canadian Governments are comfortable
6 with.

7

8 MR. KOOKESH: The reasoning is that in
9 reading the book, they use the word maximum size of eight
10 inches, then when we write the proposal, maximum size is
11 eight inches. I read of eight inches, it means to me that
12 it rises to that level, and when I read it, it just says
13 eight, is eight. That's the way I'm reading it, I don't
14 know, maybe I'm reading it -- too much into it.

15

16 MR. LARSON: Yeah. Mr. Chairman.

17

18 The proposed regulatory language is eight
19 inches, and that would allow any size up to eight inches,
20 and including eight inches.

21

22 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

23

24 MR. HERNANDEZ: Thank you. Mr. Chairman.

25

26 Bob, I was just wondering about one more
27 important number. How about escapement numbers for kings
28 and sockeyes. Do you have any numbers there at this time.

29

30 MR. LARSON: Yeah. Mr. Chairman.

31

32 The escapement, the total escapement number
33 for king salmon is -- I just don't have that. That
34 escapement number is generated by a series of
35 mark/recaptures estimates on different spawning systems and
36 weir count that all contribute to a total number. And I
37 just don't know what that total is right now. I believe
38 that the number that was batted about was some place 30 to
39 40,000 kind of a fish number.

40

41 Now, we're a little more certain on the
42 sockeyes. We have more experience with that. The
43 escapement for Stikine sockeyes is made up of two
44 components. One is a main stem index, and the other is a
45 Tolten Creek weir count. The Tolten Creek weir count was
46 almost 42,000 fish, which is a good escapement for that
47 system. And the main stem is was an additional 30,000,
48 which is summed to about 72,000 escaped for sockeyes.

49

50 CHAIRMAN LITTLEFIELD: Follow up on that,

1 or is that adequate for you.

2

3 MS. HERNANDEZ: Maybe just how does that
4 compare with what your escapement goals are. Is it pretty
5 much satisfactory?

6

7 MR. LARSON: For both, whatever the king
8 salmon number is going to end up with, it appears that it
9 is within the escapement goal range, as is the sockeye
10 number.

11

12 CHAIRMAN LITTLEFIELD: Any other questions
13 from Council. Dr. Garza.

14

15 DR. GARZA: We're sort of dancing around
16 Stikine issues because we're on this proposal, so I'm going
17 to keep dancing.

18

19 In our letter to the Federal Subsistence
20 Board, our annual letter, one of the things we had pointed
21 out was that we think our biologists should be more
22 involved with the Pacific Salmon Commission management
23 process. And the letter back was not really what we wanted
24 to hear.

25

26 And so I guess what I would like to ask you
27 is what is your involvement? Do you work with the
28 biologists from Canada or from ADF&G? Have you attended
29 any of the meetings, or do you feel like you have been left
30 out of meetings that would be helpful for you to attend?

31

32 MR. LARSON: Mr. Chairman. Dolly. Larry
33 Buklis and I from the Department of -- or the Office of
34 Subsistence Management, we did attend the Pacific Salmon
35 Commission meeting in Vancouver last year where they gave
36 tentative approval to the expanded king salmon and coho
37 fisheries.

38

39 Concurrent with that meeting was the
40 meeting of the Transboundary River Panel, and we did get to
41 meet with those representatives. And I'm sure that what we
42 heard from -- it was very worthwhile, and what we heard
43 from the panel members, especially the Canadian panel
44 members, was that it was very valuable for them to put a
45 face with a name. As you know, the Federal program is not
46 a party to the U.S. treaty. And there was some trepidation
47 about exactly who this other organization was that they
48 were dealing with. And in that case it was very
49 worthwhile. And we were, you know, listened to, you know,
50 carefully by those people. And it's -- if we were given an

1 opportunity to participate again, I think it's always good
2 to have some face time with regulators that are
3 influencing, you know, your program.

4
5 The -- I lost my train of thought here.
6 But during the season, one of our obligations is to keep
7 the parties to the treaty informed of how -- of the
8 subsistence program, so I've either in person or by email
9 kept either the Alaska Department of Fish and Game
10 employees informed on a weekly basis of the status of our
11 subsistence fishery, or by email to both the Canadians and
12 the State representatives. And I've -- that seems -- they
13 seem to be fine with that degree of involvement. And it
14 appears to suit our needs as well.

15
16 CHAIRMAN LITTLEFIELD: Dr. Garza.

17
18 DR. GARZA: Thank you, Mr. Chair.

19
20 Well, that's good to hear, and I do support
21 your continued involvement in the Vancouver meetings, or
22 Transboundary meetings wherever, because it does require a
23 face. When you have committee members from the other side
24 who've never met the subsistence side of Alaska, they
25 really do get confused. And in my discussion with them
26 when we were just fighting for the fishery, they didn't see
27 that we felt it was important, because we didn't show up.
28 But they didn't realize that we weren't invited and
29 intentionally not invited. And they just couldn't imagine
30 that happening on the Canadian side. So it is good to see
31 that you're there, because as you said, in-season you do
32 have to have communications, and it's good to know what
33 those faces look like, and for them to know what you look
34 like, so I'm really glad to hear that, and would support
35 continuation of it.

36
37 CHAIRMAN LITTLEFIELD: Other Council. I
38 have a question, is when we submitted our proposal, it
39 concerned chinook and coho, and I note for the last -- we
40 have basically no coho interception at this time. And do
41 you believe that's a function of the mesh size of five and
42 a half inches? Because it's really not addressed. In your
43 modification, you're saying leave it at five and a half
44 inches, but basically increase it to eight inches during
45 the chinook season. But we asked for coho fishery. Maybe
46 you could address what's happening in the coho, if you have
47 any idea why we're not catching any.

48
49 MR. LARSON: Yeah. Mr. Chairman. There's
50 a couple of issues wrapped up in that and our

1 recommendation.

2

3

4 The first is that we did have some
5 communications with our users that a five and a half-inch
6 mesh was not appropriate for a directed king salmon
7 fishery, and we acted on that in-season to have that
8 changed to the eight inches. And the Canadians were fine
9 with that.

9

10

11 The other is that we were fully prepared to
12 go that same kind of an exercise for cohos during the coho
13 season, if there would have been any interest by users in
14 pursuing a larger mesh size. And that willingness to
15 change mesh sizes in-season was made known to our users.
16 And we had not any requests or interest by users to really
17 change mesh sizes for the coho fishery.

17

18

19 If we were to go forward with changes to
20 the mesh size for chinooks, at this point we have an
21 adequate amount of background information and evidence that
22 we can present to both parties to the treaty that in fact
23 this is necessary for the subsistence fishery. However,
24 without a request or really any interest in the users to
25 change the mesh size for cohos, we felt that our evidence
26 and our degree of interest in changing that is somehow
27 diminished.

27

28

29 And if there was an interest in doing that,
30 well, then that's something we can do again next year. I
31 will guess as people become more familiar with the
32 subsistence fishing, the opportunities and the process,
33 that we will have more people that are participating in the
34 coho fishery, and in that case, there will be maybe some
35 interest in changing the mesh size. But right now we would
36 be presupposing what their interest really is, and we just
37 didn't want to do that.

37

38

CHAIRMAN LITTLEFIELD: Mr. Stokes.

39

40

MR. STOKES: Thank you, Mr. Chair.

41

42

43 When we first introduced the proposal to
44 initiate a subsistence fisheries on the Stikine, we didn't
45 think of mesh size at the time. We just wanted to get it
46 open.

46

47

48 But I'm in favor of the larger mesh. My
49 reasoning is that when the larger salmon come in and get
50 caught in the five and a half-inch mesh, they fight and run
and eventually they're wounded, and then if they're lucky

1 enough they break away and they head upstream. But a lot
2 of them are so wounded and tired that they die on the way.
3 So I speak in favor of a larger mesh.

4
5 CHAIRMAN LITTLEFIELD: Any other questions
6 for Federal Staff on their presentation.

7
8 (No comments)

9
10 CHAIRMAN LITTLEFIELD: Okay. That's all I
11 have. ADF&G.

12
13 MS. SEE: Thank you, Mr. Chair. Members of
14 the Council. My name is Marianne See with Fish and Game
15 offering the departmental comments on this proposal.

16
17 As you know, special action was taken by
18 the Federal Board late in the season in 2005 to change the
19 maximum mesh size to eight inches during the subsistence
20 chinook fishery, and Federal Staff now recommends
21 supporting this proposal with a maximum mesh of eight
22 inches for chinook.

23
24 The Department notes that this proposal
25 would make the fishery more efficient, and that there are
26 other measures already in place to limit harvest under the
27 Pacific Salmon Treaty.

28
29 But in addition to these comments, I have
30 something that I can offer from my conversation with Deputy
31 Commissioner Bedford of Fish and Game, who is, of course,
32 a commissioner on the Pacific Salmon Commission. And he
33 offered this comment on my way down here two days ago, that
34 as Bob Larson noted, this provision to look at mesh size is
35 not in the treaty itself, so it can be pursued with
36 Canadian managers, and Deputy Commissioner Bedford assures
37 us that that is the intent, that that be pursued with the
38 Canadian managers, and does not have to wait until the
39 bilateral meeting of January 9th to be discussed with them.
40 And we would anticipate, based on previous discussions and
41 reactions to this eight-inch issue that that would be very
42 feasible to get that provision addressed.

43
44 So that's the update I have for you. Thank
45 you.

46
47 CHAIRMAN LITTLEFIELD: You support the
48 proposal for eight inches as modified? I need to get your
49 recommendation, if you would, please.

50

1 MS. SEE: Mr. Chair. The Department is
2 willing to advance this proposal with the Canadian
3 managers, so, yes, we are supportive.

4
5 CHAIRMAN LITTLEFIELD: Okay. One further
6 follow up on that. If we were to include coho, which the
7 original request was, given that cohos are normally taken
8 with bigger than five and a half inch mesh, would that
9 affect the recommendation of the State? Because the
10 original proposal was for coho and chinook together.

11
12 MS. SEE: My understanding is that does not
13 adversely affect our position on this, Mr. Chair.

14
15 CHAIRMAN LITTLEFIELD: Okay. Questions
16 from the Council for ADF&G.

17
18 (No comments)

19
20 CHAIRMAN LITTLEFIELD: Okay. Thank you
21 very much.

22
23 Any other Federal agencies, tribal entities
24 that would like to comment on this proposal.

25
26 (No comments)

27
28 CHAIRMAN LITTLEFIELD: Interagency Staff
29 Committee comments.

30
31 MR. KESSLER: Mr. Chair and Council. Steve
32 Kessler with the Interagency Staff Committee.

33
34 And I think that all the points I was going
35 to bring up have already been presented. And Ms. See just
36 having talked to David Bedford and talked about the mesh
37 size was important.

38
39 We wanted to make sure you realized as has
40 been brought out that an unlimited mesh size would likely
41 be disputed by the Canadians, but an eight-inch size, as we
42 did in the special action, as we moved through the special
43 action would not be a problem at all.

44
45 CHAIRMAN LITTLEFIELD: Any questions for
46 Interagency Staff Committee.

47
48 (No comments)

49
50 CHAIRMAN LITTLEFIELD: Okay. Thank you.

1 We're at fish and game advisory committee.
2 Any fish and game advisory committees.

3
4 (No comments)

5
6 CHAIRMAN LITTLEFIELD: Summary of written
7 public comments. Ms. Hernandez, you have the written
8 comments? Okay.

9
10 MS. HERNANDEZ: The first is on page 100 of
11 the book from Chilkoot Indian Association. they are in
12 opposition to the proposal. When targeting a particular
13 species, it is best to use the proper gear size to
14 facilitate harvest of that species.

15
16 And then I've got the entire of the Rupe
17 Andrews from the Alaska Board of Fish. Subsistence
18 Proposal 27 if approved would remove all regulations in the
19 Stikine River as to mesh size on gillnets for subsistence.
20 this is not a good conservation proposal as large mesh size
21 tends to be discriminatory towards female chinook and will
22 filter the small male salmon through. This is the very
23 reason that the Taku and Stikine stocks of chinook were
24 decimated some 30 years ago. Using a smaller mesh size
25 would increase the number of fish caught in a shorter
26 fishing time, and allow the larger female spawners to
27 spawn. ADF&G has published reports on this by Paul Kissner
28 who worked on Taku Chinook in the 70s.

29
30 CHAIRMAN LITTLEFIELD: Excuse me a minute.
31 Could we go over this Chilkoot Indian Association? It says
32 it opposes the proposal, and maybe -- I think I'd like to
33 take a look at that. Because it says then when targeting
34 a species, it is best to use the proper gear size. So it
35 almost seems like they're in favor of the proposal. And
36 maybe we could take a look at that proposal.

37
38 Is there any public testimony on Proposal
39 27, any member of the public like to testify on 27. Mr.
40 Casipit, comments.

41
42 MR. CASIPIT: Yes, Mr. Chair. Thank you.

43
44 I was just trying to maybe help the Council
45 interpret these public comments. These public comments
46 were responding to the proposal as written, at the time it
47 was unlimited mesh size. They're not commenting on the
48 Staff recommendation in this case.

49
50 CHAIRMAN LITTLEFIELD: Okay. Thank you.

1 I still want to see the letter though.

2

3 Okay. Regional Council action. Page 27 --
4 or, excuse me, Page 92 is the executive summary, the
5 proposed regulation is 27, that was our recommendation.
6 Staff's recommendation is in the center of the page. A
7 motion is in order to move on 27. Dr. Garza.

8

9 DR. GARZA: Mr. Chairman. I would move
10 that we support FP06-27 as recommended by Staff and written
11 in the middle of Page 92.

12

13 CHAIRMAN LITTLEFIELD: Is there a second.

14

15 MR. STOKES: I'll second it.

16

17 CHAIRMAN LITTLEFIELD: It's been moved and
18 seconded to recommend support for FP06-27. The language is
19 on Page 92 in the center of the page under Staff
20 recommendation.

21

22 Council comments. Again we need to provide
23 those four criteria. They're up on the screen again. So
24 if the Council will cover those issues under discussion.

25

26 Mr. Hernandez.

27

28 MR. HERNANDEZ: Thank you, Mr. Chairman.
29 I'm in support of this proposal. We have had a good
30 presentation on how this Stikine fishery is being conducted
31 with good evidence towards this proposal.

32

33 I don't see anything about this proposal
34 with the maximum mesh size as amended in the modified
35 language as causing any conservation concerns.

36

37 This proposal would definitely be
38 beneficial to the subsistence users. It would make the
39 fishery more efficient, and there would be no adverse
40 effects on non-subsistence users.

41

42 CHAIRMAN LITTLEFIELD: Okay. Thank you.
43 Other council. I think that summarizes the data well
44 enough, and I think it's fairly clear what we're doing
45 here, so if the Council's ready for the question -- Mr.
46 Adams.

47

48 MR. ADAMS: Yeah. Mr. Hernandez, you know,
49 outlined those four criteria pretty well, but I'd like to
50 just point out the fact that in this new proposal, you

1 know, they'd have flexibility of a choice mesh size.
2 That's addressed on Page 98 under the effects of the
3 proposal. And it would also increase, you know, the
4 harvest opportunities for chinook and coho salmon.

5
6 Just a note of interest here, you know, we
7 have the flexibility of gear size, you know, for our
8 subsistence in Yakutat. And when the subsistence season
9 opens, you know, the first run is the sockeye. And the
10 sockeye, you know, come in very small at the beginning of
11 the season, and so we use, you know, the coho size mesh in
12 order to target our sockeye fish. And we get the larger
13 ones, and the smaller ones, you know, go right through the
14 mesh with no damage.

15
16 Another thing that is in favor of this is
17 that the Canadian fishery managers have agreed with this
18 eight-inch mesh size.

19
20 So I, too, am in support of this proposal.

21
22 CHAIRMAN LITTLEFIELD: Are there any other
23 Council comments.

24
25 I just wanted to note that, you know, the
26 numbers that Mr. Larson gave us show that we are having a
27 very small effect on the fishery here. We're not -- I did
28 have some thoughts about the coho fishery, why they didn't
29 do what we asked them to do, because I saw no reason why we
30 couldn't have gone to eight inches on the coho, but if the
31 rest of the Council doesn't see any problem with this, I'm
32 not going to go there. I just find it funny that if we
33 have no evidence, because you can't catch a coho because
34 the mesh size is too small, that you use that as evidence
35 that nobody needs it. So this was to provide an
36 opportunity for them to use the larger mesh size. But I'm
37 not going to go there.

38
39 So does any other Council want to have --
40 are you ready for the question. Dr. Garza.

41
42 DR. GARZA: I have another question for Mr.
43 Larson. Thank you, Mr. Chair.

44
45 Mr. Larson, when you gave us the numbers
46 for subsistence harvest of the five salmon species, coho
47 was about 10 to 12. Are those an allowed take or
48 incidental?

49
50 MR. LARSON: Mr. Chairman. That is a best

1 guess. As you know, that the permits themselves are good
2 for a two-week time period. And in order for that same
3 permit to be valid for succeeding dates or succeeding two-
4 week time periods, then the management plan calls for the
5 permit holder to call the office and have them revalidated.
6 And at that time we have an opportunity to provide an
7 estimate of harvest for the preceding time periods. What
8 we've had is, for instance, in this last fishery, the last
9 two weeks from September 16th to October 1st, there's only
10 been five permits that showed an interest in being
11 revalidated for that time period to harvest cohos. As far
12 as we know, there was only one person that harvested cohos.
13
14

15 So to date we have had 16 of the 34 permits
16 returned, and on those permits, there has been one coho.
17 I'm sure now that when we come back, I will have some more
18 permits, you know, in my mailbox. And for those people
19 that have not returned theirs, then I'll start making some
20 phone calls and track them down.
21

22 But the lack of cohos I think is a function
23 of lack of effort.
24

25 CHAIRMAN LITTLEFIELD: Did that answer your
26 question, Dr. Garza?
27

28 Are we ready for the question. Mr. Wright.
29

30 MR. WRIGHT: Yes, thank you, Mr. Chairman.
31 I'm not a gillnetter, I'm a seiner, so I'm not too sure --
32 clear about mesh sizes and things like that, but on effects
33 of the proposal, the last sentence, it says, it is not
34 clear whether a greater -- I mean, whether a larger mesh
35 gillnet is necessary to effectively harvest cohos in the
36 Stikine. So when it says it is not clear, it kind of -- I
37 kind of question what that means. So as not being a
38 gillnet fisherman, I have no idea what that means.
39

40 Thank you.
41

42 CHAIRMAN LITTLEFIELD: You can ask that of
43 Mr. Larson as well as we have two gillnetters with
44 experience. Mr. Hernandez, Mr. Adams both participate in
45 gillnet fisheries, and perhaps maybe you could take a --
46 give us some information on what would be better, five and
47 a half-inch -- for cohos. We're talking about for cohos.
48

49 DR. GARZA: And along the same, for us non-
50 gillnet people, would you have separate nets? Would you

1 have separate nets? Would you have a five and a half for
2 coho and an eight for king, or would you just want one net
3 for both?

4
5 MR. HERNANDEZ: Well, in the commercial
6 fishery it's pretty standard, you know, for somebody to
7 have approximately a five and a half inch net for sockeye,
8 an approximately six-inch net for coho. That's probably a
9 more effective size for coho. And a larger net for kings.

10
11
12 You know, the feasibility of a subsistence
13 user having three different nets, maybe not too practical.
14 If you were -- probably the most optimum would be -- it
15 probably would be worthwhile to have a larger net if you
16 really wanted to target king salmon. A five and half-inch
17 mesh net would be very effective for sockeye, and probably
18 effective enough to catch most coho. You might lose some
19 larger coho, but there's a lot of cohos that five and a
20 half mesh would be pretty effective.

21
22 I guess my opinion would be for practical
23 purposes, two mesh size restrictions is probably most
24 efficient.

25
26 CHAIRMAN LITTLEFIELD: So what you're
27 saying is you would support them having two nets, but not
28 -- a subsistence user having two nets, but not three?

29
30 MR. HERNANDEZ: I think two nets would be
31 adequate for efficient conducting a fishery.

32
33 CHAIRMAN LITTLEFIELD: Mr. Adams, could you
34 give us some insight on what the Yakutat gillnetters do.

35
36 MR. ADAMS: Thank you, Mr. Chairman. Again
37 Mr. Hernandez, you know, explained it pretty much the way
38 that I would.

39
40 I would just add that in the Yakutat area
41 we don't have, you know, a net for sockeye or coho or king
42 salmon. In order to keep, you know, our costs down, we'll
43 strip a net and hang a king salmon net for the earlier
44 season, you know. Or we use the coho net. And each time
45 the season, you know, changes, then we'll strip the net,
46 hang another one, you know, and keep, you know, the costs
47 down as much as possible, so that's how we handle it in
48 that area.

49
50 But again, you know, Don has explained, you

1 know, the three different mesh sizes, and, you know, that
2 I support as well, because that's the way that we do it in
3 our country.

4

5 CHAIRMAN LITTLEFIELD: Thank you, Mr.
6 Adams. Dr. Garza.

7

8 DR. GARZA: Mr. Larson, I wasn't done with
9 you. So I guess the final question is sort of in terms of
10 timing, and I hadn't realized that a permit was good for a
11 two-week window and then you have to reapply, and the ones
12 that reapplied were interested in the cohos, which made me
13 thing of timing. If you're interested in cohos and kings,
14 are they going to be running up the river at the same time
15 that you would want to have an eight-inch mesh for both of
16 them, or would you have two different nets and mesh sizes
17 at different times of the season, and in order to focus on
18 kings and then coho? You know, how does it operate through
19 the season?

20

21 MR. LARSON: Mr. Chairman. Dolly. The
22 overlap occurs during the king salmon and sockeye season.
23 By the time August 15 rolls around, the king salmon and
24 sockeyes are pretty much through that main stem. You end
25 up with having a time there in the early part of the season
26 when there's -- you know, when there's a few cohos, and
27 then they -- building, of course, into the first of
28 September, and as they ascend from marine waters into fresh
29 water.

30

31 But I'm -- in my own mind, I'm pretty
32 certain that the interest in coho fishing, you know, in the
33 river is a function of the availability of cohos in the
34 marine waters. If there are lots of -- and this fall there
35 was a readily available coho abundance right here close to
36 town. And I'm sure that that affected the amount of
37 interest we would have up the river.

38

39 The second item is that in just terms of
40 efficiency, and Don, you know, really has struck that cord
41 right on the head there, that if you were in the commercial
42 industry and, you know, an incremental amount of increase
43 in efficiency is important to you, then, you know, very
44 likely you would have a six or six and a half-inch mesh.
45 For a subsistence fishery where it's -- the cost of doing
46 business is maybe a little more of a concern rather than
47 the catch rate in small amounts, then it's not such a big
48 deal. We have had some, you know, communications with the
49 users that if it was a -- and it turned into a
50 consideration for them, that they would need to have a

1 different sized net, then we would certainly respond to
2 that kind of a request, but from the user's perspective,
3 and from what we have had as an interchange, that does not
4 seem to be a big item at this point.

5
6 CHAIRMAN LITTLEFIELD: Mr. Stokes. You
7 better just stay with us, Mr. Larson.

8
9 MR. STOKES: Thank you, Mr. Chair. I have
10 two nets, one's five and a half, and I'm not sure on the
11 fall net, because it was given to me by a commercial
12 fisherman. It was surplus. So I have 200 fathoms of that.

13
14 (Laughter)

15
16 MR. STOKES: And I'm sure that that one is
17 plenty good for the kings.

18
19 MR. LARSON: Mr. Chairman, on the Stikine
20 River, that is -- oh, that's plenty of nets. That's 20
21 nets or 30 nets.

22
23 CHAIRMAN LITTLEFIELD: Are there other
24 questions. We need to get moving on this. We're running
25 behind time. I have some problems with it, but I'm just
26 going to get going on it. I think this is adequate for a
27 start.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Okay. the question
32 before the Council is the recommendation on FP06-27 as
33 shown on Page 92 and we are -- the motion is to support the
34 Staff modification, which would change the word to delete
35 the mesh size no larger than five and a half inches may be
36 used, add the words the maximum gillnet size is five and a
37 half inches, except during the chinook season when the
38 maximum gillnet mesh size is eight inches. All in favor
39 please signify by saying aye.

40
41 IN UNISON: Aye.

42
43 CHAIRMAN LITTLEFIELD: All those opposed,
44 same sign.

45
46 (No opposing votes)

47
48 CHAIRMAN LITTLEFIELD: The motion is
49 accepted to recommend FP06-27 for adoption by the Board.

50

1 Let's take a quick break. And just one
2 other thing. We're going to have to get moving here.
3 We're running out of time again like we always do. So 10
4 minutes.

5
6 (Off record)

7
8 (On record)

9
10 CHAIRMAN LITTLEFIELD: Call the meeting
11 back to order. We're going to take Proposal 30 next,
12 because the proponent of Proposal 30 has a teleconference
13 that may miss it if we do 28. So what we're going to do is
14 Proposal 30. And immediately following that, I'd like to
15 allow Mr. Brelsford to make a presentation, because he also
16 has to catch a plane. And then we'll come back to 28 and
17 29. And I want to remind the Council that we've still got
18 a half a dozen proposals left to go and a full page of
19 stuff. So we need to start moving these along.

20
21 Okay. Proposal 30. Mr. Ben VanAlen. And
22 it starts on Page 108.

23
24 MR. VanALEN: Yes. I'm Ben VanAlen. I
25 work for the Forest Service as a subsistence fisheries
26 biologist.

27
28 Yes, I'm on -- starting on Page 108, 109.
29 Proposal FP06-30, submitted by Patricia Phillips of
30 Pelican, would allow the use of subsistence taken pink
31 salmon for bait. The proponent would not restrict the
32 fisheries the pink salmon bait can be used for. These
33 fisheries might include commercial, sport, personal use or
34 subsistence fisheries for crab, halibut, or other shellfish
35 and fin fish, and using pot, long line, or rod and reel
36 gear. The pink salmon might also be used to trap fur
37 bearers.

38
39 Section 803 of ANILCA Title VIII defines
40 the term subsistence uses as, quote, the customary and
41 traditional uses by rural Alaskan residents of wild
42 renewable resources for direct personal or family
43 consumption as food, shelter, fuel, clothing, tools, or
44 transportation, for the making and selling of handicraft
45 articles out of non-edible byproducts of fish and wildlife
46 resources taken for personal or family consumption, for
47 barter, or sharing for personal or family consumption, and
48 for customary trade, end quote.

49
50 This definition does not include the

1 subsistence use of salmon as bait.

2

3 Our preliminary conclusion is to oppose the
4 proposal. Allowing the edible portions of salmon harvested
5 under Federal subsistence regulations to be used for bait
6 in commercial and sport fisheries is contrary to the
7 subsistence uses defined in Section 803 in Title VIII of
8 ANILCA. The proposal should be opposed to avoid
9 compromising the consumptive use emphasis of the Federal
10 Subsistence Management Program, and avoid blurring the
11 lines between subsistence, sport and commercial fisheries.

12

13 Thank you.

14

15 CHAIRMAN LITTLEFIELD: Questions for
16 Federal Staff.

17

18 (No comments)

19

20 CHAIRMAN LITTLEFIELD: Okay. Thank you.
21 ADF&G comments.

22

23 MS. SEE: Thank you, Mr. Chair. Members of
24 the Council. My name is Marianne See.

25

26 And we have comments to offer on this
27 proposal. The proposal would allow pink salmon taken in
28 Federal waters to be used as bait in commercial, sport,
29 personal use or subsistence fisheries. We note that the
30 Federal Staff oppose the proposal because Title VIII of
31 ANILCA does not define subsistence uses to include bait,
32 and since Federal subsistence regulations prohibit use of
33 subsistence-caught fish as bait in commercial and sport
34 fisheries.

35

36 Only a small harvest of pinks has occurred
37 in Sate subsistence fisheries and very little harvest has
38 occurred or been documented in Federal subsistence
39 fisheries.

40

41 The State would have concerns about a new
42 harvest of salmon within Federally managed waters that
43 would target fish moving towards the spawning grounds.

44

45 In addition, we note that there's a comment
46 in the Federal analysis on page 112 which says -- it's at
47 the bottom of the justification statement for the Staff
48 conclusion, preliminary conclusion, where it says, the
49 proponent should direct her request to the Alaska Board of
50 Fisheries. That is certainly an option at any time for

1 this particular request.

2

3 That concludes our comments. Thank you.

4

5 CHAIRMAN LITTLEFIELD: Are there any
6 questions for the ADF&G.

7

8 (No comments)

9

10 CHAIRMAN LITTLEFIELD: Okay. Thank you.
11 Any other Federal, State or Tribal agencies wishing to
12 comment.

13

14 (No comments)

15

16 CHAIRMAN LITTLEFIELD: Interagency Staff
17 Committee.

18

19 MR. KESSLER: Mr. Chair and members of the
20 Council. The Interagency Staff Committee does not have any
21 comments on this proposal.

22

23 CHAIRMAN LITTLEFIELD: Okay. Thank you.
24 Fish and game advisory committee comments. Any fish and
25 game advisory committee.

26

27 (No comments)

28

29 CHAIRMAN LITTLEFIELD: Summary of written
30 public comments.

31

32 MS. HERNANDEZ: Thank you, Mr. Chair.
33 We've got two.

34

35 The first one's on Page 113 of the booklet
36 from Chilkoot Indian Association. They support the
37 proposal. At the present time there's an over-abundance of
38 pink salmon in Southeast and other regions of Alaska.
39 Price levels for pink salmon are at historic lows to the
40 point that commercial harvest permits are no longer being
41 used. IT would serve a benefit to all if pink salmon,
42 which would otherwise go to waste in the stream, could be
43 used as bait fish for more desirable species of fish and
44 shellfish.

45

46 We also have a comment from the Wrangell-
47 St. Elias National Park Subsistence Resource Commission.
48 Both members of the Commission who were present for
49 discussion of this proposal support it as written. Mr.
50 Adams stated that there's always an over-abundance of

1 salmon that go into the Situk River.

2

3 Those are the only two.

4

5 CHAIRMAN LITTLEFIELD: Okay. Thank you.
6 Public testimony. Any member of the public who would like
7 to testify on this proposal.

8

9 (No comments)

10

11 CHAIRMAN LITTLEFIELD: Hearing none, let's
12 go to our regional deliberations at this time. We're on
13 FP06-30. The language is on Page -- executive summary is
14 on Page 108. The proposed regulation. A motion to adopt
15 is in order. Ms. Phillips.

16

17 MS. PHILLIPS: Oh, sorry. Thank you,
18 Chairman Littlefield. Move to adopt FP06-30.

19

20 MR. STOKES: Second.

21

22 CHAIRMAN LITTLEFIELD: And, Mr. Stokes, you
23 second? You second?

24

25 MR. STOKES: Yeah.

26

27 CHAIRMAN LITTLEFIELD: Okay. It's been
28 moved and seconded to adopt FP06-30. And the language is
29 as shown for the proposed regulation on page 108 of your
30 Council book.

31

32 Discussion. Ms. Phillips.

33

34 MS. PHILLIPS: Chairman Littlefield.

35

36 I've been reluctant to bring some proposals
37 forward, because they haven't been determined allowable
38 practices, even though they are practices that are on-going
39 in my area. And this is one of those practices that
40 occurs. And with the over-abundance of pink salmon,
41 there's so many pink salmons they're going up the streams
42 -- they're going up the little side streams that aren't
43 even traditional pink salmon streams, that I just thought
44 I would submit it and see where it goes.

45

46 CHAIRMAN LITTLEFIELD: Other Council. Mr.
47 Stokes.

48

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

50

1 I speak in favor of this proposal. In a
2 recent issue of the Daily Alaska Empire, whatever they call
3 it up there, there was a picture of pink salmon about as
4 far as you could see, and about a foot deep. They had no
5 place to go. They were terminal fish. And I think we
6 should be allowed to use the pinks for bait. And I'd like
7 to be legal for once.

8
9 CHAIRMAN LITTLEFIELD: Other Council. Mr.
10 Douville.

11
12 MR. DOUVILLE: Thank you, Mr. Chairman.

13
14 I'm going to speak in favor of this motion,
15 although it may not be included in Title VIII. Other
16 places in the State have so much humpies they allow you to
17 strip and throw away the carcasses, and only take the eggs.
18 It's not a problem. I mean, there's tremendous amount of
19 waste. We don't have a shortage of humpies.

20
21 There's also a provision for some species
22 to be used as bait, so I don't see anything wrong with
23 adding pinks onto that list, since they are so abundant.

24
25 Thank you.

26
27 CHAIRMAN LITTLEFIELD: Other Council. Mr.
28 Adams.

29
30 MR. ADAMS: Thank you, Mr. Chairman.

31
32 I, too, would speak in favor of this
33 motion. Mr. Kookesh told me to tell you, you know, there
34 was a time when we wouldn't even let our over-abundance of
35 pink salmon, you know, be taken over to Russia during a
36 time of shortage for them, you know. So I'm just relaying
37 that message for him. He's afraid to talk right now.

38
39 But, you know, in our area, you know, we
40 have at times an over-abundance of humpies. And it would
41 be nice, you know, to be able to use these, you know, for
42 bait or even other sources.

43
44 I was halibut fishing one year, and a
45 gillnet fisherman came beside my boat and wanted to know if
46 I wanted his humpies, you know, for bait. And, of course,
47 I was all done fishing, so I probably would have taken it,
48 you know, if I needed it.

49
50 But anyhow, for those reasons, I think, you

1 know, even though it's kind of ambiguous as to whether it
2 is in Title VIII, you know, in ANILCA. I've read it, and
3 I'm still trying to, you know, fathom where it says that it
4 is forbidden.

5
6 Mr. Chairman, thank you.

7
8 CHAIRMAN LITTLEFIELD: Other Council. I
9 agree with you. I don't think Title VIII specifically says
10 you can't use bait. It doesn't include the word bait, but
11 it also talks about family consumption for food, and if you
12 can't use a piece of bait like you've always done to catch
13 some food, how could you -- you know, how can you even
14 justify using a herring or a salmon egg or something like
15 that. Next thing you know, they'll say we can't use a
16 herring egg to catch a -- I mean, a salmon egg to catch a
17 fish.

18
19 I have no problem with this. Is anybody
20 opposed to this that would like to speak at this time.

21
22 Are you ready for the question on Proposal
23 30. Excuse me, Mr. Kookesh.

24
25 MR. KOOKESH: I've been in the charter
26 business and I have to speak to the charter, you know, as
27 a charter fisherman, and it's my experience from being in
28 the business for I don't know how many years I've been in
29 this business, over 15 years, and I have clients that don't
30 even want them. They just said throw them away, let them
31 go, chuck them. And when you do the fishery the way I do
32 it, there's just an over-abundance. It doesn't seem to be
33 ending. Whoever created humpies from hellpin (ph) is right
34 on, you know.

35
36 But there are -- there is a lot of humpies
37 and to be able to use a smaller fish to catch a bigger
38 fish, which is the intent, I think there's nothing wrong
39 with that.

40
41 And there is, like I stated, I told Burt,
42 not to tell you that the Russians had done -- we turned
43 down the Russians when they wanted our pinks. We wouldn't
44 even give it to them. That was the State of Alaska.

45
46 Not that -- I don't know what other uses
47 there is for it. I thought about what would happen -- like
48 one of the things I always wonder is how come nobody ever
49 invites me to a humpy dinner, you know. I never, ever get
50 calls, you know, we're having a humpy feast, come on down,

1 you know. You never hear those things. You see them lying
2 on the beach somewhere.

3

4 But we need to I believe -- there's some
5 times when we have to go down the road, you know. You just
6 can't like the State just be opposed to everything. You've
7 got to be realistic, and realistically we have to do
8 something about these humpies. These humpies are just --
9 they're just plugging our salmon streams. Right after our
10 sockeye's in there, the humpies are packed right in there
11 tighter than hell.

12

13 But, I tell you, I do support this
14 proposal, because it's something everybody probably needs
15 to look at, and like I said, I've been hearing confessions
16 here. I wonder why citations aren't being handed out.
17 But, you know, hearing confessions about what's going on
18 with the fishery. And there's a lot of truth to what's
19 being said. I mean, we're all grown adults here. Let's
20 all grow up and realize and look at the facts and get this
21 straight.

22

23 I'm glad, Patty, that you have taken this
24 first step. I was very glad to see your proposal. It's
25 too bad it wasn't on a -- it isn't a statewide proposal
26 where we can clear up these gray areas, you know, and take
27 care of this.

28

29 Thank you.

30

31 CHAIRMAN LITTLEFIELD: Okay. I have Mr.
32 Hernandez, followed buy Mr. Adams.

33

34 I think we've kind of covered the issues
35 here, but we have not addressed the four criteria which are
36 on the screen, so sometime in the next several speakers,
37 let's make sure we cover those four points if we can.

38

39 First it would be Mr. Hernandez, followed
40 by Mr. Adams.

41

42 MR. HERNANDEZ: Thank you, Mr. Chairman.

43

44 I'm not really prepared to cover the four
45 criteria, but I did -- I would ask for maybe a little
46 clarification on the language of the proposal, or the
47 regulation as proposed. We might need Mr. VanAlen up here
48 again, I don't know.

49

50 Would the wording of this proposed

1 regulation, it seems to me it would allow for subsistence
2 used -- or subsistence-caught fish to be used as bait in
3 commercial or sport fishing purposes. Is that the way
4 that's worded?

5
6 MR. VanALEN: It simply says you may
7 subsistence-taken pink salmon as bait, without any specific
8 criteria or guidelines regarding what bait you're using it,
9 which fisheries.

10
11 MR. KESSLER: Mr. Chairman and Council.
12 Steve Kessler with the Interagency Staff Committee.

13
14 One of the things that we asked of our
15 solicitor was if you were to harvest these pink salmon in
16 Federal waters, would you also have to use them for bait in
17 Federal waters. And the initial opinion, and it's not a
18 final opinion by any means, was that if you take them in
19 Federal waters, you have to use them as bait in Federal
20 waters. That there's nothing -- that we can't authorize
21 through this program the use of these pink salmon as bait
22 in other waters. So that was just an initial opinion.
23 It's certainly not a final opinion.

24
25 CHAIRMAN LITTLEFIELD: Mr. Hernandez, does
26 that clarify this, that the bait is only good for catching
27 a Federal fish?

28
29 We have Mr. Adams and then Mr. Douville.

30
31 MR. ADAMS: Thank you, Mr. Chairman. How
32 should I put this. Mr. Chairman, I don't really see any
33 lack of evidence, you know, about using, you know, our pink
34 salmon, you know, for bait, other than the fact that there
35 will be some restrictions, you know, that you have to use
36 it solely for subsistence purposes.

37
38 I know just from my own personal
39 information and experience, you know, I think there is, you
40 know, data enough, you know, to justify, you know pink
41 salmon for bait, because there is an abundance of pink
42 salmon and we really don't know what to do with it.

43
44 I know many people back home during the
45 sockeye season, we call -- what is called an in between
46 season. That's when the pinks start coming in. A lot of
47 people just quit fishing. And there are some who will
48 continue to fish, because it pays for the gas, you know.
49 And even, you know, I think it was going for about seven
50 cents a pound this year, even then, you know, that wasn't

1 enough. You probably spent more on gas, you know, then you
2 would be getting a return back.

3

4 I'm not too sure about the sound management
5 condition there, but I would just mute on that part.

6

7 I think it will benefit subsistence users,
8 and I don't think it will adversely affect the non-
9 subsistence users.

10

11 Thank you, Mr. Chairman.

12

13 CHAIRMAN LITTLEFIELD: Thank you. Mr.
14 Douville.

15

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

17

18 My question is Federal water. I do a lot
19 of fishing in Federal water, like for black cod, and then
20 so on. You're outside the State limit, jurisdiction. And
21 I don't think that that's what you were indicating. But
22 certainly that is Federal water.

23

24 The other thing I was going to point out is
25 all the confessing has been on that side of the room.

26

27 (Laughter)

28

29 MR. DOUVILLE: The only other thing that I
30 might have a concern here is I would entertain the addition
31 of in times of abundance you may use subsistence-taken pink
32 salmon. That would be the only suggestion that I may have
33 on this. And it gives some protection. There has been
34 times when there -- that pink salmon wasn't that abundant,
35 particularly up in this neighborhood. So I'm always sort
36 of a conservationist also.

37

38 Thank you.

39

40 CHAIRMAN LITTLEFIELD: I think we could
41 have someone respond on the outside three-mile limits. I
42 don't believe that's in the definition of Alaska, so that
43 it's not covered by ANILCA, is that correct? The waters?
44 Mr. Knauer, could you talk about that?

45

46 MR. KNAUER: You're absolutely correct, Mr.
47 Chairman. Essentially this proposal would allow you to
48 harvest for the use of bait, pink salmon in fresh waters,
49 and use them in fresh waters. So I think you can have fun
50 using them for steelhead or cutthroat or Dolly Varden.

1 CHAIRMAN LITTLEFIELD: Mr. Casipit.

2

3 MR. CASIPIT: I just wanted to point out
4 that, you know, any harvest that would occur would still be
5 under a Federal permit, and, you know, Federal permit
6 restrictions would apply. And if for reasons of
7 conservation we had to restrict the taking of pink salmon,
8 we would do it no matter whether they're being taken for
9 bait or food or what. We would -- if there was a
10 conservation concern, we'd take action.

11

12 CHAIRMAN LITTLEFIELD: Okay. I have Mr.
13 Kookesh, and I also have a request from a member of the
14 public, Mr. Sanderson, who would like to address the
15 Council on this. And normally we don't allow anyone to
16 address the Council once we've made a motion on this. So
17 it's the Council's wishes whether they'd like to -- if
18 there -- is there objection to Mr. Sanderson testifying
19 after Mr. Kookesh has the floor. Okay. We'll allow that.

20

21

22 Mr. Kookesh.

23

24 MR. KOOKESH: Mike Douville had a very good
25 point there about in times of abundance. I have a
26 question, and speaking in times of abundance, what is the
27 -- who has the information on what the trend is on the
28 humpy runs or the humpy fishery? Is it on the rise or is
29 it on the decline? Is it -- and I haven't -- just to get
30 an idea.

31

32 CHAIRMAN LITTLEFIELD: Probably the State,
33 or Mr. VanAlen, he's got great numbers. Let's have him
34 comment on it.

35

36 MR. VanALEN: Yeah, I could speak a little
37 bit. I actually just went through pink salmon data,
38 because I like it. Anywhere we're still in the mode in
39 Southeast Alaska of the more the better. It's almost
40 amazing. We've had literally historical high returns of
41 pink salmon, harvest of pink salmon, and we still haven't
42 even seen spawner curve really trail off in total of
43 Southeast Alaska. In other words, no real evidence of an
44 increased risk of having lower returns at the higher
45 escapement levels. So we're still kind of in the more the
46 better. That's in general.

47

48 In Tennakee Inlet, for instance, we have
49 seen this evidence of exceeding the carrying capacity and
50 lower returns at the higher escapement levels. I'm just

1 saying, you know, there's that general pattern.

2

3 Right now, yeah, we basically have very
4 healthy runs, and it's due almost entirely to lots of
5 salmon. It takes fish to make fish, and we've had
6 phenomenal rebuilding of the escapements through statehood.

7

8 MR. KOOKESH: Sorry about that, I left my
9 mike on. How long has this rising trend -- since you've
10 been looking at it, how long has this rising trend been
11 occurring?

12

13 MR. VanALEN: Yeah, it occurred in kind of
14 two steps, but basically since statehood, since 1959 when
15 the State took over and employed local managers, delegated
16 them the responsibility to manage the sockeye runs in their
17 area. They've taken a conservative kind of position on it,
18 and there was a great change in the conduct of the fishery.
19 Of course, it's statehood, outlawing of traps, and in the
20 mid 70s with limited entry, big changes in the amount of
21 fishing effort. But basically the fishery has been
22 conservative, not allowing fishing to occur until there was
23 an observable build-up of fish in an off the terminal
24 areas, and so that's been the pattern over time. In
25 southern Southeast pink stocks have rebuilt, were more or
26 less rebuilt 10 years before they've been rebuilt here in
27 the northern -- inside northern outside areas. But now all
28 three areas have clearly plateau'd up from the lows in the
29 60s to 80s and now in the 90s we're clearly at much higher
30 escapement levels. And this escapement is not only in
31 numbers, but in distribution, space and time in the
32 escapement. So we have a very robust production.

33

34 CHAIRMAN LITTLEFIELD: Mr. VanAlen has lots
35 of numbers, and I would love to go a little further into
36 them, like asking you the correlation between the sockeye
37 harvest and the increased pink salmon abundance, but we've
38 got to get moving here, folks. We're going to get hung up
39 -- I thought this was going to take about 10 minutes, so --
40 Mr. VanAlen, don't run off. We're not done with you yet.
41 I'm just trying to say we need to get moving.

42

43 At this time I have a couple of requests.
44 One is from Ms. See I think wanted to correct some part of
45 her testimony, and I then I believe we had Mr. Hernandez
46 followed by Ms. Phillips. Is any other requests? And then
47 Mr. Adams.

48

49 MS. SEE: Thank you, Mr. Chair.

50

1 One thing I had meant to mention here that
2 is relevant to this proposal is the State has a somewhat
3 obscure regulation on this matter. It's under 5 AAC
4 93.350, and it says that unless otherwise prohibited by
5 law, under the authorization of this subsection, a person
6 may use salmon taken in a hatchery cost recovery fishery or
7 in commercial, personal use or subsistence fishery for
8 bait.

9
10 Now, there is another provision that
11 prohibits it for use -- a subsistence fish for use in
12 commercial. So essentially, under the State regulation,
13 you can use a subsistence-caught fish for non-commercial
14 bait purposes. So that's under the state regulations.

15
16 Thank you, Mr. Chair.

17
18 CHAIRMAN LITTLEFIELD: Thank you. So far
19 I haven't heard any opposition to this, and we kind of need
20 to wrap this up. I know we've all got stories about why we
21 support this, so if you are opposed to this, please raise
22 your hand. Right now I've got Don, Patty and Burt. So,
23 Mr. Hernandez, would you go first, followed by Ms. Phillips
24 and Mr. Adams.

25
26 MR. HERNANDEZ: Thank you, Mr. Chair.

27
28 No, I'm not opposed to this regulation. I
29 am -- I guess maybe I'm a little confused about the
30 wording, and I guess I'm concerned that, you know, this
31 regulation as written, it could be very confusing to the
32 public as to -- if somebody could tell me on top of Page
33 110, the very first line on the top of Page 110 states, you
34 may not use -- you may not use fish taken for subsistence
35 use or under subsistence regulations in this part as bait
36 for commercial or sport fishing purposes, except as may be
37 authorized in this part. Is this part authorizing the use
38 for commercial purposes. I guess that's my main question.
39 And is that -- should that be there. Maybe Mr. Knauer
40 could answer that question.

41
42 MR. KNAUER: That's language that's used in
43 the Federal Register to indicate that in the part of the
44 regulations that there is an exception allowed. So that is
45 the correct language for the Federal Register. It just
46 says, unless we tell you otherwise, you can't do it. And
47 the following then, the part for 27.(i)(12)(xii) and
48 27.(i)(13)(xxi)(A) provides the exception which would allow
49 it in the Yakutat and Southeast Alaska fishery management
50 areas.

1 MR. HERNANDEZ: The second line would allow
2 the use of pink salmon for bait in commercial or sport
3 fishing?

4
5 MR. KNAUER: Where it says you may use
6 subsistence pink salmon taken as bait would allow it in any
7 Federal waters for subsistence purposes.

8
9 MR. HERNANDEZ: But isn't our intention
10 with this proposal that it would only be used in
11 subsistence fisheries? Isn't that what we've been talking
12 about?

13
14 CHAIRMAN LITTLEFIELD: The Interagency
15 Staff Committee said their first -- I'm not going to speak
16 for them. Where are they? Mr. Kessler, would you come up
17 and explain what the solicitor told you about where those
18 fish could be used? And again, that's their opinion,
19 that's not our decision, that's just his first glance. Mr.
20 Kessler.

21
22 MR. KESSLER: Mr. Chairman. Steve Kessler.

23
24 What the solicitor said, and again as I
25 said, this was not sort of an absolute decision, this was
26 sort of spur of the moment question to him, was that if the
27 fish were -- these fish could only be harvested in Federal
28 waters, what's considered Federal waters under ANILCA, and
29 that if those fish were harvested under Federal waters,
30 they would need to be used as bait in Federal waters.
31 Using those fish as bait in State waters was not -- is not
32 clearly allowed. It would be interesting to know, of
33 course, what the State thought of that same situation.

34
35 CHAIRMAN LITTLEFIELD: Right. That would
36 remain to be hashed out. In other words, it's -- they're
37 telling us that they believe they're only used in Federal
38 waters, but that's not what we're talking about here.
39 We're just saying we would adopt it as used as bait
40 wherever.

41
42 Ms. Phillips, Mr. Adams. And, Ms.
43 Phillips, are your time constraints okay.

44
45 MS. PHILLIPS: I'm fine.

46
47 CHAIRMAN LITTLEFIELD: I know we've been
48 running about an hour longer than I thought we would here.

49
50 MS. PHILLIPS: Thank you. I have -- I

1 submitted the shooting from the boat proposal, too, and
2 it's created some gray areas, too. You can't always.....

3
4 CHAIRMAN LITTLEFIELD: This side of the
5 table has to quit turning themselves in for things.

6
7 (Laughter)

8
9 MS. PHILLIPS: But I'm trying to meander
10 through a maze of Federal and State regulations to try to
11 recognize on-going practices.

12
13 I appreciate Mr. Ben VanAlen's, you know,
14 questioning me about the intent of my proposal, and for
15 accepting my being purposely evasive to his questions.

16
17 I guess a question I would ask is if this
18 proposal -- if this recommendation is forwarded, then what
19 would be the next step to, you know, try to make the water
20 a little more murky by allowing subsistence-taken pink
21 salmon to be bait no matter where it's used in times of
22 abundance for pink salmon.

23
24 The substantial evid -- the analysis says
25 that neither the proposer or the community use harvest
26 surveys conducted throughout Southeast Alaska area during
27 the past decade have mentioned any traditional use of pink
28 salmon for bait. I would like to say that I was
29 interviewed during the Truck surveys, and what I was
30 questioned on is household use, and if I had been
31 specifically asked, do you use pink salmon for bait, I may
32 likely have been -- said affirmative, yes, I do. And
33 others may have also.

34
35 The sound management principles is Mr.
36 Casipit mentioned that the Federal managers reserve the
37 right to restrict take of species, in times of, you know,
38 less -- a return that doesn't meet their catch -- their
39 escapement levels.

40
41 Is it beneficial for subsistence users? We
42 have limited economic opportunity in my community. You're
43 the commercial fisherman, or you're a charter boat
44 operator, and that's your only opportunity you have. We
45 don't have much in terms of State Government jobs, Federal
46 Government jobs. We do have some city/ municipal jobs.
47 You get, what, 20 cents a pound if you deliver a pink for
48 commercial fish? I don't know. Do you -- I don't even --
49 I don't know what you get. Or if you want to buy it for
50 bait, you know, you're paying, what, 30 cents a pounds.

1 UNIDENTIFIED VOICE: 40.

2

3 MS. PHILLIPS: 40 cents a pound. And we
4 don't -- you know, you could use bait -- if you want to go
5 buy a pink salmon to go catch your subsistence-caught
6 halibut, you're paying 40 cents a pound. Of if you want to
7 go buy pink salmon to go catch a limited amount of D class
8 halibut or, you know, if you want to go set a subsistence
9 crab pot, or -- you know, it's -- or a shrimp pot, you
10 know.

11

12 We have limited opportunities in my
13 community. So this would be beneficial for subsistence
14 users.

15

16 The effect on non-subsistence hunters and
17 fishers would be minimal. There's abundance of pink
18 salmon.

19

20 Thank you.

21

22 CHAIRMAN LITTLEFIELD: Thank you. And, I
23 want to remind the Council that we're going to try to get
24 every proposal done tonight, and if that means we're here
25 until eight, that's what.....

26

27 I think I understand the Council's intent
28 here completely, and represent you interest at the Federal
29 Board meeting.

30

31 We have Mr. Adams, but first, law
32 enforcement, Mr. Myers.

33

34 MR. MYERS: Thank you, Mr. Chair. I want
35 to make a comment here, looking at the proposed regulation,
36 25(j)(4) talks about not intentionally waste or destroy any
37 subsistence-caught fish or shellfish. However, you may use
38 for bait or other purposes. And they specify whitefish,
39 herring and species which bag limits, seasons or regulatory
40 methods are not provided for in this section, which pink
41 salmon could be thrown in there, reworded somehow. Or, it
42 says here, except as may be authorized in this part, and
43 then he's got 27(i)(12)(xii) and 27(i)(13)(xxi)(A), you may
44 use subsistence-taken pink salmon as bait. It probably
45 should say for subsistence purposes, because I think with
46 adding -- or adding the except as authorized in this part
47 for 27(c)(15), you may not use fish taken for subsistence
48 under the subsistence regulations in this part as bait for
49 commercial or sport fishing purposes.

50

1 I think if we had that exception which
2 would include the pink salmon in that, we're actually
3 inserting ourselves into providing bait for sport fishing
4 and commercial fishing when we shouldn't be, because we
5 don't regulate that particular fishery. So I just want to
6 make that clear, because I'm not sure that we want pink
7 salmon to be an exception to bait for commercial and sport,
8 because I don't think we have the authority to do that.

9
10 CHAIRMAN LITTLEFIELD: I guess I have to
11 ask you what authority we have to tell the State what to do
12 in their commercial and sport fisheries anyway. What are
13 we -- why are we telling them what to do.

14
15 MR. MYERS: Well, I would agree with that,
16 but basically what this is doing is it's telling the person
17 that this regulation applies to that they can use
18 subsistence-taken pink salmon for commercial and sport
19 fishing purposes if they apply the exception.

20
21 CHAIRMAN LITTLEFIELD: Okay. Thank you.
22 I understand where you're coming from, but I think the
23 State stands on its own in their regulations. If they say
24 you can't do it, and there is no regulation that they have
25 that says you can't use it, then clearly they do allow it.
26 So it's not our requirement that we tell the State what
27 they do with any of their fisheries, and that's commercial
28 and sport fishery are under their jurisdiction. and if
29 they're allowed there -- this thing shouldn't even be in
30 there. I mean, we shouldn't even be talking about the
31 commercial and sport fishery. We're subsistence oriented.

32
33 Let's go to Mr. Adams.

34
35 MR. ADAMS: Thank you again, Mr. Chairman.

36
37 I started to kind of, you know, back pedal
38 here when Staff mentioned the fact that you subsistence,
39 you know, fish in fresh water, and it also has to be used
40 in fresh water. Then I found out later that it was an
41 opinion of the Solicitor General. I think that would be
42 one big stumbling block that we'd have to overcome.

43
44 The example I cited in my earlier comments,
45 you know, when an individual came to me and offered to sell
46 me, you know, pink salmon for bait, of course, was off
47 Federal waters. It was in State waters.

48
49 And my take on this is that if we are going
50 to use, you know, pink salmon for bait, my immediate, you

1 know, reaction to that is if I were going to -- if I were
2 going to subsistence fish for pink salmon to use for bait
3 that I would use it for, you know, my subsistence halibut
4 out on, you know, State waters. Also in commercial. It
5 would sure cut down on my expenses, you know, for bait that
6 we have to pay, you know, for herring or some other type of
7 bait, if I were to go out and get it, you know, myself
8 through the subsistence process.

9
10 So that's something that's kind of, you
11 know, working in my mind right now, Mr. Chairman. You
12 know, I need to be clarified, you know, about that, and
13 that if we do pass this -- adopt this, you know, proposal,
14 you know, how would that effect, you know, the regulations
15 up ahead. Would it change it, and would we be able to use
16 it for commercial and otherwise.

17
18 Thank you.

19
20 CHAIRMAN LITTLEFIELD: In my opinion, I
21 think that's something we ought to let the Federal
22 Subsistence Board tackle, because our recommendation is
23 probably -- everybody says they're in favor of this, using
24 pink salmon as bait. They've all used it. We've all done
25 this stuff. Let's let the Federal Subsistence Board tackle
26 the other issue of whether we're trying to tell the State
27 what to do in commercial or sport fisheries. Obviously the
28 Federal fishery, halibut's outside their control, outside
29 of out control, so I think the intent of the Council is
30 pretty claim, and I'd like to get moving here.

31
32 Dr. Garza.

33
34 DR. GARZA: We would like to point out
35 again, we haven't confessed to anything on this side.

36
37 CHAIRMAN LITTLEFIELD: You're also closest
38 to the law enforcement officer, so it's understandable.

39
40 (Laughter)

41
42 CHAIRMAN LITTLEFIELD: Okay. If there's no
43 other objection -- did you want to claim time? Okay.

44
45 Let's call for the vote on this. We're on
46 FP06-30. The question before the Council is to recommend
47 the language as shown on Page 108. 108 would add the
48 language in (j)(4) except as authorized in this part. So
49 the general regulation is to authorize it later. It's
50 illegal except as authorized later. (c)(15) would again add

1 that same language, except as may be authorized in this
2 part. And the meat of it is in the last paragraph, which
3 says you may use subsistence-taken pink salmon as bait.
4 All those in favor please signify by saying aye.

5
6 IN UNISON: Aye.

7
8 CHAIRMAN LITTLEFIELD: Those opposed, same
9 sign.

10
11 (No opposing votes)

12
13 CHAIRMAN LITTLEFIELD: The motion to the
14 Federal Subsistence Board will be to support FP06-30 as
15 written on page 108.

16
17 At this time we're going to go to Proposals
18 28 -- excuse me, before we do that, Mr. Brelsford who has
19 to catch a plane.

20
21 MR. BRELSFORD: Thank you very much, Mr.
22 Chairman.

23
24 While Dave Johnson helps me by passing out
25 a packet for you to look at, I'll put a map up here for
26 your attention.

27
28 Thank you very much, Mr. Chairman. Members
29 of the Southeast Regional Advisory Council. My name is
30 Taylor Brelsford, and I serve with the BLM as a Staff
31 Committee members.

32
33 I have three items to bring to your
34 attention today, and this is following up on some
35 conversations initiated by Elijah Waters, my coworker from
36 the Glennallen Field Office. Elijah's not able to join us
37 today. He's been deployed to Iraq, and I hope in the next
38 12 to 15 months while he's there with another group of
39 young Alaskans, that all of us will hold him in our hearts
40 and prayers. It was a very shocking, quick development,
41 and so I think it's one of the reminders of things that
42 happen for us.

43
44 The first item that I'd like to follow up
45 directly on is not in the handout, but this concerns the
46 East Alaska Resource Management Plan. And Elijah spoke
47 with you at some length about the potential for a key area
48 of Federal public lands currently supporting a great deal
49 of Federal subsistence harvest. This is the pipeline
50 corridor in the Glennallen area. Under one alternative,

1 those lands would be transferred to the State of Alaska and
2 no longer become available for the subsistence priority.

3
4 The update that I'd like to provide to you
5 is that the BLM did sponsor a special meeting of the
6 Southcentral Regional Advisory Council to allow that
7 Council to provide formal recommendations under Section 810
8 of ANILCA, this is the subsistence impact assessment. The
9 Council met and heard about four hours of testimony, and an
10 additional hour of deliberation in late July to provide a
11 very forceful recommendation emphasizing the crucial
12 importance of those lands for current subsistence users in
13 the Glennallen area.

14
15 In addition to the Southcentral Council's
16 comments, we have a letter from your Council, and this
17 resolution from the Southeast Regional Council also opposed
18 the transfer of those lands. That was acknowledged in a
19 response letter from Ramon McCoy, the field officer
20 manager.

21
22 In total, about 4,500 comments were
23 submitted, public comments, during the public comment
24 period.

25
26 So where we are right now is that those
27 public comments have been summarized and we're developing
28 individual responses that will go into the final plan, the
29 final document. That final plan document will be out at
30 the end of the calendar year, in late December or early
31 January. And we will provide copies of that final plan to
32 this Council and to the Southcentral Council and the
33 Eastern Interior Regional Council.

34
35 The final note on sort of what we expect to
36 come out of this, I'm very pleased to report that in large
37 part as a result of the advocacy from the Southcentral
38 Regional Council, Henry Bisson, the State director of BLM
39 has provided a public reassurance to an advisory body, it's
40 called the BLM Regional -- pardon me, Resource Advisory
41 Council, the same acronym, the BLM RAC. Henry Bisson
42 stated to the BLM Resource Advisory Council that the BLM
43 will retain a substantial Federal subsistence land base in
44 Unit 13. This is now a commitment or an undertaking from
45 the State director.

46
47 So I'm able to now provide you some
48 assurance that this loss of Federal subsistence lands that
49 was sort of the worst case scenario in East Alaska Plan
50 will not happen. Our director is now committed to

1 retaining some subsistence lands.

2

3 And I think it's fair to say that this is
4 sort of a tribute to the organizing effort of the Ahtna
5 communities and other subsistence users in the southcentral
6 region, and you all have had a hand in helping that as
7 well.

8

9 I'm going to hurry along, because the time
10 is short, and maybe ask for questions on all three topics
11 at the tail end, Mr. Chairman.

12

13 So on sort of newer information, you have
14 in the handout a one-page flyer concerning the Ring of Fire
15 Resource Management Plan. And this is a separate land use
16 management planning exercise conducted by the BLM in the
17 North Pacific Rim. Really it's a very extensive planning
18 area. It ranges from Southeast Alaska to Southcentral to
19 Kodiak and to the Aleutian -- the Alaska Peninsula and
20 Aleutians region.

21

22 As you see, it's a vast planning area, 61
23 million acres, but only a very small part of that is
24 managed by the BLM. A total of about 1.3 million acres are
25 currently BLM managed, but when you look more closely, the
26 majority of that, two-thirds of that is actually selected
27 lands, and will eventually pass out of BLM land management.

28

29

30 So more specifically for Southeast Alaska,
31 the BLM currently manages about 400,000 acres, slightly
32 less than half a million. And almost all of that is in the
33 Haines block. Some of you know, and it's visible on this
34 map, that there's a fairly significant area of BLM managed
35 lands in the Haines and Skagway area, but since it's
36 selected land, it's not subject to the Federal subsistence
37 priority, and that's probably going to continue to be the
38 case. This land use plan is not proposing to reject State
39 selections or native selections in that area.

40

41 So in the end, the BLM is a very small land
42 manager in the Southeast region. We expect BLM to have
43 long-term management on less than 2,000 acres in all of
44 Southeast Alaska.

45

46 The flyer outlines the alternatives. I
47 want to kind of cut to the chase here, so under the
48 preferred alternative, the one item that might be of
49 special interest to you in the Southeast Regional Council
50 is found -- it's the second to the last bold statement, the

1 proposed Haines block special recreation management area in
2 Southeast Alaska.

3
4 So at this point, the BLM is proposing
5 special management provisions looking at what we're calling
6 recreational uses in those selected lands near Haines. If
7 those lands are -- if the State patents, if the State
8 concludes its selection, they would go out of BLM
9 management altogether, but the focus of the land use plan
10 in Southeast Alaska at this point is to provide special
11 protection for resources, particularly goat, by imposing
12 some limitations on the total recreational use in that
13 area.

14
15 And I think rather than go into more
16 details on that, I'll simply say that we've seen this as a
17 very minimum impact land use plan from the standpoint of
18 Federal protected subsistence uses. The total acreage is
19 fairly small, it's disbursed in small parcels in Southeast
20 Alaska. The portion on which Federal subsistence applies
21 is about 2,000 acres. So when we conducted the Section 810
22 subsistence impact analysis in the draft plan, the
23 conclusion that the alternatives in this plan would not
24 significantly restrict subsistence uses.

25
26 So that's kind of the primary message on
27 this. We do not expect land use activities on the BLM
28 lands that would reduce subsistence resources or reduce
29 access for subsistence users or increase competition for
30 subsistence users. It's essentially a status quo outcome,
31 because the BLM has so little land in the Southeast region.

32
33 I do have some copies -- this land use plan
34 was released in August and has been sent to a fairly
35 substantial mailing list throughout the planning area.
36 Some of you may have actually gotten the full document. I
37 have a handful of CDs with the text and the maps and so on
38 I would be happy to provide to any Council members that are
39 interested.

40
41 So let me stop there actually before the
42 final topic, and see if there are any questions about these
43 land use questions from the BLM as they concern Southeast
44 Alaska.

45
46 CHAIRMAN LITTLEFIELD: Are there any
47 questions from the Council on land use. Mr. Kookesh.

48
49 MR. KOOKESH: You put a map in front of us,
50 can you explain the coloring?

1 MR. BRELSFORD: Actually the map in front
2 will be on the final item that has to do with recordable
3 disclaimers of interest. But it's at this point showing --
4 it's concentrated in the northern portion of Southeast
5 Alaska, looking at the Chilkoot and the Chilkat Rivers, and
6 it's intended to identify selected and conveyed lands,
7 native selected, native conveyed, State selected and State
8 conveyed, and that will have an impact on these navigable
9 water determinations that I'll talk about in just a second.

10
11 CHAIRMAN LITTLEFIELD: Okay. We'll
12 probably -- we might have questions at the end on this, so
13 go ahead and proceed.

14
15 MR. BRELSFORD: Thanks. I'll carry on
16 then.

17
18 The final topic I want to bring to your
19 attention is found on the second section of the handout for
20 you, and it's an item referred to as recordable disclaimers
21 of interest. Bear with me for a second. This is inside
22 bureaucratic tennis.

23
24 A recordable disclaimer of interest
25 represents an administrative decision about navigability.
26 And these decisions regarding navigability are part of the
27 sort of 30-process of implementing land status or land
28 conveyance programs in Alaska. So under the Statehood Act
29 and under the Alaska Native Claims Settlement Act, lands
30 are being conveyed out of the Federal public domain to
31 State and native corpora -- State and native corporations.

32
33
34 And part of that process is to reach
35 conclusions about navigability. The importance of that is
36 that under existing law navigable waters -- the submerged
37 lands beneath a navigable water body go to the State
38 whereas submerged lands under non-navigable waters go to
39 the upland owner. so there have been legal disputes about
40 the nature -- these conclusions of navigability. Is a
41 water body navigable or not.

42
43 This process, what's referred to as a
44 recordable disclaimer of interest is an action by the BLM
45 upon application by the State saying that this body of
46 water -- the Federal Government disclaims any interest in
47 it, and therefore the State is able to exercise those
48 submerged land ownership, the interest in the submerged
49 lands for the State is clear. It clarifies the title
50 questions for the State.

1 The primary purpose that we're bringing
2 this to your attention has to do with the fact that in the
3 Eastern Interior region, in the Black River area in the
4 Yukon Flats National Wildlife Refuge, when the BLM issued
5 a recordable disclaimer of interest and acknowledged the
6 State's ownership of those submerged lands, the Eastern
7 Interior Council became very alarmed that this would change
8 the subsistence status of those waters. And the primary
9 point that I want to urge for you is that these navigable
10 waters, these navigability decisions have no effect on the
11 subsistence jurisdiction of the Federal subsistence
12 program. It is part of land conveyance. It does not
13 effect the jurisdiction of the Federal subsistence program.
14

15
16 So let me say a little bit about how it
17 goes forward. It's a two-pronged test. When a water body
18 -- when the State applies for a recordable disclaimer of
19 interest to protect its interest in the submerged lands,
20 the BLM prepares a historic report that looks at the land
21 status at the time of statehood and the historic uses of
22 that river, whether it was used for commerce. It issues a
23 preliminary report. That is out for public review. And
24 then it issues a final decision.
25

26 When the facts about land status at the
27 time of statehood or the use pattern at the time of
28 statehood, once those facts are on the record, this is not
29 discretionary. The BLM is obliged by law to issue the
30 recordable disclaimer of interest.
31

32 So let me talk about the particulars in
33 Southeast Alaska. There are three rivers on which the
34 State has submitted applications for recognition or a
35 recordable disclaimer of interest. The first of those is
36 the Chilkoot River and Lake as shown on this map. The
37 second is the Chilkat River system. And the third is the
38 Stikine River system. You'll see that all of these are
39 outside of the Tongass National Forest. River systems
40 inside the Tongass were withdrawn at the time of statehood,
41 so this question of navigability and recordable disclaimers
42 does not arise. It only comes up on river systems that
43 were not withdrawn at the time of statehood.
44

45 The Chilkoot River and Lake application by
46 the State of Alaska has already advanced several steps in
47 this review process. The BLM draft report concluded that
48 the lower Chilkat (sic) River was tidal and therefore
49 navigable in law. The second section, the remaining
50 portion of the Chilkoot River and the Chilkoot Lake was

1 determined navigable. And the third portion above the
2 lake, or the upper Chilkoot River, was determined non-
3 navigable. And so these determinations of navigable in
4 the lake and below and non-navigable above were
5 incorporated into the decisions to convey lands to the
6 State of Alaska.

7
8 The draft report was sent out for review to
9 a number of tribal and local organizations, and this is
10 sort of the game plan. So the State Departments of DNR and
11 Fish and Game, Klukwan, Incorporate, Chilkoot Indian
12 Association, Chilkat Indian Village, Klukwan IRA, the
13 Central Council of Tlingit and Haida Indian Tribes of
14 Alaska, the news director of KHNS, the SEAlaska Regional
15 Corporation, the mayor of Haines Borough, the Sheldon
16 Museum and Cultural Center, Incorporated, and Earth
17 Justice, those are the parties that received the draft
18 report, and are invited to provide comment through -- let
19 me be sure I find that date for it. But the BLM is in the
20 process of finalizing the report, and no comments have been
21 received to warrant a change in the conclusion of it.

22
23 Looking forward, the Chilkat River system
24 draft report is expected in the early spring of 2006, and
25 with a Federal Register notice, that will open a 60-day
26 comment period for the report, and a 90-day comment period
27 on the State's application. During that time, public
28 notice will be published once a week for three consecutive
29 weeks in local newspapers and in the Anchorage Daily News.

30
31 On the Stikine River, the BLM has deferred
32 work on this application until the court's decree in the
33 Glacier Bay lawsuit is settled. That is to say, the
34 implementation guidance has been provided by the
35 Solicitor's Office.

36
37 So to summarize, this does not have affect
38 on Federal jurisdiction. The Chilkoot River and Lake
39 system has -- that determination has advanced to the stage
40 of a draft report being out for review. The Chilkat River
41 system is upcoming. And so for the communities in the
42 northern portion of Southeast Alaska, you may hear
43 something about this, and you may actually want to provide
44 testimony about the historic uses of those river systems,
45 whether they were navigable, being used for commerce at the
46 time of statehood.

47
48 So my purpose in those was to allay any
49 alarm in the way that we did see -- kind of launch up in
50 the east interior region. It does not have adverse impacts

1 on the subsistence jurisdiction that you're charged with
2 overseeing. So let me stop there, and entertain any
3 questions.

4

5 Thank you.

6

7 CHAIRMAN LITTLEFIELD: Okay. Questions.
8 Can navigable waters be -- well, actually give me the
9 definition of what's -- how navigable it is? In other
10 words, is it an inch, is it an airboat, is it anything on
11 the marine? In other words, you can't navigate on the
12 tidelands in front of my camp except but about half the
13 time with a tank and the other half with a canoe. So
14 what's the definition of navigable?

15

16 MR. BRELSFORD: It's a legal determination
17 that is only concerned with inland waters, so it's not
18 going to be relevant in the marine portion. My
19 understanding is the language roughly says these are waters
20 that were historically used for commerce, or were
21 susceptible to use for commerce. So there's no volume,
22 flow description. It's not a quantified, analytic
23 standard. It has to do with the functional uses made
24 historically, either demonstrating a use in commerce, or
25 the character of the river is such that it could have been
26 used for commerce at the time of statehood in 1959.

27

28 CHAIRMAN LITTLEFIELD: Part of ANILCA talks
29 about rivers and other waters as they flow to the sea from
30 headland to headland. So there's some -- you know, if you
31 were take headland to headland at my camp, for instance,
32 the nearest two points, clearly that's, you know, part of
33 the tidelands, and we've had -- is that considered part of
34 what is clearly a non -- my river is not navigable.
35 There's just no way. You can walk it all the way. But how
36 far out does that got?

37

38 In other words that I see in ANILCA says
39 headland to headland. That would affect some of the
40 decisions as previous to the Stikine and these other areas
41 that we've been looking at?

42

43 MR. BRELSFORD: I'm not very well versed on
44 -- I haven't followed the precise language about the
45 definition of inland versus marine waters. I know there's
46 been continuing discussion in the Federal program, and I
47 believe I understand that the headland-to-headland measure
48 was the last one. I'm going to have to defer trying to
49 answer that, because I don't have notes on the specific
50 definitions.

1 I know the cases that we're looking at
2 here, the three cases in which the State has submitted
3 applications, are these river systems, the Chilkat, the
4 Chilkoot and the Stikine. And I'm not sure -- the other
5 instances, and potentially the specific case that you're
6 talking about, has not come up for dispute in terms of a
7 State application and a BLM study and report.

8
9 Let me take the question under advisement
10 and come back to you with more precise information.

11
12 CHAIRMAN LITTLEFIELD: Okay. Thank you.

13
14 Are there other Council who have questions
15 for BLM?

16
17 (No comments)

18
19 CHAIRMAN LITTLEFIELD: That's it. Thank
20 you very much. We appreciate it. Oh, excuse me. Wait a
21 minute, I do have a -- Mr. Stokes.

22
23 MR. STOKES: I'm just going to request one
24 of those CDs.

25
26 CHAIRMAN LITTLEFIELD: Oh, yeah. Hatsu
27 (ph). That means me, too.

28
29 MR. STOKES: Okay.

30
31 MR. BRELSFORD: Thank you for your
32 attention. I know you have a very full agenda, and I
33 appreciate the opportunity to at least keep a bit of the
34 conversation alive on the part of the BLM in Southeastern.

35
36 Thank you.

37
38 CHAIRMAN LITTLEFIELD: Okay. I have a note
39 here that if anyone wishes to see the inside of the Shakes'
40 House, they have a number that Mr. Stokes can contact, if
41 -- they would like a specific time when we would like to
42 see it. And I know some members have, as well as probably
43 some Staff, would like to go in Chief Shakes' House. We
44 have a very full agenda, but if it's the wishes, we could
45 ask for them to open that so we could take a look for an
46 hour or two. I don't know, I have no idea what time. I
47 know we're going to probably run a little late tonight, and
48 I'm trying to find out if it's possible to order pizzas or
49 something so we can sit in here and take a quick coffee
50 break and continue with our business, because we're running

1 behind. But does the Council wish for us to set up some
2 kind of time to go to Chief Shakes'?

3

4 MR. KOOKESH: Tomorrow.

5

6 CHAIRMAN LITTLEFIELD: I'm hearing that
7 tomorrow we'd like to do this. Is there any specific time
8 we'd like to do it? Lunchtime maybe or -- how about if we
9 tentatively say noon, is that okay? Okay. Richard, if you
10 could set it up that we could -- tell them that we'd like
11 to be over there at noon, and maybe we can have some
12 transportation so that we could get over there.

13

14 Mr. Kookesh.

15

16 MR. KOOKESH: Just a thought, maybe we
17 could extend our lunch an extra hour.

18

19 CHAIRMAN LITTLEFIELD: Not at this rate.
20 But that's certainly what I would like to do. I would like
21 to be able to go over there and have enough time to eat as
22 well as go to Chief Shakes', but we've got a lot of
23 business to do. So tentatively we can ask Mr. Stokes to
24 set it up for noon to open that. And it would be open to
25 everybody. Everybody would be able to go in there. And
26 then we'll probably -- with the intent of having like a
27 two-hour lunch or something like that. And you don't have
28 to -- it's not mandatory that you go there, but in the same
29 token, we've got proposals here that we need to get taken
30 care of.

31

32 Any announcements, Dr. Schroeder.

33

34 DR. SCHROEDER: We just heard from Mike
35 Bangs, and he's okay. You know what the weather's been
36 like these last few days. He's made it into Craig and he
37 apologizes for not being able to be at the meeting, gives
38 us a warm hello and looks forward to receiving the results
39 of the meeting. So he will not be able to attend.

40

41 CHAIRMAN LITTLEFIELD: Okay. Thank you.
42 We're glad he's okay, because it was pretty knarly. I'm
43 glad to hear from him. And we know he's down there getting
44 all those fish in Craig.

45

46 Okay. Proposals 28 and 29, which will
47 considered together. Mr. Bob Larson is the presenter for
48 Federal. And 28 and 29 are considered together. The
49 executive summary for 28 is on Page 101, and the executive
50 summary for 29 is on 102.

1 MR. LARSON: Mr. Chairman. Good afternoon.
2 My name is Bob Larson.

3
4 And I'll refer you to the draft Staff
5 analysis that starts, my portion, on 103 of your Council
6 book.

7
8 Proposal FP06-28 was submitted by the
9 Alaska Subsistence Advisory Council, the Southeast Alaska
10 Advisory Council. And that would change the start date of
11 the Stikine River sockeye fishery from July 1st, which it
12 is now, to June 21st. Proposal FP06-29 requested a June 15
13 starting date for this sockeye fishery.

14
15 The proponent of FP06-29, Mr. John Murgas,
16 supports the June 21st start date as suggested by the
17 Council. And we heard his testimony yesterday. For that
18 reason we've combined Proposal 28 and 29.

19
20 The proponents both believe that an earlier
21 starting date for the sockeye fishery will increase the
22 opportunity for users to harvest sockeye salmon. Prior
23 proposals to the Federal Subsistence Board that led to the
24 establishment of this fishery had requested a season
25 starting for sockeye season -- for the sockeye salmon of
26 June 15th. However, as a result of the coordination with
27 the Pacific Salmon Commission process, regulations were
28 adopted by the Federal Subsistence Board that set a July
29 1st season start date.

30
31 Since the July 1st sockeye salmon fishery
32 season date is contained within Annex IV of the Pacific
33 Salmon Treaty, a change in the subsistence fishing season
34 needs to be approved by the Transboundary Panel and
35 subsequently the Pacific Salmon Commission. Their annual
36 meetings occur in January, the Transboundary panel will
37 meet in January 9th in a bilateral section. The Pacific
38 Salmon Commission subsequently meet in 2006.

39
40 So this proposal, this change could be
41 enacted by this fiscal year. Or this season.

42
43 I don't know what kind of detail you want
44 to get into. Suffice it to say that the -- if adopted, the
45 proposal would allow subsistence fisherman to access an
46 early portion of the Stikine River sockeye return. Sockeye
47 returning to Tolten Lake are more prevalent in the early
48 portion of the run, and these fish are of excellent
49 quality, and they're highly valued by subsistence
50 fishermen.

1 Adopting this proposal would enhance the
2 opportunity to participate in the fisheries by eliminating
3 the closed period between June 21st and June 30th.

4
5 However, the current closed period does
6 serve a purpose in that it allows fisheries managers to
7 estimate the numbers of chinook harvested prior to the
8 sockeye fishery. If participation in the chinook fishery
9 increases, this lack of a closed period between the two
10 fisheries may challenge managers, such as myself, to end
11 methods of obtaining an accurate number of the king salmon
12 harvest.

13
14 Our preliminary conclusion are to support
15 FP06-28 and take no action of FP06-29.

16
17 CHAIRMAN LITTLEFIELD: Thank you, Mr.
18 Larson. And a lot of the data that supports this came in
19 Proposal 27, is that correct, if they were looking for
20 that?

21
22 MR. LARSON: Yeah. That's correct.

23
24 CHAIRMAN LITTLEFIELD: And then previous
25 testimony on 27 indicated there was no problem with
26 chinook, is that correct? That we're not in any danger of
27 exceeding that target number of 125, so you could miss a
28 day or two.

29
30 MR. LARSON: At current levels of
31 participation, there's no problem.

32
33 CHAIRMAN LITTLEFIELD: Okay. Are there
34 questions on 28 and 29? Mr. Stokes.

35
36 MR. STOKES: Thank you, Mr. Chair.

37
38 I'm in favor of 29, I speak against 28,
39 because I would like to see the 15th as the opening date.
40 Because I've been in Telegraph in years past and there were
41 already sockeye in the Tolten. So they do go up quite
42 early, and I'm sure we wouldn't hurt the run at all. So I
43 speak in favor of 29.

44
45 CHAIRMAN LITTLEFIELD: Okay. We'll do that
46 at the appropriate time.

47
48 Did you have any -- are there any questions
49 to Federal Staff about their presentation on 28 and 29.

50

1 (No comments)

2

3 CHAIRMAN LITTLEFIELD: Okay. Thank you.
4 We'll go to ADF&G comments. I assume you're going to do 28
5 and 29 concurrently, is that correct? 28 and 29 together.

6

7 Thank you.

8

9 MS. SEE: Yes. Mr. Chair. Members of the
10 Council. My name is Marianne See.

11

12 And the Proposal 29 requests a start date
13 of June 21st for Stikine River subsistence sockeye instead
14 of July 1. This would provide a continuous fishery
15 following the chinook subsistence fishery. No action would
16 be taken on 29 according to the author.

17

18 The proposal needs to be -- 28 needs to be
19 approved by the Transboundary River Panel and the Pacific
20 Salmon Commission in the January/February meeting time.

21

22 The Department considers that this proposal
23 does not have biological or harvest management concerns.

24

25 The next bilateral meeting of the
26 Transboundary River Panel at which Stikine River
27 subsistence fishery regulatory changes could be considered
28 is scheduled for the week of January 9th, 2006. We note
29 that as presented by Federal Staff, this provision of start
30 date is in fact under the treaty, and therefore it does
31 have to be worked through this process that I just
32 mentioned, and was mentioned in the Federal analysis. So
33 that would be the time frame in which it could happen.

34

35 And the Department does not have concerns
36 about this particular proposal.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN LITTLEFIELD: Then for the record,
41 you would support 28 as recommendation -- Staff
42 recommendation, and 29, you would support that we defer
43 action on that as recommended by Staff.

44

45 MS. SEE: Mr. Chair, that's consistent with
46 our position on this. Thank you.

47

48 CHAIRMAN LITTLEFIELD: Are there any
49 questions from the Council on ADF&G comments.

50

1 Okay. Thank you.
2
3 Are there any other Federal agencies, State
4 agencies, or Tribal entities that would like to comment on
5 Proposals 28 and 29.
6
7 (No comments)
8
9 CHAIRMAN LITTLEFIELD: Interagency Staff
10 Committee.
11
12 MR. KESSLER: Mr. Chair. Members of the
13 Council. I'm Steve Kessler with the Interagency Staff
14 Committee, and we don't have any comments on this proposal.
15
16 CHAIRMAN LITTLEFIELD: Okay. Thank you.
17 Fish and game advisory committee.
18
19 (No comments)
20
21 CHAIRMAN LITTLEFIELD: Summary of written
22 public comments. Where did they go? We'll take a quick
23 just at ease in place. We need to find Dr. Schroeder or
24 Hernandez. Dr. Garza.
25
26 DR. GARZA: While we're waiting for Melinda
27 to show up, or Dr. Schroeder, I do want to point out that
28 we did have the testimony yesterday from John Murgas on
29 line. So he did speak in favor of this proposal complex.
30
31 CHAIRMAN LITTLEFIELD: You're correct, we
32 did. Just a second. Okay. Mr. Casipit, the summary of
33 written comments.
34
35 MR. CASIPIT: Yes, we have two written
36 public comments for 28 and one for 29. For 28 Mr. John
37 Murgas writes that the proponent of FP 29, Mr. John Murgas
38 supports the June 21st start date as suggested by the
39 Regional Advisory Council in FP06-28.
40
41 The Chilkoot Indian Association writes, the
42 Chilkoot Indian Association can see no ill effects by
43 moving the starting date of the harvest ahead by 10 days.
44
45 And for 29, again from the Chilkoot Indian
46 Association, the Chilkoot Indian Association can see no ill
47 effects by moving the starting date of the harvest ahead by
48 two weeks.
49
50 CHAIRMAN LITTLEFIELD: Thank you. And as

1 noted by Dr. Garza, the Council received public testimony
2 from Mr. Murgas by teleconference.

3
4 Are there any other members of the public
5 that would like to testify on Proposals 28 or 29.

6
7 (No comments)

8
9 CHAIRMAN LITTLEFIELD: Okay. We're at
10 Regional Council deliberations. Again, 28 and 29 should be
11 considered separately, 28 first. And the executive summary
12 on 28 is on Page 101. And a motion to adopt is in order.

13
14
15 DR. GARZA: Mr. Chair. I would move to
16 adopt Proposal FP06-28 as written in the executive summary
17 on Page 101, which would effectively change the opening
18 date from July 1 to June 21st.

19
20 CHAIRMAN LITTLEFIELD: Is there a second.

21
22 MR. STOKES: I'll second the motion.

23
24 CHAIRMAN LITTLEFIELD: It's been moved and
25 seconded to adopt FP06-28, and the language is as shown on
26 Page 101, which effectively moves the date from 1 July to
27 June 21st. Again, under testimony, let's make sure that we
28 cover the substantial evidence, conservation concerns and
29 effect on subsistence users and non. Council. Again, it's
30 on the screen. Those are the four criteria that we need to
31 cover for these, even though they may seem fairly easy, we
32 do need to cover these for the record.

33
34 Mr. Hernandez.

35
36 MR. HERNANDEZ: Thank you, Mr. Chairman.
37 I'd like to speak in favor of the motion. We've had a good
38 presentation that detailed all the harvest statistics as
39 well as the escapements for the Stikine River. Harvest is
40 well below guideline harvest levels. Escapements are good.
41 This seems to justify an earlier opening to the season with
42 more opportunity for subsistence users. There are no
43 conservation concerns with the Stikine River sockeye.

44
45 And this proposal would benefit subsistence
46 users. It would give them an additional 10 days of fishing
47 time to harvest sockeyes in Stikine River.

48
49 And there should be no adverse effects to
50 any other non-subsistence users.

1 CHAIRMAN LITTLEFIELD: Okay. Thank you.
2 Other Council. That was well put. And that establishes
3 the record. Is the Council ready for the question on 28.
4

5 DR. GARZA: Call for the question.
6

7 CHAIRMAN LITTLEFIELD: FP06-28 is before
8 the Council at this time. The language is on Page 101, and
9 it would strike the date July 1st in the last -- under the
10 (b) paragraph and insert June 21st, effectively opening the
11 season 10 days earlier. All those in favor of Proposal 28,
12 please signify by saying aye.
13

14 IN UNISON: Aye.
15

16 CHAIRMAN LITTLEFIELD: All those opposed
17 same sign.
18

19 (No opposing votes)
20

21 CHAIRMAN LITTLEFIELD: The Regional
22 Advisory Council recommends to the Federal Subsistence
23 Board that they support FP06-28.
24

25 A recommendation to adopt FP06-29 is in
26 order. That is shown on Page 102. Dr. Garza.
27

28 DR. GARZA: Mr. Chairman. I would move
29 that we adopt FP06-29 as written in the executive summary
30 on Page 102.
31

32 MR. STOKES: I'll second the motion.
33

34 CHAIRMAN LITTLEFIELD: It's been moved and
35 seconded to adopt FP06-29 as shown on Page 102. And again
36 this was a motion to adopt the language in the proposed
37 regulation. The Staff recommendation is to take no action
38 on this, and I think it's because we made it moot on 28.
39 So we need to clarify why we don't have to do that
40 substantial data, but that should be covered in the
41 discussion. Or is it clear enough?
42

43 DR. SCHROEDER: Mr. Chairman. I think in
44 cases what we simply said is due to the action taken on
45 Proposal -- the previous proposal, we do not need to take
46 action on this proposal. That's been kind of our standard
47 format in this case.
48

49 CHAIRMAN LITTLEFIELD: Okay. So that will
50 -- if there's no discussion.....

1 (Feedback)

2

3 MS. DOWNING: There are two microphones on
4 that shouldn't be.

5

6 CHAIRMAN LITTLEFIELD: Not any more. Okay.
7 If there's no objection from the Council, I'd like the
8 record to show that we recommend taking no action on
9 Proposal 29 by the Federal Subsistence Board due to
10 previous action on 28 in which we supported a date.

11

12 Dr. Garza.

13

14 DR. GARZA: Mr. Chairman, I guess I was
15 prepared to vote for both of the proposals, because the
16 main difference is the opening date, and I did want to hear
17 from Mr. Stokes as to what day was preferable. Because I
18 don't really read in the Staff analysis why one opening
19 date is preferred over the other, although 29 does give
20 more time available to subsistence users.

21

22 CHAIRMAN LITTLEFIELD: Okay. I heard Mr.
23 Stokes say he would like June 15th, so that -- we can
24 certainly vote on the proposal and amend it if we need to.
25 So Proposal 29.

26

27 Mr. Stokes.

28

29 MR. STOKES: Mr. Chairman, I think that
30 June 15th would be a better date to start. There are
31 already a lot of sockeye clear up 165 miles past where we'd
32 be fishing anyway. So I'm in favor of June 15.

33

34 CHAIRMAN LITTLEFIELD: What would be the
35 effect -- Mr. Casipit.

36

37 MR. CASIPIT: Thank you, Mr. Chairman. I
38 would like to have Bob Larson come up and answer that,
39 since he's actually the local manager, and would be the one
40 tasked with dealing with this.

41

42 CHAIRMAN LITTLEFIELD: You guys are
43 beginning to sound like some people over here speaking for
44 others. Okay. Mr. Larson.

45

46 MR. LARSON: Yeah. Mr. Chairman. I would
47 like to point out that under either Proposal 28 or 29 the
48 fishery will be on-going on June 15th. The fishery on June
49 15th, you would be allowed any gillnet gear at eight inches
50 or smaller. So if a person elected to target sockeyes on

1 June 15th, he could certainly do that. And under the
2 action taken on 28, that would be allowable.

3
4 What we're doing here is defining a season
5 for the directed fishery for chinook salmon. So when we
6 would account for those fish as a directed fishery, then
7 you would need to -- you would need to adjust the fishery
8 season for chinooks if you were to start the sockeye season
9 on the 15th.

10
11 So it's an accounting season definition
12 that we're talking about here. There's no -- the fishery
13 will be on-going with allowable gear on June 15th with --
14 due to the action taken at 28.

15
16 CHAIRMAN LITTLEFIELD: Now you've lost me.
17 I thought this 28 and 29 were about sockeye.

18
19 MR. LARSON: Well, they are, yes, but the
20 chinook fishery, of course, goes through June 20th. So if
21 we were to start the sockeye fishery on June 21st, that
22 would allowed continuous fishing from mid May through the
23 month of July. And during the time period through June
24 20th, you could use gear up to eight inches, and including
25 eight inches. But you could elect to use sockeye gear on
26 June 15th or June 1st, whatever your preference. There is
27 no restrictions.

28
29 CHAIRMAN LITTLEFIELD: Okay. You could use
30 a herring net.

31
32 Mr. Stokes.

33
34 MR. STOKES: Thank you, Mr. Chair.

35
36 As Cal pointed out to me, we would be legal
37 anyway, because we could keep the incidental catch.

38
39 CHAIRMAN LITTLEFIELD: We're legal on this
40 side of the table.

41
42 (Laughter)

43
44 CHAIRMAN LITTLEFIELD: Are there any other
45 questions on 29, any amendments proposed or anything. Dr.
46 Garza.

47
48 DR. GARZA: I'm still confused. So
49 basically the Stikine subsistence fishery starts mid May
50 for what?

1 MR. LARSON: For -- it is a directed
2 chinook fishery, with those types of legal gear, including
3 gillnet with a maximum mesh size of eight inches. The mesh
4 size changes on June 21st. And on June 21st, the maximum
5 mesh size is five and a half inches, because it is no
6 longer a directed chinook fishery. But the provisions
7 contained within our actions on 27 says that you can use
8 sockeye gear starting on May 15th. So there's nothing to
9 prevent you from doing that.

10
11 DR. GARZA: So was there a reason why the
12 Staff recommended 28 over 29 with a date of the 21st as
13 opposed to the date of the 15th, or does that in effect
14 matter?

15
16 MR. LARSON: Mr. Chairman. Yes, it does.
17 It matters to us, because a starting date of June 15th for
18 the sockeye fishery would provide for concurrent directed
19 fisheries and be somewhat confusing just accounting
20 purposes. Practically speaking, for the subsistence user,
21 there would be, you know, no difference. However, you
22 would have an eight-inch gear in a directed sockeye
23 fishery, which would be -- somehow it just seems weird.

24
25 CHAIRMAN LITTLEFIELD: It just seems weird
26 is pretty substantial to me. Those are pretty big sockeye
27 in the Stikine, eight-inch.

28
29 Are we ready for moving on 29.

30
31 (No comments)

32
33 CHAIRMAN LITTLEFIELD: Okay. Hearing no
34 objection, FP06-29, as shown on Page 102 is before the
35 Council at this time. And the recommendation is that we
36 take no action I guess. Does the Council have any problem
37 with giving that as our recommendation to the Federal
38 Subsistence Board. So what we will do is we will take no
39 action on this. The reason is because it's made moot b our
40 action on the previous Council and provides no other
41 benefits. So we're done with that.

42
43 DR. GARZA: Before we take a quick break,
44 Mr. Chair. I was chairing when we reviewed Proposal 26,
45 and I think I may have incorrectly tallied the votes,
46 because prior to the vote there was a statement by our.....

47
48 CHAIRMAN LITTLEFIELD: Go ahead. I think
49 it was one opposed is the way I had it down.....

50

1 DR. GARZA: Right.
2
3 CHAIRMAN LITTLEFIELD:even though
4 there was one that spoke against, that he didn't appear to
5 be to vote that way.
6
7 DR. GARZA: So, Mr. Adams, did you have a
8 -- you said you were going to be neutral. Were you
9 abstaining for voting?
10
11 MR. ADAMS: Yes.
12
13 DR. GARZA: So I should have asked for
14 abstentions, and you would have abstained.
15
16 CHAIRMAN LITTLEFIELD: Okay. By
17 abstaining, he is supporting the majority opinion anyway.
18
19 Okay. We're going to take a short break.
20 We've got Proposals -- let's see, one, two, three, four
21 left to go. I would like to get through those this evening
22 if possible. We're going to investigate whether we can
23 have some pizzas or something sent in. But at this time
24 let's just take a short break, have a cup of coffee, and
25 we'll come back with Proposal 31, Mr. VanAlen.
26
27 (Off record)
28
29 (On record)
30
31 CHAIRMAN LITTLEFIELD: Call the meeting
32 back to order. We're on Proposal FP06-31, which is --
33 executive summary is Page 114. Proposal 31 will be
34 presented by Ben VanAlen.
35
36 MR. VanALEN: Yes. Proposal FP06-31,
37 submitted by Mark Vinsel. He's the president of
38 Raincountry Flyfishers in Juneau, would apply State sport
39 fishing regulations to all Federally qualified persons who
40 subsistence fish in streams on or adjacent to the Juneau
41 road system. The proponent does not want the Federal
42 subsistence limits for steelhead, Dolly Varden and
43 cutthroat trout to apply to waters accessible to the Juneau
44 road system.
45
46 And the proponent was not aware that the
47 new Federal subsistence regulations for harvesting
48 steelhead and Dolly Varden and trout state that, quote, the
49 permit conditions in systems to receive special protection
50 will be determined by the local Federal fisheries manager

1 in consultation with ADF&G, end quote. So this past year,
2 in 2005, the local Federal fisheries manager did place
3 special restrictions on the Federal subsistence fishing
4 permits for both steelhead, and for salmon, Dolly Varden,
5 trout and grayling to address conservation concerns for
6 streams crossed by the Juneau road system.

7
8 The proponent when I talked with him felt
9 that he and others would not be so alarmed by the new
10 steelhead, trout and char regulations if this option of
11 putting permit conditions on the permits was better known,
12 especially if the special permit conditions prove effective
13 over time.

14
15 I'm going to jump right into the
16 preliminary conclusion, and that's to oppose the proposal.
17 Justification is adopting the proposed regulation change
18 would result in few or no fish available to Federally
19 qualified subsistence users on the Juneau road system, and
20 therefore could be detrimental to the satisfaction of their
21 subsistence needs.

22
23 Thank you.

24
25 CHAIRMAN LITTLEFIELD: Are we missing
26 anything by skipping over some of this? I don't think we
27 are, but is there anything substantive there that we
28 missed?

29
30 MR. VanALEN: Well, I guess just hearing
31 myself run through it, basically the big difference is for
32 steelhead and for the cutthroat and trout at being the
33 difference between the State sport fish regulations have
34 size limits, minimum size limits for the take of those
35 species that are quite a bit larger than in the Federal
36 says -- on the Federal subsistence permit this last year.
37 36-inch minimum size limit for the steelhead on the State
38 sport fish license compared to 30 inches on the Federal
39 one. And 11 inches on the Federal one compared to 14
40 inches on the sport fish for the trout, cutthroat.
41 Basically that translates to -- for the steelhead is
42 there's fewer or no fish that large, and it would be
43 primarily and has been a hook and release fishery.

44
45 CHAIRMAN LITTLEFIELD: Are there any
46 question from the Council to Federal Staff on the proposal.

47
48 (No comments)

49
50 CHAIRMAN LITTLEFIELD: Okay. Thank you,

1 sir. ADF&G.

2

3 MS. SEE: Thank you Mr. Chair. Members of
4 the Council. My name is Marianne See for the record, and
5 I also have with me Steve Hoffman from our Ketchikan sport
6 fish office, and he will be addressing some of the points
7 in our comments.

8

9 And our comments address several concerns
10 that we have raised previously and have not been addressed
11 in our opinion. They encompass the topics of customary and
12 traditional use determinations, size limits for steelhead
13 and trout, in-season actions, Federal permits and harvest
14 reports, and so I'll run through those, especially with
15 some detail that will pertain to the remaining three
16 proposals in addition to this one. So that I'll say them
17 here and then we can just refer to them by mention when we
18 come up to the other proposals, because they will recur in
19 those proposals as well, some of them.

20

21 In this particular proposal, we note that
22 Federal C&T determinations should be community based. The
23 C&T determinations that apply to the remainder of Southeast
24 Alaska appear counter to community-based C&T
25 determinations. In other words, they don't appear
26 consistent with that approach. Determinations that are not
27 based on communities also conflict with Alaska subsistence
28 users traditional use patterns.

29

30 Historically the Auk and Taku Tlingit, and
31 more recently other native and non-native residents of the
32 Juneau area, have fished for Dolly Varden, trout, smelt and
33 eulachon in the area. The residents of the area have been
34 the primary users of the resources and have established,
35 quote, a long-term consistent pattern of use, unquote.

36

37 Rural residents from other communities or
38 areas have not established a long-term consistent pattern
39 or use in the Juneau area. The Juneau area also is not
40 near or reasonably accessible to rural residents of
41 Southeast Alaska for the purpose of subsistence fishing.
42 The Federal Staff analysis should provide evidence that
43 steelhead, trout and char in the Juneau area have been
44 customarily and traditionally used by rural residents who
45 live outside the Juneau non-rural area. In addition, the
46 analysis should explain why subsistence opportunity along
47 the Juneau road system would be needed for subsistence
48 harvest. If such documentation is not possible, then we
49 consider that the Juneau non-rural area should be exempted
50 from regionwide regulation.

1 We also have some comments about the size
2 limits that are offered in this -- in the context for the
3 way the Federal permits were crafted. And I'm going to
4 hold off on those so that Steve can address them.
5

6 But I will note that the whole issue of
7 size limits in the State's management system for steelhead
8 and trout is it has to be a balance with the harvest
9 opportunity that needs to be provided, that needs to be
10 sustainable. So you have to strike a balance between
11 careful management of the fish, then the resource to be
12 sustainable, as well as the harvest opportunity. And I
13 think you'll see that we have some concerns about how the
14 Federal program has approached that issue of balancing
15 those concerns. We'll return to that in a moment.
16

17 Going on with some other concerns, the
18 statement on Page 117 that the proponent was not aware that
19 the permit restrictions had been developed in consultation
20 with Fish and Game implies that Fish and Game had agreed to
21 those specific conditions and restrictions, which is not
22 the case.
23

24 Also, if Federal Staff were prepared to
25 take special actions in-season to protect the stocks from
26 over-fishing, which is stated in the analysis, the
27 standards and criteria for determining those actions should
28 be provided. Further, the analysis does not address the
29 State's concerns about enforceability of the 24-hour
30 reporting requirement, which appears to be the foundation
31 for stock conservation under the Federal regulations.
32

33 On Page 120, the analysis states that no
34 steelhead were harvested on Federal subsistence fishing
35 permits, and that it is unlikely that Federally qualified
36 users did or will choose to fish on a Federal subsistence
37 permit. It's not clear if there was a lack of harvest or
38 a lack of reporting.
39

40 And I'd like to reemphasize a point that we
41 made last year about the Federal permits, that we noted
42 that there needed to be education about the Federal permit
43 system, and the need for reporting so that managers can be
44 assured of better information about actual harvest. We
45 know, for example, from community surveys that there is
46 harvest of steelhead, but it hasn't really been showing up
47 in the kind of reporting that's been done in the past. And
48 so it's important that managers get that information, and
49 that there be public interface about this. You heard
50 earlier today about -- when Mike Turek spoke about the

1 SHARC halibut surveys and the reporting rate back from that
2 over 90 percent. That was done because there was a lot of
3 local interaction about the value of reporting back. So
4 that kind of engagement with local communities we think is
5 very important in order to get that better harvest
6 information. That would help managers and help ensure that
7 the provisions for harvesting can be as liberal as
8 possible.

9
10 We note that if there is truly a lack of
11 harvest, it doesn't seem consistent that the analysis could
12 conclude that adopting the State's regulation could be
13 detrimental, and this is a quote, could be detrimental to
14 the satisfaction of subsistence needs, unquote. So that
15 whole issue, we think it's not clear that the Federal
16 system is really picking up that harvest.

17
18 And we would like to now turn to the issue
19 of the size limits, and Steve Hoffman will take over that
20 portion of our comment.

21
22 Thank you.

23
24 MR. HOFFMAN: Mr. Chairman and Council
25 members. My name is Steve Hoffman, Alaska Department of
26 Fish and Game in Sport Fish out of Ketchikan.

27
28 I'd like to have the Council members turn
29 to Page 137. I'm going to reference a paragraph in that
30 section. And it would be paragraph one, two, three, four.
31 And I'd like to read it into the record.

32
33 DR. GARZA: Wait. Wait.

34
35 CHAIRMAN LITTLEFIELD: Wait. Hang on a
36 second. 137.

37
38 MR. HOFFMAN: Yeah, 137, paragraph 4,
39 starting with the small size of most steelhead stocks. Is
40 everybody with me?

41
42 Anyway, the small size of most steelhead
43 stocks can make them susceptible to over-harvest through
44 habitat degradation or over-fishing. No predictive models
45 have been developed to identify years when the harvestable
46 amounts of steelhead may be available. Begich, 1998,
47 estimated sustainable annual exploitation rates ranging
48 from 9.8 to 28.9 for the Karluk River on Kodiak Island.
49 His model also showed that the harvest rates -- showed that
50 harvest rates greater than 37.5 percent could not be

1 sustained. Given the lower abundance and productivity of
2 Southeast Alaska steelhead sustainable harvest rates is
3 likely near the lower end of the Karluk model at
4 approximately ten percent.
5

6 And in addition, I'd like to have everybody
7 turn to Page 120 and look at the figure 1 at the top, and
8 it's a graphic description of one of the decisions by
9 Federal managers for permit restrictions.

10
11 CHAIRMAN LITTLEFIELD: Excuse me, Mr.
12 Hoffman.

13
14 MR. HOFFMAN: Yes.

15
16 CHAIRMAN LITTLEFIELD: I guess I have to
17 ask you where we're going. This is already part of the
18 public record. Maybe you could just make your point.

19
20 MR. HOFFMAN: Oh, okay. I can summarize
21 it. But basically I think what I'm trying to emphasize
22 here, that, you know, the steelhead stocks in Southeast are
23 small and very susceptible to over-harvest, and we have a
24 concern for how the, you know, Federal managers have
25 implemented size restrictions in different areas. And
26 that's why I referenced some of the literature that's
27 pertinent, you know, Alaska and stuff. And so I just
28 wanted to make the, you know, Council aware that we have a
29 concern on, you know, the restrictions and how the Federal
30 managers have implemented the in-season, you know, limits
31 and stuff for different parts of Southeast.

32
33 CHAIRMAN LITTLEFIELD: Okay. I have one
34 question for the ADF&G. You know, we've hashed this around
35 for years, I don't want to rehash it, but it seems to me at
36 the last meeting the State went on record saying that 36
37 inches is not a meaningful priority for subsistence users.
38 And if you could comment on that. I mean, this person says
39 let's go back to that 36-inch. I believe at the previous
40 meeting the State went on record saying meaningful
41 priority, which is how we're -- the regulations we're
42 under, were not provided by the 36-inch. And if you could
43 state your position on that, because that what it was at
44 the last meeting, that .7 percent of the fish was not a
45 meaningful priority for a subsistence users, which is what
46 we're charged with. Is that position now being changed, is
47 that what you're saying?

48
49 MS. SEE: Mr. Chair, it would be helpful if
50 I had that record in front of me, but notwithstanding that

1 point, I think that the real issue here that's of concern
2 to the managers is that when we don't have information
3 about some of these areas, that the management regime has
4 used a size limit which we recognize is problematic, but on
5 the other hand, if you don't have some way of limiting
6 harvest, then until you know what you have to deal with for
7 populations, you run the risk of over-harvesting the
8 streams.

9
10 And the Federal program has chosen this 30-
11 inch length, which was the graph that Steve was pointing
12 to, as kind of a middle approach essentially, to say, well,
13 there does need to be some limitations on harvest of these
14 fish, and they sort of picked a 50 percent kind of level.
15 In the absence of better information, we're still concerned
16 that that might damage the resource.

17
18 If there's better information about
19 harvest, about what people are actually taking, that's
20 going to help with the potential to ease up some of these
21 restrictions. But the restrictions are in place because of
22 the populations of fish, and our concern about them and the
23 sustainability of harvest until we get better information.

24
25 We would prefer to not have such stringent
26 restrictions for subsistence users, that's absolutely true.
27 We would prefer not to do that, but until we get
28 information on specific streams that allow a more liberal
29 approach, that's been the reason for those restrictions.

30
31 CHAIRMAN LITTLEFIELD: Are there Council
32 questions for ADF&G. Dr. Garza.

33
34 DR. GARZA: Thank you, Mr. Chair.

35
36 First, I would like to ask since Alaska
37 does have -- the State of Alaska does have rural preference
38 for all Alaska residents, are there areas in the State
39 where there is an Alaska subsistence priority for
40 steelhead?

41
42 MS. SEE: Through the Chair, there are not
43 subsistence regulations specifically for steelhead. The
44 whole issue of subsistence priority is in case of shortage
45 of the resource, and so that conditions all the management
46 of the species, where we have C&T and where we have
47 determinations of use for subsistence, that guides the
48 decisions of the Board of Fish about how the opportunity's
49 provided.

50

1 DR. GARZA: Are there C&T determinations
2 for the Juneau area through the State?

3
4 MS. SEE: Juneau is considered a
5 nonsubsistence area, through the Chair.

6
7 DR. GARZA: I thought with the State that
8 all residents were considered rural and subsistence users.

9
10 MS. SEE: Through the Chair, all State
11 residents are eligible to participate in subsistence
12 harvest opportunities. However, the areas in which they
13 can do that have to be designated as areas that are not
14 non-subsistence areas. There are seven areas in the State
15 that are non-subsistence areas by State regulation, and
16 Juneau is one of them.

17
18 DR. GARZA: So there are no subsistence
19 opportunities afforded to Juneau residents through the
20 State.

21
22 MS. SEE: Through the Chair, Juneau
23 residents may take advantage of subsistence opportunities
24 outside the non-subsistence that is defined as the Juneau
25 non-subsistence area. So it's -- there's a distinction in
26 the State rules between the user and the area that's used.
27 The area is what's the non-subsistence definition in State
28 rules. So there's seven of those, and Juneau is one of
29 them. The users can be from anywhere in the State system.
30 So a Juneau-based person can go fish a subsistence fishery
31 that's outside the Juneau non-subsistence area. I hope
32 that's clear.

33
34 CHAIRMAN LITTLEFIELD: Are there other
35 questions of the ADF&G presentation.

36
37 (No comments)

38
39 CHAIRMAN LITTLEFIELD: Okay. Thank you
40 very much.

41
42 Any other Federal, State or Tribal agencies
43 who would like to comment on this proposal.

44
45 (No comments)

46
47 CHAIRMAN LITTLEFIELD: Interagency Staff
48 Committee comments. If you'll just stand with us for just
49 a second, Mr. Kessler. The State.....

50

1 DR. GARZA: Mr. Hoffman.
2
3 CHAIRMAN LITTLEFIELD: We have a question
4 for the State. One more question for them. Dr. Garza.
5
6 DR. GARZA: Mr. Hoffman. And this is
7 probably going to be between you and also Cal. It seemed
8 like earlier when we had talked about steelhead, I remember
9 numbers about the Federal subsistence harvest of steelhead
10 is something like six in the Prince of Wales area, or 20 in
11 the Prince of Wales area and six Southeast wide, is that
12 approximately correct?
13
14 MR. CASIPIT: Mr. Chairman. Dr. Garza.
15 Yes, there's -- I believe there was 24 fish harvested under
16 Federal permits on Prince of Wales and six everywhere else
17 in Southeast.
18
19 DR. GARZA: And so the question I have for
20 you, Mr. Hoffman, is estimating the mortality rate for
21 steelhead from the hook and release fisheries for sport,
22 Southeast-wide, Prince of Wales-wide, any area that you
23 have numbers for.
24
25 MR. HOFFMAN: Through the Chair. Dolly, I
26 guess the answer would be in relationship to most of our
27 fishery is with artificials, you know, with very few
28 exceptions, and if you use some of the literature, it's two
29 to three percent, you know, mortality from catch and
30 release using artificial gear. And so if you look at our
31 catch rates, your looking at, you know, less than, you know
32 50 fish based on our statewide harvest data.
33
34 CHAIRMAN LITTLEFIELD: Fifty fish? It
35 seems to me that when we debated.
36
37 Mr. Casipit, we had some information that
38 didn't agree with that. Maybe we could talk about this a
39 little bit.
40
41 MR. CASIPIT: Thank you, Mr. Chair. Dr.
42 Garza. Unfortunately the table that I'm going to call your
43 attention to is on -- is for FP06-34, but on that table 3
44 on page 140, you can see the reported Southeast sport catch
45 and sport harvest. The most recent year we have here is
46 2003. The catch for 2003 was 3,172. You minus 62 harvest.
47 Multiply the result of 3,160 times two percent or three
48 percent, and, you know, you can do the math.
49
50 CHAIRMAN LITTLEFIELD: No, you do the math.

1 MR. CASIPIT: Well, depending on whether
2 you use two or three percent, you're going to be looking
3 at, oh, I don't know, you know, maybe 60 to 90. I'm not --
4 you know, I guess it depends on how you -- whether you take
5 the two percent or three percent.

6
7 CHAIRMAN LITTLEFIELD: You can do the math.
8 So we'll go what, 65 to 95 somewhere in there.

9
10 MR. HOFFMAN: Yeah. Mr. Chairman. You
11 know, we can look at that data and see if it represents all
12 of Southeast including Yakutat, or just Southeast. And the
13 data I was referencing was for just Southeast proper.
14 Because we manage those two fisheries differently.

15
16 CHAIRMAN LITTLEFIELD: I think we took care
17 of that, but, Mr. Casipit, would you address that.

18
19 MR. CASIPIT: Yes, Mr. Chair. The figures
20 I quoted from that table excludes the data from Yakutat.

21
22 CHAIRMAN LITTLEFIELD: Yeah. We went
23 through this before. We knew it was a very significant
24 number up there, so we were trying to keep this Southeast.
25 Right.

26
27 Other questions. Any other questions. Mr.
28 Wright.

29
30 MR. WRIGHT: Yes. Thank you, Mr. Chair.
31 I think the Prince of Wales had a cap, I think it was 600,
32 something like that. So does the Juneau area have anything
33 like that, a cap of the amount that have been caught that
34 would -- or is -- that's my question.

35
36 CHAIRMAN LITTLEFIELD: I guess Mr. Casipit
37 could explain that probably better than Mr. Hoffman.

38
39 MR. CASIPIT: We have a guideline harvest
40 level, or if you want to call it a cap for Prince of Wales
41 Island of 600 fish. That was based on the community
42 harvest surveys of the time, you know, totalling up for all
43 the communities.

44
45 A similar guideline harvest level or cap if
46 you will is not in the regulations for the remainder of
47 Southeast.

48
49 CHAIRMAN LITTLEFIELD: But there are limits
50 to the take, an annual limit and a possession limit, too?

1 MR. CASIPIT: Thank you, Mr. Chair. Yes,
2 you are correct, we do have an annual limit that's in the
3 regulations for everywhere. You know, there is a higher
4 limit on Prince of Wales, but the rest of Southeast, it's,
5 you know, two fish per year per household.

6
7 CHAIRMAN LITTLEFIELD: Any follow up on
8 that. Dr. Garza.

9
10 DR. GARZA: Thank you. So I'm looking at
11 Page 139, at the bottom where it does say two to three
12 percent mortality, but the State uses an estimated five
13 percent. How do you estimate how many fish anglers
14 actually hook and release? Is that -- how do they report
15 that?

16
17 MR. HOFFMAN: Through the Chair. You know,
18 our data is collected through our statewide harvest postal
19 survey program every year, a subset of resident and
20 nonresident anglers receive a postal survey, and we get
21 harvest and catch data from that.

22
23 CHAIRMAN LITTLEFIELD: Dr. Garza.

24
25 DR. GARZA: So following up on that, from
26 Page 139 where it estimates the five -- two to three, but
27 five percent conservatively mortality, and then the next
28 page actually lists the harvest level. That harvest level
29 does not represent the hook and release. Those are actual
30 dead fish that have been drug in and taken home and eaten?

31
32 MR. HOFFMAN: Through the Chair. Yes, it
33 would be the reported harvest. That would be ones that
34 were taken home.

35
36 DR. GARZA: So can you report on what the
37 hook and release level is in addition to this harvest
38 level? Do you have an estimate for that?

39
40 MR. HOFFMAN: Through the Chair. Yeah, you
41 would take the catch information and use the two to three
42 percent, you know, hook and mortality thing that we would
43 use for when people are using artificials. I don't have
44 the table right in front of me, Dolly, so I guess we'd have
45 to just look at the numbers and multiply it out.

46
47 CHAIRMAN LITTLEFIELD: Dr. Garza.

48
49 DR. GARZA: Okay. Well, see, that's my
50 confusion. On Page 138 -- or 140, it has the Southeast

1 Alaska sport harvest. Okay. So that is a harvest level
2 where someone has reported that they've harvested that
3 fish, taken it home, and most likely smoked it or eaten it
4 or frozen it or something. Is there another number that
5 shows us how many were hooked and released, so that would
6 be an entirely different table and set of data.

7
8 MR. HOFFMAN: Yeah. Through the Chair.
9 Yeah, that would -- this data represents the actual
10 reported harvest, you know, dead fish taken home, and so if
11 you wanted to estimate the mortality, you would have to
12 look at our catch data that comes from the postal survey,
13 which isn't reported in this table.

14
15 DR. GARZA: So I'm asking, do you have an
16 estimate of that?

17
18 MR. HOFFMAN: Through the Chair. I don't
19 have it readily with me, but I can provide it to you. I'll
20 have to do a little research through the notes I brought
21 with me.

22
23 DR. GARZA: Thank you. Yeah, I was just
24 trying to get an idea of how many fish are actually hooked
25 and then released statewide -- or Southeast-wide.

26
27 Thank you.

28
29 CHAIRMAN LITTLEFIELD: Yeah, we had -- we
30 discussed this in a previous proposal, and I know we had
31 that -- they had that data, because we had it for both
32 Southeast and Yakutat. I believe Mr. Turek might have had
33 some of that data.

34
35 I think the point that's trying to be made
36 here is that mortality, whatever it is, whether it's two
37 percent, three percent or the five percent that you use,
38 far exceeds the subsistence catch, and I think maybe that's
39 the point that's trying to be made here, that catch and
40 release kills more fish than we take home and eat.

41
42 Mr. Douville.

43
44 MR. DOUVILLE: Thank you, Mr. Chairman.
45 The biologist Jeff Reeves of the Forest Service compiled
46 all that data, and it's been presented several times to the
47 RAC. And I'm sure it exists somewhere as he did a very
48 good job.

49
50 On Page 139, five percent for fish caught

1 with artificial lures. This is Hooten, 2001, ADF&G, 2002.

2

3 But in any case, the figures that Jeff came
4 up with using ADF&G information is that the mortality was
5 like 200 fish on Prince of Wales as they were hooking and
6 releasing approximately 1,000 fish. Anyway.

7

8 CHAIRMAN LITTLEFIELD: Again, the point
9 being made that you're killing a lot more fish than we're
10 eating.

11

12 So is there any other questions on this.
13 Are we reading for Interagency Staff Committee.

14

15 (No comments)

16

17 CHAIRMAN LITTLEFIELD: Interagency Staff
18 Committee. Thanks for coming back.

19

20 MR. KESSLER: Mr. Chairman. Members of the
21 Council. Steve Kessler with the Interagency Staff
22 Committee again.

23

24 The Interagency Staff Committee did have
25 considerable discussion on this proposal, and one of the
26 things that we sort of concluded was that perhaps sometime
27 in the future, as essentially the State has suggested,
28 perhaps a customary and traditional use determination
29 should be considered for the Juneau road system. And that
30 might at least for the Juneau system help identify what the
31 subsistence users might -- what that might look like.

32

33 But otherwise, I don't have any comments
34 for you.

35

36 CHAIRMAN LITTLEFIELD: Could you say again
37 what -- I didn't understand that. You said the Interagency
38 Staff Committee is recommending a C&T determination or --
39 I must have missed that, on Juneau?

40

41 MR. KESSLER: We're not recommending it,
42 but perhaps that should be considered, that if, for
43 instance, the proponent of this proposal was concerned
44 about the fishing that would take place under subsistence
45 regulations, and that there are very -- that the people who
46 live in the Juneau area themselves are not eligible for
47 subsistence fishing, then perhaps the way to go about this
48 would be for a customary and traditional use determination
49 to take place, to understand better, are there people out
50 there with customary and traditional use or not.

1 One of the discussions associated with that
2 is we do have legislators and their staffs who are from
3 Southeast Alaska who are eligible as subsistence users.
4 They are in the area. Is there a customary and traditional
5 use of those folks in the Juneau area? I don't know the
6 answer to that. But perhaps that the way that this needs
7 to be dealt with is more through the customary and
8 traditional use determination process.

9
10 CHAIRMAN LITTLEFIELD: Okay. Well, if
11 there's somebody, a legislator from Wrangell that wants to
12 go and harvest the steelhead, I don't have any problem with
13 it, because right now they're not affecting it, and the
14 catch and releasers are killing a lot more fish. It's a
15 non-issue to me, and I think developing a C&T for something
16 for which there's no need is somewhere we don't need to go
17 there.

18
19 So any other comments for Interagency Staff
20 Committee.

21
22 (No comments)

23
24 CHAIRMAN LITTLEFIELD: Okay. Thank you
25 very much. Summary of - or, excuse me, fish and game
26 advisory committee comments. Were there any?

27
28 (No comments)

29
30 CHAIRMAN LITTLEFIELD: Okay. Summary of
31 written public comments.

32
33 MS. HERNANDEZ: We've got just one written
34 comment from the Chilkoot Indian Association on Proposal
35 31. This change does not seem that it would impact
36 subsistence users in Juneau, as it does not affect
37 traditional fishing areas. Preservation and enhancement of
38 fish stocks are paramount to the Chilkoot Indian
39 Association. That's the only one.

40
41 CHAIRMAN LITTLEFIELD: Okay. Public
42 testimony. Is there any member of the public that would
43 like to testify on Proposal 31.

44
45 (No comments)

46
47 CHAIRMAN LITTLEFIELD: Okay. We're at
48 Regional Council deliberations. Proposal 31, executive
49 summary begins on page -- excuse me here, let me flip to
50 this. Page 115 is the executive summary, or 114, excuse

1 me. It's two pages, and it's rather lengthy, the changes.
2 A motion to adopt is in order. Dr. Garza.

3

4 DR. GARZA: Mr. Chairman. I would move
5 that we adopt FP06-31 as written on Pages 114 and 115.

6

7 CHAIRMAN LITTLEFIELD: Is there a second.

8

9 MR. STOKES: I'll second it.

10

11 CHAIRMAN LITTLEFIELD: It's been moved and
12 seconded to adopt FP06-31 as written on Page 114 and 115 of
13 the Council book. Discussion. And again make sure that we
14 cover the four issues that Dr. Schroeder will soon have on
15 the board.

16

17 DR. GARZA: Mr. Chairman.

18

19 CHAIRMAN LITTLEFIELD: Dr. Garza.

20

21 DR. GARZA: I will be speaking against the
22 motion. In terms of substantial evidence, it's made clear
23 once again that the subsistence harvest of steelhead is
24 minimal at most. It's 30 fish in all of Southeast,
25 excluding Yakutat, that that number is substantially lower,
26 much, much lower, magnitudes lower than the sort harvest,
27 and substantially lower than the mortality from the
28 estimated hook and release sport fishery. And so I see no
29 way that the current existing regulation has had any
30 negative impact on the steelhead stocks in the Juneau area.
31 And I don't think that anything else needs to be
32 considered.

33

34 Thank you.

35

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

38

39 MR. STOKES: Thank you, Mr. Chairman. I,
40 too, speak against this motion. My reason is they're
41 telling us how to catch these fish. And why not use bait?
42 We're already restricted with one fish and two for the
43 year. And it would be the same thing as they used to try
44 to keep us from using the downrigger. And we were already
45 restricted on the amount of fish we were to catch, which
46 was two. And it was just easier to get the fish with a
47 downrigger. So it believe it's easier to catch a steelhead
48 with bait rather than use an artificial lure and some scent
49 on it. And I don't know whether there's a size limit on
50 this, but I don't think 36 inches.....

1 CHAIRMAN LITTLEFIELD: You're on the wrong
2 page.
3
4 MR. STOKES:is just too large.
5
6 CHAIRMAN LITTLEFIELD: You're on Page 114
7 to 115. 114 to 115 is the one that's on the floor.
8
9 MR. STOKES: And it's been a long, long
10 time since I've seen a 36-inch steelhead. I know I read
11 that somewhere here. Anyway, I speak against this motion.
12
13 CHAIRMAN LITTLEFIELD: Other Council. I
14 think we've covered the substantial data on this thing
15 about 50 times. It seems like every proposal that comes up
16 on steelhead we go through this same stuff. So the record
17 is quite clear where the data is on this, so do we want to
18 go any farther on this. Is there any Council that would
19 like to address this farther. Mr. Adams.
20
21 MR. ADAMS: Mr. Chairman. I'm going to
22 vote against this proposal for reasons I'm going to keep to
23 myself.
24
25 CHAIRMAN LITTLEFIELD: You're opposed.
26 What's your sidekick do. Are we ready for the question.
27
28 MR. HERNANDEZ: Question.
29
30 CHAIRMAN LITTLEFIELD: Okay. Hearing no
31 objection, the question before the Council is FP06-31, the
32 language as shown on Page 114 and 115. I'm not going to
33 read it, it's quite lengthy changes, but the effect is to
34 return to the State of Alaska sport fishing regulations as
35 referenced in the Alaska Administrative Code. All those in
36 favor of this motion please signify by saying aye.
37
38 (No supporting votes.)
39
40 CHAIRMAN LITTLEFIELD: Those opposed same
41 sign.
42
43 IN UNISON: Aye.
44
45 CHAIRMAN LITTLEFIELD: It is the
46 recommendation of the Southeast Regional Council that FP06-
47 31 be rejected by the Federal Subsistence Board.
48
49 Okay. Proposal 32. Mr. Larson. 32
50 executive summary is on Page 122.

1 MR. LARSON: Mr. Chairman. The draft
2 analysis that I'll be addressing starts on Page 123, and I
3 wouldn't be surprised if we were interrupted fairly soon.
4 We're trying to contact the proponent, Mr. Mike Stainbrook.
5 He wanted testify over the teleconference, by telephone.
6 Melinda' looking for him right now.

7
8 But the proposal is submitted by Mr. Mike
9 Stainbrook of Petersburg, and it would implement a 36-inch
10 size limit, and a rood and reel only restriction for
11 steelhead on streams across or adjacent to the Petersburg
12 road system.

13
14 The community of Petersburg is rural with
15 an extensive road system. There's at least four steelhead
16 streams that cross or adjacent the road system. There's
17 limited sport fishing effort for steelhead by residents of
18 other communities. The majority of persons engaged in the
19 State sport fishery are Federally qualified.

20
21 There's no reliable estimates of steelhead
22 population sizes or sustainable harvests for any of these
23 streams.

24
25 (Telephone)

26
27 MR. LARSON: Yeah, Mike, is that you?
28 Hello. Hello.

29
30 MR. STAINBROOK: Hello.

31
32 CHAIRMAN LITTLEFIELD: Turn your mike on
33 then.

34
35 MR. LARSON: Yeah, hello, Mike, you're on
36 the air.

37
38 CHAIRMAN LITTLEFIELD: We'll go ahead and
39 take the public testimony.

40
41 MR. STAINBROOK: Okay. All right. And I'm
42 addressing the Council I take it.

43
44 MR. LARSON: Yeah, why don't you just stand
45 by one here.

46
47 MR. STAINBROOK: I will. Thank you.

48
49 CHAIRMAN LITTLEFIELD: Go ahead and let him
50 go.

1 MR. LARSON: Yeah. Mike, I'm going to put
2 you a speaker phone, and you'll be addressing the Southeast
3 Regional Council regarding FP06-32 and you could probably
4 33 as well, your proposals. Are you ready?

5
6 MR. STAINBROOK: I'm ready, thanks.

7
8 MR. LARSON: Okay. Let me turn you on
9 here. Hold on. Okay. Go ahead.

10
11 MR. STAINBROOK: Okay. Hi. My name's Mike
12 Stainbrook, and I'm here in Petersburg, and I'd like to
13 give a little bit of public testimony on Proposals 32 and
14 33. They're the ones that I sent in.

15
16 First of all, I'd like to thank each of you
17 folks on the Board. I was lucky to meet and talk with each
18 of you last winter when you had that meeting here in
19 Petersburg in the ANB Hall. And I hope each of you had a
20 fine spring and summer here, and I hope that everybody's
21 got more wood in their wood pile than I've got right now.

22
23
24 Anyway, I wanted to say thanks for being
25 able to submit these two proposals, and I especially say
26 thanks ahead of time, because I know you'll give both of
27 the proposals serious consideration.

28
29 I live on Petersburg Creek, and I
30 participated in the subsistence -- several subsistence
31 fisheries in the past, and I plan on doing more in the
32 future.

33
34 But now the reason I put in these two
35 proposals is because I'm concerned that the recent rule
36 changes will be harmful to steelhead stocks. Since a first
37 priority is sound conservation, then special and vigilant
38 rules to places that have easy and increased access and use
39 with more and more to come in the future is probably not
40 only the wise idea, but really a return to customary and
41 traditional use. The idea of maintaining stocks is a
42 pretty ancient one. And it's one of the ways that us folks
43 who continue to live close to the land can try and stay in
44 balance with it.

45
46 There's more use each year on each of these
47 stretches of water. They're easy to get to. The steelhead
48 runs are fragile to begin with, and that makes these rule
49 changes that I've put in the proposals needed.

50

1 My two proposals will maintain healthy
2 steelhead stocks for the future at some of these places
3 that need special attention, and still provide for
4 subsistence.

5
6 So anyway I want to say thanks to all you
7 folks who listen, and thank you very much for all the work
8 you're doing, and thank you for making sure that I can look
9 out my window on the creek each spring with a wonderful
10 sense of hope for the future.

11
12 Thanks.

13
14 CHAIRMAN LITTLEFIELD: I have a question
15 for Mr. Stainbrook as the proponent, is he aware of the
16 harvest restrictions that are put on the permit systems for
17 the Petersburg area, Wrangell.

18
19 MR. LARSON: Yeah, Mike did you hear that?

20
21 MR. STAINBROOK: Not quite. I didn't hear
22 the entire question, could you repeat it, please?

23
24 MR. LARSON: Yeah, the question was were
25 you aware of the permit condition -- the question was, is
26 if you were aware of the permit conditions that were in
27 effect for this spring?

28
29 MR. STAINBROOK: Yes, I had a permit, a
30 subsistence permit for steelhead, and I'm fairly aware of
31 the process that took place.

32
33 MR. LARSON: Yeah. Thank you.

34
35 CHAIRMAN LITTLEFIELD: Are there any other
36 questions for Mr. Stainbrook while we have him on line?

37
38 (No comments)

39
40 CHAIRMAN LITTLEFIELD: Okay. I guess
41 that's all, Bob, if you could let him know.

42
43 MR. LARSON: Okay. Thank you, Mike.

44
45 MR. STAINBROOK: Oh, you bet. Thank's to
46 everybody. It's a great world where I get to do this. So
47 thank you.

48
49 MR. LARSON: Yeah, standby one here.

50

1 MR. STAINBROOK: Okay.
2
3 CHAIRMAN LITTLEFIELD: He said he was
4 talking about two proposals, 32 and 34.
5
6 MR. LARSON: And 33.
7
8 CHAIRMAN LITTLEFIELD: 33?
9
10 MR. LARSON: Yes.
11
12 CHAIRMAN LITTLEFIELD: Just a second. Did
13 he want to say anything about that one, you might ask him.
14
15 MR. LARSON: Yeah. Mike, the question was,
16 is did you have anything particular to Proposal 33,
17 the.....
18
19 MR. STAINBROOK: No, I think most of -- I
20 think that 36 inches with a rod and reel adds -- or
21 maintains the conservations of the stocks, like, you know,
22 in a good manner and I think that's good for both of these
23 stretches. That's -- my little talk was for both of them.
24
25
26 Thanks.
27
28 MR. ADAMS: I have a question for you,
29 Mike. Did you get community support for these proposals?
30 Did you take it through the public hearing comment period?
31
32 Thank you.
33
34 MR. LARSON: Yeah, Mike, did you hear the
35 question?
36
37 MR. STAINBROOK: No, I didn't. I'm sorry.
38
39 MR. LARSON: Yeah. The question was
40 regarding community support for your proposals, and Mr.
41 Adams was wondering what type of community support, and the
42 degree that you had.
43
44 MR. STAINBROOK: Well, that's an
45 interesting question. I guess many of the people that I
46 speak with feel that the steelhead runs, a lot of the
47 steelhead runs are pretty fragile, and they need special
48 attention. And I feel like there's a number of people that
49 believe the same way I did. I can't really speak for
50 anybody else right now. But I've had several people say

1 that they agree with me. And that's about the best that I
2 can answer that I guess.

3

4 CHAIRMAN LITTLEFIELD: I had one question,
5 and that would be to ask him whether he was successful
6 under the terms of the Federal permit on either of those
7 streams.

8

9 MR. LARSON: Yeah. Mike, the question was
10 were you successful in harvesting steelhead on either the
11 Mitkof road system or on Petersburg Creek under the
12 auspices of the Federal subsistence program.

13

14 MR. STAINBROOK: Yes. Well, I think I
15 didn't get much -- as much time as I wanted to this year,
16 and I kept a good record that I sent into you guys, and you
17 guys have got it, but I think I landed maybe six fish, and
18 that's what my memory serves me now. I sent in a letter to
19 you guys, and chose not to keep any of them. But that's --
20 I had a wonderful time out looking for the fish I chose to
21 keep and I didn't take any of them.

22

23 MR. LARSON: Thank you.

24

25 CHAIRMAN LITTLEFIELD: Any other questions
26 for Mr. Stainbrook.

27

28 (No comments)

29

30 CHAIRMAN LITTLEFIELD: Okay. Just tell him
31 we said thank you.

32

33 MR. LARSON: Okay. Thank you, Mike.
34 There's no further questions.

35

36 MR. STAINBROOK: Okay. Great. Thanks for
37 letting me be part of this. I'm really thrilled to be able
38 to do this.

39

40 Thank you.

41

42 MR. LARSON: Okay. Good-bye, we're going
43 to hang up.

44

45 MR. STAINBROOK: All right. Uh-huh. 'Bye-
46 bye.

47

48 MR. LARSON: Yeah, Mr. Chairman, as you've
49 heard in public testimony, that there's no really good
50 reliable estimates, and we'll speak first to Proposal 32,

1 in that there's no reliable estimates or estimates of
2 sustainable harvest for any of these streams that are on
3 Mitkof Island. There is a certain degree of uncertainty
4 regarding sustainability, and because of that, the Federal
5 subsistence program had permit conditions last year for
6 these streams. The restrictions for 2005 including a 32-
7 inch minimum size limit, 24-hour of any harvest, and the
8 use of rod and reel only without bait.

9
10 The small size and limited knowledge base
11 is not particular to only Mitkof Island, and actually it
12 demonstrates the dilemma faced by a subsistence management
13 program for these streams and for similar streams in
14 Southeast. And that dilemma is, you know, how to implement
15 a subsistence fishery for steelhead on streams that only
16 have a few fish available for harvest. There's also an on-
17 going sport fishery.

18
19 For most of these streams, a 36-inch size
20 limit results in a catch and release subsistence fishery,
21 and fishermen are targeting trout and char.

22
23 Fisheries management, our conclusion is to
24 oppose this proposal. And fishery management measures
25 similar to those implemented in 2005 provide adequate
26 management tools for conservation of these small stocks.
27 These restrictions are designed to maintain viable trout
28 and char populations, and fisheries for the mutual benefit
29 of both sport and subsistence users while providing for a
30 small subsistence steelhead fishery.

31
32 We have not decided what kind of permit
33 restrictions will be in place of 2006, but I hope that as
34 the day goes on, and as this month goes on, that those will
35 become more clear.

36
37 Thank you.

38
39 CHAIRMAN LITTLEFIELD: On this particular
40 stream, and it might be in here, but were there any
41 reported subsistence steelhead from this stream.

42
43 MR. LARSON: There were not.

44
45 CHAIRMAN LITTLEFIELD: Are there questions
46 for Federal Staff on their presentation.

47
48 (No comments)

49
50 CHAIRMAN LITTLEFIELD: Okay. Thank you,

1 Mr. Larson. ADF&G.

2

3 MS. SEE: Thank you, Mr. Chair. Members of
4 the council.

5

6 The comments for this proposal mirror those
7 for Proposal 31 as well as 33, in that the analysis does
8 not address many of the previous comments Fish and Game
9 offered on the analysis address we saw earlier.

10

11 We had previously commented that the 32-
12 inch size limit would allow a harvest rate that is
13 considered to be unsustainable. The analysis states that
14 the 32-inch size limit was set to protect 50 percent of the
15 steelhead stock from harvest. It's not clear why this
16 standard was used for Petersburg area on Mitkof area for
17 those streams when 30 inches was chosen for Juneau area
18 streams.

19

20 The State's 36-inch size limit and other
21 regulations were set based on achieving a sustainable
22 harvest rate, and the Federal analysis fails to explain how
23 less restrictive regulations will provide for conservation
24 of the resource.

25

26 This area as noted both by the proponent
27 and the Federal analysis is one of fairly easy access.

28

29 It appears that there would be a total
30 allowable harvest set for each stream in the future, but
31 the analysis does not indicate how that would be done.

32

33 If Federal personnel intend to take special
34 actions in-season to protect stocks from over-fishing, the
35 standards and criteria for determining those actions should
36 be provided. Further, the analysis does not address the
37 State's concerns about enforceability of the 24-hour
38 reporting requirement, which appears to be the foundation
39 for stock conservation under the Federal regulations, at
40 least until total allowable harvest limits are set.

41

42 On Page 126 the analysis states that there
43 were no steelhead reported harvested from Mitkof Island,
44 which we just heard as well. And that's not clear whether
45 that's the result of no harvest or no reporting.

46

47 If indeed there's no harvest, it's to see
48 that the State's regulations would not in fact provide for
49 subsistence needs.

50

1 These comments are virtually identical for
2 Proposal 33, and so when we get to that point, rather than
3 read this again onto the record, I will refer back to these
4 comments, with the exception of one or two different point.
5

6 So if there are any other questions about
7 this that are more detailed, again we have Steve Hoffman
8 available from the Sport Fish Division.
9

10 Thank you, Mr. Chair.
11

12 CHAIRMAN LITTLEFIELD: Are there questions
13 from Council. Mr. Hernandez.
14

15 MR. HERNANDEZ: Thank you, Mr. Chairman.
16

17 State seems to be concerned with the
18 reporting requirements on the Federal permit system. I was
19 wondering if I could get Mr. Larson back up here, and maybe
20 get some comments from him about how the reporting
21 requirements are working.
22

23 MR. LARSON: Well, yeah. Mr. Chairman.
24 Don. In the case specific to Proposal 32, we've issued six
25 permits for Federally qualified users. You know, of those
26 six, it makes it really easy to keep in contact. And those
27 people are like Mr. Stainbrook, are actually fairly
28 interested in the entire process. And we have 100 percent
29 reporting, and actually some interaction in-season with
30 those people.
31

32 Generally speaking, if you look at the
33 permit system as a whole, we have almost 100 percent.
34 There are some -- an occasional person that either, you
35 know, moves out of State or something other that happens to
36 them that they've become unavailable. But other than that,
37 we have 100 percent reporting.
38

39 I would take this opportunity to remind you
40 that on Page 145 of your Council book, there is a summary
41 of harvest permit stipulations for Southeast and South --
42 for Southeast Alaska that were implemented in 2005. The
43 actual permit, with the permit stipulations for Southeast
44 Alaska other than Prince of Wales is on Page 146 and 147.
45

46 CHAIRMAN LITTLEFIELD: Go ahead, Don.
47

48 MR. HERNANDEZ: One follow-up. How about
49 the 24-hour reporting requirement. Does that seem to be
50 working out?

1 MR. LARSON: It really -- there was never
2 an opportunity for that provision to be exercised in that
3 there was no harvest reported for any stream that had that
4 requirement attached to it.

5
6 MR. HERNANDEZ: And how many permits were
7 issued for Petersburg Creek?

8
9 MR. LARSON: For Petersburg Creek, there
10 were seven, because -- no, there were eight I think. There
11 were eight for Petersburg Creek in that the Petersburg
12 Creek is in District 6 and has a different set of qualified
13 uses than Mitkof Island streams. So there were six for
14 Mitkof Island, which drains partially into District 8, and
15 because District 6 is Petersburg Creek, then there was
16 another two that were issued from Kake, and they were
17 qualified users as well.

18
19 CHAIRMAN LITTLEFIELD: Okay. Mr. Larson,
20 earlier we asked you -- I did find it in there where I'd
21 missed it, that there were no history, but what about the
22 ones that were released. It's required on the form that we
23 -- you're supposed to list the number kept and the number
24 released. So you're telling me that the number kept is
25 zero. And what about that number released? We just
26 testimony that he said he released, I don't know, four,
27 five, six or something like that. Must have. Is that
28 information available to us? Do you have that so we can
29 get idea of the sizes or whatever. I don't know why they
30 let them go, but it's important.

31
32 MR. LARSON: Yes, I wish I would have kept
33 closely track and tallied that number separately. I have
34 not tallied that separately, but in the case of Mike, he
35 did mark it down, how many he caught and that he released
36 all those fish. And that's fairly common that when people
37 catch fish, that they would note that they released a dark
38 one, or a fish that was a female fish in favor of a male
39 fish or something. So that is fairly common, and there's
40 a number of entries similar to that in the permits. I do
41 not have a sum of those or a summary of that kind of
42 activity.

43
44 CHAIRMAN LITTLEFIELD: Well, you know, I
45 wasn't in favor of these things anyway when they came out,
46 I don't think they're needed. But did anybody say that
47 they had to release everything because they weren't 30
48 inches long? In other words, were they catching a half a
49 dozen fish, and none of them were at the legal limit that
50 was allowed under the restrictions?

1 MR. LARSON: Mr. Chairman, most of those
2 released fish came from the large streams on Prince of
3 Wales Island where there were no length restrictions.

4
5 CHAIRMAN LITTLEFIELD: Well, we're only
6 talking now, of course, about Mitkof and Petersburg here in
7 a second. Okay. So I guess we just don't have that
8 information.

9
10 Any other questions of Federal Staff.
11 Okay. Did you want to -- Dr. Garza.

12
13 DR. GARZA: Yeah. You looked like you were
14 going to say one more thing?

15
16 MR. LARSON: Yeah, I was going to make one
17 more thing. If your question was specific to Mitkof
18 Island, there were no fish reported harvested. There were
19 no fish reported that were caught and released. So those
20 fish that I was referring to that were caught and released
21 were primarily from Mike on Petersburg Creek or the larger
22 systems on Prince of Wales. But specific to Mitkof Island,
23 there were no fish caught and released.

24
25 CHAIRMAN LITTLEFIELD: Okay. We don't --
26 is this for Federal Staff? Mr. Wright.

27
28 MR. WRIGHT: Yeah. My question is if they
29 didn't have a record of harvest or catch and release, how
30 do we know the health in the stream? I mean, is there a
31 way to see what the health of the stream is?

32
33 MR. LARSON: Mr. Chairman. The Department
34 of Fish and Game has initiated a stream assessment. They
35 do snorkel surveys, and they spent a considerable amount of
36 time this spring in looking at steelhead on Mitkof Island,
37 and primarily on the larger stream, which is -- it's called
38 Bear Creek. And a lot of that has to do with impacts of
39 the new chinook fishery for targeting king salmon to the
40 Stikine River that occurs at the mouths of these streams.

41
42 But there was some assessment work that was
43 done this year, and it -- you know, there's no history of
44 that, it's hard to put it in perspective, except that is
45 the larger stream, and there were steelhead available.

46
47 But you look at the other streams on the
48 island, they're fairly small, and without putting an
49 absolute number on it, which is impossible, just suffice it
50 to say they are not large streams with large populations of

1 steelhead.

2

3 CHAIRMAN LITTLEFIELD: Okay. Do you we
4 have questions for Federal Staff. Mr. Hernandez.

5

6 MR. HERNANDEZ: I was just thinking, wasn't
7 it -- at one time was there a weir at Petersburg Creek that
8 was counting fish?

9

10 MR. LARSON: Yes, there was. The Alaska
11 Department of Fish and Game maintained a weir there for a
12 number of years in the 60s, and the harvest -- or it seems
13 to me that the numbers that past the weir were some place
14 between the 300 and 700, that kind of a range. But they
15 haven't had one since. But they do -- specific to
16 Petersburg Creek, Petersburg Creek is part of their index
17 assessment, so they do have a number of surveys that they
18 do, snorkel surveys, and they try to capture abundance of
19 adults that they observe, and they have a time series of
20 that kind of information. But other than -- there isn't
21 that kind of information except for this year in kind of a
22 cursory fashion for the one stream on Mitkof Island.

23

24 MR. HERNANDEZ: Do you know when the last
25 snorkel surveys were done on Petersburg Creek?

26

27 MR. LARSON: The date this spring? I
28 believe there was four this spring, and I participated in
29 one of those, but I don't remember exactly when the last
30 date was. It's sometime the end of May.

31

32 MR. HERNANDEZ: Can you give us some idea
33 about what the results were from those surveys?

34

35 MR. LARSON: Yeah, we have a table, and
36 Steve has that.

37

38 CHAIRMAN LITTLEFIELD: Steve, go ahead and
39 have a seat. What we're trying to do now, we're not in
40 deliberations yet. We're still trying to flesh out some
41 information for the Council, so go ahead and have a seat.

42

43 MR. HOFFMAN: Yeah, through the Chair.
44 Yeah, as Bob indicated, we do a series, time series of
45 snorkel surveys in a number of index stream around the
46 region, and Petersburg Creek for 2005, the peak survey
47 count was 369 for 2005.

48

49 MR. HERNANDEZ: Well, that's kind of
50 interesting information I think. We have information,

1 probably pretty reliable information from weir counts of 40
2 years ago of 300 to 700 steelhead in Petersburg Creek, and
3 then we have a 2005 snorkel survey showing 369 steelhead in
4 Petersburg Creek. It seems like a fairly stable long-term
5 trend.

6
7 Exploitation rates, I guess Fish and Game
8 says that in the 10 percent range for a harvest, it seems
9 like there is some allowable harvest in Petersburg Creek
10 that's not being utilized.

11
12 I don't know, the State maintains that it's
13 not a sustainable fishery. I just don't know what they
14 base that on. In their mind only a 36-inch limit is
15 acceptable.

16
17 I also heard earlier testimony that they
18 would prefer that management be based on abundance. It
19 almost seems like we have some information that would help
20 base it on abundance. I just don't know why it's not being
21 used and what the problem is.

22
23 MR. HOFFMAN: Through the Chair again.
24 Just I want to reemphasize that was the 2005 count, and
25 that's the highest count that we've seen. It was 3,030 --
26 excuse me, 330 the year before, 146, and then it drops down
27 under 100 for the previous three years. So I'd have to
28 agree that the counts are higher in recent years.

29
30 CHAIRMAN LITTLEFIELD: And again these
31 numbers are for an index stream, not the Petersburg road
32 system on Mitkof Island, which we're talking about on 32,
33 is that correct?

34
35 MR. HOFFMAN: Mr. Chairman. Yes, that's
36 for Petersburg Creek itself.

37
38 CHAIRMAN LITTLEFIELD: Okay. So this is
39 good information. Let's flesh it out right now. Any other
40 questions on I would say 32, and we can bring it back up
41 for 33, but both of them are closely related, so if you
42 want to ask questions about either of them, go ahead.
43 We've got enough?

44
45 (No comments)

46
47 CHAIRMAN LITTLEFIELD: Okay. We'll go into
48 Regional Council deliberations. Okay. Regional Council
49 deliberations, FP06-32. The executive summary is on Page
50 122. I need a motion to adopt.

1 DR. GARZA: Mr. Chair, I would move that we
2 adopt FP06-32.

3
4 CHAIRMAN LITTLEFIELD: Microphone, please.

5
6 DR. GARZA: Excuse me. I thought I hit it.
7 I would move that we adopt FP06-32 as written on Page 122
8 in the executive summary.

9
10 MR. STOKES: Second the motion.

11
12 CHAIRMAN LITTLEFIELD: It's been moved and
13 seconded that the Council support FP06-32 as written on
14 Page 122.

15
16 Discussion. Again, let's make sure we
17 cover the four questions that will be on the screen in a
18 minute. The four criteria. Okay. I know we've kind of
19 thrashed these steelhead proposals around, but I think we
20 should for the report make sure that for each proposal that
21 we cover the four criteria. And I know it seems almost
22 redundant, but let's make sure we cover them for the
23 record.

24
25 Mr. Hernandez.

26
27 MR. HERNANDEZ: Thank you, Mr. Chairman.
28 I guess I would be not in support of this proposal. We
29 have had substantial evidence presented to us, most
30 significantly the level of harvest by subsistence users is
31 little or non-existent. I do not see a conservation
32 problem based on that evidence.

33
34 This proposal would not benefit subsistence
35 users. I think the provisions of the existing regulations
36 to allow for a harvest with a size limit of 32 inches does
37 provide for subsistence users with a meaningful priority.
38 And I don't see how this would have a negative impact on
39 non-subsistence users.

40
41 CHAIRMAN LITTLEFIELD: Thank you. But
42 let's just remember that as Mr. Larson stated, that 32 may
43 not be what's in -- it might be 30 or it could be some
44 other number next year, because that's a permit condition.
45 So just so that everybody understands that.

46
47 Thank you.

48
49 Are there any other Council who would like
50 to comment on this. Dr. Garza.

1 DR. GARZA: Thank you, Mr. Chairman. I
2 will also not be supporting the proposal for the same
3 reasons Mr. Hernandez listed as well as the point that we
4 brought out in the last proposal, the mortality of
5 steelhead due to the sport harvest as well as the mortality
6 from hook and release far exceeds any level of subsistence
7 harvest in all of Southeast waters, and so I don't see
8 where there's any conservation issue. So I will be
9 speaking -- I will be voting against the motion.

10
11 I would, however, hope that we would
12 contact and thank the maker of the motion, Mike Stainbrook.
13 He did state that he attended our meeting last year, and
14 getting people interested in this process and committed to
15 it is far and few between, so I would like him to be aware
16 of why we are voting against the proposal, and that the
17 mortality is higher from other sources. Or why I'm voting
18 against it.

19
20 CHAIRMAN LITTLEFIELD: Okay. Mr. Stokes.

21
22 MR. STOKES: Thank you, Mr. Chair. I, too,
23 won't support this proposal. I wish there were some say we
24 could address using bait, but -- and it doesn't show
25 whether this is just an individual himself that's wanting
26 it or not all the subsistence users. And trying to get a
27 36-inch steelhead is not realistic. So I speak against it.
28 So I speak against it.

29
30 CHAIRMAN LITTLEFIELD: even though we
31 talked about bait earlier, this particular stream has a
32 permit condition, so it could be no bait, it could be with
33 bait. It's something that they do in consultation with the
34 ADF&G and the Regional Advisory Council members. Now,
35 consulting means they're consulting. It doesn't mean they
36 have to agree on anything, but at least we're consulting.
37 So that's a condition that could possibly change. I'm not
38 certain how that would go.

39
40 Mr. Adams.

41
42 MR. ADAMS: Thank you, Mr. Chairman. I,
43 too, am going to not support this proposal. I was kind of
44 disturbed at the fact that there was no, you know, real
45 honest-to-goodness community support for this proposal.
46 And when I asked Mr. Stainbrook about that, you know, he
47 said that he talked to certain people, and they agreed with
48 him.

49
50 My idea of a proposal working its way up

1 the ladder, even if it comes from an individual is that
2 they need to go and get community support, whether it's
3 from a local advisory council, tribal council, government
4 or any organization within the community that shows that
5 the community is in support of such proposals. And I look
6 at that very seriously, and so I -- you know, for that
7 reason I'm not going to support -- one of the reasons why
8 I'm not going to support it.

9
10 It doesn't show to me that there is any
11 reliable evidence available, you know, that would support
12 the proposals as well. It also doesn't show any evidence
13 of sustainability for a very limited stock. There are only
14 a few fish for harvest, and so, you know, conservation-
15 wise, you know, I don't think, you know, it's there.

16
17 It certainly well, you know, adversely
18 affect, you know, the subsistence users, and will also make
19 it more accessible, you know, to other users, which would
20 also cause a conservation problem.

21
22 So, thank you, Mr. Chairman. Those are my
23 reasons.

24
25 CHAIRMAN LITTLEFIELD: Thank you. We're
26 getting some good comments for the record here. Any other
27 Council.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Are you ready for
32 the question.

33
34 MR. STOKES: Question.

35
36 CHAIRMAN LITTLEFIELD: Hearing no
37 objection, FP06-32 as shown on Page 122 is before the
38 Council at this time. All those in favor of adoption
39 please signify by saying ayes.

40
41 (No affirmative votes)

42
43 CHAIRMAN LITTLEFIELD: All those opposed
44 same sign.

45
46 IN UNISON: Aye.

47
48 CHAIRMAN LITTLEFIELD: Was there one vote
49 in favor of that? Okay. That was -- all right. The
50 record should show it was unanimously. It was just that

1 side of the table. So the record should show what the
2 SERAC will support -- or will oppose FP06-32 at the Federal
3 Subsistence Board meeting.

4
5 Okay. What we're going to do here I
6 believe is we're going to -- 33 should be -- I don't want
7 to make predictions, but I think it should be fairly easy
8 to take care of. It's a very similar proposal to 32. 34
9 may take a little bit longer. But I think we can get
10 through 33, 34 and finish our business this evening.

11
12 But what I'd like to do right now is Mr.
13 VanAlen has agreed to give us a small PowerPoint while we
14 have -- grab a cup of coffee on -- are you prepared to do
15 that at this time, Mr. VanAlen?

16
17 MR. VanALEN: Yeah. Give me five minutes.

18
19 CHAIRMAN LITTLEFIELD: What?

20
21 MR. VanALEN: Five minutes.

22
23 CHAIRMAN LITTLEFIELD: Well, whenever.
24 He's going to give us a PowerPoint on a Board of Fish
25 proposal. It will take a few minutes. We'll come back and
26 finish these, and then go to dinner. I guess I should make
27 sure. Are we going to be able to get dinner when we get
28 out? Does anybody know the answer to that? Go ahead.

29
30 MR. JOHNSON: The folks out at the front
31 desk here said that a lot of places close about 7:00, 7:30,
32 so we know the Totem is open, it was last night. But other
33 than that, beyond 7:30 I think we're pushing it.

34
35 CHAIRMAN LITTLEFIELD: Okay We'll just get
36 out of here by then, make sure that we can break so that
37 everybody can eat at that time. So take a short break.
38 Mr. VanAlen will have a PowerPoint on the screen here. It
39 has to do with the Board of Fish proposals, and then we'll
40 come back on Proposal 33.

41
42 (Off record)

43
44 (On record)

45
46 CHAIRMAN LITTLEFIELD: Come back to order.
47 Thank you.

48
49 What we're going to do is try to take care
50 of the proposals tonight. I still have two proposals that

1 need addressing, Proposal 33 and 34. Again, we would ask
2 the Federal Staff to give us a little help here. We've got
3 reams of data over steelhead issues for the last several
4 years, as well as in this particular cycle. And if they
5 could help us bring attention to where those criteria that
6 we always need to consider are in the proposal, it might
7 help us go through them a little quicker. We can't just
8 gloss over them. We have to be able to know that they're
9 there, if you could help us out.

10

11 Proposal 33, which is on Page 129. Mr.
12 Larson.

13

14 MR. LARSON: Mr. Chairman. Proposal 33, we
15 just heard some public testimony from the proponent, Mike
16 Stainbrook. I'd like to note that Petersburg Creek is a
17 stream that is directly across from the City of Petersburg.
18 It's on Kupreanof Island. And it's subject to fairly high
19 fishing pressure by residents, most of which are Federally
20 qualified.

21

22 There's substantial evidence that the --
23 that the stock of steelhead on Petersburg Creek is stable
24 and exceeds 300 fish.

25

26 Up until 2005, it was subject to only a
27 State sport fishing with a 36-inch minimum size limit. In
28 2005 there was permit conditions in the Federal subsistence
29 fishery, a 32-inch minimum size limit, 24-hour reporting,
30 and use of dip net and rod and reel without bait. That
31 would allow the release of undersized fish.

32

33 The proposal as it stands would restrict
34 the harvest of fish to only those 36 inches or larger,
35 which would release in a catch and release fishery. I
36 would like to note that in 2005 although we had several
37 fish reported as caught and released, there were no fish
38 harvested from the Petersburg Creek.

39

40 CHAIRMAN LITTLEFIELD: Okay. Do we have
41 any questions for Federal Staff. Dr. Garza.

42

43 DR. GARZA: Just one quick question that
44 you may or may not be able to answer. Of those that were
45 caught and released, is there an estimate of size? Were
46 they over 32 and just released, or where they under 32 and
47 released because of that?

48

49 MR. LARSON: There's no record of that.

50

1 CHAIRMAN LITTLEFIELD: what would be --
2 well, I guess that's something else. We don't need to get
3 into that permit condition. We'll do that later. Okay.
4
5 Any other questions for Federal staff.
6 Okay. Mr. Hernandez.
7
8 MR. HERNANDEZ: Just one. Thank you, Mr.
9 Chairman.
10
11 Bob, do you know where most of the
12 steelhead spawning takes place on Petersburg Creek? Is it
13 in the lake itself, or in the stream system, or do you know
14 that information?
15
16 MR. LARSON: Most of the fish spawn in the
17 portions of Petersburg Creek directly -- immediately below
18 the lake. There's a short section of stream and then a
19 major tributary, and in that, it's the upper third or so of
20 the -- of Petersburg Creek is where you see the spawning
21 reds and spawning occurs.
22
23 CHAIRMAN LITTLEFIELD: Okay. Any other
24 questions for Federal Staff.
25
26 (No comments)
27
28 CHAIRMAN LITTLEFIELD: Okay. Thank you.
29 We'll go to ADF&G.
30
31 MS. SEE: Thank you, Mr. Chair. Members of
32 the Council.
33
34 I will start by simply saying that our
35 comments for this proposal reflect very closely those we've
36 already offered for the previous proposals, so I will not
37 reiterate them here, but will just refer to the record that
38 will be in the testimony that you get from the transcript.
39
40 However, there is one additional point we
41 wanted to offer, and that relates somewhat to Member
42 Hernandez's question about Petersburg Creek and the counts
43 that we have from that, because it is an index stream. The
44 regulations under the State right now were made more
45 stringent in '94, and we just want to summarize the
46 information of what we got from Petersburg Creek that
47 somewhat relates -- or does relate the kind of rebuilding
48 that was attempted through those regulations.
49
50 I'll turn this over to Steve Hoffman.

1 MR. HOFFMAN: Mr. Chairman and Council
2 members.

3
4 I just want to kind of restate some of the
5 information I went over quickly earlier, that, you know --
6 and Petersburg Creek is one of our index streams around the
7 region. And under our conservative management we've had in
8 place since, you know, the early 90s, you know, the stocks
9 have started to rebound, and the numbers have, you know,
10 ranged from, you know, 65 back in 2001 when we started our
11 snorkel surveys, and they've gone up and are now at 369 in
12 2005. So to us that looks that, you know, that our
13 conservative management is helping to start rebuild the
14 stocks around the region.

15
16 Thank you.

17
18 CHAIRMAN LITTLEFIELD: And you see the
19 effect of zero take as being detrimental to that. Any
20 questions for ADF&G.

21
22 (No comments)

23
24 CHAIRMAN LITTLEFIELD: Okay. Thank you
25 very much. Any other agencies, Federal agencies, State
26 agencies or Tribal governments, would they like to comment
27 on Proposal 33.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Hearing none,
32 Interagency Staff Committee comments.

33
34 MR. KESSLER: Mr. Chairman. Council
35 members. Steve Kessler with the Interagency Staff
36 Committee. No comments on this proposal.

37
38 CHAIRMAN LITTLEFIELD: Fish and game
39 advisory committee comments.

40
41 (No comments)

42
43 CHAIRMAN LITTLEFIELD: There are apparently
44 none. Summary of written public comments.

45
46 MS. HERNANDEZ: We've got three written
47 public comments.

48
49 The first is from Chilkoot Indian
50 Association. It's on Page 133 of the book. They support

1 the proposal. This measure should assist in preserving
2 stocks of steelhead in areas that have easy access and thus
3 are prone to being over-fished.

4
5 We've got a letter from Jeff Rice of
6 Petersburg. I would like to comment on Proposals FP06-32,
7 33, and 34. these proposals are in regard to regulations
8 involving steelhead harvest. I would simply like to add my
9 support to what Mr. Stainbrook proposes in 32 and 33, as
10 well as what Mr. Vaughn proposes in 34. As fragile as many
11 of these steelhead systems are, I believe it cold prove a
12 costly error to allow such harvest. These gentlemen's
13 concerns mirror my own and I would ask that you seriously
14 consider what they have said when you make your decisions.

15
16 Thank you. Signed Jeff Rice.

17
18 And the last one is from Joseph Stratman
19 from Petersburg. The purpose of this letter is to show my
20 strong support for FP06-32. Oh, we're on 33, aren't we.
21 Nope, that was it for 32.

22
23 CHAIRMAN LITTLEFIELD: Okay. Are there any
24 public testimony. Does anybody wish to testify on Proposal
25 33.

26
27 (No comments)

28
29 CHAIRMAN LITTLEFIELD: Okay. We're at
30 Regional Council deliberations on Proposal 33. 33 is --
31 the executive summary is on Page 129. A motion to adopt 33
32 is in order. Mr. Hernandez.

33
34 MR. HERNANDEZ: Thank you, Mr. Chairman.
35 I'll move to adopt Proposal 33 as worded on Page 129.

36
37 CHAIRMAN LITTLEFIELD: Is there a second.

38
39 MR. ADAMS: Second.

40
41 CHAIRMAN LITTLEFIELD: It's been moved and
42 seconded to adopt FP06-33 as shown on Page 129. Again
43 Staff tried to help us through, identifying those areas
44 that we need to cover, which will soon be on the screen.
45 Let's make sure we cover these for the record. There are
46 four criteria.

47
48 Mr. Adams.

49
50 MR. ADAMS: Thank you, Mr. Chairman. For

1 the reasons of Proposal 32, I'm not going to support, you
2 know, this proposal as well.

3
4 As I mentioned earlier, I saw no real
5 community support for this effort. And I explained, you
6 know, what I thought was a good proposal by having an
7 individual, you know, take it through the process in their
8 community and then brought to this level.

9
10 Also, you know, there was no, as in
11 Proposal 32, reliable estimates available for us to make a
12 good decision, you know, on this, and there's also no
13 evidence shown that there would be a sustainable resource
14 here on a limited stock.

15
16 There would be a conservation concern here,
17 mainly because there are very few fish to harvest here as
18 it is, and, of course, because or that it will adversely
19 affect, you know, subsistence users.

20
21 And it will also affect other users by
22 providing easier access, you know, to a limited supply.

23
24 So for those reasons, I'm going to provide
25 against this proposal, Mr. Chairman.

26
27 Thank you.

28
29 CHAIRMAN LITTLEFIELD: Okay. Thank you.
30 And again for the record, the discussion was in discussion
31 was in Proposal 32 that covered the stuff that has to do
32 with this, too. So we have heard this before.

33
34 Are there other Council who would like to
35 add their comments to Proposal 33. Mr. Hernandez.

36
37 MR. HERNANDEZ: Thank you, Mr. Chairman.
38 I'll also be voting against this proposal. Mr. Adams laid
39 out the four criteria quite well.

40
41 I'd just maybe like to point out as, you
42 know, some knowledge of the area, and some factors maybe
43 involved in Petersburg Creek. I lived in Petersburg 30
44 years ago for a 10-year period. You know, during that time
45 there was, just prior to 1994, there was an active sports
46 fishery going on on Petersburg Creek. I know of quite a
47 bit of harvest taking place on that creek. I fished it
48 myself. And I think it was -- the 36-inch limit enacted in
49 1994 was a necessary measure to conserve the stocks in the
50 area.

1 Mr. Hoffman pointed out in the surveys done
2 earlier that, yes, the stocks were quite low in Petersburg
3 Creek, and needed rebuilding efforts. And the 36-inch
4 limit accomplished that. I think we're to the point now
5 where it is -- there is a harvestable surplus.

6
7 I think I also should point out that the
8 people who are sport fishing Petersburg Creek are the very
9 same people who are subsistence fishing up there. And I
10 think part of the reason you see such a low effort by the
11 subsistence people who are -- you know, the low number of
12 permits issued for that creek is due to the fact that
13 people do have -- local people do have a concern about the
14 resource there. And there's not a high level of effort by
15 people outside of Petersburg Creek. And I think they're
16 good stewards of the resource. I think they have been and
17 will continue to be so.

18
19 And the opportunity for a subsistence
20 harvest granted by these proposals will be adequate to
21 supply their needs. And with a 32-inch limit in place, I
22 think will accomplish that.

23
24 And I think a lot of the concerns about
25 Petersburg Creek are -- should be alleviated.

26
27 CHAIRMAN LITTLEFIELD: Thank you. Are
28 there other Council that would like to talk to 33.

29
30 (No comments)

31
32 CHAIRMAN LITTLEFIELD: Are you ready for
33 the question.

34
35 MR. STOKES: Question.

36
37 CHAIRMAN LITTLEFIELD: Okay. The question
38 before the Council is FP06-33 as shown on the executive
39 summary, Page -- language on Page 129. All in favor of
40 recommending adoption of FP06-33 please signify by saying
41 aye.

42
43 (No affirmative votes)

44
45 CHAIRMAN LITTLEFIELD: Those opposed same
46 sign.

47
48 IN UNISON: Aye.

49
50 CHAIRMAN LITTLEFIELD: And the

1 recommendation of the Regional Advisory Council to the
2 Federal Subsistence Board will be to oppose FP06-33.

3

4 Proposal 34. Mr. Casipit.

5

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

7

8 The executive summary for this proposal
9 appears on Page 134. The Staff analysis begins on 135.
10 I'll be going through this real quick here.

11

12 Proposal FP06-34 was submitted by Mike
13 Vaughn of Sitka, Alaska. He requests that the Federal
14 Subsistence Board repeal 36 CFR 242, Section
15 27.(i)(3)(xxii) which allows the harvest of one steelhead
16 per day, two per year between January 1 and May 31 in
17 Southeast Alaska, except Prince of Wales and Kosciusko
18 Islands where there's an existing Federal fishery.

19

20 The proponent of FP06-34 is concerned that
21 the existing Federal subsistence regulations may allow more
22 harvest than the steelhead populations can handle, so he
23 requests a change to the minimum size restrictions of 36
24 inches along with the two fish annual harvest limit, which
25 is the same as the State sport fishing regulations.

26

27 The proponent feels that steelhead have not
28 been an important subsistence resource since other salmon
29 are available in larger numbers to fill subsistence users
30 needs.

31

32 Mr. Chairman. Council. The sections of my
33 analysis that begins on 136, regulatory history, including
34 State regulatory history and Federal regulatory history,
35 the biological background, the harvest history, and the
36 sport har -- and the harvest history includes subsistence
37 harvest, commercial harvest and sport harvest. You have
38 seen all this information in years past. We've discussed
39 it every year. This is -- I believe it's a substantial
40 body of information on existing harvest and biological
41 background.

42

43 Like I said, there's just been some
44 additional things added, for instance, on table 3 that
45 displays the sport harvest and catch and commercial
46 harvest. Table 3 appears on Page 140. Basically the only
47 new information there is the estimates of sport harvest and
48 catch for 2003. We added that this year based on
49 information from Fish and Game.

50

1 Nothing has changed in the commercial
2 harvest. As you know, the Board of Fish eliminated the
3 requirement for the net fisheries to record commercially
4 harvested steelhead. That ended in 1989. That hasn't
5 changed, although there is a proposal before the State
6 Board of Fish to allow the Commissioner of Fish and Game to
7 require that. We can talk about that tomorrow.

8
9 A little bit on the effect of the proposal.
10 This proposal would restrict the Federal subsistence
11 harvest of steelhead in Southeast Alaska and reverse the
12 Board's decision establishing the current regulation.

13
14 Prior to the Federal regulatory change,
15 steelhead harvest was identified by community harvest
16 surveys. Again you've seen that table before, it's table
17 2 on Page 139. The Board's action in January 2005 was
18 designed to accommodate harvests as documented in the
19 community harvest surveys. An annual harvest limit of two
20 fish over 36 inches does not meet the subsistence users
21 needs. You have said this over and over and over for the
22 past several years. This would be an unnecessary
23 restriction to subsistence users.

24
25 With a minimum size limit of 36 inches, a
26 small percentage of steelhead populations are available for
27 harvest, and this does not meet the needs of subsistence
28 users, again as stated by this Council for four, five
29 previous years. Harvest opportunity for Federally
30 qualified users would be greatly reduced, and catch and
31 release mortality may increase with a minimum size limit.
32 Based on the low reported harvest from the Federal
33 fisheries, that is six outside of Prince of Wales in 2005,
34 little or no effects would result for other use groups by
35 restricting this fishery.

36
37 Our preliminary conclusion is to oppose
38 this proposal for the stated reasons I just went through.

39
40 I'd be happy to answer any questions.

41
42 CHAIRMAN LITTLEFIELD: Are there any
43 questions for Federal Staff. Dr. Garza.

44
45 DR. GARZA: I guess I'm always in a state
46 of confusion. I apologize. So I want to look at Page --
47 table 3 on 140, and I guess I've glanced at these figures
48 for so many years I thought I knew what I was looking at,
49 but apparently I may not.

50

1 So in the first column it has Southeast
2 Alaska sport harvest, and then the second column is
3 Southeast Alaska sport catch. So I would like to know the
4 difference between harvest and catch, and why there was a
5 difference in reporting starting somewhere in the 90s. And
6 then why we no longer have an estimate for the commercial
7 harvest, which I assume is by-catch, and if that assumption
8 is wrong, I'd like to know that.

9

10 MR. CASIPIT: Thank you, Mr. Chair. Dr.
11 Garza.

12

13 I went over that pretty quick, so let me
14 restate this. The first column that you refer to,
15 Southeast Alaska sport harvest, this is harvest that's
16 reported to the Alaska Department of Fish and Game as
17 steelhead harvested. That is steelhead taken home and
18 presumably eaten.

19

20 The sport catch column refers to fish
21 caught. Now, to get to -- I think what you're asking there
22 is the number of fish caught and released. You would take
23 3,170 -- for instance, for 2003, you would take 3,172 fish,
24 minus 62 fish, and that would be -- the result would be the
25 number of steelhead caught and released.

26

27 Okay. You're nod -- you're good there.

28

29 For that third column, commercial harvest,
30 the reason we do not have numbers from 1991 on is because
31 of that Board of Fish decision to no longer require that
32 the net fisheries keep track of steelhead caught.

33

34 CHAIRMAN LITTLEFIELD: Any mortality?
35 Mortality. Five percent mortality?

36

37 MR. CASIPIT: Well, again, to be
38 conservative, managers use a five percent catch and release
39 mortality for steelhead caught and released with artificial
40 lures and flies.

41

42 CHAIRMAN LITTLEFIELD: So you would -- how
43 would you get that?

44

45 MR. CASIPIT: And to get to the amount of
46 fish that would be presumably killed because of catch and
47 release mortality, you would take 3,000 -- you would take
48 five percent of 3,110, which would -- if you're using five
49 percent mortality, you're looking at somewhere around, I
50 don't know maybe 150 fish or so.

1 CHAIRMAN LITTLEFIELD: Any follow up on
2 that or does that answer your questions. Are there any
3 other questions for the Federal Staff.

4
5 (No comments)

6
7 CHAIRMAN LITTLEFIELD: Okay. Thank you.
8 ADF&G.

9
10 MS. SEE: Thank you, Mr. Chair. Members of
11 the Council.

12
13 The Department offers a note here that the
14 previous concerns raised for the previous two proposals in
15 fact apply here as well, and we will not reiterate them
16 here for sake of brevity. But they apply here.

17
18 One additional point that we wanted to note
19 was that if you will turn to Page 139 in your book, you
20 will see the community harvest information for Southeast,
21 excluding Prince of Wales Island. And the fourth column
22 over is the estimated total number of fish here, of
23 steelhead.

24
25 You'll note that for Sitka there's 650 fish
26 reported here as the estimated total number. And our
27 knowledgeable local Staff question that number and would
28 like to know more about that, given that there's not a lot
29 of steelhead streams in the area. In fact, we're going to
30 be collecting more steelhead harvest data specifically in
31 the Sitka salmon survey this winter. Mike Turek whom you
32 know from Subsistence Division will be leading that
33 project, and we'll be getting more specific information
34 about harvest, more updated information, and including some
35 of the locational information about where those fish may
36 come from. So we should have more accurate information on
37 that.

38
39 And, of course, harvest data as we've noted
40 before are key to understanding more about the use of
41 steelhead and matching up where the fish are actually
42 obtained, and under which provisions of regulation.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN LITTLEFIELD: Mr. Casipit, could
47 you respond to the complaint by the State about the state
48 data.

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

1 I just wanted to point out for the Council
2 that all the -- this table came from the community profile
3 data base maintained by Alaska Department of Fish and Game.
4 I have -- you know, I could speculate as to where those 650
5 fish came from, but it would be speculation on my part,
6 because I was not involved in collecting this data.
7 Perhaps somebody from Fish and Game who had collected this
8 data may provide some insight.

9
10 CHAIRMAN LITTLEFIELD: Good. Ms. See.

11
12 MS. SEE: Yes. Mr. Turek's going to
13 provide further information. We do not intend to be
14 registering a complaint. We're simply saying we want to
15 get good accurate information on the importance of
16 steelhead resources to any community on which there is a
17 reliance on the resource. And Mike is here to offer
18 additional comments.

19
20 CHAIRMAN LITTLEFIELD: I agree, but, you
21 know, we've been over this years and years and years. And
22 I guess I'm trying to figure out what -- if that number was
23 wrong by a magnitude of something, what effect that would
24 have on the proposal.

25
26 MR. TUREK: Chair. This is Mike Turek,
27 Fish and Game, Subsistence Division.

28
29 What I can tell you is how we got that
30 data, and that was the 1997 household harvest survey we
31 conducted in Sitka, a random survey of households in Sitka.
32 And that was the estimate we came up with for steelhead.
33 That's all I can say about it. We didn't get location
34 data, so we didn't ask people where they harvested
35 steelhead, and that's what we're hoping to get a little
36 more information this winter when we do the salmon survey
37 in Sitka. We'll also be including steelhead in that
38 survey. We'll be doing surveys with about 300 households
39 of people that have gotten subsistence salmon permits. And
40 maybe that will give us a better idea of how close that 600
41 number is to reality.

42
43 What I would add is perhaps maybe you or
44 Mr. Kitka could shed some light on that, if you know of
45 places where people harvest steelhead.

46
47 CHAIRMAN LITTLEFIELD: Yes, I do. And I
48 would suggest that a lot of those fish came not from the
49 local -- they don't come from the local stream systems in
50 Sitka. A lot of them are coming from Sitko, Black Bay,

1 wherever up north.

2

3 And, Mr. Kitka, could you respond on the
4 steelhead.

5

6 MR. KITKA: In '96 an awful lot of the fish
7 probably came from Sitko Bay and lake even.

8

9 CHAIRMAN LITTLEFIELD: Yeah. There's not
10 -- there's only like 20 fish supposed to be in Sawmill
11 Creek and wherever. These numbers don't come from local
12 streams. There's a few more fish in Salmon Lake, but again
13 that's a smaller stream, so most of these come from the
14 bigger streams outside of the Sitka area. And, of course,
15 we would rec -- we want that new data, but I don't think it
16 has anything to do with whether this proposal is good or
17 back.

18

19 And could you please state your position on
20 this proposal for the record.

21

22 MS. SEE: The Department with respect to
23 this particular proposal has in fact advocated the terms of
24 this proposal in the past, and thus is generally supportive
25 of it, but is not taking a firm position on the proposal at
26 this time. Mr. Chair.

27

28 CHAIRMAN LITTLEFIELD: Okay. Thank you.
29 Any questions, further questions, Mr. Hernandez, for State
30 Staff.

31

32 MR. HERNANDEZ: Yeah, Mr. Turek, referring
33 to table 2, do you -- in your household surveys, do you ask
34 the people how the fish are harvested, by what means.

35

36 MR. TUREK: Chair. Mr. Hernandez.

37

38 Yes, we do. We ask whether it was rod and
39 reel, subsistence gear or from a commercial catch. And I
40 don't have that data with me, but as I recall, the last
41 time I looked at the steelhead data for Sitka, the majority
42 was caught with rod and reel gear. It wasn't coming from
43 a commercial catch.

44

45 CHAIRMAN LITTLEFIELD: I believe that would
46 be a correct trend. Rod and reel is where most of them
47 come from. But I do see them in the commercial catches,
48 because they're not allowed to be kept, but that's probably
49 very little use, because those fish are spoiled by then.

50

1 Any other questions for ADF&G. Dr. Garza.

2

3 DR. GARZA: Sorry, I have one more question
4 for Mr. Hoffman on table 3 again. I'm just trying to get
5 a big picture for this. Apparently I forget from one year
6 to the next. You guys probably have all memorized it.

7

8 So looking at the table, and I'll hand it
9 over to you if you don't have it, but what I see here is a
10 substantial drop in the actual harvest. If you look at
11 2002/2003 and then 2001, it went from 180 to 72. So that
12 reflects I guess in my thinking the number of steelhead
13 that were kept because they are over 36 inches and meet the
14 State requirement for a personal use take. Do you have any
15 idea why there was such a substantial drop in the number of
16 steelhead that were actually kept?

17

18 MR. HOFFMAN: Through the Chair. Dolly, I
19 guess I just have to give you an opinion, because, you
20 know, the information we have is based on the postal
21 survey, and it's, you know, a reflection I think of, you
22 know, the concern by sport fisherman for the status of
23 steelhead stock, so, you know, the number of fish that were
24 actually retained has decreased, and most of the harvest
25 has come from, you know, a limited number of larger
26 systems. So -- and the data for 2004 is it was able -- it
27 went up a little bit, to 86 fish, but basically, it's, you
28 know, quite a bit lower than the previous years that you
29 were referencing.

30

31 CHAIRMAN LITTLEFIELD: Any follow up.

32

33 DR. GARZA: Just one more question. So
34 this Southeast Alaska sports catch, I'm going back to the
35 total catch, not what's harvested, but what was caught.
36 Does that represent the Alaska residents as well as any
37 non-residents that come in just to hook and release
38 steelhead, so someone coming into the State for the purpose
39 of steelhead fishing, realizing they can't keep it?

40

41 MR. HOFFMAN: Through the Chair. Dolly, it
42 represents both resident and non-resident harvest. And,
43 you know, the catch data is -- also has, you know, a
44 qualifier we put on it that it doesn't -- we can't
45 differentiate whether one fish is caught more than once or
46 -- and that type of thing, so you have to, you know, look
47 at that, you know, with a little bit of an eye to the data.

48

49 CHAIRMAN LITTLEFIELD: While you're there,
50 I have a question, too. Table 1 says that there's less

1 than one percent of the fish over 36 inches, right. So if
2 we were to take that data and put it back into table 3,
3 which says there's 62 fish that were harvested. So if you
4 work backwards on this, .7 percent of the fish equals 62,
5 I think you're going to end up with a number that's closer
6 to 8,000 rather than 3,000 here, if I look at -- I don't
7 have a calculator in front of me, but working that
8 backwards, and I guess the way to look at that would be is
9 if you look at table 1, it said there were eight fish over
10 36 inches, in table 1. And the total catch was 1125.

11
12 So if you look at 2003 in table 3, it says
13 62 fish, which is roughly eight times eight. We'll call it
14 that. 62 fish were taken, actual harvest. So you go eight
15 times 1125, it would indicate that that number is
16 substantially higher than the 3172. Hence the mortality
17 goes up. So these numbers I guess you could make just
18 about anything out of them you want to.

19
20 MR. HOFFMAN: Mr. Chair. Yeah. Again I
21 think I need to emphasize, you know, that the catch data
22 doesn't reflect whether or not it's an individual fish or
23 whether it's a fish that's, you know, caught multiple
24 times. So there's a danger in using those numbers, because
25 we can't tell, you know, if it's 8,000, you know, if it's,
26 you know, 4,000 fish caught twice. Or 3,000 fish that are
27 caught two or three times. And so, you know, when we're
28 looking at this stuff, the catch data is one that we don't
29 use, you know, specifically.

30
31 CHAIRMAN LITTLEFIELD: Any other questions
32 for ADF&G.

33
34 (No comments)

35
36 CHAIRMAN LITTLEFIELD: Okay. Thank you.
37 Let's go to other Federal, State or tribal agencies.

38
39 (No comments)

40
41 CHAIRMAN LITTLEFIELD: Interagency Staff
42 Committee comments.

43
44 MR. KESSLER: Mr. Chairman. Steve Kessler
45 with the Interagency Staff Committee, and we have no
46 comments on this proposal.

47
48 CHAIRMAN LITTLEFIELD: Okay. Thank you.
49 Fish and game advisory committee comments. Any fish and
50 game advisory committee comment.

1 (No comments)

2

3 CHAIRMAN LITTLEFIELD: Summary of written
4 public comments.

5

6 MS. HERNANDEZ: Mr. Chair. There were
7 three written public comments. Page 144 shows the Chilkoot
8 Indian Association is in support of the proposal. This
9 action should be taken in order to reserve the wild
10 steelhead stocks. Dietary needs of subsistence users can
11 be met by substituting other species of salmon in place of
12 the steelhead, so that no detrimental effects should come
13 to subsistence users.

14

15 Jeff Rice's letter was read in support when
16 we discussed FP06-33.

17

18 And then Joseph Stratman, the purpose of
19 this letter is to show my strong support for FP06-34. The
20 small steams in Southeast Alaska with their small
21 populations of steelhead cannot support a regionwide
22 subsistence fishery. I wholeheartedly agree with Mr.
23 Vaughn's reasons for changing this regulation. The ADF&G
24 has maintained tight restriction on steelhead size and bag
25 limits, because these small populations cannot sustain any
26 significant harvest. Furthermore, I feel that Federal
27 subsistence fisheries managers have virtually no data with
28 which to assess steelhead stocks in Southeast Alaska at
29 this time. Conducting a regionwide steelhead subsistence
30 fishery with no stock assessment data is a risky
31 proposition. I would ask that you please seriously
32 reconsider a regionwide steelhead subsistence fishery at
33 this time.

34

35 Thank you, Joseph Stratman, Petersburg,
36 Alaska.

37

38 CHAIRMAN LITTLEFIELD: Okay. Thank you.
39 Public testimony. Any member of the public like to
40 testify. We don't have any blue cards.

41

42 (No comments)

43

44 CHAIRMAN LITTLEFIELD: Let's move on into
45 Regional Council deliberations. The proposal is 34, the
46 executive summary is on Page 134. A motion to adopt is in
47 order. Mr. Adams.

48

49 MR. ADAMS: I move that we adopt FP06-34 as
50 indicated on Page 134.

1 CHAIRMAN LITTLEFIELD: Is there a second.
2
3 MR. STOKES: Second
4
5 CHAIRMAN LITTLEFIELD: Okay. It's been
6 moved and seconded that the Regional Advisory Council
7 support FP06-34 as written on Page 134. Again, even though
8 we've gone over this many times, let's make sure that we
9 cover those four criteria that listed on the board at this
10 time.
11
12 Dr. Garza.
13
14 DR. GARZA: Mr. Chairman. I will be voting
15 against Proposal 34. The evidence submitted to us suggests
16 that steelhead stocks are returning, that the subsistence
17 harvest level is minuscule. Six in all of Southeast,
18 excluding Prince of Wales. So there is not a conservation
19 issue that is created by subsistence harvest of steelhead.
20
21 It would not be of any benefit to
22 subsistence users to take away this opportunity. The
23 impact on other subsistence -- other users if they continue
24 to have catch and release through personal use, it should
25 have no impact.
26
27 Thank you.
28
29 CHAIRMAN LITTLEFIELD: Thank you. Other
30 Council. Mr. Adams.
31
32 MR. ADAMS: Mr. Chairman. I thank Dr.
33 Garza for outlining those four criteria. That has already
34 been done.
35
36 My concern with this proposal is that it
37 was submitted by an individual, and there's no evidence to
38 me that this was gone through a public process, and so I'm
39 going to not support this proposal as well.
40
41 Thank you.
42
43 CHAIRMAN LITTLEFIELD: Other Council. Mr.
44 Kitka.
45
46 MR. KITKA: Thank you, Mr. Chair. My
47 friend down on the fair end of the table advised me to
48 speed up this meeting, so I'll oppose this for the reasons
49 stated.
50

1 CHAIRMAN LITTLEFIELD: Do you want to go
2 on? Okay. Other Council.

3
4 (No comments)

5
6 CHAIRMAN LITTLEFIELD: I think we've
7 covered this. Are we ready for the question.

8
9 MR. KOOKESH: Question.

10
11 CHAIRMAN LITTLEFIELD: Okay. The question
12 before the Council is to adopt FP06-34 as shown on Page
13 134. And basically this would be to eliminate the --
14 allowing us to take steelheads. so al all in favor of this
15 please signify by saying aye.

16
17 (No affirmative votes)

18
19 CHAIRMAN LITTLEFIELD: All those opposed
20 same sign.

21
22 IN UNISON: Aye.

23
24 CHAIRMAN LITTLEFIELD: Okay. The record
25 will show that the Southeast Regional -- I can't even talk
26 -- SERAC opposes FP06-34 at the Federal Subsistence Board
27 meeting.

28
29 So that completes all of the proposals,
30 which is our main job. WE've got to do that first. I
31 don't want to cut anything else short for tomorrow, because
32 we've still got some really important stuff to do in the
33 morning.

34
35 Dr. Schroeder, is there anything that we
36 need to take care of first thing in the morning.

37
38 DR. SCHROEDER: Mr. Chairman. I think we
39 have freedom to follow the agenda as written. There was
40 some interest on the part of some Council members to
41 complete our work on the rural determinations. I think
42 we're pretty close on that. Otherwise we could proceed in
43 any order. I don't believe anyone needs to leave early in
44 the morning.

45
46 We do have a pretty busy day tomorrow,
47 particularly Council Member Dick Stokes has made
48 arrangements for us to visit Chief Shakes' Island, and to
49 get inside the clan house there, and if time's available to
50 go see some petroglyphs in town. I think it would be

1 unfortunate if our sole experience with Wrangell was going
2 from hotel to this meeting room, however nice this meeting
3 room is. So I'd hope we can find time to do that
4 tentatively from noon to 2:00 o'clock.

5
6 In the morning we'll do something on
7 getting a sign up so that people can get sandwiches across
8 from Bob's IGA. No relation.

9
10 But you can't go unless you're far enough
11 in the agenda. That's my responsibility, so I'm just going
12 to lock the doors, and we can't go out unless we get there.

13
14
15 So I'd suggest that we start at 8:00
16 o'clock sharp so we can give these items the attention that
17 they're due.

18
19 CHAIRMAN LITTLEFIELD: Okay. So we'll
20 reconvene at 8:00 o'clock tomorrow morning. Good night.
21 Thanks for sticking with us on the proposals.

22
23 (Off record)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 24th day of October 2005.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08