

00316

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3

4 VOLUME III

5

6 Juneau, Alaska

7 Frontier Suites Airport Hotel

8 March 14, 2002

9 8:30 o'clock a.m.

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12

13 COUNCIL MEMBERS PRESENT:

14

15 William C. Thomas, Chairman

16 Bert Adams

17 Michael Douville

18 Dolly Garza

19 Floyd Kookesh

20 John Littlefield

21 Harold Martin

22 Patricia Phillips

23 Mary Rudolph

24 Richard Stokes

25 Marilyn Wilson

26

27 Regional Coordinator, Robert Schroeder

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1 PROCEEDINGS

2

3 (Juneau, Alaska - 3/14/2002)

4

5 (On record)

6

7 CHAIRMAN THOMAS: Before we get started
8 this morning, do we have introductions? Okay, hearing no
9 introductions I'll introduce Senator Kim Elton. We're
10 glad you came down and we'd love to hear an encouraging
11 story from you.

12

13 MR. ELTON: Thanks, Mr. Chairman. I have
14 no encouraging stories.

15

16 CHAIRMAN THOMAS: Okay.

17

18 MR. ELTON: I do want to....

19

20 CHAIRMAN THOMAS: Your mike.

21

22 MR. ELTON: I do want to just say thanks
23 for letting Juneau be your second choice for the meeting.
24 I know that it's probably extremely difficult to scramble
25 at the last minute and put things together. But I know
26 you've been busy because I heard about it on the radio
27 this morning, a report by Jay Marble. And I just -- I
28 mean what I wanted to do was just welcome you to Juneau.
29 I know that you probably had a whole welcoming committee
30 in Hoonah and you're stuck with only me, maybe, to
31 welcome you to Juneau.

32

33 I also wanted to just be here. I do have
34 a 9:00 o'clock meeting, but I wanted to be here this
35 morning so that if you had any questions of what we're
36 doing at the end of the road here on the Hill you'd have
37 an opportunity to ask and I'd try to answer. I mean, I
38 guess the brief synopsis is we're not doing much. And if
39 we focus on subsistence we're doing absolutely nothing in
40 the capital building right now. I think there is a sense,
41 by many legislators and by the Governor and the Governor
42 staff that there may be an opportunity to have some
43 fruitful discussions on what the State should be doing
44 regarding subsistence after the Anchorage municipal
45 election on April 2nd. As you know, one of the advisory
46 issues on the ballot is a simple question; should a State
47 subsistence solution be on the ballot for Alaskans to
48 vote on?

49

50 There is some hope, quite frankly, that

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1 if, in fact, in Anchorage, our biggest village, there is
2 an overwhelming vote that, yes, we should have a State
3 subsistence solution on the ballot there's some hope by
4 some policy leaders that that may jump start discussions
5 inside the capital building.

6

7 The flip-side of that, of course, is that
8 if it's a close vote or if it, in fact, it loses, then it
9 makes it even more difficult to have substantive
10 discussions about the issue.

11

12 So with that, I mean if you have any
13 questions at all, I wish I were here telling you that
14 policy leaders in the capital building are focusing as
15 much on subsistence as you are, but if I told you that it
16 wouldn't be true.

17

18 CHAIRMAN THOMAS: We really appreciate
19 your being here and your honesty and your sincerity. The
20 only question I had and I'm sure others will have
21 questions is should there be a vote to amend the
22 constitution and if that occurs, what then happens to the
23 funding discussion at the legislative level?

24

25 MR. ELTON: Well, I would like to think
26 that we would begin investing. As you've undoubtedly
27 heard, there has been in the house side -- I mean the
28 budget process is fairly straightforward. Budget
29 subcommittees meet, they make recommendations to the full
30 finance committees in both the House and the Senate and
31 then the finance committee puts on the floor of both
32 bodies, a bill that funds State government. The first
33 step has been accomplished. The budget subcommittees
34 have made their report to the full finance committee and
35 it was a disastrous report. Not just for Fish and Game,
36 not just for the Subsistence Division, the recommendation
37 was we wipe out the Subsistence Division in Fish and
38 Game.

39

40 I mean that's, of course, the issue
41 probably of most concern to your group. But I want to
42 tell you that they didn't just focus on subsistence.
43 They have focused in every one of the departments in
44 State government, they have made devastating
45 recommendations that are going to impact State services.

46

47 Of course, elimination of the Subsistence
48 Division in State government is especially bad simply
49 because we would be abrogating our role in any discussion
50 on science or policy when it comes to subsistence. I

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1 mean it's like raising the white flag and running away
2 from the field and it is devastating.

3

4 I mean right now, as a policy maker, I
5 can tell you that I am extremely disappointed that we're
6 seating decisions on subsistence to the Federal
7 government on Federal lands. And now we're doing more
8 than that. I mean, now we're seating subsistence
9 decisions and involvement in subsistence policy making,
10 totally. I mean we're abrogating our duty as Alaskan
11 policy makers.

12

13 I would like to think and, as you know,
14 the Governor, a couple of days ago focused on that
15 decision in particular and a couple of other decisions
16 that were made by budget finance subcommittees. I would
17 like to think that we will end up doing the right thing,
18 but I would encourage people, not just people here in
19 Juneau, I would encourage people to weigh in over the
20 next week. Because if, in fact, the finance committee
21 does confirm the decision of the budget subcommittee, the
22 way things work on the House and the Senate floor is you
23 don't -- if you're in the majority you're not allowed to
24 vote against the budget package. So right now is a real
25 critical time.

26

27 And I'm sorry I answered a five minute
28 answer to a 30-second question.

29

30 CHAIRMAN THOMAS: No, no, that was good.
31 But I don't think anybody else could have told us
32 anything different. But now, if you don't mind I'll let
33 the tigers at you.

34

35 MR. ELTON: Come on, there's got to be a
36 tiger.

37

38 (Laughter)

39

40 CHAIRMAN THOMAS: John.

41

42 MR. LITTLEFIELD: I might be the easy
43 one. Thank you for your comments, we appreciate them
44 Kim. And I don't know if you know, but later on today
45 we're going to be discussing rural determination and one
46 of the things that the groups looked at was a definition
47 of rural that included people who think they're rural
48 most likely are and people who think they are city folk
49 most likely are. So I guess I'm asking you if you have
50 any opinion on whether you believe Juneau is a community

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1 that is rural for subsistence definitions, not any other,
2 just subsistence definitions?

3

4 MR. ELTON: And you really want me to
5 answer that, John.

6

7 MR. LITTLEFIELD: Yes.

8

9 MR. ELTON: You know, I mean I have been
10 very lucky in my life. I was born and raised in Juneau
11 or not born, I was raised in Juneau, I was born in
12 Western Montana. And Juneau has changed a lot. I mean
13 Juneau's three times larger than it was when I first came
14 here and quite frankly, in Juneau, I mean, other than the
15 beautiful region that we live in, Juneau isn't that much
16 different from a town on the coast of Washington or
17 Oregon.

18

19 And I think that I've also been very
20 lucky because in my previous jobs and this job I've had
21 the opportunity to get to many, many corners of the
22 state, from Kwethluk to Port Protection. And I can tell
23 you that, honestly can tell you, that Juneau is much
24 different. The opportunities available to the people in
25 our community, the -- compared to the circumstances in
26 Bush communities are dramatically different. So, I mean,
27 I guess if you press me I would say that Juneau is much
28 more urban than it is rural.

29

30 But I've also got to tell you that in our
31 community there are many people who may have their home
32 here but they make their living elsewhere. Commercial
33 fishermen, people who are seasonal employees and work
34 outside of Juneau. The question in front of you is going
35 to be and the decisions that you make on the definition
36 of rural and urban, are going to be some of the most
37 difficult and divisive decisions that you can possibly
38 make. And the unfortunate thing that faces all of you is
39 that when you do that you're being asked to come up with
40 a recipe that you can use but it's going to have to be a
41 general recipe and unfortunately it's not going to work,
42 you know, for each and every individual that lives and
43 resides in each and every different city, town or village
44 in the state of Alaska.

45

46 John, I skated a little bit. I guess a
47 short answer is, it would be difficult to say that Juneau
48 is the same kind of community as Port Protection, Point
49 Baker or Kwethluk or Akiak or many of the other
50 communities that I would think of as more traditionally

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1 rural and Bush.

2

3 CHAIRMAN THOMAS: See, that's the
4 difference. That's where the struggle begins in Alaska.
5 Because like everything else, like all the other language
6 the government uses, it's never appropriate, it doesn't
7 fit anyplace. And subsistence -- and to identify a
8 community where you have supermarkets and department
9 stores and gas stations, that doesn't take away from the
10 dietary requirements of some of the members of the
11 community.

12

13 And so that's what the Native community
14 and other people of the non-Native community that have
15 had those particular dietary needs all of their life and
16 it's inherent in their system. I mean some of the foods
17 that are harvested from the wild are just as important as
18 milk is to most people. And that fails to receive any
19 recognition.

20

21 And so one of the things we focus on is
22 to keep that aspect of it in the forefront. If you look
23 at the name tags in front of each one of us you'll see
24 how this region is represented by comparison to any other
25 effort made to deal with this issue.

26

27 But we're still thankful you're here and
28 let me see if there's anymore tigers.

29

30 MR. ELTON: Yeah, just very shortly and I
31 know John wants to say something to.

32

33 You know, again, I'm very fortunate
34 because of the job that I had and I think what you just
35 said Mr. Chair is very, very important and I'm sorry that
36 Mr. Kookesh isn't here. I mean a couple of years ago I
37 had the opportunity to go out and harvest beach grass
38 with Jackie and other members of the Kookesh family on
39 Angoon. And along with me on that trip was somebody from
40 Sitka, I mean, I'm from Juneau and it gave me a -- I mean
41 it's eye-opening. I mean and, one of our duties was to
42 bring some of it back to town for people who live in my
43 city.

44

45 John.

46

47 CHAIRMAN THOMAS: John.

48

49 MR. LITTLEFIELD: Thank you, Mr. Chair.
50 Mr. Elton. Would it be fair to characterize your

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1 statement then to say that you think Juneau has
2 characteristics of both, both urban and rural, they're
3 both here, because I think that's a valid view, too?
4

5 MR. ELTON: Well, it is and, John, the
6 Chair kind of alluded to this, too, I mean, Juneau's a
7 different kind of a community. I mean we have people
8 that move in and out of our community and most people
9 think of those people as State employees or Federal
10 employees and, of course, we do have them and they do
11 move back and forth. We -- my community is extremely
12 lucky. I mean, not only do we have State and Federal
13 workers, we have Native corporations that are
14 headquartered in my community that serve other
15 communities in the region, those people move back and
16 forth all of the time. And so the difficulty, when you
17 try to classify rural and urban is we often forget about
18 those people that move back and forth between the
19 different communities. And they bring with them, as the
20 Chair has suggested, they bring with them dietary and
21 cultural attributes that have to be recognized.

22

23 MR. LITTLEFIELD: Thank you.

24

25 CHAIRMAN THOMAS: Dolly.

26

27 MS. GARZA: Thank you, Mr. Chair.
28 Senator Elton, one comment that I would like to make sure
29 you understand and you probably have heard this from AFN,
30 we certainly do appreciate the effort that Anchorage has
31 taken to try and resolve the subsistence issue. The
32 Chamber of Commerce has several times voted to go
33 forward, let's do the constitutional amendment, let's
34 make it right, they understand rural Alaska. If what
35 passes in Anchorage says, let's do something here, the
36 Alaska Native and rural communities will be very
37 carefully watching whether or not that is also tied with
38 an ANILCA change that would further erode subsistence and
39 that's not something that we would support.

40

41 In terms of the big picture, the Federal
42 subsistence process has been much more friendly to
43 subsistence than the State of Alaska ever has, probably
44 since Madison in 1980. And so while we will support
45 State efforts that maintain our subsistence, that is,
46 designated at the Federal level, we will be less willing
47 to support anything that would further degrade any of our
48 subsistence opportunities and we would make that very
49 clear should that be the attempt of the State
50 Legislature.

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1 MR. ELTON: Thank you. I mean I -- it is
2 very clear. And it's -- the discussion not only revolves
3 around the demand by some to open up ANILCA again, which
4 is, of course, very dangerous. I mean I work in a
5 legislative body and I know what happens if you open up
6 statutes or you open up law, there's all kinds of
7 mischief that can happen. So the discussion revolves,
8 not just about opening up ANILCA it revolves around other
9 issues like may or shall, and I feel comfortable in
10 telling you that in my caucus, we look to the leaders --
11 and I mean don't assume, you know, that I'm an expert on
12 subsistence. For me, I mean, I grew up in a family where
13 subsistence was a concept. So for people like me in my
14 caucus, I mean the people we look toward are Albert
15 Kookesh, Georgianna Lincoln, Limon Hoffman and Mary
16 Kapsner. I mean, they're the people that can tell us
17 what their comfort level is and we're going with their
18 comfort level.

19

20 MS. GARZA: Thank you.

21

22 CHAIRMAN THOMAS: Before you leave, we'd
23 like you to assume all the responsibility of all the
24 outcomes of subsistence on the State level and then tell
25 them that you'd be willing to accept the blame for all
26 that goes on up there.

27

28 (Laughter)

29

30 MR. ELTON: Mr. Chair, as a member of the
31 subsistence panel, you understand, you're just like a
32 legislator, right, we're going to be blamed whether or
33 not we're at fault or not. So thank you.

34

35 CHAIRMAN THOMAS: Bert.

36

37 MR. MARTIN: Mr. Chairman.

38

39 MR. ADAMS: Go ahead, Harold.

40

41 CHAIRMAN THOMAS: Harold.

42

43 MR. MARTIN: Thank you, Mr. Chairman.
44 Senator Elton, I guess you're aware that there are many
45 Natives throughout the state that feel that the Natives
46 are much better off under Federal management. And I
47 think there's a lot of frustration with the State not
48 doing anything. I guess you heard Representative Al
49 Kookesh say that sooner or later the Natives will get fed
50 up and say, heck with it, we'll walk away from it and

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1 we'll -- you know, for many years we've been backing the
2 State, whether they know it or not we've been backing
3 them to get management back. But nothing's happened so,
4 you know, that's a very, very good possibility that we
5 just may walk away from it.

6
7 And another comment, when you talk about
8 the legislature, you keep saying, we, and I think that's
9 very gracious of you. I think there's a lot of us that
10 are just as frustrated as you are with the Republican led
11 legislature.

12
13 Thank you.

14
15 MR. ELTON: Just a short comment. I mean
16 I can't believe how patient many people have been on this
17 issue. But it is absolutely true. I mean I was first
18 elected to the legislature in 1994. And at that time I
19 naively thought, you know, that we could meet this
20 challenge. I mean this is a debate that began in the
21 late 1970s, early 1980s came to a head with a court
22 decision and in the end of the 1980s we already had had
23 two or three special sessions. So I naively thought when
24 I got to the legislature, well, this is the biggest
25 challenge in front of us, we are going to be able to meet
26 the challenge and we haven't yet met the challenge. I've
27 been surprised, I'd even say stunned at the patience of
28 many Alaskans who depend upon subsistence. And I can
29 tell you that right now I am hearing more and more from
30 people who simply say, why should we even trust you? I
31 mean you haven't been able to do your job. You've
32 abrogated decisions to others. And I just -- I'm
33 surprised by the patience and I hope that your patience
34 pays off with responsible behavior by others.

35
36 CHAIRMAN THOMAS: Bin Laden isn't your
37 lead on subsistence, is he?

38
39 MR. ELTON: You know, it's unfortunate, if
40 I were on the other side in subsistence, I mean I'd go
41 hide in a cave because I'd be ashamed.

42
43 (Laughter)

44
45 MR. ELTON: And so -- but nobody's going
46 to hide in the caves.

47
48 CHAIRMAN THOMAS: Bert.

49
50 MR. ADAMS: Thank you, Mr. Chairman. I'm

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1 sorry I missed the first part of your presentation,
2 Senator Elton.

3

4 CHAIRMAN THOMAS: Yeah, so are we.

5

6 MR. ADAMS: But I have a good excuse, Mr.
7 Chairman, last night Dolly kept us here until 7:00
8 o'clock and she asked me if I would be willing to do that
9 and I said, well, I have to make a few phone calls first
10 and I never got a chance to do that so I had to do that
11 this morning between 8:00 and 8:30 and I had to do 15 of
12 them, so that's the reason why I came in late.

13

14 Senator Elton, I'm real happy that you're
15 here. Because I think we're talking about a State's
16 rights issue here. And I have been a student of the US
17 Constitution and governments, you know, for about 20 to
18 25 years now so it got to the point where I'm doing
19 seminars on those issues. But that's besides the point
20 at this point. I'm just going to say to you that I think
21 the State needs to get their act in order and come in
22 compliance with ANILCA and once that happens then I think
23 things will just naturally start falling into their
24 proper perspective and everything.

25

26 Because the last couple days I have seen
27 dual management taking place in the fisheries management
28 and we have the State and we have the Feds. And the Feds
29 are taking more and more control over the resources that
30 the State of Alaska really should be taking
31 responsibility for themselves. And, you know, if the
32 State ever comes in compliance with ANILCA I would have
33 been sitting right over there besides some State people
34 and advocating for State's rights. But as of this point,
35 you know, the State has refused to step any further than
36 where they are right now, we are at a deadlock and we
37 have to refer back to Federal law and that's where I'm at
38 at this point.

39

40 And I just really feel, you know, that
41 it's important for their legislature to get their act in
42 order and do the right thing here and come in compliance
43 with ANILCA.

44

45 MR. ELTON: Mr. Chairman, Bert, I mean, I
46 would agree. The only caution I would have is -- I mean
47 if the legislature does the right thing. If we put the
48 issue on the ballot. And if Alaskans validate that
49 decision and I think they will if the legislature does
50 the right thing. I mean the only caution I would have is

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1 that the work has just begun. I mean, what we've done
2 then is we've just opened the door for the right thing to
3 happen. And the work that it will take to make sure that
4 the right thing does happen kind of just begins. And I
5 think it's incumbent upon everybody around the state, for
6 example, to try and induce better behavior on the part of
7 the legislature. I mean it doesn't send a very good
8 signal when the legislature is trying to wipe out the
9 Subsistence Division.

10

11 So the constitutional amendment passing
12 kind of opens the door to doing the right thing but
13 there's going to be an incredible amount of work and
14 we're going to be looking for help from everybody to make
15 sure that if we get the right to manage subsistence, that
16 we do it right.

17

18 And I would like to thank you, also, I
19 mean, you're a frequent correspondent with our newspaper;
20 isn't that correct?

21

22 MR. ADAMS: Yes.

23

24 MR. ELTON: And it helps in our
25 community, I mean to be -- I mean Juneau is now large
26 enough that we're not often exposed -- I mean we think
27 Alaska is like it is here, where you drive to Mendenhall
28 Post Office and pick up your mail and so we appreciate
29 your education in our community by your writing.

30

31 CHAIRMAN THOMAS: You know, you made a
32 very interesting comment that they're still trying to
33 find a place to start, the legislature. Federal
34 government's been doing this in Alaska for 10 years now
35 and I find that nothing short of amazing that they're
36 still looking for a starting block. You know, that's
37 just an observation.

38

39 Mary has a question for you.

40

41 MS. RUDOLPH: I've been looking at some
42 of the things that you're going to be discussing and
43 living in a rural village all my life, I always seem to
44 notice that the rural villages really get hit hardest.
45 In the urban areas there's somewhere where you can get a
46 job and the economy in our village is very bad. So the
47 concerns I had was, you know, looking at all the cuts and
48 things that are going to be going on and having you tell
49 us how bleak it is, the concerns I have are for the rural
50 village. It seems like we're totally invisible when it

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1 comes to actually making the decision. Because you're
2 here and not really involved with the village people.
3 Some people lose their homes, their lights, their income.
4 And to see all the bleakness in the reports that you're
5 giving.

6
7 I felt really bad when this group didn't
8 make it to Hoonah. I had to fly in. I had a lot of
9 response from a lot of the people that felt bad about it.
10 But now that you're taking the time to come down to talk
11 to us and be straightforward with us, it makes it
12 worthwhile to be here.

13
14 Thank you.

15
16 MR. ELTON: Mary, thank you very much.
17 You've given me an opportunity to get on the soapbox for
18 just a second and the Chair can cut me off. I think
19 you're exactly right. I mean I'm going to talk about the
20 negative and then I'm going to talk about some of the
21 positives.

22
23 I mean when we talk about -- you hear a
24 lot of legislators say, well, we're not going to do taxes
25 until people feel the pain and we're not going to do this
26 until people feel the pain. I mean we're paying these
27 people, you know, to come down and tell us that they're
28 going to do less, I mean, that's not right. And the
29 people that are feeling the pain right now aren't the
30 people in my community or Anchorage or Fairbanks. The
31 people who are feeling the pain are the people who are
32 losing power cost-assistance. People who are feeling the
33 pain are communities where we tell them that new school
34 students are going to be funded at 60 percent of the
35 level of new urban students. The feeling that are
36 feeling the pain are the people that are losing, you
37 know, some of the tiny employment base that they've got
38 because as you cut the budget and government contracts,
39 it contracts to places like Anchorage, Fairbanks and
40 Juneau and so we don't feel the pain nearly as quickly.

41
42 That's the negative part.

43
44 Dolly mentioned the Anchorage Chamber of
45 Commerce. There are people in urban communities that I
46 think are beginning to recognize what is going on and
47 there are some urban residents, I think, that are just
48 doing a fantastic job. The Chamber of Commerce spurred
49 in large part, I think, by Janie Lee, who many of you may
50 know, they're taking business people out to villages.

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1 They're encouraging youth exchanges between village youth
2 and urban youth. And because of things like that and
3 because of efforts like that, I think there is an
4 opportunity for us to recognize that just because my life
5 is this way doesn't mean that somebody else's life is the
6 same especially if they don't live in an urban community.

7
8 So as difficult as things have gotten and
9 quite frankly, the bad behavior that we've exhibited,
10 when it comes to things like power cost equalization,
11 there is an opportunity for change and there are a lot of
12 people who live in urban Alaska who I think are willing
13 to work for that change. And the Chamber of Commerce in
14 Anchorage is, I think, a good example of that.

15
16 CHAIRMAN THOMAS: Patty.

17
18 MS. PHILLIPS: Chairman Thomas, Senator
19 Elton, many of us here in this room, I think, probably
20 100 percent are salt of the earth of Alaska and I don't
21 need to tell you that, you already know that. There's
22 been a bill introduced that mandates Borough formation
23 and the LVS is also recommending legislative takeover of
24 parts of the unorganized borough without the votes of the
25 affected people to force unincorporated communities to
26 pay property tax or sales tax.

27
28 As Mary was saying, you know, these rural
29 communities are already economically depressed. To
30 force a property tax on them that they can't afford to
31 pay is going to cause them to lose their property. And
32 these economically depressed communities need a stable
33 and increasing population of subsistence resources
34 because they're economically depressed. So you know,
35 these bills are going to affect us in rural Alaska.

36
37 We're going to be forced to sell our
38 homes to people that only live in our communities for
39 three months of the year. So what happens to the
40 integrity of Alaska? And that's just a comment.

41
42 Thank you.

43
44 MR. ELTON: A perceptive comment. I mean
45 -- and the bad news is is that bill organization passed
46 the Senate. And I'm ashamed to tell you that it passed
47 the Senate. I'm also quick to add that I voted against
48 it.

49
50 (Laughter)

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1 MR. ELTON: It is locked up in Carl
2 Morgan's committee on the House side and the good news is
3 that despite the pressure from some urban legislatures I
4 think it is going to stay locked up. And what you're
5 talking about is, I mean there is -- it's not because
6 these people are bad, mostly it's because they don't
7 know. And when you don't know you just assume that
8 everybody else's life is a lot like your own. And so you
9 tend to have blinders that keep you from seeing. And I
10 guess, I mean, when we talk about these issues, we have
11 to -- I mean people talk about, for example, a lot of the
12 forced organizations is so that people will support their
13 own schools. I mean people don't realize that in Bush,
14 Alaska, there's an incredible amount of support for local
15 schools through the PLH74 of the Federal funds that are
16 kind of bundled into the foundation formula. There is a
17 contribution to education that comes from -- that comes
18 for schools and that's because we wrap our arms around
19 all the Federal dollars that go into Bush Alaska.

20

21 People just need to learn. And it's not
22 -- I mean some people make these votes, not because
23 they're bad people, but because they just don't
24 understand. And that's why I think, conversations
25 outside of the capital building are sometimes much more
26 important than the conversations inside. Because the
27 conversations outside can help teach people what's going
28 on.

29

30 I guess, I mean I don't know whether I
31 should do this but there are two other good examples of
32 not understanding, I think, the sensitivities of people
33 who don't live in larger communities. One of those is
34 Mary Kapsner's bill on teaching Alaskan history. Right
35 now, who can really argue against the fact that we're all
36 better off if we understand all Alaskans and, yet, some
37 people do that. And I'm worried that the bill that
38 passed the House almost unanimously might not even get a
39 hearing in the Senate.

40

41 Another example would be the second verse
42 of the Alaska Flag song. I mean, who can argue against
43 the second verse. I mean I have a fond spot for it
44 because the second verse was written by my next door
45 neighbor, Carol Berry Davis. But even so, I mean, who
46 can argue against these things?

47

48 So these issues pop up all over the
49 place.

50

00330

1 MR. ADAMS: Mr. Chairman.

2

3 CHAIRMAN THOMAS: Bert.

4

5 MR. ADAMS: I'd like to, Senator, if I
6 might, you know, refer you to a couple of important
7 issues that I think needs to be brought out. And I know,
8 I mean we could probably keep you here all day.

9

10 MR. ELTON: In fact, I was just looking
11 at my watch. I had a 9:00 o'clock appointment that I'm
12 skating on.

13

14 MR. ADAMS: I noticed that you did that.

15

16 MR. ELTON: But I might not be able to
17 skate on my 9:30.

18

19 MR. ADAMS: The 13th Amendment of the US
20 Constitution was probably one of the most damaging
21 amendments to the American system is because what it did
22 was it allowed taxes to be imposed upon our income. Up
23 until that time that was not allowable through the
24 constitution. And Daniel Webster and Thomas Jefferson
25 and some of the founding Fathers said that the power to
26 tax is the power to destroy. And what they were
27 referring to is that the power to tax from the Central
28 Government is the power to destroy.

29

30 And, you know, one of the reasons why
31 this country broke away from England is because of
32 taxation without representation. And they warned us that
33 when we begin to put people's hard earned money into one
34 big pot and redistribute wealth, that's when America will
35 begin the downfall.

36

37 So the 13th Amendment, you know, is one
38 of the things that I think that American people are going
39 to have to really look at seriously. The power to tax,
40 according to those founding Fathers, was reserved for
41 States and local governments.

42

43 The other amendment that was damaging to,
44 you know, the American Freedoms, was the 16th Amendment.
45 Up until that point, you know, senators who served in
46 Washington were elected or appointed by the State
47 Legislators. And when the 16 Amendment, you know, was
48 passed and ratified it made them elected by the people.
49 Well, up until that time it was the duty of the senators
50 to look after the best interests of the states, to

00331

1 advocate for state rights and make sure that the states
2 had the powers and authorities, you know, to do what they
3 are supposed to do for their people. And then when that
4 amendment passed then, you know, they became elected by
5 the people and so they had to answer to the wishes of the
6 people and as a result of that state's rights have been
7 eroding now ever since.

8

9 And those two amendments, you know, I
10 think are some of the most damaging amendments that
11 American people has sanctioned and ratified.

12

13 One of the things that the Declaration of
14 Independence says, is that, when government no longer
15 does the things that it's supposed to do, that is to
16 protect our lives, our liberties and to guarantee us our
17 pursuit of happiness then it is up to the American
18 people, it is our duty, it is our responsibility to
19 either abolish or alter that government and start new
20 ones or go back to the principles of the Federal system
21 guaranteeing us, you know, the protection of our lives
22 and our liberties and our pursuit of happiness.

23

24 So I just wanted that to be on record for
25 food for thought.

26

27 CHAIRMAN THOMAS: Okay, let's -- yeah, we
28 got more than a plateful. Your welcome was really
29 appreciated. Your presence is more appreciated. I got
30 after the Federal guys yesterday, I said, we need to have
31 some clout from the community to come down and welcome
32 us. We tried the Governor and then the Mayor and they
33 said we can do better than that and they did, so....

34

35 (Laughter)

36

37 MR. ELTON: Are you a politician?

38

39 (Laughter)

40

41 MR. ELTON: I just -- you know, I do have
42 to run and I appreciate the opportunity to be here. I
43 mean I appreciate the service that you're providing to
44 your communities, your region and the state. And I mean
45 as my way of parting, I mean, the job on subsistence, I
46 mean, was never sought by the Federal public service
47 people that we've got in our state and so I just
48 encourage everybody, you know, to forgive them for, you
49 know, having to even be here. I mean I wish they didn't
50 even have to be here.

00332

1 I can tell you that the Federal public
2 employees that I've worked with, I think, are as
3 committed to finding a solution as anybody else and I
4 appreciate their patience. But I really, really do
5 appreciate the patience of everybody else at the table,
6 too, because I have sometimes a more volatile temper and
7 I couldn't do what you're doing and I'm not sure that my
8 patience would have lasted so long and, so I thank you
9 for it.

10

11 And thanks, and please feel free to use
12 my office and the office of any other legislator from
13 Southeast. I mean I think that we're all committed to
14 finding a solution and do whatever we can to help. And
15 the biggest role that you've got for people like me is to
16 just keep educating me.

17

18 CHAIRMAN THOMAS: Well, Cal -- Dave.

19

20 MR. JOHNSON: Mr. Chair, a quick
21 question.

22

23 MR. ELTON: t o some degree.

24

25 MR. JOHNSON: There's been a lot of
26 rhetoric, Senator Elton, among the Federal agencies
27 involved in all this, how long the Feds are going to have
28 to continue this temporary responsibility that we've been
29 given that's now going on beyond 10 years. My question
30 is, if the legislature did come forth with a ballot
31 measure and if the ballot measure was passed, what would
32 be the time frames for actually amending the constitution
33 and bringing the State into full compliance with Title
34 VIII of ANILCA and relieve the Feds of their temporary
35 responsibilities?

36

37 MR. ELTON: Easier to answer the first
38 part, Dave. I mean if we do the right thing we can have
39 a constitutional amendment on the ballot in November.
40 But you know there has been this eight year kind of
41 shifting of duties. And I think it will take a
42 considerable amount of time and an awful lot of energy
43 and a commitment from policy makers in the state of
44 Alaska to expend the energy and to provide the financial
45 resources needed. I hesitate to use some people in this
46 room as an example. But we have lost an awful lot of
47 biologists and fish and game managers to the Federal
48 government. And getting it -- either replacing those
49 people, maybe getting them back is going to take some
50 time. I mean when they left and went to work for the

00333

1 Forest Service as Mr. Schroeder did, they took an awful
2 lot of experience with them.

3

4 And so as I said before, opening the door
5 can happen quickly with a constitutional amendment but
6 doing what needs to be done is going to take a tremendous
7 amount of effort, financial resources and it's going to
8 take some time. I would hope not eight years, but for us
9 to do -- for us to have the capability to do the
10 management will just take time.

11

12 CHAIRMAN THOMAS: Did you want those
13 employees back?

14

15 MR. ELTON: Some of them.

16

17 (Laughter)

18

19 MR. ELTON: We don't want to see them go,
20 they're leaving in droves. In fact, I know Mr. Adams
21 doesn't want to hear this but I'm thinking of going to
22 the Federal government and asking them to expand their
23 power and outlaw them taking our people.

24

25 MR. JOHNSON: Senator Elton, my question
26 was more in the context of, from a legal standpoint, from
27 a bureaucratic standpoint, from a policy regulatory
28 standpoint, what would be that general sequence of
29 events? A year or two?

30

31 MR. ELTON: I think its longer than a
32 year or two. I mean -- and I'm going to answer kind of
33 around, because it's maybe easier for me to give an
34 example.

35

36 CHAIRMAN THOMAS: That's what we're used
37 to.

38

39 (Laughter)

40

41 MR. ELTON: Yeah. Well, it may be easier
42 for me to give examples. I mean management of fish and
43 game resources has become so much more complex. I worked
44 for -- when I was trying to put my way through college I
45 worked for the Department of Fish and Game as a fish tech
46 and back then we managed our fisheries for two user
47 groups. My neighbor that was going to go out and catch a
48 lunker and the commercial industry. Now, we're managing
49 a vast number of new fisheries. I mean everything from
50 the offshore pollock fishery to dive fisheries and we're

00334

1 doing it for many different user groups, primarily
2 subsistence but you've got personal use. You've got the
3 sport commercial, you've got the sport and you've got the
4 commercial. And so when you throw -- when we get
5 management of subsistence back it's all dumped into that
6 pool.

7
8 And I could make an argument right now
9 that we don't have the resources to do what we're doing.
10 And the added responsibility of subsistence is -- it's
11 going to take time for us to build up the expertise and
12 for us to do that in addition to some of the jobs that I
13 don't think we're doing well enough now. Not because we
14 don't have good people but because we don't have enough
15 people. So I think one or two years would be extremely
16 optimistic.

17
18 CHAIRMAN THOMAS: Mary.

19
20 MS. RUDOLPH: The reason why I was
21 concerned, Senator Elton, was because we used to be a
22 real prosperous fishing village. Now, because of the
23 limited entry, when they say you owe your soul to the
24 company store, that's basically what was happening to us.
25 My husband and I have been married for 44 years and he
26 was a fisherman. And he ended up selling everything the
27 last year because IRS put a lien on us. And now when
28 we're talking about bringing taxes here, we pretty much
29 almost lost everything, we had a house fire, we had a mud
30 slide that hit our home, we had to sell our boat and what
31 used to have, a lot of fishermen in Hoonah has gone down
32 to maybe one or two, we got one of the captains over
33 here. And the logging's going out of Hoonah, they've
34 logged out our area. So the concerns I have for our
35 village and for other villages is what's happening right
36 now.

37
38 There was ever no economy development for
39 our men to fall back on. And now with the fish prices
40 the way they are. I have one friend there that had his
41 boat worked on but couldn't get a loan because they know
42 what the prices are going to be and he's gone over 90,000
43 trying to get his boat off the way, so what should be
44 happening with the State is the State come forward and
45 help him but he couldn't do that either. And now they're
46 putting a limit on who can fish and who can't fish.

47
48 So to see all these concerns here and to
49 have you come downtown, is that, we're not just reading
50 it it is going to happen. And the concerns I have are

00335

1 for the villages. And it's good to know that you are
2 straightforward.

3

4 Thank you very much.

5

6 MR. ELTON: Thank you. And I would just
7 say that I used to commercial fish. I used to market
8 fish. And I can tell you that we're not doing a good job
9 in crises management in the fishing industry. I think
10 that we don't have a legislature that has nearly as many
11 commercial fishermen as we've had in the past and I mean
12 maybe the good news is that Senator Stevens and Governor
13 Knowles are trying to put together a team now to look at,
14 you know, not just the marketing problems but look at
15 kind of the process problems that can help us start to
16 turn the industry around. And I think that probably
17 they'll be starting in the salmon segment. I mean there
18 are parts of the commercial fishing industry that are
19 doing quite well right now, salmon is in a crises and
20 there hasn't been enough focus.

21

22 I mean clearly, if BP or Phillips or
23 Exxon or Mobil had fish permits I think we would have
24 addressed it an awful lot more quickly than we have.

25

26 CHAIRMAN THOMAS: Thank you for coming
27 down. We didn't mean for this to turn into a hearing but
28 it, I mean it should have been on C-Span, I mean you did
29 a good job.

30

31 MR. ELTON: Well, thank you, Mr. Chair.
32 And this is one of the best parts of my job, getting out
33 to meet new people and talk about issues that are
34 important to Alaskans. I appreciate the opportunity.

35

36 CHAIRMAN THOMAS: But we really do
37 appreciate your representation here and thank you very
38 much.

39

40 MR. ELTON: Thanks, Mr. Chair. Thank
41 you.

42

43 MS. GARZA: Mr. Chairman.

44

45 CHAIRMAN THOMAS: Dolly.

46

47 MS. GARZA: Just for the record, Floyd,
48 did let me know that he's down at the finance committee
49 testifying on behalf of the Subsistence Division, in
50 support of it and on other matters concerning Angoon

00336

1 City. Mr. Chairman, I would also like to request a
2 change in the business format and request that we take up
3 next, review of customary trade draft regulatory
4 language.

5
6 CHAIRMAN THOMAS: Okay. Hearing no
7 objection, we got to get Pete home tonight.

8
9 MR. PROBASCO: Am I up, sir?

10
11 CHAIRMAN THOMAS: Yes, you are.

12
13 MR. PROBASCO: Good morning, Mr. Chair.
14 And before I get into customary trade I just would like
15 to diverge just 30 seconds or so. Part of my job is to
16 work with the State Board of Fishery as a liaison and I
17 just wanted to take the time here to recognize Mr.
18 Littlefield's efforts and work that he did during the
19 Board of Fish when they addressed Southeast herring. He
20 served on the committee. And from my observations being
21 on the Federal side on that committee, Mr. Littlefield
22 was very effective and it was definitely wise that he was
23 there and I appreciate his help at that Board of
24 Fisheries, John.

25
26 I'd like to focus your attention on
27 customary trade.

28
29 MS. WILSON: What's your name?

30
31 MR. PROBASCO: Oh, I'm sorry. My name is
32 Pete Probasco from Anchorage. I work with the US Fish
33 and Wildlife Service, Office of Subsistence Management.
34 Under Tab F you will find the light topic of customary
35 trade. And I'd like you to focus your attention to that.
36 In addition, this morning, I put in front of each of your
37 name tags a handout that summarizes the actions that the
38 Regional Councils have taken up to this point. In other
39 words, the Regional Councils that have met in their
40 winter meetings. And this is just to give you a flavor
41 of what has taken place with those Regional Councils.
42 There's still Councils yet to meet and this is strictly
43 for your information and reference.

44
45 Mr. Chair, my presentation will cover
46 five areas. It will cover the history and background of
47 why the issue of customary trade is before you. It will
48 summarize the Board actions taken during the December
49 meeting. It will go through the tribal consultation
50 process very briefly. Importantly, it will go through

00337

1 the schedule of events working towards the Final Rule.
2 There have been some changes. And the importance of your
3 Regional Council input. And then I'll go briefly, for
4 your understanding, go through what the Board passed in
5 December on the proposed rule.

6

7 Title VIII of ANILCA specifically
8 identifies customary trade as a recognized part of
9 subsistence uses. The term customary trade is defined as
10 the cash sale of fish and wildlife resources to support
11 personal or family needs as long as it does not
12 constitute a significant commercial enterprise. The
13 distinctions between the terms customary trade and
14 barter, which is also provided under Title VIII of ANILCA
15 is that customary trade and, this is the important part,
16 is the exchange of subsistence resources for cash only.
17 While barter, which many of are familiar with is defined
18 as exchange of subsistence resources for something else
19 other than cash.

20

21 While exchange of subsistence resources
22 as customary trade may involve fish, shellfish or
23 wildlife resources, this proposed rule that we're
24 currently working on only deals with fish. In late 2000,
25 the Board established a Customary Trade Task Force.....

26

27 MS. GARZA: Pete.

28

29 MR. PROBASCO: Dolly.

30

31 MS. GARZA: So I just want to point out
32 to everybody that he is reading from the document under
33 Tab F. So if he said something and you're trying to
34 remember it it's right there under background.

35

36 MR. PROBASCO: Yeah. And it will be
37 somewhat pared down quite a bit from what's in there.

38

39 MS. GARZA: Okay.

40

41 MR. PROBASCO: There's a lot more in the
42 book than what I'll say here verbally. In late 2000, the
43 Board established a Customary Trade Task Force composed
44 of representatives of the 10 Regional Councils, fisheries
45 biologists, enforcement personnel, anthropologists and
46 others. And both your Chair, Mr. Bill Thomas and your
47 vice-Chair, Dolly Garza, served on this committee and
48 helped with the Task Force in drafting the language that
49 the Board looked at.

50

00338

1 This Task Force was charged with
2 developing draft regulatory language, finding the intent
3 of customary trade as identified in ANILCA.

4
5 In developing the draft regulatory
6 language, the Task Force identified three different types
7 of customary trade. The first is the transactions
8 between rural residents, rural to rural. The second is
9 transactions between rural residents and others. And
10 others is defined as all commercial entities, other than
11 fisheries businesses and individuals other than rural.
12 And finally, the third part of the proposed rule is
13 purchases by fisheries businesses.

14
15 You'll recall preliminary draft language
16 was developed by the Task Force and then circulated for
17 review by the Regional Councils in their fall meeting.
18 The Task Force met one more time after the Regional
19 Council meetings to consider comments received by the
20 public and review the recommendations by the Regional
21 Councils. This was all done prior to that December
22 meeting.

23
24 If you look under Tab F, Pages 2 through
25 4, Option 1 of those six options the Board considered in
26 December was the option developed by the Customary Trade
27 Task Force. During the review of the draft Task Force
28 recommendations by the Regional Councils, seven of the 10
29 Councils made specific recommendations. Your Regional
30 Council recommendation along with the others can still be
31 found in this tab, yours is on Page 12. Included as part
32 of the Task Force language was \$1,000 cap for the
33 exchange of salmon for cash. If you recall that was the
34 only cap that was placed by the Task Force and forwarded
35 by the Board was the \$1,000 cap for salmon.

36
37 The Regional Council comments generally
38 agreed with the monetary cap but also suggested regional
39 needs and differences. Some Regional Councils thought
40 the \$1,000 too high, some thought it was too low.
41 Several members, Council members expressed concern about
42 allowing sales of subsistence taken salmon in areas
43 experiencing subsistence shortages and limited fishing
44 opportunities. In recent years areas such as the Yukon
45 and Kuskokwim River have had poor salmon returns
46 requiring managers to reduce fishing subsistence
47 schedules and in some instances close subsistence
48 fishing. Some Regional Councils were also concerned of
49 the draft language restricted barter between rural
50 residents and others.

00339

1 During their December 2001 meeting, the
2 Federal Subsistence Board took action to start the
3 process of refining Federal regulations for customary
4 trade. As I stated, the Board considered six options and
5 these options are listed in more detail in the appendix
6 on Page 7 through 13. After hearing the report of the
7 Task Force, the six options and the comments of the
8 Regional Council Chairs, ADF&G, Alaska Department of
9 Environmental Conservation and others of the public, the
10 Board decided to move forward Option 5 and to initiate
11 the formal rulemaking process with this proposed rule.

12
13 Option 5 supports, in part, the
14 recommendations of the Customary Trade Task Force and
15 Regional Advisory Councils by allowing unlimited
16 customary trade between rural residents and prohibiting
17 customary trade or barter with fishery businesses.
18 However, the Section .812, because most customary trade
19 among rural subsistence users occurs between local users
20 and involves only small amounts of fish the Board does
21 not believe that this rule would create an incentive for
22 additional harvest of the resource nor result in
23 additional fish being sold in the commercial markets.
24 Likewise nothing in this proposed rule would displace,
25 supersede or preempt State or Federal food and health
26 safety laws and regulations governing the processing,
27 handling or sale of fish. Those are all part of the
28 customary trade, the cash sales, those other regulations
29 that the Department of Environmental Conservation has
30 that also play a significant role in what can be
31 accomplished under customary trade.

32
33 The Federal Subsistence Board has
34 initiated tribal consultation with the 229 Federally
35 recognized tribes on the proposed rule and we provided
36 them with the preliminary draft language from the Task
37 Force. The consultation is conducted through the
38 Department of Interior, Alaska policy of government to
39 government relations with the Alaska Native tribes. The
40 consultation period is open from February 1st to March --
41 excuse me, that has been changed, it is not March 29th,
42 anymore, it's April 30th. And the reason the date has
43 been changed and moved forward is due to the delay in
44 getting the proposed rule out of Washington, D.C. So
45 please note that tribal input, public input will be moved
46 to April 30th of 2002.

47
48 Mr. Chair, I think that's the important
49 part of the schedule that we're working for, is that
50 change, to get comments in by April 30th.

00340

1 This also has resulted in changing when
2 the Board will take action on the proposed rule. And the
3 Board now will be looking -- will have a special meeting,
4 not in May, but in June of 2002 and probably the latter
5 part of June, the dates haven't been selected yet, to
6 address specifically customary trade. So it's no longer
7 going to take place in May it will be in June.

8

9 If they pass a final rule in June, then
10 it will probably be August 1st before we would see,
11 barring no problems in Washington, D.C., et cetera, we'll
12 probably see the rule go into effect. So for all
13 practical purposes, we probably will not see a regulation
14 this year during fisheries.

15

16 CHAIRMAN THOMAS: So the proposed rule
17 that was published in the Federal Register, it's just
18 that, a proposed rule. And so the Advisory Councils
19 still have a window to help finalize that if they see
20 anything that needs to be changed; is that correct?

21

22 MR. PROBASCO: That's a very good
23 question, Mr. Chair, that is correct. Essentially a
24 proposed rule is that, it's proposed. And the Board,
25 with the input from the Regional Councils and others have
26 the option and that's why Section .812 is written the way
27 it is, they want more specific input on how to address
28 that. And there could be and more likely will be changes
29 from the proposed rule in developing the final rule.

30

31 Mr. Chair, the proposed rule is on Page 5
32 and let me just briefly go through that real quickly.
33 The first section, Section 11 addresses customary trade,
34 exchange of cash from rural resident to rural resident
35 and there's no cap on that; it's unlimited. The second
36 section of the proposed rule allows for customary trade
37 between rural residents and others and I've already given
38 you the definition of others, it's non-rural residents
39 and anybody not licensed as a fishery business.

40

41 MS. GARZA: What page are you on?

42

43 CHAIRMAN THOMAS: Page 5.

44

45 MR. PROBASCO: Page 5, under Tab F.

46

47 MS. GARZA: Okay.

48

49 MR. PROBASCO: And the Board still
50 elected to leave that language in there that says, as

00341

1 long as a customary trade does not constitute a
2 significant commercial enterprise. The Board recognizes
3 that that is still an unenforceable regulation but the
4 whole purpose of the proposed rule was to get additional
5 input on Section 12. And, again, the final section
6 prohibits the sale of subsistence taken fish to fishery
7 businesses. Anybody in Alaska that purchases fish for
8 commercial businesses purposes has to be licensed by the
9 state of Alaska. So consequently this would prohibit the
10 sale of subsistence harvested fish to a fishery business.

11

12 Mr. Chair, I want to stress that the
13 Board has asked me to ask you to address each of the
14 three sections separately and to make your
15 recommendations on the proposed rule section by section.
16 I hope to leave this meeting, as I've done with the other
17 meetings with that summary that's before you that
18 specifically and clearly lays out what the Southeast
19 Regional Advisory Council wants to recommend to the
20 Federal Subsistence Board.

21

22 Mr. Chair, that concludes my
23 presentation.

24

25 CHAIRMAN THOMAS: Okay. Could you
26 clarify, just for my own information on the specific
27 three you mentioned?

28

29 MR. PROBASCO: Thank you, Mr. Chair. If
30 we would turn our attention to Page 5.

31

32 CHAIRMAN THOMAS: Is that 11, 12 and 13?

33

34 MR. PROBASCO: These those are the three
35 sections, A-11, A-12 -- actually C-11, C-12, C-13, Mr.
36 Chair.

37

38 CHAIRMAN THOMAS: Thank you very much.
39 Dolly.

40

41 MS. GARZA: Pete, I have a couple of
42 questions on the summary of Regional Council
43 recommendations on customary trade.

44

45 MR. PROBASCO: Yes.

46

47 MS. GARZA: It looked like for Region 4,
48 Bristol Bay, that they were working with the old proposal
49 because they were modifying a dollar amount when a dollar
50 amount does not exist in the draft regulation now.

00342

1 MR. PROBASCO: Mr. Chair.

2

3 CHAIRMAN THOMAS: Pete.

4

5 MR. PROBASCO: Ms. Garza, the Bristol Bay
6 Regional Advisory Council worked on the proposed rule,
7 however as a Council they elected to stay with their
8 original proposal that they developed in the fall.

9

10 CHAIRMAN THOMAS: John.

11

12 MR. LITTLEFIELD: Mr. Chair, Pete, thank
13 you for your comments earlier. This doesn't include what
14 was supported by SERAC, the Southeast Alaska Regional
15 Advisory Council, and I went back and I looked in my book
16 and what we had approved at the last meeting. I don't
17 see Southeast in there.

18

19 MR. PROBASCO: Yes, one second, this is
20 action that has been taken in the winter meeting.

21

22 MR. LITTLEFIELD: Okay.

23

24 MR. PROBASCO: So you haven't done action
25 yet, so.....

26

27 MR. LITTLEFIELD: Okay. And ours was,
28 and I tried to do some wordsmithing between 11 and 12,
29 striking out words that were the same in both of those
30 and there's hardly any words left when I get done doing
31 that, different, so I think the recommendation of the
32 Southeast Alaska Regional Advisory Council very clearly
33 covered that in Yakutat. And the definition, as I
34 remember it, customary trade, was you may exchange for
35 cash -- because we're talking about cash.....

36

37 MR. PROBASCO: Correct.

38

39 MR. LITTLEFIELD:not anything else,
40 you may exchange for cash of subsistence harvested fish,
41 their parts or their eggs, legally taken under Federal
42 Subsistence Management regulations, period. I think that
43 takes all the gobbly-gook out of 11 and 12 that you have
44 in there right now. Specifically says that it's a trade
45 for cash and it must be legally taken and customary trade
46 is -- I don't know, I thought -- I think all these
47 others, I looked through these and I still think that
48 ours is the clearest definition, by far, we did not
49 endorse 13 but I guess it seems to be that most everybody
50 else did and I don't have any heartache with that. But I

00343

1 still would like to default to ours as combining 11 and
2 12 as a better regulation than those two. And that's my
3 personal comments, thank you.

4

5 CHAIRMAN THOMAS: Dolly.

6

7 MS. GARZA: So the summary of what we did
8 in Yakutat is on Page 12, it's written different than
9 what John remembers, but that, I think, is pretty close
10 to what we had talked about, what we boiled it down to in
11 Yakutat.

12

13 MR. LITTLEFIELD: Where is that?

14

15 MR. PROBASCO: Under Tab F, Mr.
16 Littlefield.

17

18 MS. GARZA: So, Pete, I was having a hard
19 time when you were going through the options, when you
20 said that the Federal Subsistence Board chose Option 5,
21 that is the Option 5 on Page 12 and the Option 4 would
22 have been the one that each region had submitted
23 following their last spring meeting?

24

25 MR. PROBASCO: Mr. Chair, Ms. Garza, I
26 would first caution not to treat each option as
27 comparable to the other option. Option 4 just lays out
28 the various options region by region. Okay. I would
29 compare Option 1, developed by the Task Force to Option 2
30 and 5, they're very similar, but Option 4 only lays out
31 the Regional Council recommendations by region. Mr.
32 Chair.

33

34 CHAIRMAN THOMAS: John.

35

36 MR. LITTLEFIELD: Looking on Page 12 now,
37 for the Southeast Alaska area, that's paraphrasing what
38 this Council's action it took. I have the book with me
39 and we served on a committee and rewrote that and
40 presented it just exactly as I said, to the Council and
41 the Council, in my recollection approved that. That's
42 paraphrasing it, but I still think our language could be
43 substituted for 11 and 12 and accomplish this without --
44 there's a whole bunch of excess words in there that just
45 don't need to be in there.

46

47 CHAIRMAN THOMAS: Well, our
48 recommendation could be just that, you know, so Pete's
49 not here to argue that point. And if we choose to draft
50 it without some of that language, we're able to do so.

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1 MR. LITTLEFIELD: Are you looking for a
2 motion, Mr. Chairman?

3

4 CHAIRMAN THOMAS: No, I'm looking to
5 recognize Mike Douville.

6

7 MR. DOUVILLE: Thank you, Mr. Chairman.
8 We probably did go through this before but I need to be
9 refreshed. There's a term, legally taken, here, and this
10 addresses Federal law. Does this rule or proposed change
11 in the rule or regulations or whatever we're talking
12 about here apply to only legally taken fish in Federal
13 waters?

14

15 CHAIRMAN THOMAS: That's a good point and
16 I think at this point we'll discuss that among the
17 Council. Because -- and then we'll get Pete's
18 recollection or interpretation of it but let's see what
19 the Council says first, the Council being John.

20

21 MR. LITTLEFIELD: Thank you, Mr. Chair.
22 The words are, legally taken under Federal Subsistence
23 Management regulations, that's what we approved, we can
24 regulate in freshwater at this time. Whatever water we
25 can regulate, that's what this applies to. Our
26 regulations do not apply on the open ocean at this time.

27

28 CHAIRMAN THOMAS: Okay, Pete.

29

30 MR. PROBASCO: Mr. Chair, that's a very
31 good question and I don't have a straight answer because
32 it hasn't been resolved between the legal experts on this
33 issue. What we can say for sure and as you paraphrased,
34 Mr. Littlefield, is that, if the fish are harvested in
35 Federal waters and sold in Federal lands, we're okay.
36 Where the grey area comes is if the fish are harvested in
37 Federal waters and sold on other non-Federal lands, do
38 our regulations allow for the sale under customary trade
39 regulations, that is a very grey area. And the majority
40 of your communities are outside or on non-Federal lands.
41 And I've brought that to the attention in past meetings
42 but that's something beyond my expertise and it's
43 something that the various legal experts are going to
44 have to wrestle with. And the State has brought that to
45 the attention of the Federal Subsistence Board. Mr.
46 Chair.

47

48 CHAIRMAN THOMAS: Thank you. Mike.

49

50 MR. DOUVILLE: I'd like to make this

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1 comment that how can I possibly make a decision on this
2 until that area turns from -- turns into white and black,
3 which is why we have a problem with it now but we need to
4 know for sure. Because it has very strong impacts on the
5 resources especially and that's where we should be the
6 most cautious, in my opinion.

7

8 CHAIRMAN THOMAS: That's correct, Mike,
9 and I agree with that. Because the way it is now,
10 anything we submit could have a component for designing
11 whatever final language they're going to come up with
12 making determinations. So I have to agree with Mike's
13 point of view.

14

15 Anybody else. Dave.

16

17 MS. WILSON: Mr. Chair.

18

19 MR. JOHNSON: Go ahead Marilyn.

20

21 CHAIRMAN THOMAS: Marilyn.

22

23 MS. WILSON: I would like another -- what
24 others would mean, urban? Could you give us a
25 description of commercial enterprise also?

26

27 MR. PROBASCO: Mr. Chair, Ms. Wilson.
28 Others -- I guess the easiest way to describe it is
29 others is everybody that's a non-Federally-qualified
30 subsistence user and is not a fishery business.

31

32 MS. WILSON: So that essentially would be
33 urban, right?

34

35 MR. PROBASCO: That's correct. Keep in
36 mind also, Mr. Chair, if I may, that there are State
37 recognizes rural subsistence users and those would not be
38 considered as rural to rural. Those would be considered
39 as others. Mr. Chair.

40

41 CHAIRMAN THOMAS: Dolly.

42

43 MS. GARZA: Mr. Chair, this has been a
44 difficult process for me and I appreciate you being here
45 and the time you've taken to try and bring everything
46 together. From the Customary Trade Working Group, as you
47 can see from the various options under Option 4, every
48 region is so different in what they want and as Pete had
49 indicated earlier, some would like to be much more
50 restrictive and others think that they need to be more

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1 liberal. And I have --- in our initial Yakutat language,
2 we were very open about it and just succinct as John had
3 stated. However, I have heard from several of the Prince
4 of Wales tribes that they are not happy with that
5 openness and that they would like further restrictions
6 because they are concerned about sockeye stocks on their
7 island and so I expect that we will get written comments
8 from those tribes that would look much different than
9 what we are submitting as a Council and so while I did
10 support the initial language in Yakutat, I would probably
11 be less hesitant at this time based on the input that I
12 have heard.

13

14 Thank you.

15

16 MR. DOUVILLE: Mr. Chairman.

17

18 CHAIRMAN THOMAS: Mike.

19

20 MR. DOUVILLE: I attended that meeting
21 where four tribes discussed this issue and it was the
22 opinion there that customary trade, barter, whatever you
23 want to call it, any exchange was only done with any
24 excess you may have had with these salmon or whatever.
25 After you took care of your own families or however, if
26 you had excess then you could barter or trade with that.

27

28 So I guess the point I'm trying to make
29 is I do not want to see any situation where this
30 encourages somebody to go and take those resources and
31 use them for income. And that was pointed out in that
32 meeting and that was one of their concerns.

33

34 CHAIRMAN THOMAS: That's exactly right.
35 Because in some of my observations of other regions,
36 there's a lot of tricky implications in some language
37 that goes on here that doesn't really serve conservation
38 issues of fish, especially. The more I look the more I
39 find about the eggs being a target. They catch the fish
40 and then they want to give the fish away and sell the
41 eggs, that's especially on the big river systems. I
42 didn't know that there was an egg fishery but I'm not
43 that familiar with it, I never got a book to look at it
44 or anything. But we do have to be careful and I think if
45 we choose to be patient and choose to wait for the Board
46 to come up with definitions that they want to use would
47 probably serve us best and serve others in other regions,
48 for one reason or another, probably never stopped to
49 consider that.

50

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1 With that, I'll recognize Dave.

2

3 MR. JOHNSON: I just had the question,
4 Mr. Chair, back to the question that Mike Douville
5 raised. Has there been a formal legal opinion then
6 either from the Solicitor's office or from OGC or is it
7 still in the, We're not sure what we're going to say yet?

8

9 MR. PROBASCO: Mr. Chair, Mr. Johnson, if
10 I may, the key to your question is formal. No, there has
11 not been a formal legal opinion written. It's been in
12 the discussion stages between various solicitors, both
13 from US Fish and Wildlife Service, Forest Service and the
14 other Federal agencies. But there has been no formal
15 opinion established at this point.

16

17 MS. GARZA: Mr. Chairman, regardless of
18 what direction we take, I have noticed from other
19 Regional Councils and from some information that UFA has
20 on their website, I found more information on customary
21 trade than I did through DOI because we can't get into
22 DOI these days. But the one thing I did note was that
23 there is an exemption under State law for customary trade
24 cash exchange for herring egg on kelp. And we need to
25 make sure that we have an exemption for hooligan on this
26 one. And we talked about it at every committee meeting
27 of the working group and I don't see it here in the draft
28 language. Perhaps it fell out but it's our job to make
29 sure that it stays in there because the cash exchange for
30 the hooligan in the Ketchikan and Metlakatla area is much
31 large -- much larger than any of the numbers that anyone
32 has talked about.

33

34 CHAIRMAN THOMAS: Pete.

35

36 MR. PROBASCO: Mr. Chair, it may help
37 with your discussion to also keep in mind that this
38 regulation, once it's passed, that's not it. This
39 regulation could be amended and reviewed on an annual
40 bases. So it falls in the hopper on a lot of those other
41 regulations. So I think that's one good part as well
42 that speaks to what you're saying, Mr. Thomas, that
43 whatever's passed, we still have the opportunity through
44 the years to refine it. Mr. Chair.

45

46 CHAIRMAN THOMAS: Mike.

47

48 MR. DOUVILLE: You did mention the egg
49 taking in the upper interior rivers. I don't know if all
50 you are familiar with this, probably you aren't, but

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1 there is a subsistence fishery there, a few years back
2 the State allowed them to take the subsistence caught
3 eggs and sell them and it turned it into like an egg
4 fishery. And it helped -- it really reduced the numbers
5 of fish going into those systems which were beginning to
6 have problems in it and even have more problems now and I
7 think it was a significant contributing factor. So
8 anyway, I wanted to point that out. I'd just like to
9 thank Dolly's comment for bringing up the hooligan issue,
10 that is very important in our area.

11

12 CHAIRMAN THOMAS: That's very true. And
13 this is one thing that's hard for us to understand. I
14 don't know how it's going to fit in with what you're
15 wanting to do with customary trade. But nobody on this
16 body recognizing targeting eggs that haven't had an
17 opportunity to be spawned as good management of fish.
18 This is herring, this is salmon. I mean that's like
19 bringing down a chicken coop and expecting to gather eggs
20 the next morning. It doesn't work that way. And I'm not
21 sure what there is in the management scheme that allows
22 this to occur other than money.

23

24 Subsistence should not be allowed to do
25 that and no other group should be allowed that, that's
26 not good management. If we had good management in place,
27 none of this time would be necessary. None of the money
28 we're spending would be necessary. This year is just to
29 ensure an umbrella of protection if conservation concerns
30 reach a crises. And we need to work to avoid those
31 crises.

32

33 John.

34

35 MR. LITTLEFIELD: Thank you, Mr.
36 Chairman.

37

38 CHAIRMAN THOMAS: You're welcome.

39

40 MR. LITTLEFIELD: ANILCA Title VIII
41 guarantees the right to do customary trade. It does not
42 guarantee you the right to do trade, it says customary
43 trade. Customary trade, by its very definition is the
44 trade between people who you have social, moral or
45 kinship ties. It is not between you and an egg company
46 in Japan, that is trade. If I go to Costco and buy a
47 computer tonight, that's trade. It may be customary for
48 my wife almost but that's not customary trade. And
49 customary trade is a protective use in ANILCA. It
50 specifically says customary trade. It doesn't say trade

00349

1 at all. And I think it is extremely clear that you can
2 differentiate between what is customary and what is not.
3

4 I mean if you were to take a jury of 12
5 people and say, is this person doing this customarily and
6 traditionally taking these eggs in the way he normally
7 has and selling them to somebody who he has a long-term
8 relationship, some social obligations or related to, and
9 I do not care whatever amount it is as long as it's
10 customary trade. And that's why I supported this the
11 first time. Everybody has a different idea of whether
12 that value should be one dollar, 400 or 1,000 or even
13 20,000. We know case law has allowed at least 20,000 in
14 the case of herring eggs. That's on the books right now.
15 It's legal for us to do this. We are not abusing this at
16 this moment. And I think we're mountain out of a
17 molehill here. By putting dollar amounts on here, we
18 encourage every user to go to that limit. And the key
19 is, in my opinion, customary trade prohibits anything of
20 these things that you're talking about.

21

22 CHAIRMAN THOMAS: Isn't that what you're
23 looking for us to submit, that kind of language?

24

25 MR. PROBASCO: Mr. Chair, indeed, that's
26 correct. We're looking for specific recommendations from
27 the Council. And Mr. Littlefield's articulated fairly
28 well but also articulated the problem. We are dealing
29 with a regulation and customary trade specifically speaks
30 to the cash sales. It's unfortunate that whoever drafted
31 ANILCA and the regulations that support ANILCA elected
32 not to define what significant commercial enterprise is
33 and that's where the rub is.

34

35 I don't disagree with Mr. Littlefield at
36 all, but we got to go from the concept of customary trade
37 and because we're in these days and terms, we need to go
38 into the regulatory arena. Mr. Chair.

39

40 CHAIRMAN THOMAS: Thank you. We just got
41 an admittance from one of the tribunal members here said
42 you got to do some follow up on Title VIII to comb over
43 some of that language and redigest it some more.

44

45 MR. LITTLEFIELD: I have a question for
46 Pete, if he could tell me where, in ANILCA, it says
47 significant enterprise or something like that. I believe
48 that that's regulatory -- regulations came up with this.
49 The definition that I'm looking at in ANILCA, which is
50 the law, says, for family consumption or customary trade.

00350

1 It says absolutely nothing about significant commercial
2 enterprise.

3

4 If you look to the regulation that the
5 OSM has developed and look up the definition of customary
6 trade, if you give me just a second, it says, means the
7 cash sales of fish and wildlife and resources regulated
8 in this part, blah, blah, blah, as long as that trade
9 does not constitute a significant commercial enterprise.
10 The Feds, in interpreting this law put that in there.
11 That's not in the law and it doesn't need to be in there.

12

13 Thank you.

14

15 CHAIRMAN THOMAS: Pete.

16

17 MR. PROBASCO: Mr. Chair, I don't want to
18 get into a tit for tat, but two points I want to make.
19 If you read the legislative history of ANILCA it does,
20 specifically, discuss that. And second, we are -- you
21 are a regulatory body to develop regulations. And so we
22 have this regulation, I agree with you, Mr. Littlefield,
23 that's in the Federal Register that gives that definition
24 and that's what enforcement works off, is that
25 definition. And so it's our job to make it clearer so
26 that the intent of customary trade is clearly understood
27 by the user groups. Mr. Chair.

28

29 CHAIRMAN THOMAS: Well, when this -- I
30 recall now when this all happened. It was at a meeting
31 in Anchorage and our recommendation from Southeast was
32 that these do not enter a commercial market.

33

34 MR. LITTLEFIELD: Right.

35

36 CHAIRMAN THOMAS: The solicitor, the
37 person from the solicitor's office up there insisted that
38 we use significant commercial enterprise. I told him
39 we're going to have problems with the terms significant
40 and he said we wouldn't have. And I was the only one
41 that voted against that. The rest of the regions agreed
42 with what he said and that's where it came from. And I
43 knew that was going to happen.

44

45 But like I told the Senator, we're used
46 to dealing with that kind of language. I mean they use
47 terms they have no idea what to do with. Nobody can tell
48 what significant is. That's like reasonable. That's
49 like may. You know, those are all words that should not
50 be in our vocabulary in this arena.

00351

1 MR. LITTLEFIELD: Shall not be.

2

3 CHAIRMAN THOMAS: Knock it off. Dolly.

4

5 MR. KOOKESH: Sitka people.

6

7 MS. GARZA: Mr. Chair, yeah, it's those
8 Sitka people. I can say that now.

9

10 (Laughter)

11

12 MS. GARZA: Mr. Chairman, I agree with
13 everything you said, John, and from looking at it
14 politically, I think we're -- I think we're beyond that
15 stage. I mean we brought forward, this is the clean
16 language, this is what we should be doing. The other
17 regions didn't buy it. And this is what's out as
18 proposed rule. I think that many fishing organizations,
19 many Fish and Game Advisory Councils, many individuals
20 are going to be submitting comments and I think that
21 something will be finalized based on what is on Page 5.
22 And I think that if we try and reduce it, that I don't
23 think that's going to carry because it didn't carry once
24 before within the Regional Council system.

25

26 And so what I want to do is try and look
27 at this and see what do we need to do so it works for us,
28 knowing that we may have our own tribes opposing what
29 we're doing and that they're going to submit their own
30 testimony. But what can we do to protect subsistence
31 rights which does include cash sales but also make sure
32 we protect resources.

33

34 Thank you.

35

36 CHAIRMAN THOMAS: The chair's going to
37 become politically correct, for now you can recognize
38 Madame Chair.

39

40 MR. MARTIN: Madame Chair.

41

42 CHAIRWOMAN GARZA: Harold.

43

44 MR. MARTIN: Thank you. If memory serves
45 me right, at the Yakutat meeting I expressed concern that
46 coming up with one regulation from this group will not
47 satisfy all communities in Southeast. Although the
48 majority of the rural communities are Tlingit, our
49 customs are a little different from village to village.

50

00352

1 Dolly brought up a good example that the
2 Klawock community would like to keep their restrictions
3 so that not everybody comes in there and takes their
4 sockeye. I think Mike Douville brought out some very
5 good points. Currently only people that need sockeye
6 will come in and get their sockeye for smoking and
7 jarring, canning or freezing.

8

9 Now, if we came up with a regulation that
10 -- I even have problems with putting a cash value on any
11 trade. Now, what's to stop anybody from coming in and
12 getting a subsistence permit and getting their sockeye
13 and just selling them. You know, that'd be an easy
14 thousand dollars for me or anybody else, that'd just go
15 from place to place and use it because of the cash value
16 put on it. Well, I think what we need to do is come up
17 with wording that will allow the tribal governments to
18 come up with their own version of their customary trade
19 or how they do it in their village.

20

21 CHAIRWOMAN GARZA: I have Patricia and
22 then Floyd and then Mary.

23

24 MS. PHILLIPS: Thank you, Madame Chair,
25 Mr. Probasco. You mentioned that, you know, it's just
26 going into regulation and that we could change it any
27 time. And it's not that easy to change a regulation. I
28 mean if we have a brain drain on this Council and we have
29 new Council members that come on that have to learn the
30 process, things are going to slip through the crack,
31 where I might recognize it needs to be changed, if I go
32 off where's it going to go. And we found that out
33 yesterday with the marten issue. Now, I didn't know you
34 could trap with a motorized vehicle all these years, you
35 know.

36

37 Section .805 3(C), 3(D)(C) says, the
38 Secretary, in performing his monitoring responsibility
39 shall consider the report and recommendations of Regional
40 Advisory Councils concerning the taking of fish and
41 wildlife on public lands within their respective regions
42 for subsistence uses. So in my opinion each region can
43 have their own set of rules or the resources within their
44 region. It doesn't need to be this statewide issue. We
45 can have our own set of rules for each region and our own
46 set of rules within the region.

47

48 Thank you.

49

50 CHAIRWOMAN GARZA: Floyd.

00353

1 MR. KOOKESH: I was listening to Mr.
2 Littlefield earlier talking about customary trade and I
3 was asking Dolly earlier, how our Native people did it
4 before the non-Natives came to our country, whether what
5 we're talking about criminalizing a past practice of a
6 Native people. Because I know we're having questions
7 about raising the bar and I was wondering what the bar
8 was before the non-Natives came.
9

10 And to speak on the regulations, I have a
11 neighbor who doesn't read the regulations. And we could
12 sit here and pass -- we could right the greatest mission
13 statement but that doesn't mean that everybody's going to
14 apply to read it. My neighbor probably doesn't even know
15 we're sitting here talking about regulations and probably
16 will never read the regulations and he's active in this
17 subsistence lifestyle. The bar is where he puts it based
18 on his need as an individual and based on what his family
19 wants.
20

21 I noticed we're involved in a salmon
22 fishery program in Angoon on the Southeast sustainable
23 salmon fund, we're finding out that cohos are going to an
24 all time low. You can give cohos away because I think
25 cohos probably have a price equivalent to humpies on the
26 market. But I'll tell you what in the subsistence
27 lifestyle -- or supposedly Black Market, the price of
28 dried salmon hasn't fallen just because the price of
29 cohos has dropped in the commercial market place.
30

31 Thank you.

32
33 CHAIRWOMAN GARZA: Mary. Mary and then
34 John.
35

36 MS. RUDOLPH: Yes, I agree with Patty and
37 I agree with what Harold had to say. I think it should
38 fall into probably the regional IRAs that are active.
39 And I know one of the things that Bob Loescher is putting
40 together is work to get the IRAs working together. And I
41 think it would be a real -- it would work together with
42 what we're trying to do. And Floyd had talked about the
43 Angoon coming together with Hoonah and Kake and Sitka.
44 So all this is just falling into the place where the
45 tries are going to have to acknowledge this and right now
46 I think in our village the alarm is up on barter and
47 trade and the dollar signs being put on there. So the --
48 just the whole fact that this could come down to actually
49 taking away from it's damned if you do and damned if you
50 don't situation.

00354

1 And I am very concerned about, like what
2 John said, how we write it up that's going to protect all
3 of us. Because if you look at the economies, especially
4 in the rural village, in our village, when I was growing
5 up we knew when somebody came into town, we knew who came
6 into town. The whole town buzzed about it. Now, today,
7 I don't know more than half of the people and I've been
8 there all my life.

9

10 So what we consider precious and key for
11 our lifestyle probably is not considered in that way. I
12 read some papers where there is opposition on what we
13 think and how we feel, that we want to have everything
14 both ways and we should go back to the canoes and the
15 arrows and everything. And regardless of how we do it,
16 we're still protecting both Natives and non-Natives. And
17 I'm just kind of leery about putting an exact amount on
18 it or not putting an exact amount on it because what we
19 consider a high amount somebody else can benefit, but not
20 who or thinking and talking about.

21

22 So it's a really -- it's really
23 something. I think we really should weigh all the
24 concerns as we're moving on this one.

25

26 Thank you.

27

28 CHAIRWOMAN GARZA: Thank you, Mary.
29 John.

30

31 MR. LITTLEFIELD: Thank you, Madame
32 Chair. I have a question for law enforcement. As I read
33 that definition that we approved before and I'll read it
34 again; is, you may exchange for cash of subsistence
35 harvested fish, their parts or their eggs legally taken
36 under Federal Subsistence Management regulations. Now,
37 interpreting that, each area, Klawock, for instance,
38 3(A), 3(B) and 3(C) has a different coho limit than the
39 remainder of Southeast Alaska, absolutely nothing
40 prohibits a community from applying to the Council for
41 regulations and once they're written into the regulations
42 and accepted by this Council that would be the wishes of
43 the local people.

44

45 And I guess I'm asking you, if you see
46 anything in that that would prohibit you from enforcing
47 whatever regulations -- this is a generic statement for
48 all of us and then assuming that legally taken is
49 whatever the communities want, can you enforce that?

50

00355

1 MR. MEYERS: This is Marty Meyers, Forest
2 Service Law Enforcement. John, I believe that if you
3 were to implement -- if that were to be implemented as
4 you discussed, that essentially leaves that particular
5 regulation wide open to sales, there's no limit because
6 you don't limit yourself. Now, there's nothing -- now,
7 if that were to be implemented and then the local areas
8 decide to put their cap on it like we do with the limits
9 of numbers of fish you can catch, yes, that could be done
10 and yes, that would be enforceable. But anything that's
11 wide open, like what you've discussed here, like No.
12 12(C)(11), for instance, there's no restrictions, it's
13 not regulated so there's no enforcement issue. If you go
14 with 12 the same way where it's unlimited, although you
15 don't specify that it is but you don't specify that it's
16 not. There's no issue. There's no enforcement issue.
17 There's no regulatory process there, it's just wide open.
18

19 Now, to further go to a local area and
20 apply restrictions like you would to limit the number of
21 fish then we would enforce that for that local area.
22

23 MR. LITTLEFIELD: Thank you. So I think
24 that would address -- the legally taken means whatever
25 gets by this Council as proposed by local residents for
26 their area legally taken under Federal Subsistence
27 Management regulations would cover that, at least, the
28 way I interpret it.
29

30 CHAIRWOMAN GARZA: Okay, did you have a
31 comment, Marty?
32

33 MR. MEYERS: Yeah, just one response to
34 that is I'm not sure that you would even have to put
35 regulation in there because if the regulation says you
36 can take therefore it is legally taken. Anything that's
37 not legally taken, of course, is going to be dealt with
38 in a different manner. But if the regulation says, take,
39 then it is legally taken.
40

41 CHAIRWOMAN GARZA: To the Council, I have
42 comment cards from two members in the public that would
43 like to address this topic. And so we will take a five
44 minute break and then when we come back we will hear from
45 these two individuals.
46

47 MR. THOMAS: 20 minutes, Madame Chairman.
48

49 CHAIRWOMAN GARZA: Five minutes.
50

00356

1 MR. THOMAS: 20 minutes.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRWOMAN GARZA: Come on, let's sit
8 down and get going, please.

9

10 (Off record)

11

12 (On record)

13

14 CHAIRWOMAN GARZA: Okay, before we start
15 with public comment there was a question from the public
16 and just to let the other Council members know what we
17 did with the last of the proposals, we had four left on
18 the table. Proposal 13 which was to subdivide Game
19 Management Unit 5(A) into, it looks like three divisions
20 was passed as modified so that the subsistence users
21 would be guaranteed, at least, two goats from each of the
22 subdivisions based on Page 130 and that was the
23 recommendation of Bert Adams from Yakutat.

24

25 Proposal 14, to establish a season for
26 moose in Units 1(C) and 1(D) was tabled. It was too
27 confusing and our heads were spinning. So it's possible
28 that it could be removed from the table today.

29

30 Proposal 15, to delete the vehicle
31 registration on trapping marten, mink and weasel on the
32 Chichagof, including northeast Chichagof Controlled Use
33 area, we deferred this proposal until the next regulatory
34 cycle when we take up wildlife issues again and create a
35 committee that Dave Johnson will put together to meet in
36 Hoonah to meet with trappers, Hoonah Indian Association,
37 ADF&G and hopefully come back with a solution.

38

39 I think that was it. So we now are back
40 to customary trade and we have requests from two in the
41 public for public comment and we'll start with Wanda.

42

43 MR. KOOKESH: She's mad, too.

44

45 CHAIRWOMAN GARZA: Floyd said you're mad,
46 too.

47

48 MS. CULP: What did Floyd say?

49

50 MR. KOOKESH: You're mad, too.

00357

1 MS. CULP: Well, I toned it down a bit.

2

3 MR. KOOKESH: Okay.

4

5 MS. CULP: Thank you, Madame Chairman.
6 My name is Wanda Culp. I am a Tlingit of Southeast
7 Alaska of the Eagle*** Clan, Brown Bear, originating from
8 Glacier Bay. I have a homestead in Excursion Inlet and
9 roam between Excursion, Hoonah and Juneau. I have my own
10 business in art and practice customary and traditional
11 lifestyle of my ancestry. I have also fished
12 commercially.

13

14 The following comments are regarding the
15 proposed rule in the Federal Register on customary trade.
16 I find it loaded with contradictions and extreme
17 imbalance regarding time frames, public comments that
18 have been taken into consideration and tribal
19 consultation efforts.

20

21 The Federal Subsistence Board's Task
22 Force on customary trade was established in December 2000
23 and comprised of fishery biologists, anthropologists,
24 enforcement, a solicitor and others. The Task Force met
25 four times in 2001 identifying three types of customary
26 trade. Village. Other than village. And trade and
27 barter to commercial fish businesses. The Federal
28 Subsistence Board distributed the proposal to the
29 Regional Advisory Councils, tribes and public on August
30 30th, 2001 for comment period ending on October 30th,
31 2001. The proposed language was later modified to
32 include a permit system requirement without a notice to
33 the Regional Advisory Councils or tribal governments. On
34 December 12th, 2001 the Federal Subsistence Board met
35 with the Task Force to review comments and develop draft
36 language and six options that further modified this
37 proposal without notice to the Regional Advisory Councils
38 or to tribes.

39

40 Seven of the 10 Regional Advisory
41 Councils provided written comments while three wisely
42 waited until meetings with their tribes. Out of the 227
43 tribes who were mailed the proposed language in August
44 only three responded compared to the heavy input from
45 Alaska Department of Fish and Game, several large sports
46 and commercial fisher organizations and from the Fish and
47 Wildlife Law Enforcement. Final rule is scheduled for
48 June and the rule becomes effective on July 1st, 2002,
49 less than one year from the beginning of the comment
50 period, a wham-bam, whirlwind-type of process to put it

00358

1 lightly.

2

3 I listed contradictions that I'd like to
4 point out. Contradiction No. 1. Using the US
5 Presidential memo dated April 29th, 1994 entitled,
6 Government to Government relations with the Native --
7 with American Tribal Governments is inappropriate unless
8 a well concerted effort is made to actively seek tribal
9 advise and opinion as a guide and reference to Federal
10 Subsistence Board judgment and decisions. Merely mailing
11 out this proposed action to 227 tribal governments is not
12 consultation, it is simply a mail out, not to be confused
13 with actually meeting with customary traders in person or
14 in assembly. The customary and traditional professionals
15 and technical information you seek can be found in the
16 users and in our elders who are the professors who know
17 the history and traditional knowledge needed. It is our
18 ancestors, through observation and experimentation of
19 thousands of generations who developed the fishing
20 methods used today by commercial and sport users.
21 Traditional management of sustained yield methods is
22 still practiced in this new millennium. There is a
23 wealth of unheard information and solutions that must be
24 sought thoroughly before appropriate consultation or
25 collaboration with tribes is accomplished.

26

27 The Federal Subsistence Board time line
28 of less than one year from proposed language to
29 initiation of these rules is not adequate to allow the
30 Regional Advisory Councils to help in the development of
31 this public policy after meeting with affected tribes.
32 It is the Regional Advisory Council's role to help in the
33 development of subsistence policies not a Task Force of
34 scientists without the benefit of a clear concept of
35 traditional management or thinking.

36

37 Contradiction No. 2. These proposed
38 rules as written are not for traditional users protection
39 and cultural right to exist. The current methodology
40 allows both the Federal and State governments to diminish
41 Native due process in the courts which is surely where we
42 will end up with these new rules developed under this
43 ineffective process. The State of Alaska is not in
44 compliance with Title VIII of ANILCA and should not be
45 allowed to have heavier input than the tribal governments
46 involved. It is a big thing to Alaska Natives that the
47 State government is out of compliance with the public
48 policy that protects cultural existence and cultural
49 activities. It is offensive that the State provides
50 subsistence permits for conservation purpose and harvest

00359

1 information when no steps have been made to do the same
2 equally to the rapidly growing commercial sport user
3 group.

4

5 A glance at the comments received from
6 commercial and sport users revealed the total lack of
7 public understanding on the entire topic of cultural
8 existence, much less the protection of such. A lot of
9 people do not understand that customary trade and barter
10 have existed from the beginning of time and is internally
11 regulated within our own selves.

12

13 Customary trade is not a new activity
14 needing to be regulated as some believe. Enough
15 hostility exists from the public misunderstanding that
16 would merit a strong public education effort first and
17 foremost before enacting any regulating customary trade.

18

19 The Federal Subsistence Board should
20 initiate the much needed public education process within
21 and without to help develop understanding and dispel the
22 current hostilities called the urban/rural divide.

23

24 Contradiction No. 3. The proposed rule
25 states that while the exchange of subsistence resources
26 is a customary trade, may involve fish, shellfish or
27 wildlife resources, this proposed rule only covers
28 customary trade of fish resources (emphasis has been
29 added). Yet, Options 1, 2 and 3 include barter as an
30 issue. To include barter in any wording in this proposed
31 rule sends a subliminal message that barter also needs
32 controlling. Either barter is included or it is not, as
33 stated in the original intent of the Federal Subsistence
34 Board.

35

36 Contradiction in terms. The word,
37 subsistence, does not being to describe the indigenous
38 way of life as the term customary and traditional does.
39 There are, however, two categories of subsistence,
40 customary trade and personal use. This needs to be
41 clarified. Customary trade and barter used in
42 traditional activities are methods belonging to
43 preestablished cultures in Alaska. They are not designed
44 or created by non-Native thinking. Nor should the
45 regulating rules be designed by non-Native thinking.

46

47 Personal use is entirely another matter.
48 If both user groups are included in this proposed rule,
49 say so. Right now it looks like only customary and
50 traditional users are to be expected to report and obtain

00360

1 permits on resource usage. The reality is, the non-
2 Native thinking is dominating the rulemaking process, a
3 horrible imbalance.

4

5 The concept of subsistence is a key
6 element of consideration in the Alaska Native Claims
7 Settlement Act and must not be diminished over time by
8 administrative fiat bureaucrats. Subsistence is a human
9 right. It is not a privilege to be granted, taken away
10 or regulated by those who have no concept about customary
11 and traditional use and the mechanics involved over the
12 centuries.

13

14 Alaska Natives must continue to oppose
15 any form of permitting because we have just as much right
16 to access and use of resources, minimal as it is.

17

18 The proposed rule does not include
19 provisions for co-management with the tribes in the
20 gathering of data and management of subsistence
21 activities, including customary trade and traditional
22 knowledge.

23

24 Partnerships with tribal governments on
25 subsistence management is the missing link to a
26 satisfactory and just resolve. The creation of Regional
27 Advisory Committees and increased participation by Alaska
28 Natives and rural residents in decision-making process is
29 progress indeed but does not provide for co-management of
30 customary and traditional users in their -- and their
31 experts.

32

33 Fish and Wildlife Service needs to bring
34 their expertise forward on co-management experience with
35 the Inupiat under the Marine Mammal Protection Act, not
36 just their enforcement input. That agency has a lot to
37 offer in the way of successful co-management with
38 customary and traditional and user groups. Let's hear
39 about it.

40

41 Finally, given the six options offered by
42 the Federal Subsistence Board in the proposed rules,
43 withstanding the fact that we were not given any options,
44 I advocate deferring of a final rule to provide more
45 opportunity for formal consultation and collaboration
46 with all affected tribal governments. The tribal
47 governments, in turn, must have time to meet with their
48 elders and customary and traditional users. Given that
49 it took congress a good 10 years to even enact
50 subsistence protection regulations after the Alaska

00361

1 Native Claims Settlement Act, taking quality time out in
2 addressing customary trade should be acceptable.

3

4 I would like to convey, that the Village
5 of Hoonah is very disappointed that weather canceled the
6 tribal consultation opportunity with the Southeast
7 Regional Advisory Council. I know of at least one elder
8 and several subsistence users who were prepared to speak
9 to this body. I will be glad to answer any questions you
10 may have on what I present here.

11

12 I would like to receive a response an
13 courtesy of time and money it took to deliver this
14 message in person to Juneau. I appreciate being heard
15 and thank you very much.

16

17 And this correspondence is addressed to
18 the Regional Advisory Council to go through the capable
19 hands of the Southeast Council so I'd like to present it
20 to you if that's okay.

21

22 MR. THOMAS: Madame, Mr. Schroeder.

23

24 CHAIRWOMAN GARZA: Okay, are there
25 questions for Wanda?

26

27 MS. PHILLIPS: Madame Chair.

28

29 CHAIRWOMAN GARZA: Patricia.

30

31 MS. PHILLIPS: Thank you, Wanda, for that
32 very moving statement, I'm very touched.

33

34 MS. CULP: Thank you, too.

35

36 CHAIRWOMAN GARZA: Floyd.

37

38 MR. KOOKESH: So did I gather from
39 listening that the proper forum that we should be doing
40 this in is with the tribal governments first before we
41 sit here as a body and make a decision on their behalf?

42

43 MS. CULP: I do believe that the tribal
44 governments should be in the forefront on this one and
45 they, in turn, will meet with their customary and
46 traditional users and get the information from the elders
47 and the users that would help develop some regulations or
48 guidelines that we can live with and that won't put us in
49 the court system.

50

00362

1 CHAIRWOMAN GARZA: That was done on
2 Prince of Wales. Bill.

3
4 MR. THOMAS: I don't know if it's
5 expected that the Council be involved in the co-
6 management -- or government to government with the tribes
7 as much as we would be with appropriate agencies that are
8 in direct management. So that will need to be defined.

9
10 But the tribes have really been
11 reluctant. They're trickling in here a little at a time.
12 We've been here three days and they're on the process for
13 comment and God Bless you, you're the only faithful on
14 here. I seen the liaison from the Forest Service come
15 in; is he still here.

16
17 CHAIRWOMAN GARZA: He had to make a phone
18 call.

19
20 MR. THOMAS: No, I don't need to see him,
21 I was just acknowledging him. I've seen enough of him.
22 But anyway, I know that the tribal governments have many
23 forms during the course of the year. They have many
24 people that talk among themselves. Personally, I'm not
25 involved in tribal affairs, there's too many Indians in
26 there for me. But they do need to involve themselves in
27 some process, either this one or the one that's
28 disappearing, you know. But that's a good mention, it's
29 on our record but they need to move. If their interest
30 is really here, they need to come with substance instead
31 of whining. So if you got a message to take to anybody,
32 take them that one.

33
34 Thank you.

35
36 MS. CULP: I appreciate your comments and
37 totally agree that the tribal governments need to become
38 more involved. One of the problems I see with them is
39 the dissemination of information. Once they get it
40 disseminating it to other people. I was fortunate enough
41 to have my brother, Bob, give me the information that was
42 needed or I certainly wouldn't even have had a clue about
43 this. And I think that's so with a lot of the users.
44 Like Floyd was saying here, most people don't even know
45 this is happening. And when I called up the Hoonah
46 Indian Association, week before last, asking for specific
47 information about this, the August 30th mailout, they
48 didn't have it. But we did recently have experienced a
49 changing of the guard with our chairmanship, so that
50 might be the problem there. But these are the type of

00363

1 problems that we deal with. We don't know that these
2 things are evening happening.

3

4 So by having the tribal involvement and
5 then the tribes having to deal with their own people
6 maybe this will be the time to start communicating.
7 Because not only are there not enough Indians there's
8 just too many chiefs.

9

10 MR. THOMAS: I got a follow up.

11

12 CHAIRWOMAN GARZA: Floyd.

13

14 MR. THOMAS: It's just.....

15

16 CHAIRWOMAN GARZA: Floyd was next. Floyd
17 was next.

18

19 MR. THOMAS: It's urgent.

20

21 CHAIRWOMAN GARZA: Are you yielding to
22 him?

23

24 MR. KOOKESH: I'm yielding to Bill.

25

26 MR. THOMAS: Yield. Yield to your
27 elders.

28

29 MR. KOOKESH: The honorable chair.

30

31 MR. THOMAS: The thing about that is when
32 the tribes do get together and they come to these forums,
33 they need to come to participate, to contribute. We're
34 not babysitters, we're not referees. We don't want them
35 bringing their laundry hamper with them and they expect
36 to go home with clean clothes. We want them to come out
37 here with something of substance.

38

39 So thank you, again.

40

41 CHAIRWOMAN GARZA: Floyd.

42

43 MR. KOOKESH: Mr. Chairman, or Madame
44 Chair, excuse me. One of the items I had put on to
45 discuss, some topics, was going to come at the end of the
46 meeting but I'd like to bring it up now.

47

48 Is I had a gentleman in Angoon, he's an
49 elderly gentleman, older than you.

50

00364

1 MR. THOMAS: Oh.

2

3 MR. KOOKESH: And he wanted to be able to
4 attend these meetings that we have here and he's not able
5 to because, financially it places a burden on him. And
6 he said, is there some system that they could put in
7 place where the people in the communities could be able
8 to listen telephonically or some communication system
9 that way we can -- we won't have an excuse, you know, I
10 mean, I know it's a financial thing for them to find out
11 that we're going to Yakutat. How many of them can afford
12 to go to Yakutat and how many can afford to go down to
13 Hoonah. My request is it just enlightens people and does
14 make this process more clear for the tribes and they'll
15 be able to provide greater input at that time. And that
16 was one of the requests that I was going to bring up
17 later on as we were closing, in our remarks.

18

19 CHAIRWOMAN GARZA: Mary.

20

21 MS. RUDOLPH: I'd like to thank Wanda for
22 her presentation. I know she was worried about
23 presenting it here and I was worried about her not making
24 it in because she had sounded out the alarm of what we're
25 discussing right now and there was a lot of concerned
26 people there in Hoonah that were wanting to voice their
27 opinion.

28

29 But like she said, we do have a changing
30 of the guards. I'm in subsistence and fortunate enough
31 to have Wanda in my committee so she keeps us moving and
32 rolling. And one of the things she's really been an
33 advocate on is what we're discussing today.

34

35 There is a lot of concerns, I think, in
36 the rural village because of what's happening to us
37 today. We heard Senator Elton talk about all the
38 cutbacks and how it's going to affect us in the rural
39 village. I mean this is a big statement. In the rural
40 village we are there, but when anyone speaks of the rural
41 village it's always like we can't hear or we can't talk
42 or we don't know how to speak English so we don't really
43 have a voice to say what we need to say about the
44 concerns we have. So to have him hear this morning and
45 listen to us, I think, is really important. I wish we
46 had kind of got into this also.

47

48 But I want to thank her for her work and
49 making it in. And I think because of what we're doing
50 now, I think is going to be a real active role for the

00365

1 HIA to get involved with.

2

3 Thank you.

4

5 CHAIRWOMAN GARZA: Thank you, Mary.

6

7 MR. MARTIN: Madame Chair.

8

9 CHAIRWOMAN GARZA: Harold.

10

11 MR. MARTIN: Thank you, Madame Chair.

12 Wanda, I appreciate your presentation. I thought it was
13 very well researched and very well thought out. I agree
14 with you that we should be in consultation with the
15 tribal governments and Native communities. I stated that
16 before, even though the majority of the villages in
17 Southeast are Tlingit villages, our customs are different
18 from village to village. We do things a little bit
19 different.

20

21 I can almost guarantee that most of these
22 villages will take out the cash value on sale of
23 subsistence.

24

25 MS. CULP: Thanks, Harold, for bringing
26 up the differences within our own region here. When one
27 looks at the traditional usage areas of all the families
28 throughout Southeast Alaska, you see definite boundaries
29 and we certainly each manage our own traditional use
30 areas in our own manner. So there is a lot of
31 differences that need to be considered, which I think
32 makes it very important for the tribes to be involved on
33 this.

34

35 A couple of years I had looked into the
36 consultation and collaboration efforts that the President
37 intended in 1994 and there was an effort to work with the
38 various Federal agencies in collaborating with the tribes
39 in a very effective manner, not just a scratch in the
40 surface so to speak. And I did sense some resistance,
41 especially from the Park Service. But there is a lot of
42 room in this area to improve communications, just that
43 alone will open up collaboration and consultation with
44 each other. But the missing link is the tribes,
45 certainly they do need more involved and alert as to
46 what's happening because things are moving so fast. And
47 it all effects us so directly.

48

49 CHAIRWOMAN GARZA: Thank you, Wanda. We
50 are going to be losing two Council members after lunch so

00366

1 we need to keep moving along. So Mr. Wright, if you're
2 ready.

3

4 MR. WRIGHT: Good morning. My name is (In
5 Tlingit) I am Tlingit. I'm from Hoonah. My dad is (In
6 Tlingit). I'm glad you guys moved this customary and
7 traditional issue up a big because I was getting a little
8 concerned I was going to be running into tonight and have
9 to be here tonight again when there's going to be a
10 customary and traditional dinner, and that is the 12th
11 anniversary that is being put on in Hoonah by the Hoonah
12 School kids and the eagles are putting that on.

13

14 One of the things that I'd like to
15 express a concern about is I, as a Tlingit person, was a
16 little worried about how another regulation is going to
17 become -- is going to be put before us that for some
18 reason it seems like we always end up having to be
19 regulated, how to be told how to be a Tlingit. And one
20 year when the subsistence issue came up, a guy came from
21 the State, he was in Hoonah talking to me and he said --
22 we were talking about subsistence and I said, oh, that's
23 a simple issue. He looked at me and laughed and I
24 thought he was joking. To me, the subsistence issue was
25 an idea in my mind that it was natural, it's an inherent
26 right. God gave me that right. And so then I started
27 moving over to customary and traditional and I said, oh,
28 that's pretty simple that's me again, me as a Tlingit
29 person. All of a sudden now it's turning into be an
30 issue where I'm going to be told how to do it. And I
31 feel kind of offended by that because I don't want to be
32 told to be a Tlingit and I don't want to be told how to
33 live as a person that is a different ethnic group for a
34 lot of the people.

35

36 There's a reason why I look like the way
37 I am. There's a reason why I practice my traditional way
38 of life, is because of the natural foods and things that
39 come of the beach and come out of the woods. And I will
40 say I'm brown because I'm Tlingit. I'm brown because of
41 the food. I'm brown because of everything that I use off
42 this land. And I wonder where it's going to stop for us
43 being a regulated person -- a regulated people,
44 especially Native people of Alaska.

45

46 I know that, you know, things have to
47 change in order for us to make sure that resources are
48 held to good standards. But when I get regulated then it
49 kind of becomes personal to me and I don't like that
50 idea.

00367

1 ANILCA was put there to help our
2 communities so that if there was subsistence issues that
3 the community was -- whether it was Native or non-Native,
4 that it would be to help out the communities. And no
5 disrespect to the non-Natives that do subsist but there's
6 a difference between them and me. There is a major
7 difference between them and me. It is an issue that I
8 try to keep from hurting people's feelings but it's an
9 issue that we have to look at as a people.

10

11 I mean my community of Hoonah, are very
12 proud of who they are as well as all the rest of the
13 communities that you guys represent. But regulation is
14 -- I really have a hard time with it.

15

16 The Hoonah Indian Association, we had
17 gotten this information and we had a committee meeting
18 probably about a week ago and we went over some of the
19 stuff and we felt we would come back after this meeting
20 and hear what you had to say and then the Hoonah Indian
21 Association would come out with an official statement.
22 And if people are wondering who the changing of the guard
23 is, I'm the new guard, I'm the president of Hoonah Indian
24 Association and I sure appreciate the people that have
25 the confidence in me to put me here. And I'm here to
26 speak on behalf of our Tlingit people in Hoonah.

27

28 Thank you. Any questions.

29

30 MR. THOMAS: Congratulations on your
31 election.

32

33 (Applause)

34

35 CHAIRWOMAN GARZA: Thank you, Mr. Wright.
36 We very much appreciate having you here as a
37 representative of your tribal community. And as stated
38 earlier, we always appreciate when that happens. Sitka
39 tribe generally is at the table with us. And as Wanda
40 had stated earlier, that the majority of the comments are
41 not coming from rural Alaska, they're not coming from
42 tribal Alaska so you do need to get those public comments
43 in and we, as a Council, need to contact our communities
44 and our IRAs and make sure that they submit comments
45 because this is a very political issue. We may think
46 that whatever we decide on today is it, but it's not.

47

48 It's in proposed rule. Anybody can
49 submit any kind of comments for or against it and that is
50 what will go to the Federal Subsistence Board for final

00368

1 decision. So it's one of those things where I know I've
2 seen lots of emails go out on different issues and I
3 think this is one of them, where we need to get the word
4 out to everyone that we can, even if you think that the
5 Regional Council is representing your interests, you
6 still need to write individually. I intend to write
7 individually because I think that what I have to say is a
8 bit different than what the Council. But I also think
9 that the more that's written from the rural perspective
10 the better off we'll be.

11

12 So were there questions? Mary.

13

14 MS. RUDOLPH: I would like to thank our
15 president for making it in. He's crab fishing but he
16 took off from his crabbing to come to speak to this
17 group. So like he said, it is a changing of the guard
18 where before we were not given the information we needed
19 to respond to different things and now with the direction
20 from our Chairperson, the information is going to be
21 coming out to us more. And I feel a lot more confident
22 with Hoonah being represented other than me because
23 that's been going on for quite a few years, and to see
24 two that are at this meeting gives us a little more
25 strength in going back and giving a report when we get
26 back to Hoonah.

27

28 Again, thank you, Frank.

29

30 CHAIRWOMAN GARZA: Bert.

31

32 MR. ADAMS: Wait your turn Marilyn.
33 Frank, congratulations on your election to the tribal
34 council. That is an awesome task and I wish you the best.

35

36

37 You know, I really think that it is
38 necessary for not only just tribal governments but local
39 governments, you know, to participate in this process.
40 And, you know, ANILCA says that we must serve the
41 purposes of both Native and non-Native. It's pretty
42 clear in that regard. And, you know, I think as a
43 Council, that's the concepts or sort of the way that we
44 have to look at these things.

45

46 But I really appreciated Wanda's comments
47 on the participation of tribal governments but we also
48 need to include the local governments as well. And we
49 need to really emphasize that quite a bit. A little
50 while ago I mentioned that I was a strong State advocate.

00369

1 Well, even more so than that I am more local control
2 advocate. And if we, as a people, in our communities can
3 participate in this process then I think we will have a
4 better chance of getting the things that we want rather
5 than having someone else from the top, you know, bring
6 regulations to us.

7

8 In 1934 the Indian Reorganization Act
9 came into being and there's a man by the name of Felix
10 Cohen who is an expert in Indian law who wrote this. And
11 it emphasizes, you know, a thing that I think that we all
12 want to do but aren't doing it because we feel
13 overwhelmed by the things that are happening to us now;
14 he said, not all who speak of self-government mean the
15 same thing by the term, therefore, let me say, at the
16 outset that by self-government, I mean that form of
17 government in which decisions are made, not by the people
18 who are wisest, who are ablest or closest to some throne
19 in Washington or in Heaven, but rather by the people who
20 are most directly effected by the decisions. And that
21 means you and me and the people in our community need to
22 take up the arms of responsibility and make sure that we
23 get things that we want in our communities and our
24 villages, you know, done in the right manner. And it
25 doesn't come from the top down, it comes from us. And we
26 need to be more stronger advocates of that concept.

27

28 Thank you Hoonah for being here today.
29 Do we still have an invitation to come over there?

30

31 MR. WRIGHT: Whenever you can, please
32 come.

33

34 MR. ADAMS: Thank you.

35

36 CHAIRWOMAN GARZA: Marilyn.

37

38 MS. WILSON: Madame Chair. Frank, first
39 of all, I'd like to say thank you for myself and I know
40 our Council is glad that you and Wanda came to testify
41 because it's really important to hear the voice of our
42 people and our villages and our cities and our rural
43 communities which we are representing.

44

45 I would like to see your testimony be
46 forwarded, along with Wanda's to the Federal Subsistence
47 Board to have your voice heard also. So this is what I
48 would like our Council. I so move, if it's possible.

49

50 MR. STOKES: I'll second it.

00370

1 MR. THOMAS: It's in the transcript.

2

3 MS. WILSON: The transcript, if there's
4 no objection.

5

6 CHAIRWOMAN GARZA: There's no objection.

7 The transcript will go forward. (ATTACHED)

8

9 MR. THOMAS: Yes.

10

11 CHAIRWOMAN GARZA: From these two
12 presenters.

13

14 MR. THOMAS: Yes.

15

16 CHAIRWOMAN GARZA: Thank you. Okay, I'm
17 not trying to push things along but we are going to lose
18 two Council members and we do need to actually make a
19 decision, you guys. So are there other questions or
20 comments to President Wright?

21

22 Okay, thank you.

23

24 MR. THOMAS: Thank you.

25

26 MR. WRIGHT: I thank you for listening to
27 the community of Hoonah and we'll certainly get in an
28 official statement of Hoonah Indian Association and we'll
29 see if we can get the city of Hoonah to participate, too.

30

31 Thank you.

32

33 CHAIRWOMAN GARZA: Thank you. We also
34 need to hear from agencies. I understand there's some
35 interest from the State agency to make comments in terms
36 of customary trade. But before we have someone come up,
37 if someone is coming up, we need to have an idea of how
38 long we think we're going to take to come to a decision
39 so we can tell the State how much time they can have.

40

41 Is there anyone from the State.

42

43 MS. SEE: Madame Chair and Council
44 members, thank you. And in the interest of helping you
45 stick to your time constraints today, I'll be very, very
46 brief. I'm the assistant director for the Division of
47 Subsistence at Fish and Game based in Anchorage. And I
48 wanted to note that we are developing formal comments
49 from the agency to submit by the deadline of April 30th.

50

00371

1 This morning we just wanted to note that
2 in the course of doing that we want to really hear and
3 consider all the comments that come from around the state
4 from all the Regional Councils and from subsistence uses
5 and other public concerns that come to light as this
6 topic is debated. We really want to understand the
7 public issues as they are fully developed through these
8 discussions.

9
10 We've previously commented on the
11 previous draft and we've noted several points. I won't
12 reiterate all of that, that's on the record. We do have
13 thoughts about the fact that we've heard many, many
14 concerns about the dollar amount concepts and we, too,
15 share some of those concerns. We think that based on the
16 way that subsistence happens that amounts of resource are
17 probably going to be a lot more relevant than dollar
18 values and we've certainly heard this concern many
19 places.

20
21 We also note that the language that is
22 chosen really needs to do several things. It needs to
23 help protect the resources, themselves, to help prevent
24 abuse of the harvest opportunities and ultimately protect
25 subsistence harvest opportunities for subsistence users.
26 The challenge is making that language flexible enough to
27 allow for the kinds of regional and resource specific
28 circumstances which have been mentioned here and have
29 been mentioned in all the other RAC meetings that I've
30 heard about as well. So we would just note that we will
31 try to balance those concerns in our comments and very
32 much wanted to reflect all the comments from all the
33 effected public.

34
35 Thank you.

36
37 CHAIRWOMAN GARZA: Thank you very much.
38 Are there questions? Marilyn.

39
40 MS. WILSON: I heard the word, abuse, it
41 seems like every time we have the word subsistence
42 there's abuse in there but there's never abuse for other
43 user groups. I would like to ask you why that's always
44 put in there? I feel offended.

45
46 MS. SEE: Oh, we certainly have no intent
47 to offend anyone here. We consider there's abuse
48 potential for any user category of any natural resource
49 and we look at regulatory languages and opportunity to
50 help protect the resource and to make sure the users of

00372

1 all categories have the opportunities that they would
2 like to have as a balance and we certainly think that the
3 potential for abuse of the resource exists from any kind
4 of use and we certainly don't want to see that happen.

5

6 Any other questions?

7

8 CHAIRWOMAN GARZA: Mr. Thomas.

9

10 MR. THOMAS: Yeah, with regard to abuse.
11 We all pretty much share Marilyn's concern around this.
12 If every eligible user abused everything they harvested
13 in the view of management, that, by comparison to other
14 user groups, wouldn't even make a mark on the graph. And
15 at the same time, we seem to be getting more attention
16 and more focus and more reminders of potential abuse of
17 subsistence.

18

19 The reason that this process is in place
20 is because of a combination of poor management and abuse.
21 And the cow's already out of the gate. And even if we
22 did that, we would be hard pressed to get any
23 recognition, just trying to be recognized for something,
24 anything. So Marilyn's comments are very appropriate. I
25 go to every meeting and this comes up and it comes up
26 with a lot of emphasis.

27

28 So I'm not blaming you, I'm not blaming
29 anybody. It's just some of the language. It's the only
30 language that isn't ambiguous coming from management.

31

32 Thank you.

33

34 CHAIRWOMAN GARZA: Thank you.

35

36 MS. SEE: Thank you.

37

38 CHAIRWOMAN GARZA: Okay, we have a
39 request for a public comment from John Martin, Sr. And
40 for the record, please state your name and it looks like
41 you're representing ANB, if you could state that also.

42

43 MR. MARTIN: Right. First of all, thank
44 you, Chairman, thank you Board of Federal Subsistence for
45 giving me a few minutes to share my thoughts as a Tlingit
46 individual. On behalf of the Alaska Native Brotherhood
47 Camp 70, I was authorized to make a statement this
48 morning from our camp president, Marvin Adams.

49

50 My English name is John Martin, Sr. In

00373

1 Tlingit, I have three Tlingit names. The name I was born
2 with is (Tlingit), it means the raven when he's opening
3 up the egg his beak comes out first from the egg and thus
4 he comes into the world. And then my second name was
5 from my grandfather, Lonnie Houston, is name is
6 (Tlingit), that means the authentic raven's nest. And
7 then when I became a house leader, I understood the
8 responsibility from Charles Schaff, Sr., and he was the
9 house leader of the Sockeye House (Tlingit), and his name
10 was (Tlingit) and it's a name that means the waters of
11 our shores of the Tlingit land and (Tlingit).
12

13 I don't want to take a whole lot of time
14 but I think the most important thing that I could
15 actually share with the board on behalf of our people is
16 that long before the coming of the visitors, the
17 explorers, the missionaries, our people were notorious of
18 sharing of our food with other nations, the Athabascans
19 from the interior all the way down to California. And I
20 understand, and even some of our men folks that were
21 doing the trading actually has been documented that have
22 settled in McCaw and Quinalt and all the way into Alert
23 Bay. But I do know that there are some edible foods that
24 are actually not available in other parts of Alaska. So
25 consequently there was really a need to actually share
26 those foods with us and, we, in turn, with them.
27

28 An example is when I was still fishing as
29 a seiner, my dad and our folks used to take strawberries,
30 seal grease and these kinds of things to Hydaburg because
31 we had some friends in Hydaburg and they, in turn, shared
32 their Hyda food with us. And also the same with Alert
33 Bay. But prior to that when I was growing up in Glacier
34 Bay, we actually smoked mountain goat meat and also seal
35 meat and put them in seal oil and we brought it to the
36 community, to the village of Hoonah. And it wasn't only
37 my dad but there were a lot of people that were in
38 Glacier Bay that were doing these kind of traditional
39 foods that some of our elders couldn't go to Glacier Bay
40 anymore and so this is the way of our people.
41

42 In the early year from Lituya Bay, the
43 (Tlingit) was probably one of the largest Tlingit Raven
44 work force. We had over 13 clan houses in Hoonah, which
45 demonstrates that our people actually -- you know, I hate
46 to say this but I think I'm kind of bragging because I
47 think the (Tlingit) Ravens were pretty amorous but
48 nevertheless, they were good people. They were not only
49 good traders, I think they set a standard for a lot of
50 our people.

00374

1 But in closing remarks, I'm not trying to
2 coerce from the point of the Tlingit people or indigenous
3 people, but there are some thoughts that we could us as a
4 guide of our entitlement to our subsistence use. And
5 please read this document and be sensitive to our
6 comments in relationship to what our people are all about
7 to stay alive. I know our issue goes back somewhere
8 around 10,000 years. And I think it wasn't just clean
9 living, I think we owed it to the kinds of food that we
10 had and so that is actually what prompted me to at least
11 come and make a statement to our Federal Board.

12

13 And again, I want to thank you, Chairman,
14 for allowing me to just drop in on you to say hello and
15 say something on behalf of our people.

16

17 Thank you very much.

18

19 CHAIRWOMAN GARZA: Thank you, Mr. Martin.
20 Could you say there for a second -- Mr. Martin, could you
21 -- okay. I'd like to make one comment and then I think
22 there may be other questions.

23

24 I very much appreciate your presence at
25 this meeting and I do appreciate all of the public
26 comments that we've received on customary trade. I don't
27 think you heard me say this earlier, but it would be very
28 good if ANB Camp 10 and even ANB Grand Camp could submit
29 their concerns in writing to the Federal Subsistence
30 Board by the April 30th deadline. While your comments
31 are important to us in our deliberations, because there
32 appears to be a massive writing campaign regarding
33 customary trade it's going to be very important that we
34 get written comments from rural Alaska and from Native
35 Alaska. So I hope you will take that back to your
36 president as well as to other ANB camps if possible.

37

38 MR. MARTIN: You can be assured that's
39 exactly what I'll do. Thank you very much.

40

41 CHAIRWOMAN GARZA: Questions. Bert.

42

43 MR. ADAMS: Thank you for your testimony,
44 appreciate it. I just wanted to make a comment here
45 because I look at it from this perspective. We can go
46 down to downtown Juneau here and we can see all kinds of
47 various kinds of food that we can partake of, there's
48 Chinese food, there's Oriental food, there's Italian
49 food, there's -- you know, you go down there and you can
50 almost pick out, you know, what types of foods, you know

00375

1 are available to us. And we, as a Native people, you
2 know, believe should be entitled the same opportunities
3 and the same rights. And so I just wanted you to know
4 that's where I'm coming from when I listen to people like
5 you and deliberate on these issues.

6
7 So thank you for being here. Thank you
8 for coming.

9
10 MR. MARTIN: Thank you.

11
12 MR. MARTIN: Madame Chair.

13
14 CHAIRWOMAN GARZA: Harold and then Dick.

15
16 MR. MARTIN: Thank you. John, I thank
17 you for your comments. John is my brother, tribal
18 brother.

19
20 John, I just wanted to clarify one thing.
21 We are not a Federal Board we are an advisory council, we
22 do make strong recommendations to the Federal Subsistence
23 Board.

24
25 MR. MARTIN: Thank you very much.

26
27 CHAIRWOMAN GARZA: Dick.

28
29 MR. STOKES: I, too, wanted to thank you
30 John. Because I was born into a subsistence way of life
31 also and I know what you mean. Instead of going out in
32 the woods or out on the beach or out in the water, you go
33 down to the city market or Benjamins Store.

34
35 Thank you.

36
37 CHAIRWOMAN GARZA: Bill.

38
39 MR. THOMAS: Thank you, John. That was
40 an excellent presentation, as always. I've always
41 appreciated your skills in delivering messages. They
42 have substance. They're representative. And they're an
43 important part of what we need to know.

44
45 The thing I wanted to acknowledge is your
46 presence here. We need more people from the public to be
47 at these meetings. Granted, this is our new version of
48 Hoonah. Everything here was scheduled to be in Hoonah.
49 And we just weren't able to get there. Hoonah got here
50 but we couldn't get to Hoonah. But that's a horse of a

00376

1 different color. It was just not possible to carry out
2 or Plan B. But in your circle of contacts throughout the
3 community you might encourage the people you know to be
4 in touch with this process. And a good way to do that is
5 to send correspondence to Rob Schroeder. His office is
6 here in Juneau and he distributes that to the region, to
7 us guys and to people at the Federal Subsistence Board.
8 And then, in turn, different agencies get that
9 information and that gives us more to work from.

10

11 Up to this point we've been just mashing
12 the same potatoes over again and we still go mashed
13 potatoes. So thank you for your presentation and we're
14 glad to see you.

15

16 MR. MARTIN: You know, my closing
17 remarks, when I first attended school I couldn't speak a
18 stitch of English and I'm not very good at that either
19 right now but I'm trying every day. You know, everybody
20 in school was talking about Dick and Jane, you know, and
21 I wondered what clan they belonged to. But, you know,
22 the elders used to coddle me with their words and as I
23 grew older, one of the remarks they used to tell me and
24 it's embedded in my mind (Tlingit). What they're saying,
25 you know, you know, we're not going to be around always
26 for you. But you know there'll come a time when you use
27 our language and our tradition (Tlingit). There'll come
28 a time when you'll have to make statements in public on
29 behalf of your people.

30

31 So today I want to thank you for giving
32 me that chance. And when I was asked this morning, John,
33 would you just say something, make a remark or whatever,
34 just be visible. And so then I thought about the
35 resolution that was passed through two years ago. So I
36 didn't know if I was going to be able to make a statement
37 but I really want to thank you this morning for the few
38 minutes that you allowed me on behalf of the Tlingit
39 people.

40

41 Thank you.

42

43 CHAIRWOMAN GARZA: Marilyn.

44

45 MS. WILSON: I would like to see John
46 Martin's remarks from his person, from himself, also be
47 sent to the Federal Board along with ANB and ANS Grand
48 Camp resolution proposed by the Glacier Valley Camp.
49 (ATTACHED)

50

00377

1 CHAIRWOMAN GARZA: Salena said it's done.
2 Okay, so we have a proposed rule on Page 5.

3
4 MR. LITTLEFIELD: Madame Chair.

5
6 CHAIRWOMAN GARZA: Mr. Littlefield.

7
8 MR. LITTLEFIELD: Thank you, Madame
9 Chair. I think I need to clarify for the State, the
10 public, for the Council what we're doing here. The
11 Southeast Alaska Regional Advisory Committee is going to
12 make a recommendation to the Federal Subsistence Board,
13 which has the authority for carrying out the Federal
14 Subsistence Management Program on lands -- Federal public
15 lands. And those lands are delineated in Section 3 of
16 the regulations if you want to look at them. And, for
17 Southeast, it is the Tongass excluding the marine waters.
18 And when we talk about whether it was my recommendation
19 of customary trade or the two, 11 and 12, which are in
20 here, they have -- all three of them have legally taken
21 under Federal Subsistence Management regulations. I want
22 to explain exactly what that means at this time.

23
24 If you'll look in your brown book for
25 fish on Page 52, starting on Page 52, these are the total
26 amounts of fish that are under our jurisdiction which
27 could be sold under customary trade at this time. There
28 are only about 11 of them. For Redoubt SERAC went on
29 record recommending a 25 fish annual limit and we'll
30 discuss that later. Right now you can sell 10 a day
31 there. I'm talking about maximum quantities of abuse,
32 by-catch, whatever you want to call it. 40 cohos
33 southeast-wide for all the coho streams are all this
34 applies to. Two steelheads on Prince of Wales Island.
35 Exception on coho is 3(A), 3(B) and 3(C) where you could
36 sell 20 a day. Salmon Bay, Virginia Lake and Toms Creek,
37 you could sell either or 40 sockeye total annually.
38 Pillar Bay you could sell 15. On Baranold Lake,
39 Hasselburg, Mirror Lake and Virginia Lake, you could sell
40 10 Dollys or six cutthroat a day. This is all we're
41 talking about that we have jurisdiction on.

42
43 We do not have jurisdiction over all of
44 these other things and worries that everybody has. And
45 so, therefore, I think the definition that we accepted in
46 Yakutat is the proper one for our authority. And I guess
47 I just needed to give some background that everybody
48 thinks that we're going to be stepping out into the
49 middle of the ocean. That is not where we have
50 jurisdiction at the present time. I will say, however,

00378

1 this Council has gone on record as supporting that, that
2 we have jurisdiction within the exterior boundaries of
3 the Tongass National Forest. But as the regulation are
4 presently written and we have to operate within that,
5 we're bureaucrats, somebody called us that yesterday and
6 unfortunately that's what we're trying to so wade our way
7 through this. And so that's the extent of what legally
8 taken under Federal Subsistence Management regulations
9 means.

10

11 Each community and you can see that many
12 of these came from various communities of Wrangell and
13 Kake as well as Prince of Wales, the Game Management 3 --
14 or Fishing Unit 3 and that's how they would come before
15 us, and those are the only things that we're talking
16 about. We're not talking about selling hundreds of king
17 salmons, hundreds of cohos or sockeyes, we're only
18 talking about this. So it's a clarification.

19

20 Thank you.

21

22 CHAIRWOMAN GARZA: Mr. Thomas.

23

24 MR. THOMAS: Yeah, I have a question for
25 Pete. If we don't do something with significant
26 commercial enterprise, we're never going to make any
27 headway. We'll never come up with a definition that
28 anybody will be happy with that.

29

30 Would there be any benefit in an attempt
31 from this region to use a different expression than that?
32 To replace it for purposes of review because that
33 significant is just not a workable word. And when we
34 came out of Yakutat last year our recommendation was that
35 it not enter the commercial market. And a commercial
36 market is a lot easier to identify and define than a
37 significant commercial enterprise.

38

39 MR. PROBASCO: Madame Chair, Mr. Thomas,
40 I think you articulated really well -- however --
41 whatever term we use we got to make sure we don't get
42 into the same trap as we do with significant commercial
43 enterprise. And our legal advisors have stated to other
44 Councils as well as the Board, that the language that's
45 being adopted as related to halibut, where they say it
46 cannot enter commerce which is can't enter into the
47 commercial market at any point is a definable and
48 enforceable term. Madame Chair.

49

50 CHAIRWOMAN GARZA: Thank you, Pete. So I

00379

1 think our need here is to make comments on what is on
2 Page 5. We can make motions to accept it. We can make
3 motions to substitute alternate language. We can make
4 motions to amend the language but we have to do
5 something.

6

7 Marty.

8

9 MR. MEYERS: Yeah, I'd like to bring out
10 one point. One of the reasons why that significant
11 commercial enterprise is still in the language is to
12 extend the process for review. I do not believe it's the
13 intent of the Board to leave the language there. Because
14 the intent of this whole process in the first place was
15 to get rid of it. And by getting rid of it and throwing
16 it out to all the Councils, throwing it out to everybody
17 to get involved, to tell the Board what it is that would
18 replace that verbiage in the law. And so by this
19 process, we were hoping to get some sort of answers. But
20 if it means to leave it wide open and have it unlimited,
21 well, if that's what everybody wants I guess that's what
22 it means.

23

24 Again, I believe the reason it was put in
25 there in the first place was to prevent the sales to get
26 beyond the concept of what subsistence is all about. So
27 keep in mind that what's in there now is put in there for
28 12 just to carry this one so everybody can still get
29 their input in and make the appropriate changes that need
30 to be in there to get rid of that in the first place.

31

32 Thank you.

33

34 CHAIRWOMAN GARZA: So let me ask you a
35 question, Marty. The issue of doesn't enter commerce, is
36 that addressed under 13? The next paragraph down.

37

38 MR. MEYERS: Pete might bring this out
39 better, but I think 13 is more specific into the kinds of
40 -- particular kind of commerce, specifically the fishery
41 businesses.

42

43 MR. PROBASCO: Madame Chair, that is
44 indeed correct. 13 only deals with one segment of the
45 commercial arena and that's dealing with fishery
46 businesses. Madame Chair.

47

48 CHAIRWOMAN GARZA: But it was also
49 brought up at those ad hoc meetings that in order to buy
50 fish you have to hold a fishery license so that would

00380

1 cover anybody who is buying fish.

2

3 MR. PROBASCO: Madame Chair, the majority
4 of the circumstances in the sale of fish would be covered
5 but not in all circumstances. You would still have
6 various avenues that were pointed out that you said in
7 the committee, for example, depending on how the
8 restaurants buy fish, they don't necessarily have to have
9 a fishery business license. The issue of mail order
10 catalogs do not have to have fishery business licenses.

11

12 CHAIRWOMAN GARZA: But that restaurant
13 and that mail order company has to buy it from someone
14 who has a fishery business license.

15

16 MR. PROBASCO: Madame Chair, that is
17 where the grey area is. If you're talking about in the
18 commercial arena, that indeed is correct, but in the
19 subsistence arena, subsistence fishermen call under
20 different regulations and criteria in the sale of their
21 fish and that's what we're trying to resolve here.

22 Madame Chair.

23

24 CHAIRWOMAN GARZA: But this whole thing
25 was brought up, it was my understanding because someone
26 was selling to Cabala. Cabala should have never bought
27 that fish except from somebody with a fishery license.
28 And so if we wanted to look at dealing with that specific
29 issue, all we need is number 13 here.

30

31 MR. PROBASCO: To deal with fishery
32 businesses, that is indeed correct, Madame Chair.
33 However, it still doesn't get at all commercial avenues.
34 There still is that opportunity for restaurants to
35 purchase fish -- they can purchase fish from commercial
36 fishermen without a fishery business license and a
37 commercial fisherman doesn't need a fishery business to
38 make that sale. Madame Chair.

39

40 CHAIRWOMAN GARZA: Floyd.

41

42 MR. KOOKESH: Can someone enlighten me on
43 this Cabala? What, someone is buying closed or what?

44

45 MR. LITTLEFIELD: You don't want to hear
46 who that was.

47

48 MR. PROBASCO: Madame Chair, every time
49 the Cabala's issue comes up I cringe because I know the
50 background of that and that, indeed is a legal purchase.

00381

1 It's a purchase that occurs out of a fish processor in
2 Fairbanks that's processed the fish and Cabala's sells
3 them as Yukon strips, that kind of product. It was
4 brought to the attention that that is a potential arena
5 where abuse could occur in subsistence. But that
6 specific case, as they looked into it it was a legal
7 transaction. Madame Chair.

8

9 CHAIRWOMAN GARZA: Okay, back to the
10 fishermen. It's my understanding that if a fisherman
11 alters his fish, heads, guts, fillets then he has to have
12 a fisheries license.

13

14 MR. PROBASCO: Madame Chair, now you're
15 getting into the arena. That is correct, if you start a
16 processed product then you have to have a fisheries
17 business license. However, if you sell whole fish you
18 don't need a fishery business license. Madame Chair.

19

20 MR. THOMAS: Dolly.

21

22 CHAIRWOMAN GARZA: Bill.

23

24 MR. THOMAS: Are you still talking on
25 terms? Terminology.

26

27 CHAIRWOMAN GARZA: We have nothing on the
28 table.

29

30 MR. THOMAS: I hear this going around,
31 still selling fish, to me it still sounds like
32 commercial. I just went back and talked to my legal
33 counsel and they told me to-- you might have heard me
34 flush when I came out of there. But the term we brought
35 from Yakutat gets away from it may do this or it may do
36 that. Anything different than that leaves a language
37 that everybody's happy with. It can do this. It might
38 do it. It could do that. That is not an explanation.
39 It's not a justification.

40

41 As long as we have to use could or may
42 it's not justification for using any language. And this
43 commercial market, a store is a commercial market. That
44 would fall under the category. That would be prohibited.

45

46 CHAIRWOMAN GARZA: Okay, we need to get
47 something on the table.

48

49 MS. WILSON: Madame Chair, I have some
50 comments later. But the first thing we should get on is

00382

1 number 11. I would move to strike unprocessed or
2 processed using customary and traditional methods is
3 permitted, strike those words.

4

5 CHAIRWOMAN GARZA: So Marilyn, that was
6 the whole last part of the first sentence?

7

8 MS. WILSON: Yes.

9

10 CHAIRWOMAN GARZA: So the sentence would
11 then end in the word part.

12

13 MR. KOOKESH: Is permitted.

14

15 CHAIRWOMAN GARZA: Okay. So everything
16 up to the word part is there and then the next, which is
17 between the commas is deleted, and then is permitted is
18 there.

19

20 MR. THOMAS: Wouldn't it end with a
21 period following regulations?

22

23 CHAIRWOMAN GARZA: What's she's asking is
24 that those words are taken out.

25

26 MR. THOMAS: Right.

27

28 MR. LITTLEFIELD: Point of order, Madame
29 Chair.

30

31 CHAIRWOMAN GARZA: State your order.

32

33 MR. LITTLEFIELD: I believe we have to
34 move to adopt 27 first before we can start making
35 amendments to the thing.

36

37 MR. MARTIN: That's right.

38

39 MR. LITTLEFIELD: Otherwise.....

40

41 MR. KOOKESH: Correct.

42

43 MR. LITTLEFIELD:it's just a
44 suggestion that not be in the main motion.

45

46 MR. MARTIN: Correct.

47

48 CHAIRWOMAN GARZA: Is there a motion?

49

50 MS. WILSON: Madame Chair, I so move that

00383

1 we accept or adopt Subpart D, No. 11, 12 and 13.

2

3 CHAIRWOMAN GARZA: Is there a second?

4

5 MR. STOKES: I'll second it.

6

7 CHAIRWOMAN GARZA: So the motion is to
8 adopt proposed rule Subpart D, C, Sections 11, 12 and 13.
9 Marilyn?

10

11 MS. WILSON: Yes.

12

13 CHAIRWOMAN GARZA: Okay.

14

15 MR. LITTLEFIELD: Madame Chair.

16

17 CHAIRWOMAN GARZA: Mr. Littlefield.

18

19 MR. LITTLEFIELD: Did she just make an
20 amendment?

21

22 MR. MARTIN: No.

23

24 CHAIRWOMAN GARZA: No.

25

26 MR. LITTLEFIELD: Okay. I will speak
27 against the adoption of the language that's in 11, 12 and
28 13.

29

30 MS. WILSON: Could we just go one at a
31 time?

32

33 MR. LITTLEFIELD: We could consider by
34 paragraph if you would like to. I will make the motion
35 that we consider by paragraph Section C-11, 12 and 13.

36

37 MR. THOMAS: Second.

38

39 CHAIRWOMAN GARZA: Hearing no objections
40 we will go over each section and see if we wish to make
41 any amendments to them. So we have Section 11 in front
42 of us, transaction between rural residents; is there any
43 discussion or amendments to Section 11?

44

45 MS. WILSON: Madame Chair.

46

47 MR. THOMAS: Marilyn.

48

49 MS. WILSON: I move that we strike the
50 words in Section 11, the word unprocessed or processed

00384

1 using customary and traditional methods.

2

3 MR. THOMAS: Dick, are you still
4 seconding that?

5

6 MR. ADAMS: I'll second it.

7

8 CHAIRWOMAN GARZA: Bert Adams has
9 seconded. So 11 would read transactions between rural
10 residents, the exchange between rural residents in
11 customary trade of subsistence harvested fish, their
12 parts or their eggs, legally taken under the regulation
13 in this part is permitted. That is the proposed
14 amendment to Section 11. Is there discussion?

15

16 Mr. Thomas.

17

18 MR. THOMAS: Madame Chair, I don't have
19 any argument at this point but I'm wondering what the
20 rationale is for that? I guess I don't understand the
21 implications that are recognized with the language that's
22 there.

23

24 CHAIRWOMAN GARZA: Floyd, turn yours off,
25 Mary turn yours off.

26

27 MR. KOOKESH: Madame Chair, in reading
28 it, based on the way I understand what Marilyn is saying,
29 to me, it keeps it simple. And I'd like for us to keep
30 this simple and not get complicated and not distort and
31 destroy the language.

32

33 MS. WILSON: I say the same thing.

34

35 CHAIRWOMAN GARZA: Okay, hearing no
36 debate is there a call for the question?

37

38 MR. LITTLEFIELD: Call for the question.

39

40 MR. THOMAS: I have more debate.

41

42 CHAIRWOMAN GARZA: Have you stated it
43 earlier?

44

45 MR. THOMAS: No.

46

47 CHAIRWOMAN GARZA: Okay.

48

49 MR. THOMAS: Listening to Floyd, and if
50 that's the intent of the maker of the motion, I can agree

00385

1 with that. I don't see where it would jeopardize any of
2 that provision. So I'll vote to support that.

3

4 CHAIRWOMAN GARZA: The question has been
5 in called, all in favor of the amendment to support
6 Section 11 as amended as I stated earlier, signify by
7 saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRWOMAN GARZA: Opposed.

12

13 (No opposing votes)

14

15 CHAIRWOMAN GARZA: Section 11 passes. Is
16 there anyone in the public who did not understand what we
17 just did? Al, do you not have a copy of the proposed
18 rule?

19

20 MR. McKINLEY: Yes, I do.

21

22 MR. THOMAS: Well, how come you didn't
23 understand it?

24

25 (Laughter)

26

27 CHAIRWOMAN GARZA: Okay. So if you look
28 at the proposed.....

29

30 MR. McKINLEY: I didn't go to college.

31

32 MR. MARTIN: Because he's a Mexican.

33

34 MR. THOMAS: A Mexican.

35

36 (Laughter)

37

38 CHAIRWOMAN GARZA: Okay, we now have
39 Section 12.

40

41 MR. LITTLEFIELD: Wait a minute, I have
42 an amendment to add to 11. We're not done with 11.

43

44 CHAIRWOMAN GARZA: We just passed it.

45

46 MR. LITTLEFIELD: As amended.

47

48 CHAIRWOMAN GARZA: Okay. Well, we.....

49

50 MS. PHILLIPS: We passed the amendment.

00386

1 MR. LITTLEFIELD: You're not going to
2 allow.....

3
4 CHAIRWOMAN GARZA:will vote on.....
5

6 MR. LITTLEFIELD: I have two amendments
7 for 11.

8
9 CHAIRWOMAN GARZA: Mr. Littlefield, well,
10 we passed it.

11
12 MR. LITTLEFIELD: You amended it.

13
14 CHAIRWOMAN GARZA: Okay.

15
16 MR. LITTLEFIELD: That's all you did was
17 to amend it.

18
19 CHAIRWOMAN GARZA: Go ahead.

20
21 MR. LITTLEFIELD: You passed just the
22 amendment.

23
24 CHAIRWOMAN GARZA: Go ahead. Go ahead.

25
26 MR. LITTLEFIELD: Thank you, Madame
27 Chair. I'd like to offer another amendment and that
28 amendment would be, after the word exchange I'd like to
29 insert, for cash, and that's the first of more
30 amendments; for cash.

31
32 MR. MARTIN: Second that motion.

33
34 CHAIRWOMAN GARZA: The amendment is to,
35 on the first line, after the word, the exchange, add two
36 words; for cash, between rural residents, blah, blah,
37 blah. Discussion. Call for the question.....

38
39 MR. LITTLEFIELD: I have discussion.

40
41 CHAIRWOMAN GARZA: Discussion. Mr.
42 Littlefield.

43
44 MR. LITTLEFIELD: Just to clarify why I
45 did that. Customary trade is for cash it is not to be
46 confused with barter.

47
48 MS. WILSON: Madame Chair.

49
50 CHAIRWOMAN GARZA: Marilyn.

00387

1 MS. WILSON: I was wondering why we need
2 to put the word for cash in there when we already know
3 what barter and customary trade mean? Is this for the
4 general public?

5
6 CHAIRWOMAN GARZA: Mr. Littlefield.

7
8 MR. MARTIN: Everything's for the general
9 public.

10
11 MS. WILSON: Okay.

12
13 MR. LITTLEFIELD: Yes, everything's for
14 the general public and this is for the other bureaucrats,
15 so that they understand because they tried to -- if you
16 look through the record, they tried to insert barter in
17 this and I want to make sure that barter is not part of
18 it. Customary trade is the exchange for cash and I think
19 it should be clearly stated.

20
21 CHAIRWOMAN GARZA: Mike.

22
23 MR. DOUVILLE: Madame Chair, would you
24 explain to me where we're at and what are we modifying
25 next?

26
27 CHAIRWOMAN GARZA: Okay, Mike, we're
28 still on C-11, transaction between rural residents. So
29 the first amendment we made was to delete the words
30 unprocessed or processed using customary and traditional
31 methods. The amendment before us now is the beginning of
32 that sentence where it says the exchange. Are you over
33 there?

34
35 MR. DOUVILLE: Yeah.

36
37 CHAIRWOMAN GARZA: So after the exchange
38 we would add, for cash between rural residents and
39 customary trade of subsistence harvested fish, blah,
40 blah, blah. So the intent of the motion is to make it
41 clear that customary trade is for cash.

42
43 Got it?

44
45 MS. WILSON: Madame Chairman.

46
47 CHAIRWOMAN GARZA: Marilyn.

48
49 MS. WILSON: I have a question, with the
50 word, for cash, are we going to be adding a limit?

00388

1 Because we added that word, are we going to have to add a
2 limit of how much cash is allowed?

3

4 CHAIRWOMAN GARZA: Marilyn, it would not
5 require us to, whether or not we decide to add a limit to
6 it is up to the Council. The adding the words, for cash,
7 does not create the issue of cash it merely clarifies it,
8 that it's for cash is already there.

9

10 MR. KOOKESH: Question.

11

12 CHAIRWOMAN GARZA: The question has been
13 called by Mr. Kookesh.

14

15 MR. THOMAS: I didn't hear him.

16

17 MR. KOOKESH: Question.

18

19 CHAIRWOMAN GARZA: He whispered in my
20 ear.

21

22 MR. KOOKESH: I whispered in her ear.

23

24 MR. MARTIN: No whispering.

25

26 (Laughter)

27

28 MR. KOOKESH: Well, she didn't have her
29 war paint on.

30

31 CHAIRWOMAN GARZA: Okay. So the
32 amendment before us, transaction between rural residents,
33 the exchange for cash between rural residents and
34 customary trade of subsistence harvested fish, their
35 parts, or their eggs legally taken under the regulation
36 under this part is permitted.

37

38 All in favor of the amendment of, for
39 cash, signify by saying aye.

40

41 IN UNISON: Aye.

42

43 MR. THOMAS: Opposed.

44

45 MR. DOUVILLE: Nay.

46

47 MR. THOMAS: Nay.

48

49 CHAIRWOMAN GARZA: One nay.

50

00389

1 MR. KOOKESH: Two nays.

2

3 CHAIRWOMAN GARZA: Two nays. Mr.
4 Littlefield, the motion passes.

5

6 MR. LITTLEFIELD: I have another
7 amendment.

8

9 CHAIRWOMAN GARZA: Go ahead.

10

11 MR. LITTLEFIELD: Madame Chair, remaining
12 in the first line C-11, I have an amendment.

13

14 CHAIRWOMAN GARZA: Go ahead.

15

16 MR. LITTLEFIELD: Transactions between
17 rural residents, I would like to add, and others,
18 continuing on down the line, the exchange for cash
19 between rural residents and other residents. So if you'd
20 like me to read the whole thing I'll finish; residents in
21 customary trade of subsistence harvested fish, their
22 parts or their eggs legally taken under regulations in
23 this part is permitted.

24

25 MR. THOMAS: I'll....

26

27 MR. LITTLEFIELD: That's in the first
28 paragraph.

29

30 MR. THOMAS: I'll second that for
31 discussion.

32

33 MR. LITTLEFIELD: Madame Chair.

34

35 CHAIRWOMAN GARZA: Mr. Littlefield.

36

37 MR. LITTLEFIELD: Madame Chair, the
38 intent of this amendment is by adding the words, rural
39 residents and others, in those two places, would
40 basically mimic the exact language we passed at Yakutat.
41 I intend to support this amendment as well 11 and I
42 intend to vote against 12.

43

44 MS. WILSON: Madame Chair.

45

46 CHAIRWOMAN GARZA: Marilyn and then Bill.

47

48 MS. WILSON: Okay. Could you -- is this
49 just for number 11 or did you add 12 to that: I'm
50 confused? Just add the word, others after rural

00390

1 residents, is that all you amended?

2

3 MR. LITTLEFIELD: Madame Chair.

4

5 CHAIRWOMAN GARZA: Mr. Littlefield.

6

7 MR. LITTLEFIELD: Madame Chair, Ms.
8 Wilson, the language would read in C-11; transactions
9 between rural residents and others - the exchange for
10 cash between rural residents and others in customary
11 trade of subsistence harvested fish, their parts or their
12 eggs, legally taken under the regulations in this part is
13 permitted. And the intent was to put that in line with
14 -- that mimics the Yakutat motion.

15

16 MS. WILSON: Thank you.

17

18 CHAIRWOMAN GARZA: Mr. Thomas.

19

20 MR. THOMAS: Thank you, Madame Chair. I
21 think I'm beginning to like that. The reason being is
22 that one section, 11, by amending it the way it's been
23 offered will remove any redundancy or confusion of
24 language from the other two, from 12 and 13. Because as
25 we read through 12 and 13, if we leave them in there will
26 say, well, that's not consistent with one or the other.
27 And I think the way it's been amended now makes it a lot
28 easier to read and to understand it's implications
29 because the implication there just transfers the
30 implication from 12 to be included in 11.

31

32 So if that's a correct interpretation of
33 that I am in support of that amendment.

34

35 MR. PROBASCO: Madame Chair.

36

37 CHAIRWOMAN GARZA: Pete.

38

39 MR. PROBASCO: I just want to clarify the
40 intent. I follow what Mr. Littlefield has stated but the
41 way it's written it doesn't say that. It should read,
42 transactions between rural residents and between rural
43 residents and others. So in other words you still are
44 saving rural residents to rural residents and then you're
45 addressing rural residents to others. The way it's
46 written out, between rural residents and others only
47 addresses that transaction.

48

49 So I understand the intent language but I
50 just wanted to clarify that on record.

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1 MR. LITTLEFIELD: Madame Chair. Thank
2 you for pointing that out. My intent was to get the
3 language of number 12 -- C-12 in there and correctly that
4 would be, between a rural resident and others as well as
5 between rural residents, you're correct.

6
7 CHAIRWOMAN GARZA: So the process would
8 be, if we support the amendment in 11 that would in
9 effect make 12 unnecessary; that's the intent, Mr.
10 Littlefield?

11
12 MR. LITTLEFIELD: That's my intent,
13 Madame Chair.

14
15 MS. WILSON: Madame Chair.

16
17 CHAIRWOMAN GARZA: Marilyn.

18
19 MS. WILSON: Madame Chair, if we do that
20 we would have to take that part out for -- I don't see
21 why we don't 'just leave it in. Transactions between a
22 rural resident and others, that takes care of what John
23 wanted to take care of. Customary trade for their fish,
24 their parts or their eggs legally taken under the
25 regulations. Or-- the thing is I was thinking that we
26 should strike number 13 and leave 12, the second half of
27 12 in there.

28
29 MR. LITTLEFIELD: We haven't got there
30 yet.

31
32 MS. WILSON: Yeah.

33
34 MR. LITTLEFIELD: We're working out way
35 there.

36
37 MS. WILSON: Are we doing housekeeping on
38 your motion then?

39
40 CHAIRWOMAN GARZA: We're at the point of
41 discussing whether or not we support the amendment for
42 the change on 11.

43
44 MS. WILSON: I do not support as it is
45 amended then.

46
47 CHAIRWOMAN GARZA: Thank you.

48
49 MS. WILSON: I'd vote against it.

50

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1 CHAIRWOMAN GARZA: Okay. I would also
2 say that I will be voting against the amendment primarily
3 because from the discussion I've had with the tribes on
4 Prince of Wales, they will be making changes to Section
5 12 and if I move to eliminate Section 12 then I would not
6 be supporting their intent.

7

8 Mr. Kookesh.

9

10 MR. KOOKESH: Yes. I'd also like to
11 speak against the amendment and say that I'd prefer and
12 feel more conformable if we left 11 and 12 separate.
13 That way we could have a distinction. If we combine them
14 something might happen in that translation or that --
15 it's best if we kept them apart that way they're voted
16 on, they could be voted on separately and moved separate
17 ways. We want affect everyone all at once, we'll affect
18 them just individually.

19

20 MR. THOMAS: You only got one ally John.

21

22 CHAIRWOMAN GARZA: Mary and then John.

23

24 MS. RUDOLPH: Pete, could you give us
25 your amendment again, the way you said it should be?

26

27 MR. PROBASCO: Following the -- Madame
28 Chair, if I may, following the Regional Council's intent.
29 When the intent is to -- well, in Mr. Littlefield's
30 motion, is to remove 12 and pull it up into 11. And to
31 do that you have to make the statement that says,
32 transaction between rural residents and rural residents
33 and others, so you capture both A-11 and A-12 [sic] into
34 one paragraph or one regulation. Madame Chair.

35

36 CHAIRWOMAN GARZA: Mr. Littlefield.

37

38 MR. LITTLEFIELD: I just want to make
39 clear that the intent of this was, if we were to pass
40 this amendment C-11 would then read virtually mimic the
41 language that we passed in Yakutat and I believe that was
42 unanimous at that time. We did not differentiate between
43 rural residents, rural residents and others, any of that
44 stuff, that was added after our deliberations. And I
45 guess we can vote on all of these separately but I think
46 this does not prohibit you from still adopting No. 12.

47

48 CHAIRWOMAN GARZA: I guess a comment I
49 would like to make is since we've met in Yakutat I have
50 met with tribes in my area and I'm trying to represent

00393

1 their interests.

2

3 Mike.

4

5 MR. DOUVILLE: Madame Chair, I wish I
6 could be more helpful in this situation but I met with
7 the four tribes before I came here and they do not
8 support customary trade, period, so that leaves me in an
9 interesting position. You know, so what am I going to
10 say to you? So I'm having a difficult time with that.
11 They do not want customary trade but it's being shoved at
12 them through Title VIII so that is my position. I want
13 you to know that I wished I could be more helpful being
14 in this situation I do represent those people so that is
15 my comment.

16

17 CHAIRWOMAN GARZA: Floyd.

18

19 MR. KOOKESH: It has always been my
20 understanding as a Regional Advisory Council member that
21 we represent all of Southeast. I do know that we share
22 an interest with our -- with the communities that we
23 reside near, but our job is to represent Southeast also
24 on this issue.

25

26 CHAIRWOMAN GARZA: Mike, I think in my
27 opposition to keeping 12 as it is, in my opinion, gives
28 the Prince of Wales tribes the opportunity to submit
29 their comments in opposition. I think if we combine the
30 two it will make it harder for them to do that. So
31 that's why I am speaking against the amendment to keep 12
32 in there so that they have something to speak against.

33

34 MR. LITTLEFIELD: Madame Chair.

35

36 CHAIRWOMAN GARZA: Mike and then John.

37

38 MR. DOUVILLE: Madame Chair, I do
39 represent Natives and rural users in Region 1, however, I
40 come from Unit 2 and their position was quiet clear. So
41 I'm willing to listen to you but I just want you to
42 understand the dilemma that I'm in here, okay?

43

44 CHAIRWOMAN GARZA: Mr. Littlefield.

45

46 MR. LITTLEFIELD: Thank you, Madame
47 Chair. The action we took in Yakutat which was to define
48 customary trade as you may exchange for cash of
49 subsistence harvested fish, their parts or their eggs,
50 legally taken under Federal Subsistence Management

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1 regulations by far in my opinion provides more protection
2 for all of the rural residents of Southeast Alaska than
3 11, 12 and 13 together.

4

5 MR. THOMAS: Madame Chair.

6

7 CHAIRWOMAN GARZA: Mr. Thomas.

8

9 MR. THOMAS: Madame Chair, I share the
10 same feelings that Mike brings with him. However, yeah,
11 it's unfortunate that that is one area in Title VIII that
12 we struggle with. And so just to be responsive as an
13 Advisory Council member, I think -- I feel compelled to
14 come up with a meaningful description of whatever they
15 want for customary trade because the rest of the state is
16 dealing with the same thing. And also -- well, I spoke
17 on 12 already. I'll call for the question.

18

19 CHAIRWOMAN GARZA: Mike.

20

21 MR. DOUVILLE: Thank you, Madame Chair.
22 I have a question, do any of you others representing, you
23 know, we all represent Region 1, there's no question
24 about that, but I guess my question is, do all of you
25 have clear direction from your tribes and community
26 associations and so on on your -- on the decision that
27 you will make on this? You know, I certainly -- they
28 didn't tell me what to do but they certainly made their
29 feelings quite clear to me.

30

31 CHAIRWOMAN GARZA: Bert and then John.

32

33 MR. ADAMS: Thank you, Madame Chairman.
34 And Mike, I can sympathize with the position that you're
35 in. I know a couple years ago I got involved in almost
36 the same type of a situation and there was a couple of
37 people on the Council who were threatening to kick me off
38 but have courage and do what you think is right.

39

40 I'm kind of opposed to the amendments as
41 well. Because on the outset, you know, I thought that we
42 were trying to make these proposals or the language a lot
43 more simple, that's the reason why we crossed out that
44 unprocessed or processed using customary and traditional
45 trade paragraph. And so I think keeping them separate,
46 you know, keeps it more simple.

47

48 And like Dolly says, you know, it allows,
49 you know, certain people to address those issues in that
50 separate manner. So thank you, Madame Chairman.

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1 CHAIRWOMAN GARZA: When someone is
2 speaking, please listen to the Council member. Bill --
3 I'm sorry, John and then Bill.

4

5 MR. LITTLEFIELD: Thank you, Madame
6 Chair. In response to the question, I am under no
7 marching orders from anyone, neither the Sitka Tribe or
8 the local Fish and Game Advisory Committee or the City of
9 Sitka and I attend those meetings and request input from
10 all of them. We represent all of the rural residents of
11 Southeast Alaska. We do not represent the tribes, per
12 se. We give great deference to what they say. When they
13 sit at the table -- we give great difference to anybody
14 who sits at that table. But my job is to represent the
15 rural residents of Southeast Alaska. This language will
16 be approved for the whole state of Alaska. We're not
17 talking about just approving this for Sitka. And that's
18 why this language -- if I had my druthers, I would never
19 have gone this way, but we're forced to because that was
20 the way the motion is.

21

22 I'm trying to get us back to our position
23 in Yakutat which was best for Southeast Alaska. It was
24 also best for the state of Alaska because it allowed each
25 region to then find what their own Federal Subsistence
26 Management regulations are.

27

28 CHAIRWOMAN GARZA: Mr. Thomas.

29

30 MR. THOMAS: Thank you, Madame Chair.
31 I'm kind of like John. In Ketchikan and Saxman, I talked
32 to people about this and they threw up their hands, they
33 said you've been doing this forever, you understand the
34 process better than we do, we just trust whatever your
35 discretion is. They said, so far we've been fortunate
36 with some of the progress we made. And that's pretty
37 much what it is.

38

39 And I'm compelled to support communities
40 that do send marching orders or sound advice. And to
41 keep from getting mired down where there's no mire, I'm
42 going to change my position and vote against the
43 amendment.

44

45 MR. STOKES: Question.

46

47 MR. MARTIN: Madame Chair.

48

49 CHAIRWOMAN GARZA: Mr. Martin.

50

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1 MR. MARTIN: I guess I'm starting to get
2 a little confused here as to who we represent. But I
3 believe there's rules and regulations and statutes all
4 written down, that doesn't force us to do anything. Just
5 because this becomes a rule that doesn't mean that you
6 have to engage in customary trade.

7

8 MR. STOKES: Madame Chair.

9

10 CHAIRWOMAN GARZA: Mr. Stokes.

11

12 MR. STOKES: I'm under the -- I'm here
13 under the same conditions as John. I don't have to
14 answer to anyone. I attend all the meetings, both Native
15 and non-Native and the city.

16

17 CHAIRWOMAN GARZA: Thank you, Mr. Stokes.
18 Mary.

19

20 MS. RUDOLPH: I feel the way Mike does.
21 When we had our last meeting in Hoonah, there was some
22 non-Natives concerned there. So when you live in a small
23 village it's more adapt to be known when you're voting on
24 something and if you're not protecting their rights, you
25 know, it affects all of us, in the rural village mostly.
26 And I'm not saying that it's going to affect all of us in
27 Alaska but us, in the rural villages are impacted with
28 whatever we decide to do.

29

30 So I'm concerned now. I have no idea
31 where we're going with this and I forgot where I was.

32

33 Thank you, Madame Chair.

34

35 CHAIRWOMAN GARZA: Okay. So let's get
36 back to the amendment. The amendment is on 11, which is
37 under Subpart D, C, subsistence taking of fish.

38

39 MR. THOMAS: Question.

40

41 MR. KOOKESH: Question.

42

43 CHAIRWOMAN GARZA: Well, no, Mary wants
44 it clarified and then we'll vote.

45

46 MR. THOMAS: Okay.

47

48 CHAIRWOMAN GARZA: Transactions between
49 rural residents, comma, and rural residents and others,
50 that is the intent of the motion, is to add those words

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1 there and that is what we are voting on. Question has
2 been called. I will ask for a roll call vote.

3

4 MS. WILSON: I thought -- I didn't know
5 it was amended again. I thought it was just -- Madame
6 Chairman, I thought it was just, and others, added to --
7 between rural residents and others, did we change it now?

8

9 MS. RUDOLPH: Yeah.

10

11 CHAIRWOMAN GARZA: I think it was a
12 friendly amendment because of a clarification by Mr.
13 Probasco that if.....

14

15 MS. WILSON: Okay.

16

17 CHAIRWOMAN GARZA:based on Mr.
18 Littlefield's intent, it would say transaction between
19 rural residents and rural residents and others.

20

21 MR. DOUVILLE: Madame Chair.

22

23 CHAIRWOMAN GARZA: Mr. Douville.

24

25 MR. DOUVILLE: Thank you, Madame Chair.

26 I have one question, though, I guess I need the

27 definition of others.

28

29 CHAIRWOMAN GARZA: Mr. Probasco.

30

31 MR. DOUVILLE: Thank you.

32

33 MR. PROBASCO: Madame Chair, Mr.
34 Douville. Others addresses all non-Federally-qualified
35 subsistence users and non-fishery licensed businesses.
36 So you would have urban, non-Federally-qualified
37 subsistence users and businesses that do not have to be
38 licensed under the Alaska State Fishery Business
39 regulation. Madame Chair.

40

41 CHAIRWOMAN GARZA: Mike.

42

43 MR. DOUVILLE: Thank you, Madame Chair.

44 That could mean restaurants or anybody that may not be

45 licensed to handle fish but sell fish over the table over

46 the table and so on, right?

47

48 MR. MARTIN: They have to have a business

49 license.

50

00398

1 MR. THOMAS: Yeah, but we don't spell it
2 out.

3
4 MR. DOUVILLE: But they don't
5 specifically state -- fishery, this says fisheries,
6 precisely.

7
8 MR. LITTLEFIELD: We haven't got there
9 yet.

10
11 CHAIRWOMAN GARZA: Okay, question has
12 been called on the amendment, motion on the amendment.

13
14 Patricia.

15
16 MS. PHILLIPS: I just wanted to clarify.
17 I'm going to vote against it and I'm sorry, but.....

18
19 MR. LITTLEFIELD: You don't need to be
20 sorry.

21
22 MS. PHILLIPS:I'm understanding
23 that there needs to be a separation and that's why I'm
24 going to do it.

25
26 CHAIRWOMAN GARZA: Okay. So I'm asking
27 for a roll call.

28
29 MS. WILSON: Madame Chair. Bert Adams.

30
31 MR. ADAMS: Nay.

32
33 MS. WILSON: Floyd Kookesh.

34
35 MR. KOOKESH: Nay.

36
37 MS. WILSON: William C. Thomas.

38
39 MR. THOMAS: Aye and nay. Nay.

40
41 MS. WILSON: Richard Stokes.

42
43 MR. STOKES: Aye.

44
45 MS. WILSON: Mary Rudolph.

46
47 MS. RUDOLPH: No.

48
49 MS. WILSON: Patricia Phillips.

50

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1 MS. PHILLIPS: No.

2

3 MS. WILSON: Michael Douville.

4

5 MR. DOUVILLE: Nay.

6

7 MS. WILSON: Marilyn Wilson, no. John
8 Littlefield.

9

10 MR. LITTLEFIELD: Aye.

11

12 MS. WILSON: Harold Martin.

13

14 MR. MARTIN: Nay.

15

16 MS. WILSON: Dolly Garza.

17

18 CHAIRWOMAN GARZA: No.

19

20 MR. LITTLEFIELD: Call for the question
21 on the main -- on Section 11 if there are no other
22 amendments.

23

24 CHAIRWOMAN GARZA: She has to report the
25 vote.

26

27 MS. WILSON: There's nine no's, nine
28 nays, and two yes.

29

30 MR. THOMAS: Ten no's.

31

32 MS. WILSON: Ten no's.

33

34 MR. THOMAS: I was no.

35

36 MS. WILSON: You voted no?

37

38 MR. THOMAS: Uh-huh.

39

40 MR. LITTLEFIELD: Dick voted yes.

41

42 CHAIRWOMAN GARZA: She did count
43 correctly, thank you, Marilyn.

44

45 MS. WILSON: Uh-huh.

46

47 CHAIRWOMAN GARZA: So we have Section 11
48 before us that reads as such: transaction between rural
49 residents, the exchange for cash between rural residents
50 in customary trade of subsistence harvested fish, their

00400

1 parts or their eggs, legally taken under the regulation
2 in this part is permitted.

3

4 That is Section 11 as we have amended.

5 Further amendments. Discussion. Call for the question.

6

7 MR. THOMAS: Question.

8

9 MR. LITTLEFIELD: Madame Chair.

10

11 CHAIRWOMAN GARZA: Mr. Littlefield.

12

13 MR. LITTLEFIELD: Under discussion, I am
14 going to vote against the motion as amended. I believe
15 it violates what we did before and for all the reasons I
16 said earlier I'm going to vote against it.

17

18 CHAIRWOMAN GARZA: Thank you, Mr.
19 Littlefield. Any further discussion.

20

21 MR. THOMAS: Question.

22

23 CHAIRWOMAN GARZA: Mr. Douville.

24

25 MS. WILSON: What are we voting on, I
26 don't even know.

27

28 MR. LITTLEFIELD: 11.

29

30 MS. RUDOLPH: The main motion.

31

32 MS. WILSON: Okay.

33

34 MR. DOUVILLE: Okay, thank you, Madame
35 Chair. Now, I know it's difficult but this thing has
36 been chopped up, added to and I'm confused. I don't know
37 -- or we're not voting -- are we voting on each of these
38 individually now, we're still on 11?

39

40 MR. LITTLEFIELD: Yes.

41

42 MR. DOUVILLE: Okay. All right, thank
43 you.

44

45 CHAIRWOMAN GARZA: So for clarification.
46 We had agreed to, earlier, take up these three sections
47 separately. We made two amendments to Section 11 which
48 passed. One which added the words, for cash. The other
49 which deleted unprocessed or processed using customary
50 and traditional methods.

00401

1 So the only thing we would do by calling
2 this to question is saying that we want Section 11 to
3 read as follows: transactions between rural residents -
4 the exchange for cash between rural residents in
5 customary trade of subsistence harvested fish, their
6 parts or their eggs, legally taken under the regulations
7 in this part is permitted. That is what we would be
8 voting on at this time.

9

10 Mary, turn off your button.

11

12 (Laughter)

13

14 Any further discussion.

15

16 MR. THOMAS: Question.

17

18 MS. WILSON: Question.

19

20 CHAIRWOMAN GARZA: Question has been.

21 All in favor of Section 11 as amended twice signify by
22 saying aye.

23

24 IN UNISON: Aye.

25

26 CHAIRWOMAN GARZA: All opposed, nay.

27

28 IN UNISON: Aye.

29

30 CHAIRWOMAN GARZA: Okay, roll call vote,
31 please.

32

33 MR. THOMAS: Division in the camp.

34

35 MR. KOOKESH: Division in the camp.

36

37 MS. WILSON: Madame Chair. Dolly Garza.

38

39 CHAIRWOMAN GARZA: Yes.

40

41 MS. WILSON: Harold Martin.

42

43 MR. MARTIN: Nay.

44

45 MS. WILSON: John Littlefield.

46

47 MR. LITTLEFIELD: Nay.

48

49 MS. WILSON: Marilyn Wilson, yes.

50 Michael Douville.

00402

1 MR. DOUVILLE: Yea.
2
3 MS. WILSON: What?
4
5 MR. DOUVILLE: Yes.
6
7 MS. WILSON: Patricia Phillips.
8
9 MS. PHILLIPS: Yes.
10
11 MS. WILSON: Mary Rudolph.
12
13 MS. RUDOLPH: Yes.
14
15 MS. WILSON: Richard Stokes.
16
17 MR. STOKES: Nay.
18
19 MS. WILSON: William C. Thomas.
20
21 MR. THOMAS: No.
22
23 MS. WILSON: Floyd Kookesh.
24
25 MR. KOOKESH: Yes.
26
27 MS. WILSON: Bert Adams.
28
29 MR. ADAMS: Yes.
30
31 MS. WILSON: Seven yes, four no.
32
33 CHAIRWOMAN GARZA: So the Section 11
34 passes on the count of 7-4. Thank you, Madame Secretary.
35 We have before us Section 12. It is lunchtime. I know
36 we have a couple of people that have to leave. Do we
37 want to try and work late so they have a chance to
38 participate or just dump them and go have lunch?
39
40 MR. KOOKESH: I thought Cal was buying
41 lunch.
42
43 MR. CASIPIT: I brought lunch.
44
45 CHAIRWOMAN GARZA: Should we just get a
46 bowl of soup and come back and keep going?
47
48 MR. KOOKESH: Yeah.
49
50 CHAIRWOMAN GARZA: Okay. Moose soup, get

00403

1 a bowl, come back, we got to keep going.

2

3 MR. THOMAS: Two minutes. Two minutes.

4

5 CHAIRWOMAN GARZA: Okay.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRWOMAN GARZA: We're ready to get
12 back to order. However, Pete Probasco has a 2:00 o'clock
13 flight. We can either keep going or if you can think of
14 any other questions you have to ask him ask him now
15 because he does need to excuse himself.

16

17 MR. PROBASCO: Madame Chair, I'll stick
18 around until 10 to or so.

19

20 CHAIRWOMAN GARZA: Thank you, Pete.

21

22 (Off record)

23

24 (On record)

25

26 CHAIRWOMAN GARZA: We are on Section 12.
27 It's my understanding from the people that I've talked to
28 is that they are not comfortable with transactions
29 between rural residents and commercial enterprises. So
30 I'm thinking of trying to figure out how to modify that
31 section.

32

33 MR. PROBASCO: Madame Chair.

34

35 CHAIRWOMAN GARZA: Pete.

36

37 MR. PROBASCO: Both the Southcentral and
38 the Eastern Interior Regional Advisory Council wrestled
39 with that same dilemma on A-12 [sic] and eventually they
40 ended up developing very similar language and if you look
41 at A-12 on that handout I gave you, the bold language
42 gets at what they think will prevent the subsistence
43 product entering the commercial -- or commerce, if you
44 will. And it reads, customary trade for fish, their
45 parts, their eggs legally taken under the regulations in
46 this part from rural residents to individuals other than
47 rural residents is permitted as long as it's used for
48 personal or family consumption of the individual who
49 purchases the fish. Madame Chair.

50

00404

1 CHAIRWOMAN GARZA: So this is on the
2 summary of Regional Council recommendations on customary
3 trade that he handed out to us earlier, Page 2.

4
5 MR. LITTLEFIELD: And Page 2, Region 9
6 did very similar language.

7
8 CHAIRWOMAN GARZA: Okay. So Page 1, they
9 had a separate sentence about record keeping?

10
11 MR. PROBASCO: The Southcentral Regional
12 Advisory Council wanted to make sure that under A-12 and
13 under A-12, only, that there was a record keeping process
14 in the transactions of the sales. Madame Chair.

15
16 MR. LITTLEFIELD: Madame Chair.

17
18 CHAIRWOMAN GARZA: Mr. Littlefield, I'm
19 eating be nice.

20
21 MR. LITTLEFIELD: Thank you, Madame
22 Chair. Mr. Probasco, I'm asking you to interpret what the
23 difference between that is and no part of it shall enter
24 a commercial enterprise or commercial business?

25
26 MR. PROBASCO: Madame Chair, Mr.
27 Littlefield. I just think it's how they went about to
28 address that issue. They did talk about it not entering
29 commerce but this is the language that the Southcentral
30 and Eastern Councils were comfortable with versus your
31 other -- but they accomplished the same end. Madame
32 Chair.

33
34 CHAIRWOMAN GARZA: Thank you, Pete.
35 Thank you for the question, Mr. Littlefield.

36
37 MS. RUDOLPH: Madame Chair.

38
39 CHAIRWOMAN GARZA: Mary.

40
41 MS. RUDOLPH: Could you tell me why the
42 last part was marked out, as long as a customary trade
43 does not constitute a significant commercial enterprise?

44
45 MR. PROBASCO: Madame Chair, Ms. Rudolph.
46 The Southcentral Regional Advisory Council removed that
47 language, the struck-out version and inserted the bold
48 version. Are you looking under Region 2?

49
50 MS. WILSON: Region 10.

00405

1 MS. RUDOLPH: Yes, Region 10.

2

3 MR. PROBASCO: You're talking about the
4 North Slope, the last page, North Slope Regional Advisory
5 Council?

6

7 MS. RUDOLPH: Yeah, I was just wondering
8 why it was marked out because it's on ours?

9

10 MR. PROBASCO: Because the North Slope
11 shares.....

12

13 CHAIRWOMAN GARZA: No, I think it's okay
14 because it's still on 12.

15

16 MS. RUDOLPH: I'm just curious as to why
17 they were marked off.

18

19 CHAIRWOMAN GARZA: Okay.

20

21 MS. RUDOLPH: Because it affects us, too.

22

23 CHAIRWOMAN GARZA: So when you ask him a
24 question then turn off so that he can -- you got to
25 remember, go back and forth, go back and forth.

26

27 MR. KOOKESH: For purposes of discussion,
28 I'd like to make a motion to adopt 12.

29

30 MR. ADAMS: Second.

31

32 CHAIRWOMAN GARZA: So to get it on the
33 table we have Section 12 as written on Page 5.

34

35 MR. THOMAS: Second.

36

37 MR. MARTIN: Second.

38

39 CHAIRWOMAN GARZA: It was seconded by Mr.
40 Adams, he beat you to the punch line.

41

42 MR. THOMAS: You got two quiet guys
43 sitting by each other down there.

44

45 CHAIRWOMAN GARZA: Okay, Bill Thomas
46 seconded it, sorry Bert.

47

48 MR. MARTIN: They're whispering to each
49 other.

50

00406

1 MR. THOMAS: Yeah.

2

3 MS. WILSON: Section 12?

4

5 CHAIRWOMAN GARZA: So what we have on the
6 table is what is written on Page 5 under Tab F, Section
7 12; transactions between a rural resident and others,
8 customary trade for fish, their parts or their eggs
9 legally taken under the regulations in this part from a
10 rural resident to commercial entities other than
11 fisheries businesses or from a rural resident to
12 individuals other than rural residents is permitted as
13 long as a customary trade does not constitute a
14 significant commercial enterprise. That is what we have
15 before us.

16

17 MS. WILSON: Madame Chair.

18

19 CHAIRWOMAN GARZA: Ms. Wilson.

20

21 MS. WILSON: I would like to ask you a
22 question on the significant commercial enterprise, that
23 was the question I asked at the beginning. Is there a
24 meaning to this word or what is the cap or is that just
25 open to interpretation?

26

27 MR. PROBASCO: Madame Chair, Ms. Wilson.

28 The language that is before you is what the Federal
29 Subsistence Board put forward as a proposed rule
30 realizing that there is no definitive definition of
31 significant commercial enterprise. So what you're
32 getting at Ms. Wilson is very accurate, that what you may
33 think is significant and what I may think or what any
34 other Council member may think could be very different
35 and, so that's what we're trying to do, to define
36 significant commercial enterprise. Madame Chair.

37

38 CHAIRWOMAN GARZA: So it is my
39 understanding from what Marty Meyers had stated earlier
40 is that they are hoping that the general public, the
41 whoever writes in, the Regional Advisory Councils will
42 make modifications to the constitute a significant
43 commercial enterprise. One suggestion was that it
44 doesn't enter commerce, period.

45

46 MR. THOMAS: It doesn't enter a
47 commercial market.

48

49 MS. WILSON: Madame Chair.

50

00407

1 CHAIRWOMAN GARZA: Marilyn.

2

3 MS. WILSON: Madame Chair, I move to
4 amend Section 12 to add; transactions between rural
5 residents and others customary trade for fish and their
6 parts or their eggs legally taken under the regulation in
7 this part from a rural resident to commercial entities
8 other than, and add licensed, other than licensed
9 fisheries businesses. I so move to add that word,
10 licensed.

11

12 CHAIRWOMAN GARZA: Hearing no second the
13 motion dies.

14

15 MR. LITTLEFIELD: Madame Chairman.

16

17 CHAIRWOMAN GARZA: Mr. Littlefield.

18

19 MR. LITTLEFIELD: I guess I have to try
20 again, Madame Chair. I would like to offer some
21 substitute language in the first sentence starting where
22 it says customary trade, I would like to have that read
23 similar to what we just approved for 11. In other words,
24 it would read, the exchange for cash between rural
25 residents and others in customary trade of subsistence
26 harvested fish, their parts, their eggs legally taken
27 under the -- and then the rest of this the same, legally
28 taken under the regulations, just to align it so that the
29 language is the same as above. And I can read it one
30 more time if you can't figure it out.

31

32 CHAIRWOMAN GARZA: Please read it in its
33 entirety.

34

35 MR. LITTLEFIELD: I'll try. Number 12,
36 transactions between a rural resident and others - the
37 exchange for cash between rural residents and others in
38 customary trade of subsistence harvested fish, their
39 parts or their eggs, legally taken under the regulations
40 in this part from a rural resident to commercial entities
41 other than fishery businesses or from a rural resident to
42 individuals other than rural residents is permitted as
43 long as the customary trade does not constitute a
44 significant commercial enterprise.

45

46 MS. WILSON: Madame Chair.

47

48 CHAIRWOMAN GARZA: Marilyn.

49

50 MS. WILSON: I have another amendment to

00408

1 add.

2

3 CHAIRWOMAN GARZA: Hearing no second that
4 motion dies.

5

6 MS. WILSON: Oh, his motion.

7

8 MR. MARTIN: Yes.

9

10 MS. WILSON: Oh, I'll second his motion,
11 Madame Chairman.

12

13 CHAIRWOMAN GARZA: Okay, thank you.

14 Before you offer another amendment we have to vote on
15 that amendment.

16

17 MR. LITTLEFIELD: Madame Chair.

18

19 CHAIRWOMAN GARZA: Mr. Littlefield.

20

21 MR. LITTLEFIELD: Thank you. When I went
22 through 11 and 12 I started striking out words that were
23 the same in both of them and a whole bunch of them were
24 the same but they were in a different order and it was
25 just a gobbly-gook, the way I -- and I think they should
26 both read the same. And I think it makes it easier to
27 understand, at least, the first part.

28

29 CHAIRWOMAN GARZA: Okay. The issue I
30 have with the amendment, well, in Section 12 in general
31 is the word of commercial entities, other -- is just
32 commercial entities.

33

34 MR. LITTLEFIELD: Haven't got there.

35 This is only an amendment on the first sentence.

36

37 MS. WILSON: Madame Chair, I just need to
38 ask him a question.

39

40 CHAIRWOMAN GARZA: Go ahead Marilyn.

41

42 MS. WILSON: Is that only adding the
43 word, cash - for cash, after customary trade for cash?

44

45 MR. LITTLEFIELD: Actually the customary
46 trade part disappears. It will read exactly what we
47 approved under 11. 11 says, the exchange for cash
48 between rural residents, okay, I would like No. 12 to
49 read, striking customary trade -- it was a substitution,
50 would read, the exchange for cash between rural residents

00409

1 and others -- between rural residents and others in the
2 customary trade of subsistence harvested fish, their
3 parts or their eggs legally taken under the regulations
4 and then all of the rest of it down -- from legally is
5 all the same. I haven't amended any of that at this
6 time, it's just that first sentence so that it mimics the
7 language in the first part and makes sure that the word,
8 cash, is included.

9

10 CHAIRWOMAN GARZA: Discussion.
11 Clarification. Questions.

12

13 MR. LITTLEFIELD: Question.

14

15 CHAIRWOMAN GARZA: Is the Council
16 prepared to vote on this amendment?

17

18 MS. WILSON: Madame Chair, I think it
19 should be read fully for everybody to understand what's
20 going on.

21

22 CHAIRWOMAN GARZA: Mr. Littlefield.

23

24 MR. LITTLEFIELD: No. 12 will read;
25 transactions between a rural resident and others - the
26 exchange for cash between rural residents and others in
27 customary trade of subsistence harvested fish, their
28 parts or their eggs, legally taken under the regulations
29 in this part from a rural resident to commercial entities
30 other than fishery businesses or from a rural resident to
31 individuals other than rural residents is permitted as
32 long as the customary trade does not constitute a
33 significant commercial enterprise.

34

35 MR. KOOKESH: I have a question.

36

37 CHAIRWOMAN GARZA: Mr. Kookesh.

38

39 MR. KOOKESH: I have a question. When
40 you look at the word, others, I'm trying to make sure I
41 have this very clear -- when you look at the word,
42 others, in the statement that's No. 12, others makes
43 reference from the word rural resident to commercial
44 entities other than fishery businesses or from a rural
45 resident to individuals? The defines others; is that
46 correct?

47

48 CHAIRWOMAN GARZA: Yeah.

49

50 MR. KOOKESH: Or should it be put in

00410

1 right after the word, others?

2

3 MS. WILSON: Madame Chair.

4

5 CHAIRWOMAN GARZA: Marilyn.

6

7 MS. WILSON: When I asked that the
8 meaning of others to you, and he told us that it meant
9 urban or non-licensed businesses, the two things I got
10 out of it.

11

12 MR. LITTLEFIELD: Anything other than
13 rural.

14

15 MS. WILSON: Anything other than rural.

16

17 CHAIRWOMAN GARZA: And so Floyd's
18 question was, from a rural resident to, if you look at
19 the third sentence down, following to, where it says to
20 commercial entities other than fishery businesses or from
21 a rural resident to individuals other than rural
22 residents, that all defines other.

23

24 MR. KOOKESH: Is that correct?

25

26 MR. PROBASCO: Madame Chair, that is
27 indeed correct.

28

29 MR. KOOKESH: Can you put after -- like
30 in his motion, should he put, a period with a comma and
31 others, and define the word others, this portion or does
32 that.....

33

34 MR. PROBASCO: Madame Chair. No, the way
35 it's written is actually written how a regulatory writer
36 would write the language.

37

38 MR. KOOKESH: Is that how it would be?

39

40 MR. PROBASCO: Yes. Madame Chair, just
41 keep in mind I wouldn't get bogged down in the
42 technicalities, I would just stay with your intent
43 language. Because whatever the legalize people come up
44 with is not going to be word for word what the Council
45 would develop. They have to put it in regulatory
46 language. Madame Chair.

47

48 CHAIRWOMAN GARZA: So the intent of the
49 amendment, Mr. Littlefield, is to make the beginning of
50 the sentence for Section 12 mirror the beginning of the

00411

1 sentence for Section 11; is that correct?

2

3 MR. LITTLEFIELD: That's correct.

4

5 CHAIRWOMAN GARZA: Is that understood by
6 the Council? Further discussion. Positions.

7 Justifications. Call for question.

8

9 MS. WILSON: Question.

10

11 CHAIRWOMAN GARZA: Question has been
12 called on the amendment. The intent of the amendment is
13 to make the beginning of the sentence in Section 12

14 mirror the beginning of the sentence in Section 11 to

15 make it clear that it is an exchange for cash between

16 rural residents and others. Is that correct, Mr.

17 Littlefield?

18

19 MR. LITTLEFIELD: Yes, ma'am.

20

21 CHAIRWOMAN GARZA: All in favor of the
22 amendment, please signify by saying aye.

23

24 IN UNISON: Aye.

25

26 CHAIRWOMAN GARZA: Opposed.

27

28 (No opposing votes)

29

30 CHAIRWOMAN GARZA: The amendment passes.

31 Mr. Littlefield.

32

33 MR. LITTLEFIELD: I have another
34 amendment. The amendment is in the last sentence and
35 that would be to insert a period after permitted and
36 strike, as long as customary trade does not constitute a
37 significant commercial enterprise.

38

39 MS. WILSON: Strike it?

40

41 CHAIRWOMAN GARZA: Is there a second.

42

43 MR. THOMAS: Second.

44

45 MR. LITTLEFIELD: Madame Chair.

46

47 CHAIRWOMAN GARZA: Mr. Littlefield.

48

49 MR. LITTLEFIELD: Speaking for it, I
50 believe that law enforcement, Mr. Meyers, said that they

00412

1 wanted to get rid of this significant commercial
2 enterprise, I agree with him.

3

4 CHAIRWOMAN GARZA: Mr. Thomas.

5

6 MR. THOMAS: Mr. Littlefield agrees with
7 Mr. Meyers, I agree with Mr. Littlefield.

8

9 CHAIRWOMAN GARZA: Would you see if
10 Marty's out there? He was.

11

12 MR. THOMAS: If he comes in I won't agree
13 with him.

14

15 (Laughter)

16

17 CHAIRWOMAN GARZA: I guess I'm
18 uncomfortable voting for that amendment because it
19 doesn't replace it with language such as doesn't enter
20 commerce and I think that is what I would like to see.

21

22 MR. LITTLEFIELD: We can amend that next.

23

24 CHAIRWOMAN GARZA: Okay.

25

26 MR. THOMAS: That's next.

27

28 MR. KOOKESH: Who seconded it?

29

30 MR. LITTLEFIELD: We took a shot at you
31 Marty.

32

33 CHAIRWOMAN GARZA: Who seconded it?

34

35 MR. THOMAS: But it was a good shot.

36

37 CHAIRWOMAN GARZA: Thomas. Mr. Thomas
38 seconded it.

39

40 MR. THOMAS: I seconded it and proudly

41 so.

42

43 MS. WILSON: Who made the motion?

44

45 MR. LITTLEFIELD: I did.

46

47 CHAIRWOMAN GARZA: So Marty just say it's
48 okay.

49

50 MR. LITTLEFIELD: Say yes.

00413

1 MR. THOMAS: Say yes Marty, come on.

2

3 MR. MEYERS: Okay.

4

5 MR. THOMAS: You're in good company.

6

7 MR. MEYERS: Actually, if your intent of
8 this is to allow that kind of use of subsistence product
9 and if -- again, the verbiage of significant commercial
10 enterprise is the issue. And the reason for that again
11 is because it was to prevent the possibility of someone
12 taking advantage of the circumstance. But if you don't
13 feel that's an issue here, which I think John has
14 expressed that -- in his testimony that -- in his opinion
15 that it doesn't appear that you can even catch that much
16 fish to sell to make a significant commercial enterprise,
17 then I guess that's your option.

18

19 But again, the language of significant
20 commercial enterprise needs to -- it's not going to stay,
21 I don't think it should stay because that's the whole
22 issue in the first place.

23

24 CHAIRWOMAN GARZA: Mr. Littlefield.

25

26 MR. LITTLEFIELD: Mr. Meyers, that's what
27 I said, that, you know, that had to disappear and you're
28 absolutely correct, if one person was to go everywhere in
29 Southeast Alaska harvest everyone of these fish that he's
30 legally allowed to now, he'd be very hard pressed to make
31 a thousand bucks.

32

33 MR. MARTIN: Madame Chair.

34

35 CHAIRWOMAN GARZA: Mr. Martin.

36

37 MR. MARTIN: Officer Meyers, I believe in
38 your earlier comments you also said that we didn't need
39 the word legally in this.

40

41 MR. LITTLEFIELD: He did say that.

42

43 MR. MEYERS: Yeah, the reason I said that
44 is because if the regulation has the word -- well, let's
45 see, has the act in there as far as to be able to fish or
46 to take or to exchange then that word, in itself, gives
47 you the ability to -- makes it legal.

48

49 MR. MARTIN: Thank you. Madame Chair, I
50 just have problems with the word, legally. To me it

00414

1 implies that we're subject to doing anything illegally
2 or, you know, just something illegal.

3

4 MR. LITTLEFIELD: Call for the question.

5

6 CHAIRWOMAN GARZA: Is there any further
7 comments, discussions or clarifications wished on this
8 amendment? Question has been called, I ask for a roll
9 call vote.

10

11 MR. KOOKESH: And can he read the motion?

12

13 CHAIRWOMAN GARZA: Can you please reread
14 the amendment, Mr. Littlefield.

15

16 MR. LITTLEFIELD: Madame Chair, the
17 amendment is in the last sentence after individuals other
18 than rural residents is permitted, I changed the comma to
19 a period and struck the remaining language, as long as
20 the customary trade does not constitute a significant
21 commercial enterprise.

22

23 MR. MARTIN: Madame Chair, can I offer a
24 friendly amendment, does that -- what's the procedure?

25

26 CHAIRWOMAN GARZA: Well, tell me what it
27 is and I'll.....

28

29 MR. MARTIN: I'd like to just strike the
30 word legally.

31

32 CHAIRWOMAN GARZA: Mr. Littlefield.

33

34 MR. LITTLEFIELD: That should be another
35 amendment. It could well pass but I don't think it has
36 anything to do with this part.

37

38 CHAIRWOMAN GARZA: Roll call vote.

39

40 MS. WILSON: Madame Chair. Do you need
41 to read what we're striking? Does everybody understand?

42

43 CHAIRWOMAN GARZA: I think so.

44

45 MS. WILSON: Okay. We're striking the
46 word significant.

47

48 MR. LITTLEFIELD: No.

49

50 MR. MARTIN: The whole last sentence.

00415

1 MS. WILSON: Significant commercial
2 enterprise.

3

4 MR. LITTLEFIELD: Let me read it again.

5

6 MS. WILSON: Okay.

7

8 MR. LITTLEFIELD: Individuals other than
9 rural residents is permitted, period. Strike the
10 language, as long as the customary trade does not
11 constitute a significant commercial enterprise.

12

13 MS. WILSON: Okay. Madame Chair. Bert
14 Adams.

15

16 MR. ADAMS: Yes.

17

18 MS. WILSON: Floyd Kookesh.

19

20 MR. KOOKESH: Yes.

21

22 MS. WILSON: William C. Thomas.

23

24 MR. THOMAS: Yes.

25

26 MS. WILSON: Clarence -- oh, he's not
27 here. Richard Stokes.

28

29 MR. STOKES: Aye.

30

31 MS. WILSON: Mary Rudolph.

32

33 MS. RUDOLPH: Yes.

34

35 MS. WILSON: Patricia Phillips, not here.
36 Michael Douville.

37

38 MR. THOMAS: Yes.

39

40 CHAIRWOMAN GARZA: He's not here.

41

42 (Laughter)

43

44 MS. WILSON: Marilyn Wilson, yes. John
45 Littlefield.

46

47 MR. LITTLEFIELD: Yes.

48

49 MS. WILSON: Harold Martin.

50

00416

1 MR. MARTIN: Yeah.

2

3 MS. WILSON: Dolly Garza.

4

5 CHAIRWOMAN GARZA: No.

6

7 MS. WILSON: Eight yes, one no.

8

9 MR. LITTLEFIELD: What was the vote?

10

11 MS. WILSON: Eight yes, one no.

12

13 MR. KOOKESH: Madame Chair.

14

15 CHAIRWOMAN GARZA: Floyd.

16

17 MR. KOOKESH: Can I have that whole
18 motion read?

19

20 CHAIRWOMAN GARZA: What?

21

22 MR. KOOKESH: Can I have 12 read.

23

24 CHAIRWOMAN GARZA: Okay, so we'd like to
25 see what 12 looks like as it has been amended. Are you
26 keeping track, Mr. Littlefield?

27

28 MR. LITTLEFIELD: Yes. The Secretary
29 should do this but I'll correct if you want. Excuse me,
30 Madame Chair, he has the record, I would ask that Mr.
31 Probasco to read that.

32

33 MR. PROBASCO: Thank you, Madame Chair.
34 Transactions between a rural resident and others - the
35 exchange for cash between rural residents and others in
36 customary trade of subsistence harvested fish, their
37 parts or their eggs, legally taken under the regulations
38 in this part from a rural resident to commercial entities
39 other than fishery businesses or from a rural resident to
40 individuals other than rural residents is permitted.

41

42 MR. LITTLEFIELD: I agree.

43

44 CHAIRWOMAN GARZA: Okay. Harold,
45 legally.

46

47 MR. MARTIN: Madame Chair, on second
48 thought I think legally will have to stay because it's
49 inserted in 11 and there's nothing we could do about 11
50 anymore.

00417

1 MR. KOOKESH: That makes us good guys.

2

3 MR. LITTLEFIELD: Madame Chair, I call
4 for the question on 12 as amended.

5

6 CHAIRWOMAN GARZA: Question has been
7 called on 12 as amended as read by Mr. Probasco. Does
8 anyone wish to have it reread. I will be speaking
9 against and voting against the motion as long as it has
10 commercial enterprises in there.

11

12 MR. LITTLEFIELD: Make an amendment.
13 Strike it.

14

15 CHAIRWOMAN GARZA: I will move to amend
16 the motion -- move to amend 12 to strike the word
17 commercial entities other than fishery businesses or from
18 a rural resident. Second. I'll second it, too.

19

20 MR. KOOKESH: Second.

21

22 CHAIRWOMAN GARZA: It's been moved and
23 seconded. So it would read legally taken -- from a rural
24 resident to individuals other than rural residents is
25 permitted. You got that Pete?

26

27 MR. PROBASCO: Yes, ma'am.

28

29 CHAIRWOMAN GARZA: Okay. So could you
30 read it as it has been amended thus far, I haven't kept
31 track including that amendment.

32

33 MR. PROBASCO: Okay, Madame Chair, what
34 I'm reading would be what you just amended.

35

36 Transactions between a rural resident and
37 others - the exchange for cash between rural residents
38 and others in customary trade of subsistence harvested
39 fish, their parts or their eggs, legally taken under the
40 regulations in this part from a rural resident to
41 individuals other than rural residents is permitted. And
42 the intent of Ms. Garza's language is to not allow
43 subsistence harvest fish to enter commerce at any point.
44 And now, I'm just trying to think how legally to write it
45 but I don't think I have time right now for that, Ms.
46 Garza.

47

48 MR. LITTLEFIELD: Madame Chair.

49

50 CHAIRWOMAN GARZA: Mr. Littlefield.

00418

1 MR. LITTLEFIELD: I agree with the
2 comments of Mr. Probasco and I think that should be made
3 a -- it is part of the record but it should be clear that
4 that was the intent and I support that intent.

5
6 CHAIRWOMAN GARZA: So we can put in
7 parenthesis, the intent is that it does not enter
8 commerce. Is that okay?

9
10 MR. PROBASCOS: I will do so, Madame
11 Chair.

12
13 CHAIRWOMAN GARZA: Okay. So does
14 everyone understand the amendment, I've taken out
15 commercial entities other than fishery businesses from a
16 rural resident.

17
18 MR. LITTLEFIELD: Call for the question
19 on the amendment.

20
21 CHAIRWOMAN GARZA: Question has been
22 called on the amendment. All in favor signify by saying
23 aye.

24
25 IN UNISON: Aye.

26
27 CHAIRWOMAN GARZA: Opposed, nay.

28
29 (No opposing votes)

30
31 CHAIRWOMAN GARZA: The amendment passes.

32
33 MR. MARTIN: Madame Chair, question on
34 the main motion.

35
36 CHAIRWOMAN GARZA: Question on the main
37 motion. Could you read it one more time before you fly
38 out the door, Mr. Probasco.

39
40 MR. PROBASCOS: Yes, Madame Chair.

41
42 Transactions between a rural resident and
43 others - the exchange for cash between rural residents
44 and others in customary trade of subsistence harvested
45 fish, their parts or their eggs, legally taken under the
46 regulations in this part from a rural resident to
47 individuals other than rural residents is permitted. In
48 the parenthesis, the Southeast Regional Council's intent
49 is to not allow subsistence harvest fish to enter
50 commerce at any point. Madame Chair.

00419

1 CHAIRWOMAN GARZA: The question has been
2 called on the main motion to support 12 as amended three
3 times, I think. All in favor of the motion signify by
4 saying aye.

5
6 IN UNISON: Aye.

7
8 CHAIRWOMAN GARZA: Opposed, nay.

9
10 (No opposing votes)

11
12 CHAIRWOMAN GARZA: Motion passes.

13
14 MR. PROBASCO: Madame Chair.

15
16 CHAIRWOMAN GARZA: Mr. Probasco.

17
18 MR. PROBASCO: If I may, your action on
19 A-12 would make A-13.....

20
21 MR. LITTLEFIELD: Moot.

22
23 MR. PROBASCO:moot. Thank you, Mr.
24 Littlefield.

25
26 MS. WILSON: Good.

27
28 MR. LITTLEFIELD: Madame Chair.

29
30 CHAIRWOMAN GARZA: Mr. Littlefield.

31
32 MR. LITTLEFIELD: I move to strike 13 in
33 its entirety.

34
35 MR. MARTIN: Second that motion.

36
37 CHAIRWOMAN GARZA: Mr. Meyers.

38
39 MR. MEYERS: One comment, Madame Chair on
40 13, is that, 13, if you read it applies to fisheries
41 businesses and it restricts them from purchasing from
42 subsistence users where 11 and 12 are more focused toward
43 subsistence users, what they can do. Is that correct,
44 Pete?

45
46 MR. PROBASCO: Madame Chair, Mr. Meyers,
47 by them adding the intent for it not to enter commerce at
48 any point would not allow fishery businesses to buy the
49 product.

50

00420

1 MR. MEYERS: Thank you.

2

3 MS. WILSON: Madame Chair.

4

5 CHAIRWOMAN GARZA: Marilyn.

6

7 MS. WILSON: Just a comment, I was
8 thinking No. 13 should not be a rule for us, it should be
9 rule for the commercial fishermen. So why would it be in
10 this proposed rule, just a thought.

11

12 CHAIRWOMAN GARZA: Well, the motion is to
13 eliminate 13.

14

15 MR. THOMAS: Question.

16

17 CHAIRWOMAN GARZA: The question has been
18 called on eliminating Section 13. All in favor signify
19 by saying aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN THOMAS: Opposed, nay.

24

25 (No opposed votes)

26

27 CHAIRWOMAN GARZA: Okay. I would like to
28 offer another 13 -- actually it would be 14 because 13
29 will probably stay in some version if we disagree with
30 it. I would move that we have a Section 14, the
31 traditional hooligan fishery which sells to locals is
32 exempt from this regulation provided that all sales are
33 to individuals. I so move.

34

35 MR. THOMAS: Second.

36

37 MR. LITTLEFIELD: Madame Chair.

38

39 CHAIRWOMAN GARZA: Mr. Littlefield.

40

41 MR. LITTLEFIELD: I will speak and I will
42 vote against this and I'd like to say that that is a
43 nationwide regulation and should be addressed regionally.
44 It has no part in the general regs which are statewide.

45

46 CHAIRWOMAN GARZA: I think that every
47 region is going to be making changes to it that are
48 specific to theirs and so they may add this to our
49 regulation later, however, I am afraid that if it doesn't
50 go in now, that it will be years before we get around to

00421

1 actually putting it in.

2

3 Thank you. Mr. Thomas.

4

5 MR. THOMAS: I think you're right. I
6 think we're going to wind up pretty region specific on
7 this the way it's looking.

8

9 CHAIRWOMAN GARZA: Pete.

10

11 MR. PROBASCO: Madame Chair, I'm
12 recording it in the notes as a region specific regulation
13 addressing hooligan, Madame Chair. That's the intent.

14

15 CHAIRWOMAN GARZA: I guess the concern I
16 have John is when we were looking at Federal and --
17 Federal game and then fish regulations we always said
18 well we'll deal with it later and we've gone through heck
19 dealing with it later because we never -- it just goes
20 out into regulation and then we have a hard time changing
21 anything. So I'd like to have it right there at the
22 front. At the ad hoc meetings for the customary trade
23 meetings, everybody at that meeting understood that
24 hooligan is an exception.

25

26 MR. THOMAS: Madame Chair.

27

28 CHAIRWOMAN GARZA: Mr. Thomas.

29

30 MR. THOMAS: I don't know what later
31 means.

32

33 CHAIRWOMAN GARZA: Let's do it now.

34

35 MR. LITTLEFIELD: Madame Chair.

36

37 CHAIRWOMAN GARZA: Mr. Littlefield.

38

39 MR. LITTLEFIELD: Fisheries proposals are
40 due and we can generate a Board proposal at this meeting
41 for adoption and I would fully support it at the next
42 meeting, going through the process. I don't see any
43 problem. I support where you're trying to get but I
44 think that we're still talking a generic statewide
45 regulation and as long as it's a regional comment just
46 attached to it, I guess I don't know if it has to be in
47 14 or not. I support it but I don't know if I support it
48 in the language.

49

50 CHAIRWOMAN GARZA: When we first looked

00422

1 at herring regs we covered almost everything that we
2 could -- fishery regs, we covered almost everything in
3 Kake that we've been trying to do with fish now. We
4 tried to coho, we tried to cover sockeye, we tried to
5 cover kings, Kake was there, they were sitting down very
6 specific to their rivers and everything and what we were
7 told was, well, we want to mirror State regs and then
8 we'll get around and we'll do this and it's taken years.
9 I'd like to see it done now and I think this is the time
10 to easily put it in.

11

12 Thank you. Mr. Probasco.

13

14 MR. PROBASCO: Madame Chair, I apologize
15 if I misled the Council earlier in my presentation. The
16 Board specifically asked the Council if there is areas
17 for their regions that they want specifically addressed,
18 to do so, so I apologize if that wasn't clear. But I
19 think Ms. Garza's motion, if the Regional Council elects
20 to address hooligan is very appropriate. Madame Chair.

21

22 CHAIRWOMAN GARZA: Marilyn.

23

24 MS. WILSON: Madame Chair, could you read
25 that motion slowly so I could write it for my records?

26

27 CHAIRWOMAN GARZA: I have it listed as 14
28 but it would be our 13 since we eliminated 13 but it
29 would just be in there somewhere.

30

31 MR. THOMAS: Region.....

32

33 CHAIRWOMAN GARZA: The traditional
34 hooligan fishery which sells to locals is exempt from
35 this regulation.....

36

37 MR. LITTLEFIELD: Shall not apply.

38

39 MS. WILSON: Hooligans which sell, what?

40

41 CHAIRWOMAN GARZA: Which sells to locals.

42

43 MS. WILSON: Oh, okay.

44

45 CHAIRWOMAN GARZA: Is exempt from this
46 regulation, provided that all sales are to individuals.
47 And I have it written for you.

48

49 MS. WILSON: Is exempt from regulations?

50

00423

1 CHAIRWOMAN GARZA: From this regulation.

2

3 MS. WILSON: Or this regulation. Okay.

4

5 CHAIRWOMAN GARZA: Pete.

6

7 MR. PROBASCO: Madame Chair, again, I
8 would go -- if your intent language is to allow the
9 traditional hooligan fishery to occur to individuals as
10 long as it doesn't enter commerce, I believe that is
11 your intent. Madame Chair.

12

13 CHAIRWOMAN GARZA: Correct.

14

15 MR. THOMAS: Uh-huh.

16

17 CHAIRWOMAN GARZA: Further discussion.
18 Call for the question.

19

20 MR. THOMAS: Question.

21

22 CHAIRWOMAN GARZA: Question has been
23 called no adopting a new section on the traditional
24 hooligan fishery. The traditional hooligan fishery which
25 sells to locals is exempt from this regulation provided
26 that all sales are to individuals. All in favor of the
27 motion signify by saying aye.

28

29 IN UNISON: Aye.

30

31 CHAIRWOMAN GARZA: Opposed.

32

33 (No opposing votes)

34

35 CHAIRWOMAN GARZA: Motion passes. Are we
36 done with customary trade? Thank you, Pete.

37

38 MR. THOMAS: Thank you, Pete.

39

40 MR. PROBASCO: Thank you.

41

42 CHAIRWOMAN GARZA: Hope you make your
43 flight.

44

45 MR. LITTLEFIELD: I have a few more to
46 add, a couple more sections.

47

48 MR. PROBASCO: Mr. Littlefield's got to
49 go with me.

50

00424

1 MR. LITTLEFIELD: It's a joke, sorry.

2

3 (Laughter)

4

5 MR. PROBASCO: Thank you, Madame Chair.

6

7 MR. THOMAS: Madame Chair.

8

9 CHAIRWOMAN GARZA: Yes.

10

11 MR. THOMAS: I think we owe Mr. Casipit a
12 big thank you for that delicious lunch he provided all of
13 us. Thank you, Mr. Cal.

14

15 (Applause)

16

17 CHAIRWOMAN GARZA: And to Bob Schroeder
18 for the smoked fish in case you got some of it.

19

20 MR. LITTLEFIELD: What smoked fish?

21

22 MR. THOMAS: What smoked fish?

23

24 MR. KOOKESH: What smoked fish?

25

26 CHAIRWOMAN GARZA: The one everybody
27 missed. Okay so we are on.....

28

29 MR. LITTLEFIELD: Call for proposals.

30

31 CHAIRWOMAN GARZA:Item X, which is
32 10, call for proposals to change Federal Subsistence
33 Fisheries Regulations and traditional use determinations
34 for Federal waters for the 2002/2003 regulatory year.
35 Proposals will be accepted January 7th through March
36 29th. Cal.

37

38 MR. CASIPIT: Thank you, Madame Chair.
39 My name is Cal Casipit. I'm with the US Forest Service
40 here in Juneau. I'm the regional subsistence Staff
41 fisheries biologist and the lead fisheries biologist for
42 this Council. I ask you to flip your books over to Tab
43 D. The first page there shows the time line for this
44 current regulatory cycle that ends on -- where proposals
45 have to be in by March 29th of this year, that's in a
46 couple weeks. Also it displays the time line -- it's the
47 time line that everybody's familiar with and we've been
48 working under for the past two years.

49

50 There's some instructions there for

00425

1 people who want to submit proposals and a proposal form.
2 In the past because of the problems with the DOI's
3 computer systems, these items in the past have been on
4 the Office of Subsistence Management's web site, since
5 their computer systems are down these are not available
6 on their web site but folks can contact me and I do have
7 electronic copies of these that I can send to people
8 through email through the Forest Service. We don't have
9 a shut down computer system. So if folks want electronic
10 copies of any of this I can provide it.

11

12 I also kind of wanted to mention
13 potential regulatory proposals that I'm aware of that may
14 be coming in on this cycle. I know Dale Kanen and his
15 staff is working on providing for mortuary, ceremonial,
16 other community use of salmon and steelhead throughout
17 the Southeast region and may have applications statewide.
18 I know if Council has any specific questions about where
19 Mr. Kanen and his staff is in in that process I'm sure he
20 can come up and answer those questions.

21

22 Other than that I'm not aware of any
23 other specific proposals that may be coming in by the end
24 of the month. I did want to alert the Council and I'm
25 sure Mike Turek may be talking about this as well,
26 concurrent with this regulatory cycle in the Federal
27 system, the State Board of Fish is cycling through
28 Southeast as well this year. I believe the due date for
29 Board of Fish proposals is April 10th. I did submit
30 three proposals into that process on behalf and direction
31 of Mr. Richard Stokes. He's submitted three proposals to
32 the Board of Fish and I did that for Mr. Stokes.

33

34 Other than that, I'd be happy to
35 entertain any other questions or any other comments. If
36 Council members have ideas about specific regulatory
37 proposals I'd be -- I'd like to take notes on that so
38 that I'm prepared and know and will be looking for them
39 when they come in after the due date.

40

41 Also we have four Federal fisheries --
42 subsistence fisheries biologists stationed throughout
43 Southeast. The Council is aware of those individuals.
44 They are available to assist with communities and
45 individuals with regulatory proposals as well. Terry's
46 in the room, but he's the only one that I know right now
47 that's here. But Ben Van Allen in Juneau, Terry in
48 Sitka, Robert Larson in Petersburg and Jeff Reeves on
49 Prince of Wales, they're all available to assist Council
50 members, individuals and communities with preparing

00426

1 regulatory proposals for consideration by the Council,
2 the Board in this regulatory cycle.

3

4 So with that, I'll take any questions or
5 comments.

6

7 CHAIRWOMAN GARZA: Okay, before you ask
8 John, could you get to us either by snail mail or by
9 email a list of those four people with their contacts so
10 that we could get them out to people that would be
11 interested in using their services?

12

13 MR. CASIPIT: Yes, ma'am, I will.

14

15 CHAIRWOMAN GARZA: Thank you. Mr.
16 Littlefield.

17

18 MR. LITTLEFIELD: Thank you, Madame
19 Chair. Cal, are you or Terry going to be involved in
20 writing a proposal -- Board of Fish proposal for the
21 Redoubt Salmon Management Plan or what is the
22 collaboration or are we submitting our own proposals?
23 Maybe I could get an update no Redoubt.

24

25 MR. SUMINSKI: Mr. Chair, Mr. Littlefield

26 -- Ms.....

27

28 MR. THOMAS: Madame Chair.

29

30 MR. SUMINSKI: Madame Chair, okay. My
31 name is Terry Suminski, I'm a subsistence fisheries
32 biologist US Forest Service, Hoonah Ranger District.
33 John, I don't have plans to do that at this point. Bill
34 Davidson was going to do that from the Department.

35

36 MR. LITTLEFIELD: So we will not be
37 generating a proposal from the Forest Service or -- it
38 will be a State generated proposal; is that correct?

39

40 MR. SUMINSKI: Yes. We'll have input on
41 it but I think Bill is going to take the lead on that.

42

43 CHAIRWOMAN GARZA: Just to let you know,
44 Cal, I know that Mike Douville is working with the Prince
45 of Wales tribes to resubmit the steelhead proposals. He
46 felt that the reasoning from the Federal Subsistence
47 Board for their action on those proposals submitted last
48 year was inappropriate because they were based on
49 conservation concerns and it clearly indicated that
50 subsistence was not the priority so he's on a mission.

00427

1 Mr. Schroeder.

2

3 MR. SCHROEDER: Madame Chair, there's a
4 topic concerning proposals and how they're dealt with
5 that the Council discussed earlier in this meeting and it
6 had to do with a desire on the Council's part to see the
7 exact proposal as written by a proponent either in your
8 Board book or in the published documents and I just
9 wanted to see if that was the wish of the Council that I
10 could carry forth to our Office of Subsistence Management
11 brothers in Anchorage?

12

13 CHAIRWOMAN GARZA: Yep. John.

14

15 MR. LITTLEFIELD: Thank you, Madame
16 Chair. I agree wholeheartedly. I want to see that in
17 our book that we get for the Regional Advisory Council
18 and I also want to see that in the briefing documents
19 that you present to the Federal Subsistence Board.
20 Number 1, the proponent's proposal, whatever it says,
21 should be printed in its entirety on Page 1 that we look
22 at under the first tab so that we know exactly what the
23 person said.

24

25 You know, under the same vein, when we
26 take action here, I would like to see the exact wording,
27 amended language that this Council has approved submitted
28 on the first page without any strike-throughs, lines, or
29 any other Staff comments and I think that's very
30 important that the exact language is made clear to
31 everybody.

32

33 CHAIRWOMAN GARZA: So in the past, I
34 think, primarily with game the Council has submitted a
35 Council proposal before. So this would be the time to
36 draft one up if you wanted to or not.

37

38 Thank you very much, Cal. We'll move on
39 to Item XI, Council membership balance and Regional
40 Council nomination process.

41

42 MR. LITTLEFIELD: Madame Chair.

43

44 CHAIRWOMAN GARZA: Mr. Littlefield.

45

46 MR. LITTLEFIELD: Didn't we have the
47 Stikene stuck in between X and XI.

48

49 MR. MARTIN: We did it.

50

00428

1 MR. LITTLEFIELD: On my agenda, at least,
2 I show that.

3
4 CHAIRWOMAN GARZA: No, I moved the
5 Stikene up to Council reports and we already took action.

6
7 MR. THOMAS: Yeah, Stikene's already been
8 handled.

9
10 MR. LITTLEFIELD: I thought we were going
11 to have a report on it, okay, thank you.

12
13 CHAIRWOMAN GARZA: Okay. So for the
14 Stikene, we did meet briefly and the Federal attorney
15 said, good luck. You're dealing with career bureaucrats
16 and the chance of getting it through look pretty slim
17 because we're not as good at the bureaucracy as other
18 people are. And so we did take forward -- the Council
19 did take four actions and we'll take those actions and go
20 as far as we can. Is that good enough for a report?

21
22 MR. LITTLEFIELD: Yes, ma'am.

23
24 CHAIRWOMAN GARZA: Council membership.

25
26 MR. RIVARD: Madame Chair, good
27 afternoon. My name is Don Rivard with the Office of
28 Subsistence Management and I'll be giving the briefing on
29 this one.

30
31 I would refer you to Tab E in your book.
32 the purpose of this briefing is for information only and
33 does not require any action by the Council.

34
35 Recently a letter was received on January
36 8th from the Deputy Secretary of the Interior, Mr.
37 Griles, concerning membership balance on Regional
38 Advisory Councils. Mr. Griles requested that the Board
39 review their procedures for recommending Council members
40 to ensure that we are complying with the Federal Advisory
41 Committee Act, also known as FACA, regarding membership
42 balance and representation of all affected user groups,
43 for instance, subsistence, sport, commercial, urban,
44 rural, Native and non-Native interests. A copy of this
45 letter with a transmittal letter from the Chair of the
46 Federal Subsistence Board was sent to all Council
47 members. And that letter is also in your book there, the
48 one that was sent to Mr. Thomas.

49
50 Now, this was review is being done in

00429

1 context of nationwide. Just looking at FACA committee
2 membership, so it's not just specific to the subsistence
3 management program.

4

5 We realize that the letter from Mr.
6 Griles may raise some concerns from you, however, we want
7 to assure you that we welcome this opportunity to review
8 these administrative procedures and processes for Council
9 member appointments. As the Chair indicated in his
10 transmittal letter to you, we believe we have a solid
11 record and that we are complying with the spirit and
12 intent of ANILCA and FACA. A committee of the Board
13 members or their designees has been established by the
14 Chair to undertake a review of the nominations process,
15 including the selection process. The guiding principles
16 from member balance committee efforts include one, keep
17 subsistence management and the goals of ANILCA, Title
18 VIII as the primary focus in our procedures to ensure
19 membership balance on the Councils in accordance with the
20 Federal Advisory Committee Act; two, to promote selection
21 of Council members among those who will work
22 constructively to uphold the ANILCA Title VIII mandate;
23 three, recognize that there are several interests that
24 are directly affected by the Federal Subsistence Program
25 and that these interests should be provided an
26 opportunity to be directly involved in the subsistence
27 management process.

28

29 The committee will provide
30 recommendations back to the full Board and after review
31 by the Board, recommendations will be forwarded to Deputy
32 Secretary Griles. We will keep the Councils informed as
33 this review process proceeds.

34

35 Madame Chair, that concludes my briefing
36 on this subject.

37

38 CHAIRWOMAN GARZA: Bill and then John.

39

40 MR. THOMAS: I wasn't able to pick any
41 specifics out there. I don't know what criteria they
42 have in mind for determining that balance. Does anybody
43 in this state have that criteria from the Department of
44 Interior? What are they looking for? How -- so we have
45 some idea of what to anticipate.

46

47 MR. RIVARD: Madame Chair, Bill. What's
48 happening right now is that there is a committee that has
49 been formed by the Board which includes one of the
50 attorneys from the Solicitor's office and they're just

00430

1 looking at how this whole nomination process has been
2 going in the past and seeing if there's any changes that
3 need to be made to it. There's a panel that's formed of
4 Federal employees that look at all the applications that
5 come in and then they have certain criteria that they've
6 been using to evaluate candidates and then they've been
7 ranking them. And so that's all being looked at. What
8 the criteria are is the ranking, the right way to do
9 things, et cetera, et cetera, so that's as much as I know
10 right now.

11

12 CHAIRWOMAN GARZA: Bill.

13

14 MR. THOMAS: Yeah, I don't want to make
15 this personal between you and me. But my curiosity takes
16 me, if they establish a criteria, I wonder what the base
17 of their formula for a criteria would be. Did they get
18 instructions from the Department of Interior? How do
19 they know they're going to satisfy the Department of
20 Interior?

21

22 CHAIRWOMAN GARZA: Don.

23

24 MR. RIVARD: Madame Chair, Bill. As far
25 as I know there's been no direction from the Department
26 of Interior. What we're just looking at is a review of
27 our own process that we've had in the past and seeing, is
28 this working correctly and if there's some changes that
29 need to be made. So it's kind of been just a review that
30 we're doing. And we'll report back to Deputy Secretary
31 Griles that maybe what we're doing is just fine.

32

33 I would like to just stress, though, that
34 in Secretary Griles letter, he does say to maintain
35 Council balance. So there's not a criticism as far as
36 I'm reading it of the current Council membership. It's
37 just making sure that there is some balance to it as well
38 in the future.

39

40 MR. THOMAS: Thank you. Yeah, I agree
41 with that. I just had this little exchange just so that
42 this reflection of comments will be on record for the
43 manuscript and the Board and I'm sure that committee will
44 have access to when they're ready. So that's all this
45 was for and I really appreciate you representing that.

46

47 CHAIRWOMAN GARZA: Don.

48

49 MR. RIVARD: Just for your information, I
50 know this committee has met a few times already and I

00431

1 think it's their goal to try to have this new criteria in
2 place for this next round that's coming up. I think the
3 nominations just closed, is that right, Bob, recently?

4

5 MR. SCHROEDER: Through the Chair,
6 nominations closed on the 22nd of February. I think we
7 have approximately 18 people who nominated themselves or
8 who were nominated for five seats that are either up for
9 renewal or are vacant.

10

11 CHAIRWOMAN GARZA: Mr. Littlefield.

12

13 MR. LITTLEFIELD: Thank you, Madame
14 Chair. Mr. Rivard, at the Yakutat meeting, we addressed
15 the Council make up because under our charter the Council
16 membership is defined. And one of the things we did in
17 there was we changed -- we requested a change for the
18 Forest Service, specifically for this region, because 95
19 percent of the land is managed by the Forest Service,
20 that the Secretary of Agriculture be the person -- be the
21 one to whom we report to. Could you give me any
22 indication of where that vote of the Council went to?

23

24 CHAIRWOMAN GARZA: Don.

25

26 MR. RIVARD: Madame Chair. Mr.
27 Littlefield, I am not aware of anything that's happened
28 with that.

29

30 MR. THOMAS: Madame Chair.

31

32 CHAIRWOMAN GARZA: Are you trying to take
33 over?

34

35 MR. THOMAS: Uh-huh.

36

37 CHAIRWOMAN GARZA: Were you done, Mr.
38 Littlefield, Thomas is trying to take over from you?

39

40 MR. LITTLEFIELD: Yes, he's going to
41 answer that, Mr. Thompson, please.

42

43 CHAIRWOMAN GARZA: Okay, Ken.

44

45 MR. THOMPSON: Yes, Madame Chair. Ken
46 Thompson, Forest Service. I remind the Council that both
47 the Secretaries of Interior and Agriculture do have to
48 sign off, do have to approve of the selections of the
49 Councils. So in that regard, the Secretary of Agriculture
50 does weigh in. Is that what you meant?

00432

1 MR. LITTLEFIELD: Yeah, I don't want to
2 get into a long debate on this, but anyway the language
3 that was in the charter before last year said that the
4 Secretary of Interior will appoint members and with the
5 concurrence of the Secretary of Agriculture and for our
6 region we thought that should be turned around. That the
7 Secretary of Agriculture should appoint members to this
8 Council with the concurrence of the Interior Secretary.
9

10 MR. THOMPSON: Madame Chair. Again, I
11 think we're saying the same thing. The Secretary of
12 Agriculture is advised of the members of Southeast
13 Alaska's interest in those candidates and does reflect or
14 weigh in on those appointments as much as he or she would
15 if the language were to be phrased the way you're
16 suggesting.

17
18 CHAIRWOMAN GARZA: Mr. Thomas.

19
20 MR. THOMAS: You know, this is so
21 cumbersome I think that we should relieve both of those
22 Secretaries we mentioned and delegate our Council
23 secretary to make those appointments.

24
25 (Laughter)

26
27 CHAIRWOMAN GARZA: It's your job Marilyn.
28 Okay, on this subject matter I did receive comments of
29 letters and perhaps these are the ones which started this
30 whole mess but it does cause me concern. The initial
31 first letter that I received was a copy from Rick
32 Halford, Senate President and Brian Porter, Speak of the
33 House requesting that RAC membership be changed to be
34 more accommodating. That was followed by a letter, I
35 think from the minority leadership and I've also received
36 a letter form Hoonah Indian Association who sent off
37 comments. I think we should be concerned about this
38 process.

39
40 I am quite concerned, as Mr. Littlefield
41 is, that the comments from the Department of Interior are
42 suggesting that we can have non-subsistence users on this
43 Council. That causes me great stress because I think
44 that has been part of what has made this Council so
45 successful is that we have people who are committed to
46 subsistence and I think it is unfortunate that we did not
47 receive a response from Department of Agriculture
48 regarding the Senate President and the Speaker of the
49 House's letter.

50

00433

1 MR. THOMAS: Madame Chair.

2

3 CHAIRWOMAN GARZA: Bill.

4

5 MR. THOMAS: Yeah, it is. I thought that
6 when Don first mentioned it, that they're going to change
7 the criteria. They must -- they never explained that the
8 criteria we're using now isn't working. That's never
9 been pointed out. And the letter that was sent from the
10 Senate and the House really didn't ask for anything, it
11 just suggested an observation. And we're making a heck
12 of a snowball out of a cue ball, you know. And that
13 bothers me.

14

15 I think there should have been some more
16 dialogue between OSM or somebody and the legislature
17 here. But since it went to the Secretary then it came
18 back and that kind of changes that, too, so I understand
19 all that I'm just kind of distressed by the whole thing
20 -- in those two -- I'm not distressed about the outcome,
21 I'm just distressed about the process.

22

23 CHAIRWOMAN GARZA: John.

24

25 MR. LITTLEFIELD: You want me to say
26 something?

27

28 CHAIRWOMAN GARZA: Oh, I'm sorry, I
29 thought you raised your hand.

30

31 MR. LITTLEFIELD: No, I'll say something.
32 Yes, I'm somewhat distressed about this, too, because I
33 think Senator Stevens also weighed in and said this was a
34 good idea. ANILCA in .801, .801(5) specifically said
35 that they want rural residents who have a personal
36 knowledge of local conditions and requirements to have a
37 meaningful role in the management of fish and wildlife.
38 So if you can't include predominately those people from
39 the areas, the rural areas, it seems to me like you're
40 violating the intent of ANILCA and I would -- I'm not
41 saying you're doing anything wrong either and I didn't
42 want to get into a big debate but I think that really
43 needs to be stressed. That I think what you've been
44 doing so far is correct and I would say continue to go on
45 that course.

46

47 CHAIRWOMAN GARZA: Harold.

48

49 MR. MARTIN: Madame Chair, I, too, was
50 very disturbed that shortly after the letters from the

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1 President of the Senate and Speaker of the house wrote
2 those letters that the subject was put on a fast-track.
3 I mean they had several meetings in about a two week
4 period. And from what I read what they were suggesting
5 was something that worked for Natives and that's to have
6 commercial fishermen and sportsfishermen, charter boat
7 fishermen sitting on the panel. That's never worked for
8 us. We never had a seat on the State panels. So it
9 scares me.

10

11 CHAIRWOMAN GARZA: Okay. So does this
12 Council choose to take any action?

13

14 MR. THOMAS: Madame Chair, I think we'd
15 be better off to react.

16

17 CHAIRWOMAN GARZA: One of the things that
18 was suggested, I was talking to Mike about this is
19 perhaps we need to make more clearly aware to people our
20 various other interests in life other than subsistence so
21 that the general public understands that we do have
22 commercial fishermen on here, we do have
23 environmentalists on here, we do have a university
24 professor on here, we are not all 100 percent Natives,
25 some of us are Irish, are some of us are English, some of
26 us are, who knows, Mexicans.

27

28 (Laughter)

29

30 CHAIRWOMAN GARZA: But I think that if
31 the general public has some idea of our broad range of
32 diversification that may go a long way in resolving some
33 of the concerns the public may have. Cal.

34

35 MR. CASIPIT: I just wanted to mention
36 early on after we got that letter, we were asked by OSM
37 just that question and we did respond similarly to what
38 you had just said. I am not aware if that made it into
39 the public -- if it got put in a press release or
40 whatever, I know we gave that information to OSM but I'm
41 not sure where it went from there.

42

43 CHAIRWOMAN GARZA: In the future when we
44 introduce ourselves, we may introduce ourselves more
45 broadly so the public understands us. Mr. Thomas.

46

47 MR. THOMAS: I'll be happy to do that,
48 Madame Chair. I can feel the Welsh and German really
49 surfacing here on this one.

50

00435

1 CHAIRWOMAN GARZA: Mr. Schroeder.

2

3 MR. SCHROEDER: Madame Chair, Council
4 members. You know how I love to count things and put
5 things in little boxes, if you thought it served some
6 important interest, I can send something out to you and
7 find out all your deep dark secrets and we'd have that
8 ready to represent the diversity that is found on the
9 Council. I haven't done that because I find it a little
10 bit evasive to ask people a lot of questions that,
11 basically, I don't think are particularly relevant to
12 what you bring to the table here. I think you bring your
13 expertise in subsistence and your commitment to the
14 people of Southeast which is the most important
15 qualification. And whether you served in the Marines or
16 the Air Force, I don't know if this is an essential piece
17 of the action but we can do that if....

18

19 MR. THOMAS: ANB.

20

21 MR. SCHROEDER:you'd like us to.

22

23 MR. THOMAS: ANB.

24

25 MR. LITTLEFIELD: Army. Marine.

26

27 (Laughter)

28

29 MR. THOMAS: Madame Chair.

30

31 CHAIRWOMAN GARZA: Mr. Thomas.

32

33 MR. THOMAS: I've always longed for an
34 opportunity to display my deep dark secrets in public.

35

36 (Laughter)

37

38 MR. MARTIN: Pervert.

39

40 (Laughter)

41

42 CHAIRWOMAN GARZA: Okay. Okay. So if
43 you will find some way to let Mr. Schroeder know what
44 your broad interests are so that he has a profile of you,
45 if you so choose, please do. Bob.

46

47 MR. SCHROEDER: I could just do this, I
48 could send something out that would be relatively
49 painless to fill out, just please don't be offended if I
50 ask you about secret questions, how many boyfriends you

00436

1 had in high school, et cetera, et cetera.

2

3 (Laughter)

4

5 CHAIRWOMAN GARZA: Bert.

6

7 MR. ADAMS: I was just going to say to
8 Bob, I didn't have any boyfriends in high school, I had
9 girlfriends.

10

11 (Laughter)

12

13 CHAIRWOMAN GARZA: Okay, we didn't really
14 have a lunch break and we're losing it so I'm calling a
15 five minute break. We still have stuff to do so we got
16 to get back to business. Five minutes.

17

18 MR. THOMAS: Five minutes, not five and
19 one.

20

21 MR. LITTLEFIELD: Halibut is next.

22

23 MR. THOMAS: Five minutes.

24

25 (Off record)

26

27 (On record)

28

29 CHAIRWOMAN GARZA: Okay, on the agenda
30 there were several items that were between X and XI that
31 I missed and I apologize so the next thing on the agenda
32 is the halibut.

33

34 MR. THOMAS: There's just a letter that's
35 been written and Bob can read that.

36

37 CHAIRWOMAN GARZA: Bob who?

38

39 MR. THOMAS: Schroeder.

40

41 CHAIRWOMAN GARZA: Bob Schroeder.

42

43 MR. SCHROEDER: Yeah, I'm listening, are
44 we on halibut?

45

46 CHAIRWOMAN GARZA: Yes. Hey, Dick, sit
47 down.

48

49 (Laughter)

50

00437

1 CHAIRWOMAN GARZA: I'm getting tough.

2

3 MR. SCHROEDER: So should I just do it
4 from here?

5

6 CHAIRWOMAN GARZA: Yeah, so we're on
7 halibut, Mr. Schroeder.

8

9 MR. SCHROEDER: Madame Chair, I was
10 basically just the recorder for a group that met on the
11 first day of our meeting to talk about possible changes
12 in subsistence halibut management, specifically actions
13 that may be taken by the North Pacific Fisheries
14 Management Council. The group discussed what these
15 changes might be with the people who have been following
16 this issue closely for people in Southeast and for the
17 Council, specifically we had some briefing materials from
18 Pete Probasco who provided those from US Fish and
19 Wildlife Service. Matt Kookesh, who has been a member of
20 a working group, the Halibut Subsistence Committee and
21 he's been tracking this issue, according to his written
22 information since 1981, when Angoon first proposed
23 recognition of subsistence halibut. Floyd Kookesh, John
24 Littlefield and Harold Martin have also been looking at
25 this issue.

26

27 I'll just briefly go through it. The
28 suggestion was that a letter be sent representing the
29 Council's view of what management action should be taken
30 by the North Pacific Fisheries Management Council. What
31 I'll do is I'll just give you the high points of what's
32 in this letter which has been reviewed by Mr. Littlefield
33 and Mr. Kookesh and I'd just like to give the things that
34 were supporting and opposing and make sure that I got
35 them correct and that they're the will of the Council and
36 there may -- you may want some other discussion on this
37 matter. So I'll give you what I put in bold here without
38 the flowery verbiage -- I was attempting to hit the tone
39 in stride of our Chairman, and I'm sure I was
40 unsuccessful in reaching those heights of literary
41 excellence. So I'll apologize for that.

42

43 The content of what we're saying is that
44 we're saying we specifically support recognition of the
45 existing subsistence practice of using short skates to
46 catch subsistence halibut. We agree with the suggested
47 limits proposed for this traditional activity, use of up
48 to 30 hooks and a 20 fish per day limit for subsistence
49 users. So that's one thing that we're saying.

50

00438

1 Second, we support the recognition of a
2 proxy fishing system.

3
4 Third, we support establishment of
5 educational and ceremonial permits. And we suggest that
6 these permits should be issued to tribal governments in
7 communities with recognized tribe.

8
9 I think I'm on fourth, SERAC opposes
10 putting additional restrictions on subsistence halibut
11 fishing for the Sitka Local Area Management Plan area.

12
13 Next, SERAC strongly opposes any yearly
14 limit for subsistence caught halibut, whether limited in
15 numbers or pounds of fish harvested.

16
17 And let me see if that's -- oh, we have
18 -- and we thank the North Pacific Fisheries Management
19 Council for taking this up and for -- we trust that
20 you'll take this opportunity to address the regulatory
21 oversight that does not recognize the continuing
22 traditional subsistence use of halibut.

23
24 That's just a summary of the letter, the
25 points that were raised in the committee and please
26 correct me if I missed something or misstated something.

27
28 CHAIRWOMAN GARZA: Okay. So that letter
29 -- does that letter need to be approved by the Council
30 because yesterday we did reaffirm our position in
31 supporting the October 20th, 2000 -- Bob.

32
33 MR. SCHROEDER: Council member Kookesh,
34 found the meeting notes from the previous board
35 discussion on this and it did not have a resolution or an
36 official board action at that time, that's my
37 understanding, Floyd, right?

38
39 MR. KOOKESH: (Nods affirmatively)

40
41 MR. SCHROEDER: So this would be
42 something you're acting on right now so you're not really
43 reaffirming.

44
45 CHAIRWOMAN GARZA: Harold.

46
47 MR. MARTIN: Madame Chair. Bob, that is
48 correct. At the Hydaburg meeting, what I did was give
49 the Council a report on what took place in Sitka. And I
50 think to go back a little bit for you to understand

00439

1 what's going on is at our meeting in Sitka, the North
2 Pacific Fisheries Management Council voted unanimously to
3 accept the proposed regulations. And then they turned
4 right around and allowed the State Fish and Game Board to
5 make comments and recommendations. And now they've got
6 it all apart. We're starting all over again. And my
7 problem with this whole thing is that this process went
8 through the public process for four years and we
9 testified at every one of those meetings. If you'll
10 recall this Council supported us in this venture. But at
11 the time they asked us to keep it very simple, I think we
12 did that. We made the proposals very simple, easy to
13 understand. And now they've got it so complicated that,
14 you know, there's a lot of legalize involved in it.

15

16 I guess the support we're asking from the
17 Council is that we'd like to go back to the proposals
18 that were accepted at the Sitka meeting. We thought that
19 was real good and I still object to the Council opening
20 it up to the State Fish and Game Board to -- the thing
21 went through the public process for four years, where
22 were they in that four years? I mean, to me it's like
23 breaking a treaty or reneging on an agreement. I don't
24 like it.

25

26 CHAIRWOMAN GARZA: So are you requesting
27 action, Mr. Martin?

28

29 MR. MARTIN: I think we agreed to write a
30 letter from this Council to the North Pacific Fisheries
31 Management Council International Halibut Commission just
32 reaffirming our position from the Sitka meeting. I think
33 the thrust of it is that the letter come from this
34 Council. I think Bob's done a good job in writing that
35 letter. And to put it on the table, I'll move that we
36 adopt the letter to be sent by the Council.

37

38 MR. THOMAS: Second.

39

40 CHAIRWOMAN GARZA: Bob.

41

42 MR. SCHROEDER: Harold, I thought we were
43 sending this just to Dave Denton, Chair of the North
44 Pacific Fisheries Management Council, so I don't think we
45 need to deal with the International Halibut Commission
46 right now; is that correct?

47

48 MR. MARTIN: (Nods affirmatively)

49

50 MR. SCHROEDER: And we can probably

00440

1 discuss CC's at a later time.

2

3 MR. MARTIN: Okay.

4

5 CHAIRWOMAN GARZA: So then we will
6 support that this letter will go to the North Pacific
7 Fishery Management Council as outlined by you. Bill and
8 then Marilyn.

9

10 MR. THOMAS: Yeah, I think the letter is
11 well written. However, I think we should confine our
12 message to what you have in bold. With maybe a sentence
13 or two lead in and a sentence or two following the bold.
14 But I don't think we should mire them down in voluminous
15 information so that they miss what we're trying to get.
16 That would be my recommendation.

17

18 MR. SCHROEDER: Ms. Chair, Bill. If we
19 had a couple Council member who read through this, if we
20 could get some help editing it down we could do that or
21 keep things the way they are.

22

23 CHAIRWOMAN GARZA: Marilyn and then John.

24

25 MS. WILSON: Madame Chair, I just wanted
26 to know who this letter is going to go to so I could
27 write it down.

28

29 MR. LITTLEFIELD: David Denton.

30

31 MR. SCHROEDER: I'll just put that on the
32 record, that would go to David Denton who's the Chairman
33 of the North Pacific Fisheries Management Council and
34 their main office is in Anchorage.

35

36 CHAIRWOMAN GARZA: Mr. Littlefield.

37

38 MR. LITTLEFIELD: Thank you, Madame
39 Chair. I support this as written. The letter is fairly
40 concise. I don't imagine it will take more than about a
41 page and a half to say what we're going to do. I will be
42 writing my own letter and will give them volumes to look
43 at. I agree with the comments of Harold, if it is right
44 for the Board of Fish who absolutely no regulatory
45 authority over halibut to comment on this it is entirely
46 appropriate for this body as a policy making body for
47 subsistence to also comment on it and we should take the
48 stand that is supported by the majority of the people and
49 I endorse it fully.

50

00441

1 I have read the letter. I would like to
2 have a written copy as soon as possible to review or an
3 emailed copy so that it's home and I'd like to make sure
4 that every member knows what's going in here with a copy.

5
6 CHAIRWOMAN GARZA: Thank you. Hearing no
7 objection the letter will go out on behalf of Southeast
8 Regional Advisory Council.

9
10 So was there anything else between X and
11 XI that I forgot and I didn't write down. There was
12 halibut and Stikene, Stikene we covered.

13
14 MR. THOMAS: According to my notes I
15 think that's it.

16
17 MS. WILSON: Redoubt Bay.

18
19 MR. THOMAS: Redoubt's down on XIV.

20
21 MR. LITTLEFIELD: It's on XIV.

22
23 MR. THOMAS: You want to move that up as
24 long as we're doing that? I have here, Redoubt Bay and
25 per diem.

26
27 MS. WILSON: Yeah.

28
29 MR. LITTLEFIELD: That's what I have,
30 too. I'm prepared to act on Redoubt Bay if you want.

31
32 MR. THOMAS: As it is now it's the only
33 item under new business.

34
35 CHAIRWOMAN GARZA: Is there a request to
36 move it?

37
38 MR. THOMAS: So move.

39
40 CHAIRWOMAN GARZA: Mr. Littlefield.

41
42 MR. LITTLEFIELD: Thank you, Madame
43 Chair. I'll refer you to two handouts that I asked Staff
44 to present to you and if you'll look in the minutes, you
45 should have a copy of the minutes of the Federal
46 Subsistence Board action in December and you should also
47 have a copy of the minutes of the Yakutat meeting. This
48 has to do with FP02-29, which was a proposal by the Sitka
49 Tribe of Alaska. We debated this for three days.

50

00442

1 MS. WILSON: Where is that at?

2

3 CHAIRWOMAN GARZA: It was given to us
4 early so it could be near the bottom of your pile.

5

6 MR. LITTLEFIELD: Mine has tabs on it but
7 it was two handouts like this. Did everybody get a copy
8 of that?

9

10 CHAIRWOMAN GARZA: Yes.

11

12 MS. WILSON: The Yakutat minutes.

13

14 MR. LITTLEFIELD: The Yakutat minutes are
15 the larger ones, October 17th, 2001 and the other is
16 Volume II from the December 12th, 2001 Federal
17 Subsistence Board minutes.

18

19 I previously sent a letter to Chairman
20 Thomas asking him to put this on the agenda because I
21 feel the action the Federal Subsistence Board took is
22 contrary to the law and the regulations. After three
23 days of debate we accepted FP02-29 written by the tribe.
24 It was considered by paragraph and there were seven
25 paragraphs. I could refer to any one of those if you
26 want to but it was basically split up so that the first
27 paragraph had to do with where that line was and if
28 you'll remember, Terry Suminski made a change to the line
29 and actually defined it by the correct latitude and
30 longitude. That was approved in A. Then we approved the
31 remaining two through seven as they were written.

32

33 Now, when this got to the Federal
34 Subsistence Board, it had all these gobbly-gook and Staff
35 comments and everything else in it so that it was
36 impossible -- and I'll clarify this if anybody wants to
37 by the minutes but I'm trying to paraphrase it, but it
38 was impossible for the Federal Subsistence Board to know
39 exactly what the Southeast Alaska Regional Advisory
40 Council passed on 29. On 29, we were very specific and
41 the record will show that we thought there was a
42 conservation concern in Redoubt and we recommended a
43 daily limit of 25 sockeye and an annual limit of 50 and
44 that was under number 4 that was approved by this
45 Council.

46

47 When it got to the Federal Subsistence
48 Board and I've read through the -- and that's the smaller
49 minutes, as you read through there, the original motion
50 was to approve it as written. But Chairman Thomas

00443

1 correctly noted in the minutes that they had added some
2 other stuff and most of that was taken out and the end
3 result is they withdrew that motion and made a subsequent
4 motion to approve this but they wanted to use the State
5 of Alaska's 10 and 10 policy, which is 10 sockeye per
6 day, 10 in possession. And this is the problem I've got
7 with that. We talked for days about a conservation
8 issue, debated the sustainable salmon policy and
9 wordsmithed what sustainable and escapement goals are and
10 we determined that there was a conservation concern and
11 that stock was not healthy. 50 sockeye per year can be
12 compared to if you have a season from June 1st to April
13 15th, that's 76 days, which you can get 19 sockeyes a
14 day, that's 760 sockeyes that you can gather. And we
15 recommended, fully well knowing that that 50 was
16 conservation minded and would provide for most of the
17 needs of the families in Sitka. And they can only
18 overrule an action of this Council for three specific
19 reasons. And the record is clear, it does not show that.
20 I don't know how the Board is going to act on this.

21

22 I think, administratively, we have to ask
23 for a request for reconsideration, I believe. Or the
24 Sitka Tribe can just appeal it directly. And I wanted to
25 -- before the Sitka Tribe took action I told them I would
26 like to present it to the Council to see what the
27 Council's view on this was because clearly it's a
28 violation of law and regulation for them to outright
29 reject one of our proposals. There's only three reasons
30 they can do that and this is not one of the reasons.

31

32 That's a summary of it.

33

34 CHAIRWOMAN GARZA: Mr. Littlefield, are
35 you suggesting action?

36

37 MR. LITTLEFIELD: Madame Chair, I think I
38 need to defer to maybe Bob or Cal on what the correct --
39 I want administrative remedies that are available to us,
40 there are other remedies available to the tribe and I'd
41 like to have those options clarified.

42

43 MR. CASIPIT: Thank you, Madame Chair,
44 Mr. Littlefield. My name is Calvin Casipit. I'm the
45 subsistence Staff fisheries biologist for the Forest
46 Service, Alaska region. Mr. Littlefield, you're right. I
47 think I speak for most Staff that were present at that
48 Board meeting that the Board members and whatever, were
49 kind of confused about what motion was on the table and
50 what was being passed. I hear your concern, Mr.

00444

1 Littlefield and understand the conservation aspect of the
2 proposed bag limits by Sitka Tribe of Alaska.

3

4 There are a couple of options that the
5 Council or even Sitka Tribe could take. A request for
6 reconsideration could be submitted by either body and be
7 submitted to the Board. It's well within the 60 day time
8 limit of when the final rule is published in the Federal
9 Register so you're well within that 60 day time limit.
10 The Council, again or the Sitka Tribe could resubmit the
11 proposal to the Board for consideration through the
12 regular regulatory cycle. So there are a couple options
13 that you could take.

14

15 Ken, do you have something to add to
16 that?

17

18 CHAIRWOMAN GARZA: John.

19

20 MR. LITTLEFIELD: Madame Chair. Thank
21 you, Cal. If we were to go through this request for
22 reconsideration, is there any possibility that that could
23 take effect this year? We have two years in a row, 2000
24 and 2001, in which subsistence and sport has been
25 curtailed and we need to address this issue now.

26

27 CHAIRWOMAN GARZA: Ken.

28

29 MR. THOMPSON: Madame Chair. Ken
30 Thompson, Forest Service. We were just debating whether
31 or not the 60 day time limit on RFRs extends from the
32 time that the final rule is published or whether it's
33 some prior date. We believe that it's well within the
34 time frame if we could, it would be appropriate to
35 request reconsideration of this Board action.

36

37 MR. CASIPIT: I'd like to point out for
38 the Council as well in the action the Board took in the
39 closure at Kutlaku, Falls Lake and Gut Bay, the RFR that
40 was presented by the State of Alaska on that one was on
41 the 59th day after the publication of the final rule. So
42 the Board accepted that RFR during that time frame after
43 the final rule was published, I don't see why they
44 wouldn't accept in this case as well.

45

46 MR. LITTLEFIELD: Madame Chair, thank
47 you. If you could tell me if this process could take
48 place prior to the June 1st opening, that's usually when
49 the season starts in Redoubt, June 1st opening?

50

00445

1 MR. THOMPSON: Yes. Through the Chair,
2 yes, I see no reason why we couldn't. It depends on how
3 quickly you submit the request.

4
5 MR. LITTLEFIELD: That being the case,
6 Madame Chair, I would like to make a motion that the
7 Southeast Alaska Regional Advisory Council request
8 reconsideration of the Federal Subsistence Board action
9 on FP02-29 specifically on the daily and annual limits
10 that were mentioned, only.

11
12 MR. MARTIN: Second that motion.

13
14 MR. STOKES: Second the motion.

15
16 CHAIRWOMAN GARZA: Discussion. Call for
17 the question.

18
19 MR. THOMAS: Question.

20
21 CHAIRWOMAN GARZA: Question has been
22 called. All in favor signify by saying aye.

23
24 IN UNISON: Aye.

25
26 CHAIRWOMAN GARZA: Opposed. Motion
27 passes. Thank you, Mr. Littlefield. Is that it on
28 Redoubt?

29
30 MR. LITTLEFIELD: Thank you very much.

31
32 CHAIRWOMAN GARZA: Okay. So we are on to
33 Item XII agency reports. Before we start that I have
34 been remiss in the last few days, we have given people
35 the opportunity to introduce themselves and we have some
36 new people that haven't been given that opportunity. If
37 you would care to stand and introduce yourself to us.
38 Maybe I'll start with you Rosita.

39
40 MS. WORL: I'm Rosita Worl.

41
42 CHAIRWOMAN GARZA: Eric.

43
44 MR. MORRISON: Good afternoon. I'm Eric
45 Morrison. I'm also known as (Native) I'm the new tribal
46 government relations officer for the US Forest Service
47 here in Juneau. Thank you.

48
49 CHAIRWOMAN GARZA: Okay, and up front.
50 Sir.

00446

1 MS. OSBORNE: I'm Margaret Osborne. I'm
2 a resident of Juneau. And I don't know too much about
3 subsistence but I remember as a child it meant a lot to,
4 not only my family but to myself. It's my hope and my
5 prayers that our people will win this battle once and for
6 all. But I do know that during the time we had a lot of
7 subsistence, we never depended on welfare, our people
8 never did. They always went out and got their own food,
9 they lived off the land. And I feel like, today, we
10 would do much better if we went back to our way of life.
11 And the government would have more money, I suppose.
12

13 So I believe with all of my heart that
14 subsistence is the way to go. And, you know, I don't
15 care much how people feel about it, because I have seen
16 the results of it as a child. And today, I see so much
17 -- I feel like welfare has crippled our people. They're
18 not as resourceful as they used to be. And so my hope
19 and my prayer is that we will win this battle. I'm for
20 subsistence.

21

22 MR. THOMAS: Thank you.

23

24 CHAIRWOMAN GARZA: Thank you. I'm sure
25 you know much more about subsistence than I will ever
26 know. You're very modest. So who's the cute guy next
27 to you?

28

29 MR. THOMAS: Who's your cute boyfriend?

30

31 MS. OSBORNE: He's unable to talk.

32

33 CHAIRWOMAN GARZA: Do you want to
34 introduce him?

35

36 MS. OSBORNE: He's a stroke victim.

37

38 MR. THOMAS: What's his name?

39

40 MS. OSBORNE: He's my husband William
41 Osborne. He's a resident here, too.

42

43 CHAIRWOMAN GARZA: Good to have you both
44 here. Mr. Thomas.

45

46 MR. THOMAS: Thank you, Madame Chair.
47 Yeah, you're right what you said about her knowledge of
48 subsistence. I think I need to interpret because the
49 Welsh and German's coming out on me now and I feel sorry
50 for the Indians that's involved in this. But it's a

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1 process. And everything that's happening within the
2 government is what she doesn't understand and I hope you
3 never understand it. I just hope you have subsistence
4 available to you all the time. That's all we needed to
5 know is how to use it.

6

7 Thank you, those were good remarks.

8 Thank you, Madame Chair.

9

10 CHAIRWOMAN GARZA: I think the other new
11 person, I think, Doug, have you introduced yourself yet?

12

13 MR. McBRIDE: No, Madame Chair. Doug
14 McBride with the Office of Subsistence Management. In
15 just a short while, I'll be giving a short report.

16

17 CHAIRWOMAN GARZA: Okay. We're onto
18 agency reports. US Fish and Wildlife Service, Office of
19 Subsistence Management Federal and State coordination.
20 Don Rivard.

21

22 MR. RIVARD: Thank you, Madame Chair.
23 For the record my name is Don Rivard with the Office of
24 Subsistence Management. The next subject I'll be
25 briefing the Council on is Federal/State Coordination and
26 you can find the full briefing under Tab G, Page 1. I'm
27 going to summarize that.

28

29 This is a briefing entitled Federal/State
30 Coordination intended to update you on the status of
31 working relations between Federal and State agencies
32 relative to Federal Subsistence Management. This
33 briefing is for information purposes only and no action
34 by your Council is needed.

35

36 A little bit of background information,
37 the interim Federal/State memorandum of agreement was
38 agreed to in April of 2000 by the Commissioner of the
39 Alaska Department of Fish and Game, the Chair of the
40 Alaska Board of Fisheries, the Chair of the Alaska Board
41 of Game, the Regional Director for the Fish and Wildlife
42 Service, the Regional Forester for the USDA Forest
43 Service, the Associate Regional Director for the National
44 Park Service, the State Director for the Bureau of Land
45 Management, the area director for the Bureau of Indian
46 Affairs and the Chairman of the Federal Subsistence
47 Board. These individuals are referred to as the MOA or
48 memorandum of agreement signatories.

49

50 The purpose of the MOA is to establish

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1 guidelines for coordination between the Federal agencies
2 and the Alaska Department of Fish and Game in managing
3 subsistence use of fish and wildlife resources on Federal
4 public lands in Alaska. An MOA working group consisting
5 of representatives of the five Federal agencies and the
6 Alaska Department of Fish and Game, Divisions of
7 Sportfish, Commercial Fish, Subsistence, Board Support
8 and Wildlife Conservation has been meeting to develop a
9 certain number of protocols which describe how the
10 agencies will work together to accomplish their common
11 goals.

12

13 There are a list of six protocols and
14 their current status which I'll give you right now that
15 have been identified as important for the coordination
16 process.

17

18 The first one is subsistence management
19 information sharing. A final draft has been completed on
20 that is ready for signatures. There is also one specific
21 to the Yukon River. It's the Yukon River Drainage Salmon
22 Fishery management and that is the same status, there is
23 a final draft that's been completed and ready for
24 signatures. There's also regulatory coordination.
25 Committees have been established for that and that's
26 scheduled for completion in late 2003. There's a
27 briefing on that specific one on Page 2 under the same
28 tab in your book, actually Pages 2 through 4. There's
29 another protocol, it's a regulatory -- fisheries
30 regulatory management planning and the MOA working group
31 is in the process of drafting a charge for that
32 particular protocol. There is a statewide in-season
33 subsistence fishery management protocol and, again, the
34 working group is in the process of drafting the charge
35 for that. And the sixth one is called subsistence use
36 amounts. The first meeting was held on February 7th and
37 I have handouts on that particular one that I can give to
38 everybody. And if you'd like I can read this, as well,
39 into the record.

40

41 Council members are an important part of
42 this protocol development process and continued Council
43 participation is encouraged. The Office of Subsistence
44 Management has provided additional funds to the State in
45 the year 2002 for liaison and Staff support to enhance
46 coordination and cooperation between the State and
47 Federal agencies.

48

49 Madame Chair, that's the conclusion of my
50 briefing on this subject.

00449

1 CHAIRWOMAN GARZA: Thank you, Don. Mr.
2 Littlefield.

3
4 MR. LITTLEFIELD: Thank you, Madame
5 Chair. The amounts necessary, number 1, I understand
6 you're going to be doing that for every -- I know the
7 State of Alaska has it in their regs, are you going to do
8 this for every single fish and wildlife resource that we
9 use, you're going to determine the amount necessary?

10
11 MR. RIVARD: I'm not sure if that's the
12 case. That's what the working group is going to come up
13 with, what needs to be done, so I'm not directly involved
14 with this group so I don't have any of the particulars on
15 it Mr. Littlefield.

16
17 MR. LITTLEFIELD: I have a follow up.

18
19 CHAIRWOMAN GARZA: John.

20
21 MR. LITTLEFIELD: The reason I bring that
22 up is that was part of the Board of Fish meeting which I
23 attended earlier on the herring eggs and herring roe.
24 There was quite a bit of discussion on amounts necessary
25 and how the State of Alaska was required to do that but I
26 don't believe that there's any requirement that the
27 Federal government has to establish an amount necessary
28 and I think it kind of scares people when they're looking
29 at amounts necessary because that becomes then the upward
30 limit of what you're allowed to take. So I'm just
31 somewhat concerned about that particular number.

32
33 CHAIRWOMAN GARZA: Okay, next one is
34 statewide rural determination, methodology contract; is
35 that you, Don?

36
37 MR. RIVARD: Yes, Madame Chair, I'll be
38 giving that briefing as well. This can be found also
39 under Tab G starting on Page 5 is the full text.
40 Actually what I'm going to give you is an update of
41 what's in the Council book. Again, this is for the
42 Council's information only there's no action required on
43 your part.

44
45 A little bit of background for the
46 statewide rural determination methodology contract. The
47 current rural determination methodology was developed the
48 Federal Subsistence Board with public input in 1991 and
49 the initial rural and non-rural determinations
50 implementing the Federal Subsistence Management Program

00450

1 were based on this methodology. Some concerns regarding
2 this Board approved methodology were raised initially and
3 continued with the Board's out of cycle rural
4 determination in the year 2000 and then their subsequent
5 reconsideration in 2001 for the Kenai Peninsula.

6
7 The Board reviews all rural and non-rural
8 determinations every 10 years per Subpart B of the
9 implementing regulations of ANILCA. Now, in anticipation
10 of the next 10 year statewide review and to evaluate the
11 concerns raised regarding the current methodology, the
12 Board directed the Office of Subsistence Management to
13 contract an independent third part with familiarity of
14 Title VIII and rural and social economic issues in
15 Alaska. In September 2001 the Office of Subsistence
16 Management awarded a competitively bid contract to the
17 University of Alaska at Anchorage, Institute of Social
18 and Economic Research, also known as ISER. This contract
19 is proceeding according to schedule with completion
20 expected in June 2002.

21
22 There's already been two phases
23 completed. The first was a report, basically a
24 comprehensive review of the existing literature. And
25 then the second phase has been the focus groups. ISER,
26 in the last couple of months conducted eight meetings
27 utilizing focus groups to solicit and record the
28 perceptions of the participants regarding what
29 distinguishes rural and non-rural communities for Federal
30 subsistence priority. And I'm going to give you a list
31 of where these meetings were held and the dates they were
32 held.

33
34 Deering on January 18th. Kotzebue on
35 January 21st. Copper Center on February 4th. Kenai City
36 on February 7th. Soldotna on February 8th. Ketchikan on
37 February 11th. Saxman on February 12th. And Fairbanks
38 on February 15th.

39
40 The average number of participants in
41 these focus groups was eight with Regional Advisory
42 Council members nominated by their Chairs participating
43 in most of these groups.

44
45 The representation in these focus groups
46 has been diverse in addition to the Council members,
47 other participants included other long-term Alaskan
48 residents, local business people, tribal officials,
49 dipnetters, recreational hunters, anglers, teachers and
50 former Alaska Department of Fish and Game Advisory

00451

1 Committee members all with a lot of experience with
2 Alaska subsistence and rural issues.

3

4 I'll pause there briefly Madame Chair, if
5 you -- you mentioned the first day here that you and I
6 believe John and Bill all participated in these focus
7 groups and whether you want to comment at this time.

8

9 CHAIRWOMAN GARZA: John, do you want to
10 do Saxman and I'll do Ketchikan?

11

12 MR. LITTLEFIELD: Thank you, Madame
13 Chair, Mr. Rivard. I have an 11 page response here and
14 I'm not going to read all of it. There were four Sitka
15 groups that voted and I presented this at the meetings in
16 Saxman that they considered themselves rural for
17 subsistence purposes and that was the local Fish and Game
18 Advisory Committee in Sitka, the combined joint meeting
19 of the ANB and the ANS, it was also the Sitka Tribe of
20 Alaska and there was a similar resolution approved by the
21 city and borough of Sitka on herring egg, roe, they took
22 a stand that they approved subsistence and reasonable
23 opportunity. Part of what I wrote this letter for was for
24 the Mayor and one of their Council men and they're going
25 to submit a statement to the rural determination board
26 stating that they believe they are rural.

27

28 One of the things that I noticed in the
29 meetings that I attended was, other than, I believe, only
30 one person in Ketchikan, all of those people that
31 attended, to me, demonstrated that they did one of the
32 eight criteria that's listed to determine a customary and
33 traditional use determination. And they all felt they
34 did rural activities. And these were in communities --
35 even in the community of Ketchikan and Saxman was very
36 similar, too. And one of the definitions that I found in
37 -- and this is the book, by the way, that has all the
38 definitions in it, there was a definition from the book
39 of human geography that included rural as people who --
40 and there was actually no population data for one of the
41 things that I keyed on was that if you thought you were a
42 country boy instead of a city boy, you probably were and
43 that's why I had asked a question earlier this morning,
44 some people think they're both. And at that meeting I
45 said I would support rural status for all of the
46 communities in Southeast Alaska, Juneau and Ketchikan
47 included. Ketchikan might be a little harder battle,
48 some of these because they were listed in the legislative
49 record when they established these as examples of rural
50 and urban areas. But they, likewise, listed Bethel and

00452

1 Bethel now has a population of about 5,000 in the city
2 and about 16,000 in the Bethel census area. So there is
3 some precedence and I think those numbers we were
4 presented, all the way from a million at economic
5 development, they consider all of Alaska to be rural for
6 their programs to three or four other agencies, including
7 the USDA, who used the number of 50,000 for rural and I
8 would encourage and support liberalizing those numbers,
9 the 2,500 number was probably the most restrictive one
10 that's in our existing regulations to be considered
11 rural. And the community of Sitka and, I hope other
12 communities, express their intent of whether they
13 consider themselves rural for subsistence purposes.

14

15 And like I said I intend to support all
16 communities in Alaska except for Juneau and Anchorage
17 because I do not believe we could win that battle.

18

19 CHAIRWOMAN GARZA: In terms of the
20 meetings they were focus groups so they were invited
21 people. The Saxman meeting was primarily Saxman people.
22 Saxman's one large family so they all knew each other.
23 The questions that were generally asked was do you
24 believe you're rural and why do you live here? I think
25 those were the two main questions, Amy Craver was the
26 lead on that. The same questions were asked in
27 Ketchikan. When the meeting was held in Ketchikan it was
28 held at KIC, however, all eight of the participants were
29 non-Natives. They were selected by ISER for their
30 representing broadly the Ketchikan community. In Saxman,
31 the people had stated they live in Saxman because of
32 their family and, of course, they have a high dependence
33 on these resources.

34

35 In Ketchikan, the eight people stated
36 that they lived in Ketchikan because they wanted to.
37 They like the rain, they like the trees, they like the
38 hiking, they like the ocean, that's their community and
39 they consider themselves rural with one exception, who
40 was the youngest man there. They felt that the character
41 of Ketchikan had changed considerably from its heyday of
42 logging and lots of people and that there was high
43 unemployment, a strong dependence upon the resources that
44 people not only physically relied on it, but it was part
45 of their fabric of life and they felt that they had been
46 cheated before when they were considered non-rural and
47 there was strong interest from these eight people to make
48 Ketchikan rural. So I don't know if there will be an
49 effort from Ketchikan or if the person who found these
50 eight people, who I didn't even know before I met them,

00453

1 just happened to randomly pick eight people who were pro-
2 rural.

3

4 So they were very interesting meetings.

5

6 MR. THOMAS: Madame Chair.

7

8 CHAIRWOMAN GARZA: Did you have any
9 comment, Bill?

10

11 MR. THOMAS: Yeah, I don't think they
12 were at random as they might have appeared. I was
13 familiar with everybody that was there but it was a good
14 mix.

15

16 You had the business people, you had
17 retired fishermen, you had the conservation people there.
18 I mean municipal employees. But Ketchikan is a pretty
19 small place in terms of people so you could put together
20 a forum of however you want to design it and I think they
21 did that. They got a hold of a contact person, this
22 person says, I got the right people for you, call these
23 people and they were there. But it was about -- I guess
24 as random as you can get in Ketchikan. Not much random
25 happens there.

26

27 It was a good meeting and the
28 descriptions that John and Dolly gave you are very
29 accurate.

30

31 CHAIRWOMAN GARZA: Thank you, Bill.

32

33 MR. RIVARD: Thank you, Madame Chair.

34

35 The Regional Advisory Councils will have
36 the opportunity to review the proposed methodologies
37 during your next regularly scheduled fall 2002 meeting
38 and provide your comments at that time.

39

40 The Federal Subsistence Board will
41 consider the methodologies and when they do so they'll do
42 so with Council representatives, Gerald Nicholia and Dan
43 O'Hara sitting in on their deliberations. And that was
44 the Chairs that voted those two people to be part of this
45 review group.

46

47 The rural and non-rural determinations,
48 the Board is expected to take one of three actions in
49 late 2002. Either adopt a new methodology, modify the
50 existing one or reaffirm the existing methodology. U.S.

00454

1 census 2000 data and other criteria will then be applied
2 to this methodology, using the Board approved
3 methodology. Regional Advisory Council recommendations
4 and Board decision making for the statewide rural/non-
5 rural determinations are expected in the year 2003.

6

7 Madame Chair, that concludes this
8 briefing.

9

10 CHAIRWOMAN GARZA: Okay. I guess what I
11 would like to see and it may be separate from this
12 methodology, is to make it clear to the Council how the
13 Council would approach suggesting that a community either
14 become or remain rural for purposes of subsistence. And
15 so this is -- I understand the methodology would go
16 through this whole process but if there is an independent
17 interest to make this request, what is the process for
18 doing that?

19

20 MR. RIVARD: Madame Chair, that's not
21 been determined yet. We're still in the phase of this
22 contract being done and so it's going to be -- I think
23 after that when they see what the methodology is and,
24 again, soliciting public comments as well as the
25 Council's recommendations on using the methodology first
26 and then once there's a methodology selected, then
27 there'll be more time for comments on what communities
28 are rural, what are not rural.

29

30 CHAIRWOMAN GARZA: One of the -- the
31 Council has been approached by Juneau, by Ketchikan and
32 by Douglas. By Juneau and Ketchikan, probably farther
33 back in time, by Douglas more recently. When Douglas IRA
34 had approached this Council, the feeling from the Council
35 was we thought that they would have a good chance of
36 doing it and their greatest flaw was that they wanted
37 rural only for Native people in Douglas and we weren't
38 able to sway them away from that. However, Douglas is a
39 separate community from Juneau, has a small population
40 and one would think that it could fall into rural status.
41 And so it may be a place where we could make a change and
42 I think that if Ketchikan had the opportunity to go
43 forward and try and secure rural status, I think there
44 would be a large interest from Ketchikan to do so.

45

46 Okay, so moving right along under Item B,
47 Fish and Wildlife Service, regional issues and
48 information needs, review and update. Doug.

49

50 MR. THOMAS: Thank you Don.

00455

1 MR. McBRIDE: Madame Chair. My name is
2 Doug McBride. I'm with the Office of Subsistence
3 Management Fisheries Information Service. And I will be
4 covering all four of the items under XIIIIB. I put three
5 handouts during the last break in front of you, there's a
6 yellow one, a green one and just a single white page. And
7 I know it's getting late in the day and I will try to be
8 mercifully short in going through this.

9
10 What I'm going to be covering is an
11 update of the Fishery Monitoring Program. And no action
12 is required of the Council at this time, however, we
13 thought it was real important to give you an update
14 because there are going to be some important
15 recommendations that we will be asking the Council coming
16 up at your next meeting and in subsequent meetings.

17
18 What I'm going to do is just very
19 briefly, very briefly go back through the whole point of
20 the Fishery Resource Monitoring Program and what this is,
21 this is the assessment side of the Federal Subsistence
22 Management Program. And what we do is we've invested
23 approximately \$7 million annually into collecting,
24 analyzing and utilizing information necessary for prudent
25 management of subsistence fisheries on Federal public
26 lands and the whole point of the program isn't to
27 recreate an assessment program but to supplement and add
28 value to the existing programs that are primarily
29 conducted, either by the Federal agencies or the Alaska
30 Department of Fish and Game.

31
32 Now, to go through this program, probably
33 the best way to finish up the overview is if you'll go to
34 this yellow document that I passed out and go to Page 2,
35 what you'll see is a graph that looks like this and also
36 I put copies of these reports on the back table. And
37 what this is, is we've looked at this before, this is
38 tracking the money, if you will. And this is on a
39 statewide basis and what you have in front of you, if you
40 look across the line on the bottom are the years and this
41 program started in the year 2000 so you've got years
42 extending out to 2004. And then on the vertical line is
43 the money and it's actually incorrectly labeled, it says
44 thousands of dollars, that's actually hundreds of
45 thousands of dollars so every one of those numbers on
46 there, for instance, a thousand, what that means is a
47 million, okay and it goes up to \$10 million. And then
48 you'll see just a bar for each year and what that
49 represents is the amount of money that was invested in
50 the Fishery Resource Monitoring Program for that year.

00456

1 Now, those bars are all color-coded or cross-hatched in
2 one manner or another and if you'll remember -- well,
3 I'll go through those, but we kind of tackled this
4 program piecemeal, we've done it a year at a time, we've
5 done it a piece at a time.

6

7 So if you start on the far left of the
8 picture you'll see a black bar that goes up to a little
9 over \$2 million and then you'll see those black bars
10 extend out to 2002. Well, that was the original
11 investment in the Fishery Resource Monitoring Program.
12 We funded a series of studies. Some of the ones you may
13 be familiar with in Southeast Region were like the Falls
14 Lake study, the Klawock study, there was a large mapping
15 project that was done and all those are currently in
16 progress and there was a funding commitment out to 2002.
17 So this coming year is the final year of funding
18 commitment for the initial installment of the Fishery
19 Resource Monitoring Program. That's what those black
20 bars are.

21

22 If you move over a bar to 2001 and you
23 see the largest bar on the graph there and again at the
24 bottom you see the small section, the black, that was the
25 second year, the 2001 year of the original part of the
26 program but the large grey part of the bar, that was a
27 little over \$7 million statewide and that was what we
28 spent the big meeting in Anchorage going through a year
29 ago February. That was really what I call the full
30 weight of the program. \$7 million was put into the
31 program. We funded a whole series of stock status
32 projects. Those were assessments of fish stocks
33 basically, here in Southeast, that's primarily been
34 sockeye salmon assessment utilizing weirs, tagging
35 studies, those kinds of things. We've also been funding
36 what are called harvest monitoring and TEK studies and
37 there's been a whole series of those projects also in
38 Southeast.

39

40 But that program started last summer in
41 2001 and then you can follow those grey bars out so, you
42 know, this coming year will be the second year of that
43 program, that's that financial commitment and then that
44 will finish up in 2003.

45

46 Then most recently, at the December Board
47 meeting, this last December, we went through the next
48 installment of the Fishery Resource Monitoring Program,
49 that was the 2002 program, so if you go to the 2002 bar,
50 you'll see the small black bar at the bottom, that's

00457

1 going to be the third year of the original installment
2 and then there's the dark grey bar, that's the second
3 year of the program that we started last year in 2001 and
4 you go to this light grey bar, that's what we asked for
5 your recommendations on, your recommendations on last
6 fall at the meeting in Yakutat and then the Board acted
7 on that in December. And so there's a much smaller
8 program that will be started for the first time this
9 coming year. And that's what that is.

10

11 Then the only other thing I'm going to
12 mention at this point in the overview and I'll stop and
13 take questions. At the very top of the 2002 bar, there's
14 one that's got vertical or diagonal striped bars and it
15 goes out like this and that's a new part of the Fishery
16 Resource Monitoring Program, that's the Partners for
17 Fisheries Monitoring Program. And what that is a program
18 to hire either fishery biologists or social scientists,
19 not in the government, but in rural organizations around
20 the state. Now that program does not extend to Southeast
21 and that was based on your recommendation. And the point
22 of the program is to get some -- to basically build
23 capacity in rural organizations to better participate in
24 this program. The down side of the program is the money
25 comes right off the top of what's available for projects
26 and that was the basis of your recommendation. I believe
27 you made that recommendation to Mr. Jack a year ago in
28 your meeting in Sitka. But on a statewide basis, you can
29 see that about a million dollars a year is coming out for
30 that program.

31

32 With that, Madame Chair, I'll pause for a
33 second. I wanted to just give a real brief overview of
34 the total program and then what I'll do is I'll go back
35 through the component pieces and briefly touch on those
36 but I'll stop and take questions.

37

CHAIRWOMAN GARZA: John.

38

39 MR. LITTLEFIELD: Thank you, Madame
40 Chair. Doug, could you summarize in those years 2001,
41 2002, how many projects were submitted out of the --
42 roughly 2001 was about \$9 million and I think your
43 thousands of dollars is correct you just had a dollar
44 sign in front of there -- I think that's correct -- but
45 anyways, how many projects were submitted for review out
46 of that? I mean was there \$9 million worth of projects
47 or 100 million?

48

49 MR. McBRIDE: Madame Chair, Mr.
50

00458

1 Littlefield. There were way more projects than what we
2 had money available for. I don't have all those figures
3 off the top of my head. I mean for instance in the last
4 year, for 2002, we had about 2.5 million dollars
5 available and I believe we had something on the order of
6 \$13 million worth of proposals that were originally
7 submitted. In 2001 we had \$7 million, it was way more
8 than \$7 million, I can't give you the figure but, I mean,
9 2002, you can see the discrepancy. We had roughly 2.5
10 million available and we had roughly, you know, whatever
11 that is, five times that many, at least, in terms of
12 dollars, projects that we submitted.
13

14 MR. LITTLEFIELD: Then following up that
15 question, the Technical Review Committee, when they look
16 at these, they recommend these, about say 13 million in
17 2002, and we only had 2.5 million, how many made it
18 through the Technical Review, I mean in other words, was
19 there half of those that had merit or most of them or all
20 of them or could you give me some idea of that?
21

22 MR. McBRIDE: Well, the Technical Review
23 Committee, what they do is they take the proposals that
24 are submitted. They go through an evaluation process and
25 then they forward those proposals for development of
26 investigation plan. For those of you that aren't
27 familiar with the -- the specific workings of the
28 program, when I say a proposal, it's just a two-page
29 proposal. And then for any -- for, at least, a subset of
30 what is submitted as proposals, we ask those to be
31 developed into a full investigation plan which, I mean,
32 can be a -- and it is, a much, much larger, much more
33 detailed, fully fleshed out operational plan,
34 investigation plan. And what the Technical Review
35 Committee does is they will forward more programs than
36 what there is money for, basically so that there is a
37 choice to be made. And it varies by region, but roughly
38 about twice -- 1.5 to twice the amount of money that's
39 available, that's how much program is forwarded for
40 development of an IP.
41

42 So for instance, let's say you had in a
43 region a million dollars to spend, the TRC would go
44 through what was submitted as proposals and fund -- or
45 excuse me, not fund, but recommend or forward for
46 development of an IP roughly 1.5 million to \$2 million
47 worth. Then once those investigation plans come back the
48 TRC goes back through those investigation plans and they
49 will make a very specific funding recommendation that
50 fits the amount of money that's available and that's the

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1 draft plan that's then put in front of the Councils in
2 the fall that we ask for your recommendations on. So
3 it's a three-step process. Submit the proposals, those
4 get whittled down by the TRC and forwarded -- and a
5 subset of those is forwarded for development of
6 investigation plans, the investigation plans are reviewed
7 and then a specific funding recommendation that fits the
8 money available is made and then that's forwarded for
9 public and Council review.

10

11 MR. LITTLEFIELD: One more follow up. So
12 out of that 13 million, let's say for 2002 and roughly 5
13 million got presented, is it fair to say that those
14 projects are being eliminated because there is no money,
15 you don't present these, and not because they don't have
16 merit? In other words, most of these projects that are
17 submitted, I believe, have a fairly high degree of merit.

18

19 MR. McBRIDE: Mr. Littlefield, as a
20 general statement I'd say you're correct. I mean there's
21 obviously some proposals that are completely off the mark
22 although that's a very small number. And then when we
23 get investigation plans you get, you know, very good
24 ones, good ones and not so good ones. And when I say
25 very good or not so good, there are very specific
26 criteria that the TRC utilizes and those are, they look
27 at the technical merit of the program, they also look at
28 what's called the strategic priority, how well do they
29 fit the issues and information needs that were identified
30 by each Regional Council and then they also look at the
31 past performance and administrative expertise of whoever
32 the proposers are, you know, to make sure we got a
33 credible contractor. And then we also look at the
34 capacity building aspect of the program. So all those
35 things are considered in determining what's a good one
36 from a not so good one. But in general, and certainly
37 for Southeast, I mean I can say this with a lot of
38 confidence is you've gone through, you know, reviewing
39 the program and stuff. We've -- you know, by the time we
40 get to the IP stage, you don't have any program, that, at
41 least I would consider a bad program. You're
42 differentiating between, you know, the very good and the
43 good basically.

44

45 MR. LITTLEFIELD: That's all I had.

46

47 CHAIRWOMAN GARZA: Patricia.

48

49 MS. PHILLIPS: Chairman Garza. Mr.
50 McBride, I was wondering, are the projects able to get to

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1 a final product given the funding that they, you know,
2 that the proposal submitted?

3

4 MR. McBRIDE: Madame Chair, Ms. Phillips,
5 I'm going to get to that in a little more detail in a
6 minute, but, in general, the answer is yes. But there
7 have been some projects that we've had to basically work
8 with the contractors and adjust the budget kind of in
9 mid-stride. I mean like anything else in life, no plan
10 is perfect. In general most of the projects seem to be
11 on track, if you will -- on track and within budget. But
12 there are some that are not for various reasons and
13 that's what I spent a lot of time doing. Cal Casipit
14 spent a lot of his time dealing with that here in
15 Southeast and in Southcentral but in general, the answer
16 is yes but there are some notable exceptions.

17

18 MS. PHILLIPS: Thank you.

19

20 CHAIRWOMAN GARZA: Bill.

21

22 MR. THOMAS: Doug, there's some field
23 work involved in this monitoring right?

24

25 MR. McBRIDE: Yes, sir.

26

27 MR. THOMAS: Okay. Do you have a ball
28 park figure or a thumbnail sketch of comparisons of
29 funding that's available for people in the field as
30 compared to people in the office?

31

32 MR. McBRIDE: Madame Chair, Mr. Thomas.
33 As usual you've asked me a question that I don't have a
34 real ready answer for.

35

36 MR. THOMAS: It's okay if you don't.

37

38 MR. McBRIDE: The short answer is no. I
39 would say, though, that all of these programs, when you
40 say in the field, I would say all these programs are very
41 -- they are gathering information and whether that
42 information is being gathered on a stream or in a
43 village, I think, almost all of these projects have that
44 as a -- as the central theme of the project. Now, all of
45 these projects also have, I mean, any organization it
46 takes people to run them and it takes people in the
47 background, administrative staff, stuff like that, so
48 almost all these projects also have what's called
49 overhead associated with them. And that overhead rate
50 varies dramatically depending on who the organization is

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1 but they all have that component.

2

3 MR. THOMAS: A couple more follow up.

4

5 CHAIRWOMAN GARZA: Bill.

6

7 MR. THOMAS: Understanding all that,
8 okay, you mentioned that the people in the office have
9 people working in the background during this, but the
10 guys in the field are working by themselves and they're
11 collecting data, okay, once the data's collected, that
12 can happen in 24 hours, whatever's collected in that 24
13 hours seems to take 18 months of Staff time to get it put
14 in a report form. And what I'm getting at is trying to
15 get more money for -- more results out of the money we
16 get, you see what I'm saying?

17

18 MR. McBRIDE: Madame Chair, Mr. Thomas.
19 Yes, we have exactly that same concern. That's -- it's a
20 large part of why we're here, if you will, we're from the
21 government we're here to help you.

22

23 (Laughter)

24

25 MR. THOMAS: Trust me.

26

27 (Laughter)

28

29 MR. McBRIDE: Trust me, yeah.

30

31 (Laughter)

32

33 MR. McBRIDE: When a proposal and an
34 investigation plan is put together, what we very much
35 want and I think by and large what we have is a complete
36 idea, if you will, it's not just a data collection but
37 it's also the analysis reporting and utilization of that
38 information and since the program is in its infancy, we
39 have very few programs that have actually been completed.
40 I mean you can just see from our graph and we're just
41 entering the year 2002 and even the original installment
42 has not been completed yet. So I think that's just going
43 to remain an ongoing issue to try to keep as much of the
44 program or as much of the dollars productively utilized,
45 you know, gathering information and putting it in a
46 usable format and trying to minimize the amount of
47 dollars that goes into less productive activities.

48

49 CHAIRWOMAN GARZA: Okay, we need to keep
50 moving here.

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1 MR. THOMAS: I'm ready to move.

2

3 CHAIRWOMAN GARZA: Okay. So you're going
4 to get more specific there, Doug?

5

6 MR. McBRIDE: Yes, Madame Chair. Okay,
7 what I'm going to do now is a very brief performance
8 report on how we've been doing. And the first one I'll
9 deal with is, as I say, I can deal with it in just a
10 second, the Partners for Fisheries Monitoring Program,
11 that's what this single sheet was about. Again, this
12 does not relate to Southeast based on your recommendation
13 and I'll just leave this sheet with you but it's about to
14 be implemented in the rest of the state and announcements
15 will be going out basically by the end of the month in
16 terms of who the agencies or not the agencies,
17 organizations are that will be conducting this program,
18 so with that, I'll just dispense with that.

19

20 Okay.

21

22 This yellow document that we've been
23 looking at, it's entitled winter performance report to
24 the Southeast Regional Advisory Council. And what I
25 tried to do here is very briefly give you an update on
26 how the projects that have already been implemented and
27 started are doing. Now, we spent a lot more time on this
28 last fall in Yakutat and there's not a whole lot new to
29 report. We had a performance report that we asked all
30 the investigators to turn in here at the first -- by the
31 first of the year. We were concentrating on the budget
32 information. I think it was Patty that had a question
33 about the budget information, what we were trying to get
34 out of the investigators was to make sure that they were
35 coming in under budget.

36

37 But in this report, if you'll just flip
38 the page to Page 4, there's a graph there and I won't go
39 through this line by line or anything but what this is
40 for Southeast now, these are all the projects that have
41 been implemented to date for Southeast. So if you start
42 in the left-hand side, we just give every project a
43 number because we're the government and we can do that,
44 but that's how we keep track of the projects. And then
45 we've categorized them by whether they're stock, status
46 and trends project or harvest monitoring and TEK projects
47 so that's what the acronyms are all about. Then there's
48 the name of the project and then who the investigators
49 are. And we've listed out all the organizations who are
50 participating, are co-investigators in each project and

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1 then the far right of the table is the money part of it.
2 So you can see the duration of the project and how much
3 money is being spent.

4

5 And then we organized this table around
6 two major themes. The top part is called estimation of
7 sockeye salmon escapement and this is where the weight of
8 the program has fallen in Southeast. This gets at
9 basically stock status and trends projects trying to do
10 sockeye stock assessment for stocks that are important to
11 subsistence fisheries around Southeast. And then the
12 second part of the table is documentation of subsistence
13 harvest use patterns. And, again, that's been the second
14 major theme of the program to date and those are
15 primarily the harvest monitoring and TEK projects,
16 getting at documenting subsistence harvest patterns,
17 subsistence harvest use and harvest numbers.

18

19 And so, again, that's the program that
20 started in 2000 -- a big part of the program was started
21 in 2001 and then it also includes those projects that
22 will be started this summer, those are the ones that we
23 just did here this last fall and the Federal Board
24 finished up in December.

25

26 So then, I guess, the next part of the
27 question is, well, how are these projects doing? And
28 again, I'm not going to go through this piece by piece.
29 But I guess I can characterize it for you.

30

31 The sockeye stock status project, by and
32 large are going very well and as planned. There's been
33 some rough spots with some of them but really not very
34 many. There have been a couple of those projects that
35 have had some budget issues that you had asked me about.
36 And Can and I have been dealing with those as those have
37 come up but basically those are manageable and we've been
38 able to handle those within the financial constraints
39 that the agencies have to deal with. By and large those
40 have gone well and as planned.

41

42 The documentation of subsistence harvest
43 use patterns, to be quite honest, haven't gone as well.
44 And by and large, all of those projects have encountered
45 unexpected difficulties and are to varying degrees
46 lagging behind what's planned. Now, in my assessment, I
47 think all of those projects will be successfully
48 completed but it's basically going to take somewhat
49 longer than what we originally planned. So I think
50 within the confines of what we can deal with

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1 administratively in terms of administering the program, I
2 think we're in good shape in Southeast. But like I say,
3 without getting into -- if you have specific questions on
4 projects I'll be happy to answer those.

5

6 In fact, I'll stop here and ask for
7 questions, Madame Chair.

8

9 CHAIRWOMAN GARZA: John.

10

11 MR. LITTLEFIELD: Thank you, Madame
12 Chair. These projects on the top of this page are all
13 sockeye projects basically and we know that sockeye is a
14 five to six year species. So in my opinion, probably all
15 of these projects have some form of merit to continue on
16 and on. And assume they were all funded and continued to
17 be funded, what would this graph, on the previous page,
18 look like? In other words, how much money would we need
19 to continue the projects that are in place and go ahead
20 and have seed money to fund projects on a yearly basis
21 just like we're doing, what kind of dollars are we
22 talking about there?

23

24 MR. McBRIDE: Madame Chair, Mr.
25 Littlefield. I don't have a specific -- I don't know the
26 exact dollar figure. We could figure that out. In fact,
27 that's going to be the subject of what I'm going to be
28 getting into here shortly.

29

30 MR. LITTLEFIELD: Okay.

31

32 MR. McBRIDE: Because what I really
33 wanted to concentrate with you on is planning for the
34 future which is an issue that this Council certainly
35 raised several times, most recently at our Yakutat
36 meeting.

37

38 But I mean in general, I can tell you
39 this, the Staff basically agree with your assessment
40 there's a lot of these projects that have a lot of merit
41 for continuing beyond their current funding commitment an
42 there just flat will not be enough money to continue them
43 all, if the funding remains standard. I would say, off
44 the top of my head, we're probably under -- if you wanted
45 to continue all the projects that have merit and have
46 seed money you would probably need half again as much
47 money if not twice the money available. Something on
48 that order.

49

50 CHAIRWOMAN GARZA: I've tried to keep

00465

1 track of the two projects around Prince of Wales, the
2 Hedda Lake and the Klawock Lake one and both of them are
3 going wonderfully. I think Hydaburg is working well with
4 the project. I seen a draft report from Klawock Lake and
5 it's an excellent report.

6

7 Keep going.

8

9 MR. McBRIDE: Okay. So with that I'll
10 dispense with -- well, there's just one other real quick
11 thing I'll mention before we move into the future. The
12 2003 call for proposals. In fact, if you go back to this
13 draft and if you go to 2003, the very top part of that
14 graph that has the cross-hatching on it, that's the
15 amount of money that's available now statewide but this
16 all in proportion comes back down to Southeast so
17 everything will be in proportion for this region, but
18 basically that's how much money will be available for new
19 project starts in 2003. Now, that request went out
20 basically last November.

21

22 The investigators had until February 15th
23 to submit proposals. We've received those proposals and
24 we will be going through the process that we spoke about
25 just a few minutes ago, the TRC, in fact, is going to
26 meet in early April and narrow those down and forward a
27 subset of those for investigation plans, those will be
28 evaluated again this summer and then we'll come back to
29 you at your fall meeting with a draft plan and a specific
30 funding recommendation for 2003.

31

32 Statewide we got probably 50 projects,
33 there's about one-half -- excuse me, there's about 1.5
34 million dollars available statewide, probably about 3.5
35 million dollars worth of proposals were turned in. And
36 then the big question that will hit us for the first time
37 in 2003 is, Mr. Littlefield, exactly the question that
38 you asked, in our call we recognized that there would be
39 projects that have a lot of merit for continuation for
40 which there would be no ongoing funding commitment
41 starting in 2003. And so we will be faced with that
42 exact issue this fall. We have a lot of projects in
43 Southeast, their funding commitment runs out in 2002,
44 they were clearly designed to go beyond three years and
45 we will have exactly that issue staring us in the face
46 when we speak again in the fall.

47

48 CHAIRWOMAN GARZA: Okay, I wanted to ask
49 Mike, if you had any comments on the documentation of
50 subsistence use patterns projects that were listed here?

00466

1 There was a comment that we've had struggles with them?

2

3 MR. TUREK: Madame Chair, Council, I gave
4 you an update or report, but I could talk -- but I'd like
5 to present and then talk to you briefly about that when I
6 give my Subsistence Division report.

7

8 CHAIRWOMAN GARZA: Okay.

9

10 MR. LITTLEFIELD: Madame Chair, could we
11 have five minutes?

12

13 CHAIRWOMAN GARZA: Are there any more
14 questions of Doug?

15

16 MR. LITTLEFIELD: He's got another green
17 book.

18

19 CHAIRWOMAN GARZA: You got another book,
20 okay, we're going to take a five minute break.

21

22 MR. LITTLEFIELD: Thank you.

23

24 MR. THOMAS: Thank goodness.

25

26 (Off record)

27

28 (On record)

29

30 CHAIRWOMAN GARZA: Mr. McBride.

31

32 MR. McBRIDE: Madame Chair. Okay, the
33 last subject I wanted to touch on is just contained in
34 the green handout that I gave you. And what this is
35 about is the future. And in fact, on Page 2 you'll see
36 the exact same graph we've been talking about and the
37 part of the graph that I'd like for you to focus on is on
38 the far right-hand side, the bar for 2004. The part of
39 the graph that has the number 4.9 million.

40

41 In 2004, all of our funding commitments
42 from the big program in 2001 will be done. And the way
43 we've structured the call for proposals for this upcoming
44 year, what we said was any project that's a continuation
45 type project, so this stuff you'll be making
46 recommendations on this coming fall but we specifically
47 told investigators and proposers we're only going to
48 consider them for one year for now. And the reason we
49 did that was so that we could free up as much money as we
50 could in 2004.

00467

1 In fact, it was Patty or somebody, we had
2 the discussion about this in Yakutat and the gist of the
3 question that I got was well, you know, we're kind of
4 taking this all piecemeal, what we need is a plan, you
5 know, kind of stand back and try to plan this thing out
6 and make the best use of the money that we have. And
7 then obviously if we still have a lot of very important
8 but unfunded things, obviously that would form the basis
9 of the supplemental budget request.

10

11 So what I'd like to talk to you about is
12 at least the Staff's shot right now at trying to plan out
13 what the future might look like and that's what this
14 green document is about. So with 2004, in particular in
15 mind, what we tried to do was draft out, really a very
16 simple framework, if you will, for trying to make some
17 decisions on what's -- what's worth funding and what's
18 not worth funding in 2004.

19

20 And to do that, if you turn to Page 3 of
21 that green document, you'll see right in the middle of
22 the page four bullated items there. And what we did is
23 we said, well, it seems to me that there's certain
24 questions that we need to ask and provide an answer for.
25 And I won't read all those questions to you right up
26 front here but what we need to do, basically, is go
27 through the issues and information needs that you've
28 identified and basically ask the question how well have
29 we done? Do we seem to be on target with what we've got
30 or don't we?

31

32 And then second of all, this gets right
33 at the question Mr. Littlefield just asked, are there
34 some of these issues and information needs that go beyond
35 a three year funding commitment? Are they more long-term
36 in nature? Which ones of those do we need to consider?

37

38 And then the third question, really gets
39 at other funding sources that may or may not -- well,
40 that may be available to us and are there ways to
41 leverage the Fishery Resource Monitoring Program dollars
42 to get the biggest bang for the buck, that's the third
43 question.

44

45 And then the final question, we're not
46 going to address right now, what are the results of the
47 projects to date? I've covered that and when we speak
48 again in the fall I will give you an update of what's
49 gone on for this coming year in 2002.

50

00468

1 So what I'd like to do right now, real
2 briefly, Madame Chair, is just go through where we're at
3 on these first three questions. We're presenting these
4 to you for your information but if you have comments on
5 this, if you have advice on these recommendations, on how
6 to view these questions or other questions to ask, that's
7 what we're looking for right now.

8

9 So with that, I will very briefly try to
10 address where we're at on the first of those three
11 questions.

12

13 So if you turn the page to Page 4, we ask
14 the first question, how well the project selections, did
15 they address the Council's issues and information needs?
16 And what we did was we took the broad category of issues
17 and information needs, which you have identified and then
18 just simply just placed the projects under those and
19 that's what's going on basically on most of page -- or
20 all of Page 4 and the very top of Page 5. And without
21 going through it in a lot of gory detail, I mean,
22 basically what you can see and not surprisingly the
23 project selections to date are very much on target with
24 the issues and information needs that have been
25 identified.

26

27 The only one, really, that we can see --
28 there's two that we can see for Southeast that just have
29 not been addressed at all with any project selection,
30 that would be Unuk River, eulachon, hooligan, we don't
31 have any project in this program associated with that
32 issue and then the other one in looking through the list
33 was TEK of salmon in the Situk and Ahrnklin Rivers in
34 Yakutat. There's no project associated with that issue
35 and information need.

36

37 But outside of those two, every issue and
38 information need that you've identified we at least have
39 a project, if not multiple projects that get at that
40 issue and information need.

41

42 Now, also on those issues and information
43 needs, even though they've changed a little bit over the
44 last couple of years, I don't think they've really
45 changed substantially over time so it's been a dynamic
46 list but not super-dynamic. So our answer to the
47 question, at least, so far is a couple of really -- I
48 don't know if minor's the right word, but with two
49 notable exceptions, the project selections to date have
50 addressed the issues and information needs.

00469

1 So now we come to the second question,
2 which issues and information needs might require annual
3 collection of data sets. This gets to the question Mr.
4 Littlefield was just asking a few minutes ago. And we
5 see, actually a lot of this program as having application
6 in long -- needing to be funded long-term, not just in
7 three years. And the way we looked at this is first of
8 all subsistence harvest assessment. We think that there
9 is a huge need on the part of this program to have good,
10 credible harvest use and harvest assessment for this
11 fisheries and species important for subsistence, really
12 on an annual basis. Now, fortunately in Southeast, in
13 fact, most of the rest of the state, the primary
14 financial burden of that effort is being born by the
15 Alaska Department of Fish and Game. For instance, here
16 in Southeast, there's the State permit system. Now, we
17 also have Federal permits but again, the Federal
18 agencies, the Forest Service, basically is carrying that
19 cost outside the Fishery Resource Monitoring Program or
20 at least they have to date. So the primary cost of that
21 program is being born elsewhere. However, we've gone
22 through a process, both statewide and then within
23 Southeast where there's been a statewide harvest --
24 subsistence harvest monitoring work group, I was on that
25 group, Cal was on that group, Harold was on that group,
26 and we made recommendations on how to conduct a
27 subsistence harvest assessment or at least things that
28 were important for that and then what came out of that
29 was a series of regional workshops.

30
31 And just before Christmas of this year,
32 we held the Southeast Regional workshop, I was there,
33 Harold was there, Floyd was there, I think that was all
34 the members of the Regional Councils that were there.
35 There were other people that either have been or were in
36 the audience in the earlier that were in that workshop.
37 And we went through in a lot more detail, harvest
38 assessment throughout Southeast. And I think the
39 relation to that program is if funding recommendations
40 come out of that work group effort and I think there
41 might be some. But if any funding recommendations come
42 out of that work group it would be our recommendation to
43 make that a very high priority for funding in this
44 program.

45
46 The other part of harvest assessment is a
47 much more detailed look at harvest use patterns. This
48 gets into the whole world and the whole subject of TEK.
49 And at least our current thinking on that is that we
50 don't think that that needs to be done annually for every

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1 community in Southeast but it does need to be done
2 systematically or periodically and our thinking on that
3 is as you look into the future on this, would be to
4 either have a project or a series of projects that
5 periodically go to the communities of Southeast and get
6 much more detailed information on subsistence harvest use
7 patterns and subsistence harvest use information.

8

9 So those are two things that we see as
10 having funding commitments that would go well beyond
11 three years. And then the other obvious one is the one
12 that Mr. Littlefield spoke to and that gets at salmon
13 stock assessment, particularly sockeye salmon stock
14 assessment. And obviously if you're going to get into
15 subject matter like -- and we are and we need to be in
16 terms of developing escapement goals and then managing
17 for those escapement goals for the sockeye systems
18 important to subsistence users, doing assessment for only
19 three years for most of the systems makes little sense.
20 So there's going to be a lot of that program, if not all
21 of it, that's going to make sense to try to fund well
22 beyond three years.

23

24 So in conclusion on that question,
25 there's obviously -- without going back through the whole
26 thing but subsistence harvest use information and sockeye
27 salmon, stock assessment, we see as having funding
28 commitments going beyond three years and we would
29 recommend on into the future as kind of using that just
30 as a simple checklist anything to do with annual
31 subsistence harvest assessment, we ought to fund it, it's
32 important. Anything -- you know, some kind of a periodic
33 look at more detailed subsistence harvest use pattern
34 information we ought to fund it. And then, finally, the
35 third thing on the checklist would be the sockeye stock
36 assessment.

37

38 Now, that obviously leaves a lot of stuff
39 off the table. I'm not even sure we even have enough
40 money to fund those subject matter much less other things
41 that come up like eulachon, coho salmon, steelhead which
42 are going to be important. But like I said, trying to
43 make the best use of our dollars with the top priority
44 issues and information needs as we understand them. That
45 would be our recommendation.

46

47 The final question that we asked and that
48 I'll cover here and then I'll stop is, are there other
49 funding, alternative funds that we can make use of? And
50 I'm really happy to report in Southeast, we've had some

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1 better success really here, I think, than anywhere else
2 in the state trying to leverage our dollars by working
3 with other programs that at least have some overlap in
4 mission with what we're doing. And the two funding
5 sources that I'm aware of that we've had success with
6 are, first the Southeast Sustainable Salmon Fund. That's
7 a much largely -- financially a much larger program than
8 our program. It is primarily directed or it has a very
9 heavy treaty component to it. But we -- well, in fact, I
10 sit on the science advisory panel for that group and
11 we've been successful in getting money really for two
12 different things.

13

14 One was for the Klawock project. I
15 believe we got about \$100,000 added to that project. In
16 fact, what that's going to allow us to do is to continue
17 that project for one more year without coming back to
18 this program and asking for a new proposal. So there's
19 that and then, I believe when Mike Turek speaks to you,
20 money out of the Southeast Sustainable Salmon Fund also
21 went into subsistence harvest assessment type information
22 and he can give you more detail on that. But we've been
23 successful in getting some money into this -- directly
24 into this program.

25

26 Then the other program is a Forest
27 Service program, the National Forest Wildlife Fisheries
28 Appropriation. And again, there's at least some overlap
29 in their mission with our mission. That program is
30 really very heavily -- the emphasis on that program is
31 more on habitat restoration -- restoration and habitat
32 improvement and habitat assessment but they also have
33 more of a stock assessment type component to it. And one
34 of the programs in 2001 that we just flat ran out of
35 money to fund was one of the sockeye assessment programs,
36 it was the one for Sitka, Hasselburg, I believe, that was
37 funded directly by this program.

38

39 So we have had some success in trying to
40 leverage our money to basically coordinate efforts with
41 and utilize monies from other programs to get a -- I
42 guess more bang for our buck.

43

44 So with that, Madame Chair, I'll complete
45 my total presentation and see if there's any other
46 questions.

47

48 CHAIRWOMAN GARZA: John.

49

50 MR. LITTLEFIELD: Madame Chairman. On

00472

1 this graph, could you put perspective for Southeast, this
2 is just statewide, right and could you put this in
3 perspective so that this Council knows, kind of the money
4 they're looking at?

5
6 MR. McBRIDE: Yes. Actually I should
7 have done that. I apologize for that. In real general
8 terms, Southeast, I believe, has about 18 percent of the
9 money overall. So I'm trying to -- I have to go through
10 and do that math but in real rough terms, 20 percent. So
11 basically a fifth, if you will, of the total is to be
12 utilized in Southeast.

13
14 MR. THOMAS: So one million bucks.

15
16 MR. McBRIDE: Yes.

17
18 CHAIRWOMAN GARZA: 800,000. And for
19 2003, it was 1.3 million?

20
21 MR. McBRIDE: 1.3 or about 1.5 million
22 dollars total available. In fact, this is one of the
23 subjects Cal and I went to because we have to go through
24 the exact accounting to figure it out but if you take
25 roughly 20 percent of that, so I don't know 300 or
26 350,000, something like that.

27
28 CHAIRWOMAN GARZA: John.

29
30 MR. LITTLEFIELD: Okay. So we could take
31 this graph and basically put two million at the top where
32 it says 10 million and carry it down and that would be
33 roughly the percentages that we're looking at in
34 Southeast?

35
36 MR. McBRIDE: Yeah, rough, yeah, that
37 would be correct.

38
39 CHAIRWOMAN GARZA: Okay.

40
41 MR. THOMAS: I have an observation I want
42 to share.

43
44 CHAIRWOMAN GARZA: Is it a short one?

45
46 MR. THOMAS: Short.

47
48 CHAIRWOMAN GARZA: Okay.

49
50 MR. THOMAS: I heard you mention that in

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1 the Klawock project, that it fell short by 100,000 bucks
2 and you were able to come to the aid of that project.
3 And I had a question here, if you guys did have, in fact,
4 a contingency plan for unfinished projects in case they
5 did, for one reason or another, need more funding and I
6 was happy to hear that Klawock, in fact, was a result of
7 exactly what I was asking for.

8

9 Thank you.

10

11 MR. LITTLEFIELD: Madame Chair.

12

13 CHAIRWOMAN GARZA: John.

14

15 MR. LITTLEFIELD: Madame Chair. I would
16 like to suggest a funding partner source that you could
17 look at for Gut Bay and Falls Lake and Pillar Bay and
18 that would be the Northern Southeast Regional Agriculture
19 -- Aquaculture Association. When I presented the data
20 that we looked at last year that showed the salmon
21 interception to them they became very interested because
22 the salmon interception had dramatically increased. I
23 think they might be willing to help you out on that just
24 like they've done on Salmon Lake. It would be worth
25 asking.

26

27 CHAIRWOMAN GARZA: Thank you, Doug.

28 We'll see you in the fall.

29

30 MR. LITTLEFIELD: Madame Chair.

31

32 CHAIRWOMAN GARZA: Mr. Littlefield.

33

34 MR. LITTLEFIELD: Madame Chair, I gave
35 you a copy of the tribal council resolution 19-02 that
36 the Sitka Tribe of Alaska has sent over at my request and
37 it was to address funding and I think I would like the
38 Council to go on record and I'll read just therefore be
39 it resolved because the whereases are real similar to all
40 this.

41

42 It says, therefore be it resolved, the
43 United States Forest Service has identified 5.5 million
44 dollars of funding shortages to fund their involvement in
45 the wildlife management of subsistence hunting aspects of
46 the Federal Subsistence Management Program on United
47 States Forest Service lands in Southeast and another 1.3
48 million in cooperative fisheries monitoring. And then,
49 be it further resolved, the Sitka Tribe formally requests
50 the Federal government to fully fund the United States

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1 Forest Service and prioritize partnership positions with
2 the Federally-recognized tribal governments.

3

4 And I think I'd like to take -- the
5 Council, I believe, should make that clear that we
6 believe there is a funding shortage. This is going to go
7 to other communities and Councils, but I believe it's
8 important for us to say that we recognize that many of
9 these projects are very important to us. They're long-
10 term, the partnerships that we build with both ADF&G and
11 tribes are important. We put people to work, we put them
12 to work for three years and then it disappears. And I
13 don't know how to do that in a format but that would be
14 my recommendation that the Council take that position.

15

16 CHAIRWOMAN GARZA: Is that a motion?

17

18 MR. LITTLEFIELD: I so move.

19

20 MR. STOKES: I'll second.

21

22 CHAIRWOMAN GARZA: It's been moved and
23 seconded that the Council take the position and request
24 that the Federal government fully fund the United States
25 Forest Service in its subsistence efforts as outlined by
26 the Sitka Tribe resolution 19-02. I think this is
27 something that we have done informally, is, certainly
28 supported the efforts of the cooperative fishery projects
29 and have continually stated that they are under-funded
30 compared to the needs of the research that is out there.
31 So I have no objection supporting -- I fully support this
32 motion.

33

34 Marilyn.

35

36 MS. WILSON: Could I have the name of
37 that, what we're funding?

38

39 MR. THOMAS: Resolution.

40

41 MS. WILSON: Resolution.

42

43 MR. LITTLEFIELD: Actually I don't think
44 we need to do that. Madame Chairman put it correctly,
45 that we are requesting, formally requesting that the
46 Federal government fully fund the United States Forest
47 Service and prioritize partnership positions with
48 Federally-recognized tribal governments in order that
49 existing and new subsistence harvest monitoring and
50 traditional ecological projects can be undertaken. And I

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1 would just add that I have no objection to ADF&G -- they
2 need to be partnerships that are long-term and most of
3 those -- we've stated our position, were tribally
4 oriented.

5
6 CHAIRWOMAN GARZA: Floyd.

7
8 MR. KOOKESH: I see the resolution and I
9 see what the intent is and the language, but it seems
10 like we should delete the Sitka Tribe's portion.

11
12 MR. LITTLEFIELD: Yes.

13
14 MR. KOOKESH: And just allow -- and wait
15 for the other tribes to come forward and then support it
16 from that point to request full funding and all that.
17 But I want to make sure that the tribes all endorse it
18 first before we pass this -- support it -- or before we
19 throw the Sitka Tribe's name in there, I think we should
20 leave it out for now.

21
22 MR. LITTLEFIELD: Then leave them out of
23 it.

24
25 CHAIRWOMAN GARZA: Right. There might
26 have been a mix up there because I started reading from
27 the resolution, I said it was outlined in their
28 resolution 19-02. I didn't say to support resolution 19-
29 02, so I'm causing the confusion and I apologize.

30
31 So the intent is to support full funding
32 for these projects.

33
34 MR. KOOKESH: From the RAC.

35
36 CHAIRWOMAN GARZA: From the RAC.

37
38 MR. LITTLEFIELD: Is that clear for the
39 record?

40
41 CHAIRWOMAN GARZA: To go on record, to
42 add to our annual report, again. Call for.....

43
44 MR. MARTIN: Question.

45
46 CHAIRWOMAN GARZA: Mary.

47
48 MS. RUDOLPH: Are we going to get some
49 copies of those so that we could use them as an outline
50 for the tribes?

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1 MR. LITTLEFIELD: He's going to make
2 copies for everyone.

3

4 MS. RUDOLPH: Okay, thank you.

5

6 CHAIRWOMAN GARZA: Question has been
7 called. All in favor signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRWOMAN GARZA: Opposed.

12

13 (No opposing votes)

14

15 CHAIRWOMAN GARZA: Motion passes. Okay,
16 where in the heck are we? Item C, ADF&G, Division of
17 Subsistence, Mr. Turek.

18

19 MR. THOMAS: Okay, guys, don't show this
20 guy no mercy.

21

22 CHAIRWOMAN GARZA: Okay. So Clarence
23 told me he'd take three minutes and Marty said he'd take
24 five minutes, so what's your lowest offer there?

25

26 MR. TUREK: Ten.

27

28 (Laughter)

29

30 MR. TUREK: Madame Chair, Council. My
31 name is Mike Turek. I'm the Regional Supervisor for the
32 Subsistence Division, Alaska Department of Fish and Game.

33

34 I passed out to you a four page report
35 earlier today and I'll go over that briefly and then if
36 you want to ask questions, I'm open for questions. And
37 what this report is about is I'll be discussing the
38 projects that we've been working on and some we have
39 planned for the future.

40

41 CHAIRWOMAN GARZA: I just want to make
42 sure everyone on the Council has found the reports
43 because things tend to get buried. Has everyone got it,
44 it says, report to the Alaska Federal Subsistence
45 Regional Advisory Council, State of Alaska, Division of
46 Subsistence, the header.

47

48 MR. TUREK: I have more copies if anyone
49 needs one.

50

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1 MR. THOMAS: We're covered.

2

3 CHAIRWOMAN GARZA: Did you find yours,
4 Mary?

5

6 MS. RUDOLPH: No.

7

8 CHAIRWOMAN GARZA: Okay, two more over
9 here please. Three over there.

10

11 MR. THOMAS: Give them two apiece.

12

13 CHAIRWOMAN GARZA: I think Mary still
14 needed one.

15

16 MS. RUDOLPH: I can just read with
17 Marilyn.

18

19 CHAIRWOMAN GARZA: Go ahead, Mike.

20

21 MS. WILSON: Oh, I've got two.

22

23 MR. TUREK: Thank you, Madame Chair. Our
24 Federal Subsistence Fisheries project for 2001, the
25 Klawock River and Sarcar Lake Salmon Harvest Use Pattern,
26 the TEK project, this project and the Kake project are
27 projects that we're still working on. Some of the
28 reasons why it's taken more time and costs more is
29 because we've really made an effort on these projects to
30 work closely with the tribes and with tribal members so
31 it required more supervision, actually on the job
32 training is what we were doing more than supervision.
33 And in particular, in Kake -- excuse me on Klawock and
34 Craig, the Staff that we had there were new to this type
35 of work but they were very willing and interested and so
36 the project leader, Nancy Rattner had to spend more time
37 over there with the on the job training. And also the
38 tribe wanted to do more key respondent interviews so we
39 ended up doing quite a few more than what we originally
40 planned. And we ran into some problems we weren't
41 expecting. Things like the tribal members who we were
42 working with didn't have access to computers or the
43 recording machines, the playback machines, after you
44 recorded interviews, didn't have access to those, so that
45 added a new wrinkle to trying to get their field notes
46 written up. Because we had them do a lot of the -- most
47 of the interviews and most of the field observations and
48 we wanted them also to be involved with the actual
49 writing up of their notes and the report writing. But we
50 ran into problems because they just didn't have access to

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1 the equipment.

2

3 Another problem we ran into in Craig and
4 Klawock this last summer, in the past we have worked
5 there, we've worked in the fall or winter and we were
6 able to us Forest Service housing and vehicles, since we
7 were there in the summer we couldn't do that so there
8 were unexpected costs and difficulties for our Staff for
9 housing and vehicles and also the tribal members didn't
10 have vehicles so we had to rent an extra vehicle for them
11 so we had some unexpected costs in that way.

12

13 In Kake, it was a little bit different
14 because the tribal staff that was working on that had
15 done this type of work before so she was very skilled in
16 it and didn't need the on the job training. And she
17 conducted pretty much all of the key respondent
18 interviews and began writing up the notes but she left in
19 the fall to go to law school in New Mexico and so there
20 was a gap in there when she was working on the project
21 and when she came back on to it. Now, we just started
22 getting chapters for the report from Kake that she's been
23 working on.

24

25 So what happened was that we were doing
26 similar projects that we've done in the past but we've
27 never had people in the villages working in them this
28 extensively, doing this level of work on these types of
29 projects, so that's what's taken more time. But it's
30 been successful in that people have been able to do the
31 work and we've gotten -- people are real interested in
32 this kind of work so that was very successful. But we
33 found it took more time and more money to do this kind of
34 work when you bring in this level of local help.

35

36 So those projects we're hoping to have
37 and planning to have a draft reports prepared -- ready by
38 this coming fall for your next meeting for both reviews
39 -- community reviews and then for your review before we
40 progress on to the final report. So that's the schedule
41 we're on right now for those projects.

42

43 Another project we're working on right
44 now with the Forest Service funding, this isn't the OSM
45 funding, this is directly from the Forest Service and
46 that's a customary and traditional use determination for
47 fish in Southeast Alaska. We've been contracted by the
48 Forest Service to update C&T sheets that the State has
49 done in the past by using the most recent household
50 harvest survey data, other subsistence harvest salmon

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1 permit information and more recent demographic and
2 economic information that we have. And we're working on
3 that right now and we plan on having that completed by
4 May.

5
6 We also have our GIS data base project,
7 which our Staff, Brian Davis, who has since moved to our
8 office in Anchorage, continues working on that and that's
9 progressing.

10
11 The validity and reliability of fishery
12 harvest assessment methods that we're working on, Doug
13 talked about this, this is a statewide project and this
14 is the Southeast part of that. And we're conducting face
15 to face interviews, salmon surveys in Angoon, Hoonah and
16 Kake and we're working very closely with the tribes and
17 local people on that. We've hired local people to do the
18 interviews on that and those are, I think, Kake is the
19 only community we have surveys that still need to be
20 completed. I believe Angoon and Hoonah are both -- if
21 they're not done, they're nearing completion.

22
23 Then we have our 24 community report
24 project which we worked with the Forestry Science Lab
25 with Dr. Schroeder when he was with the Forestry Science
26 Lab and what that is it's writing up the results of the
27 24 communities in Southeast that we've been conducting
28 household surveys on since 1997. And that project is
29 moving along fairly well. Amy Paige is the lead on that
30 and she's working on that right now.

31
32 For 2002, we have a project, the Wrangell
33 Subsistence Salmon Harvest Use Pattern which is similar
34 to the projects we are working on in Kake and Klawock.
35 The funding for this, as you probably know, has been
36 split up for these projects over two year, which actually
37 may be better way to approach these projects than the
38 Kake and Klawock projects which were scheduled for one
39 year. I think these projects, with this level of work in
40 the communities and the communities being involved in
41 this level will take at least two years. So in
42 actuality, having the funding split up over two years may
43 actually benefit this project. So we'll be working in
44 Wrangell this summer, preliminary work and probably doing
45 some interviewing and working closely with the tribe on
46 scheduling the majority of the work next year.

47
48 So I think that by breaking up over two
49 years, I think that will work better for the first year
50 being the preliminary work and particularly working

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1 closely with the tribe and setting up a schedule for the
2 next year. I think that will -- we won't have the time
3 crunch we had on the Kake and Klawock projects.
4

5 And for 2003, the preproposals. We've
6 submitted two preproposals this year. One is a
7 subsistence harvest survey data dissemination.
8 Essentially what that is is that's taking the report that
9 we'll be completing for the 24 communities and going to
10 each of the communities that we did this survey in and
11 working with them and essentially training them on how
12 they can use this data for their own benefit and training
13 them on how to use the other resources departments, like
14 the community profile data base and also reviewing the
15 reports with them and -- so that will be primarily based
16 in the communities, that work. And essentially it will
17 be going back to the communities with the data that we
18 collected in the past and sharing that information with
19 them and showing them how they could use that information
20 for their benefit.

21
22 We've also got a traditional subsistence
23 fishing video project. In this project, the idea is to
24 record both Native and non-Native elders, video record
25 them about their traditional fishing methods and
26 processing of salmon, steelhead, hooligan and trout. And
27 this is a project that I hope to work with Tlingit elder
28 Mr. Peck, Jr., on with this project. He's had a lot of
29 experience in both video and audio, radio and film work
30 and we worked with him on the preproposal and we're
31 hoping that we'll be able to work with him on this
32 project. We have a professional quality video -- Sony
33 videocamera, the Department does, the Division does,
34 which is a digital camera so that would lend these videos
35 to use in CD-roms and other multi-media presentations.
36 And we've had -- our Division has done video work in
37 other parts of the state so we have some Staff that we
38 can use within the Division for assistance on this.
39

40 Other Subsistence Division projects, like
41 Doug was mentioning is the Sustainable Salmon Fund, we
42 were able to get the \$100,000 from the Sustainable Salmon
43 Fund for doing harvest assessment work and we're going to
44 be doing this year -- we're going to be doing work in
45 Klukwan and Haines and doing subsistence salmon surveys
46 at the end of the year and also be doing some descriptive
47 analysis work. I was up in Haines and Klukwan in late
48 January and met with both the Chilkat and Chilkoot
49 tribes. And they're both very supportive of this work
50 and we're working closely with them. And I spoke with

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1 Marilyn at that time and explained to her what we were
2 planning on doing so that's on schedule for this year.
3 And then we'll probably be doing some other work with
4 that funding from the Sustainable Salmon Fund. Probably
5 be using some of that funding to continue the work with
6 Klawock and Kake also.

7

8 This coming -- actually this month,
9 probably, we'll be working with -- we already have been
10 working with the Sitka Tribe of Alaska preparing to do
11 herring egg harvest surveys after the herring egg fishery
12 this year. It will also be on the grounds during the
13 subsistence herring egg fishery to document that this
14 year. So we're working real closely with the tribe on
15 that. And looking forward to doing that work.

16

17 That's about it for the projects. I want
18 to also mention here that both the State Board of Game
19 and Fisheries will be meeting in Southeast next year.
20 The Board of Game will be meeting in November, I believe,
21 I think in Ketchikan and the proposal deadline will be
22 sometime late this summer, usually it's in August. The
23 Alaska Board of Fish will be meeting in Southeast in
24 January 20 through 29 in Juneau, I believe. And
25 then in Sitka from the 20th of February to March 2nd --
26 excuse me, Ketchikan and Sitka. And those proposals for
27 the Board of Fish are due April 10th.

28

29 That's all I have, if there are any
30 questions I'll be glad to answer them.

31

32 CHAIRWOMAN GARZA: Mr. Littlefield.

33

34 MR. LITTLEFIELD: Thank you, Madame
35 Chair. Mr. Turek, I think I have a very easy question
36 for you but I think you have to put your swami hat on and
37 your crystal ball. We know what's happening in the
38 legislature and I'm just going to ask you, what would be
39 the effect, if there was no Division of Subsistence on
40 all of these cooperative projects we have? I mean,
41 they're all with the Division of Subsistence. Maybe you
42 could comment on that.

43

44 MR. TUREK: Madame Chair, John and
45 Council. I believe what Frank Rue has told the
46 legislature is if our budget is zeroed out the Department
47 would still have to fund some of our work since the only
48 way they wouldn't have to do that is if the State
49 subsistence law was repealed. As long as there's a State
50 subsistence law, the Department's responsible to address

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1 that. So there would probably be money taken out of the
2 general fund from other divisions to support some of our
3 work. We wouldn't be very popular, probably, within the
4 Department in that case and it wouldn't be as much
5 funding as we would like. So it would be limited funding
6 so it would be limited work.

7

8 So I really don't know how that would
9 affect some of these projects.

10

11 MS. SEE: Let me add to that. Yeah, this
12 is Marianne See with Fish and Game also. And let me just
13 add to that. I think one of the things that's really
14 troubling about this is that the general fund is the core
15 fund for the research staff that do this work and so we
16 can't retain research staff if we only have a small
17 amount of funding and that's going to be a real problem
18 if you try to maintain work on projects and you can't
19 keep the expertise that really is responsible for getting
20 the work done in a credible way.

21

22 So you know, we might be able to retain
23 some funding but it would really kind of unravel the kind
24 of staffing that really have become so expert in working
25 with communities effectively and also in developing the
26 tools and the information.

27

28 So that's a real problem area for how
29 that would really work.

30

31 CHAIRWOMAN GARZA: Is that the same
32 question you were going to ask?

33

34 MR. THOMAS: Thank you, Madame Chairman,
35 no. I was just wondering what contemporary subsistence
36 harvesting is? The word contemporary was used and I was
37 wondering what that implied?

38

39 MR. TUREK: Madame Chair, Bill. That
40 would be the practices of today. What's going on today?
41 How people are harvesting fish today.

42

43 MR. THOMAS: So I'm contemporary and
44 didn't know, it, uh?

45

46 MR. TUREK: That could very well be.

47

48 CHAIRWOMAN GARZA: Bert.

49

50 MR. ADAMS: Thank you, Madame Chair. I

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1 just wanted to extend our compliments to Mike for the
2 fine work that he has been doing, you know, in the
3 subsistence area. We've had a real good experience
4 working with him in Yakutat and I see the good work that
5 has happened, you know, in other communities. So I just
6 keep with us, Mike your expertise has been very
7 valuable to us.

8

9 Thank you.

10

11 MR. LITTLEFIELD: I second that.

12

13 MR. TUREK: Thank you very much.

14

15 MR. THOMAS: Even if it comes to
16 volunteering.

17

18 CHAIRWOMAN GARZA: Patricia.

19

20 MS. PHILLIPS: Chairman Garza, Mr. Turek.
21 On the Federal subsistence fisheries preproposals 2003,
22 subsistence fisheries harvest survey data dissemination,
23 it's written Subsistence Division Staff will assist
24 communities in the interpretation of survey data and
25 discuss how survey results can be used. Is there going
26 to be written format of what that says right there
27 because there's going to be communities that don't have
28 all this information but maybe they could use it for
29 enhancement projects in other areas?

30

31 MR. TUREK: Madame Chair, Patty. Yeah,
32 when we get to the point if -- if this proposal is put to
33 the next point where we do the full blown proposal, then
34 I would go into more detail on that, but the plan would
35 be to customize this for every community. At what level
36 they have as far as Staff or people that are interested
37 in this kind of work and that's what we've done with
38 these other fisheries projects, every village is
39 different with the capacity of what people can do. And
40 so we just customize it for -- depending on the village.

41

42

43 CHAIRWOMAN GARZA: Floyd.

44

45 MR. KOOKESH: What's the thinking by the
46 removal of the Office of Subsistence on the part of the
47 legislature, do you have a....

48

49 MS. SEE: We don't really know. But I
50 can tell you that the Department of Fish and Game doesn't

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1 have an even distribution of general fund dollars or
2 State dollars. Some divisions have given it up basically
3 over the years of all the budget reductions. And, for
4 example, the Division of Sportfish has, I think \$20,000
5 in general funds, period. And all the rest comes from
6 other kinds of funding. So our division relies very
7 heavily on general fund as our core funding and that's
8 how we develop information, that's how we spend our time
9 helping advise the Board of Fisheries, the Board of Game,
10 the Federal Subsistence Board, coming to the RAC meetings
11 around the state. And those funds, some of that, the
12 Federal dollars, we get a little bit of Federal help to
13 get us here, for example, but most of the work that we do
14 on -- like with the Boards of Fisheries and Game, that's
15 all funded on State dollars. So we were sitting there
16 with some State dollars and some of the other divisions
17 aren't. And so that's part of why we were targeted.

18

19 But why us, specifically, I think it's
20 important to note on the record that virtually no other
21 department, I believe there was one had what's called a
22 directed cut, in other words, the legislature said what
23 it is. Other cuts were given to the Commissioner saying
24 you tell us what it is, so this was a very specific
25 target and we don't fully understand why.

26

27 CHAIRWOMAN GARZA: Thank you.

28

29 MR. THOMAS: There's no politics in
30 there, is there?

31

32 CHAIRWOMAN GARZA: Okay, I think we have
33 no questions for you because your report was good and we
34 fully support what you're doing. So I'd like to see the
35 draft reports from Craig, Klawock and actually even Kake.

36

37 MS. SEE: Okay.

38

39 MR. TUREK: Okay.

40

41 CHAIRWOMAN GARZA: Thank you.

42

43 MR. THOMAS: Again, we appreciate your
44 good work, Mike.

45

46 MR. TUREK: Thank you.

47

48 MR. THOMAS: And we appreciate your good
49 work to be. Don't come up here telling us what to do.

50

00485

1 (Laughter)

2

3 MR. SUMMERS: Madame Chairman, Council
4 members. My name is Clarence Summers. I'm a subsistence
5 coordinator with the National Park Service.

6

7 I'm here today and I've got two items for
8 you. We're passing around a new newsletter, it hopefully
9 provides a short summary of some of the activities around
10 the state that concern the Subsistence Resource
11 Commissions.

12

13 As you know your charter authorizes you
14 to appoint one member to the Wrangell-St. Elias
15 Subsistence Resource Commission. That appointee is Bert.
16 And the other item that I want to share is that Bert's
17 term will expire on, I believe, it's November 200 -- this
18 fall. And so keep that in mind. What I'll try to do is
19 we'll advertise the appointment in Yakutat, we'll supply
20 Mr. Schroeder with a list of other interested candidates.
21 You'll have an opportunity at your next meeting to either
22 reappoint Bert or to appoint a new person to serve on the
23 Wrangell-St. Elias Subsistence Resource Commission.

24

25 And that's all I have and if you have any
26 questions on that.

27

28 MR. THOMAS: We're going to put Mary on
29 that.

30

31 (Laughter)

32

33 CHAIRWOMAN GARZA: Any comments.
34 Questions. Concerns.

35

36 MR. THOMAS: That was a wonderful report.
37 Thank you very much.

38

39 CHAIRWOMAN GARZA: Bert, do you plan on
40 rerunning for that position?

41

42 MR. ADAMS: (Nods affirmatively)

43

44 CHAIRWOMAN GARZA: Okay, thank you.

45

46 MR. THOMAS: You got a campaign war
47 chest?

48

49 MR. ADAMS: Oh, yeah.

50

00486

1 CHAIRWOMAN GARZA: Okay. Forest Service,
2 Subsistence Staff, Dave.

3

4 MR. THOMAS: Oh, boy.

5

6 CHAIRWOMAN GARZA: I think you're the one
7 who told me three minutes and we're counting.

8

9 MR. JOHNSON: It won't take that long.

10

11 MR. THOMAS: Boy, I've heard that before.

12

13 (Laughter)

14

15 MR. JOHNSON: Thanks for your support,
16 Mr. Chairman -- Madame Chair, I'm sorry. I've been
17 getting some feedback across the Tongass over the last
18 few years that a lot of people really don't understand
19 what the Forest Service role is in subsistence in the
20 Federal program, subsistence. Everybody understand what
21 they do out there in the ocean and on the land for
22 subsistence, so I wanted to get some feedback from the
23 Council and hopefully get some participation for putting
24 together a Tongass brochure that would be available at
25 all of the Tongass field units or Forest Supervisor's
26 offices so that when people come in that may not be from
27 Alaska or that may be from right down the street, they
28 would know what the Forest Service Subsistence Program is
29 as a part of the Federal program under the US Fish and
30 Wildlife Service Office of Subsistence Management.

31

32 In addition to that, it seems like the
33 Forest Service has a poster for everything from Woodsy
34 Owl to -- I haven't checked today but I'm sure we've got
35 a new poster. It seems reasonable that in Southeast
36 Alaska on the Tongass National Forest, with the
37 significance and importance that subsistence has and the
38 history it has particularly in this 100th anniversary
39 that we're celebrating this year on the Tongass National
40 Forest, that subsistence should be a big part of that.

41

42 And so I just wanted to get some
43 feedback, briefly, and hopefully maybe get some
44 participation in a small subcommittee.

45

46 CHAIRWOMAN GARZA: Mr. Thomas.

47

48 MR. THOMAS: Does the regional office
49 have anything in line of a brochure or anything -- you
50 know, there's a lot of brochures you have for a lot of

00487

1 different things, like you said, and then if something
2 like that -- or even if there's not, if there's not we
3 need to know that but if you can send out some kind of a
4 hard copy to everybody to consider so that we could make
5 references to specific language or general language we'll
6 say even, we could probably respond to that.

7

8 But when we get something, in an email or
9 in a fax or mail, we feel compelled to respond to it.
10 And I, for one, would be willing to participate in that
11 and so will Dolly.

12

13 CHAIRWOMAN GARZA: Go for it.

14

15 MR. JOHNSON: Madame Chair. We really
16 don't have anything, Bill, that relates to subsistence
17 and that's why I was asking for input from the Council.
18 What should be in the brochure and what kind of things
19 that blend the customary and traditional uses of -- that
20 are part of subsistence and then the Federal Subsistence
21 Program that is the bureaucratic part of that?

22

23 CHAIRWOMAN GARZA: Well, we don't really
24 have time to cover that now so I think you need to come
25 up with a format of questions, send it out to all of us
26 and whoever responds will be on your committee.

27

28 MR. THOMAS: Just give me a call I'll
29 fill out the whole thing for you.

30

31 (Laughter)

32

33 CHAIRWOMAN GARZA: Thank you, Dave.

34

35 MR. JOHNSON: Thank you, Madame Chair.

36

37 CHAIRWOMAN GARZA: Marty.

38

39 MR. THOMAS: I thought we were done here.

40

41 CHAIRWOMAN GARZA: Marty told me one
42 minute.

43

44 MR. MEYERS: Madame Chair, Council.
45 Marty Meyers, US Forest Service Law Enforcement. I can
46 make this real short and say that nobody was arrested or
47 went to jail for a subsistence violation. That's the
48 good news.

49

50 Basically what I'd like to report is that

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1 we have been addressing illegal hunting activities on
2 National Forest lands, specifically areas like Zarembo
3 Island, Prince of Wales and some of the other roaded
4 areas. And obviously, with the hunting pressure not only
5 with subsistence hunting but with hunting from other
6 urban residents and then the out of state residents
7 coming to Alaska, there's quite a bit of pressure. And I
8 can understand some of the rationale behind some of the
9 proposals that have been brought forward.

10

11 With that in mind, I'd like to express
12 some views on one of the closures that you proposed as
13 far as closing Federal lands to non-subsistence users for
14 a short period of time. I don't believe that's an
15 unenforceable issue, I think it's -- any regulation is
16 enforceable to some extent. Our -- the Forest Service's
17 stance on these regulations that have been put forth by
18 the Council and accepted by the Board have been to make
19 sure that those regulations are adhered to. And this,
20 again, would be one of them. In this case the residents
21 of the Prince of Wales or the rural residents of Alaska
22 want this area closed, if it's passed by the Board, then
23 the Forest Service Law Enforcement will be making the
24 best attempt to be out there to make sure that those
25 subsistence rights and opportunities are there for the
26 subsistence people.

27

28 So I want you to keep that in mind. And
29 with that in mind, I guess, as well, is that takes
30 resources and money and, of course, we're doing the best
31 we can to do that but we do want you to know that that is
32 one of our charges. To protect that opportunity and
33 we'll be out there to do that.

34

35 Also, since we do have a dual enforcement
36 role, our primary duty is to protect the resource
37 opportunity and the second is to protect the resource and
38 part of the regulations that apply to that and, of
39 course, we enforce those regulations as well.

40

41 And then we're also assisting the
42 districts in trying to facilitate in getting letters our
43 to folks when it comes to the reporting the responses,
44 and trying to get that information back so the biologists
45 and the people who gather data can make good sense of
46 that sort of stuff and rather than rush out there and
47 write citations for those who haven't complied with the
48 regulations we're assisting in trying to make those
49 things come together in a more reasonable manner.

50

00489

1 And lastly, when it comes to customary
2 trade, I heard something today that I would like to
3 express. The reason that this issue with customary trade
4 is there is not to focus on criminalizing any activities
5 for the subsistence user. I believe the focus for trying
6 to hammer out this regulation is to have the people
7 decide where the limits are, have the people decide
8 what's fair and then from there, law enforcement and
9 agencies can go through and administer that pursuant to
10 that desire.

11
12 And with that, that's all I have, any
13 questions from the Council?

14
15 CHAIRWOMAN GARZA: I much appreciate your
16 comment about the enforceability of Proposal 9, if it
17 passes. Because I think it would be quite easy with the
18 ferry system.

19
20 The one question I had was that we got
21 from Matt Kookesh and Gordon to, I think, one of these
22 projects, a list of the fishing infractions for, I think,
23 Prince of Wales, Ketchikan area or something and when I
24 looked at it, I found that the infractions were made by a
25 wide variety of people from Native, non-Native, Craig,
26 Klawock, Hydaburg, Ketchikan, everyone is doing something
27 and no one seems to be doing anything big. But when we
28 looked at all of the comments on Proposal 9 there was a
29 strong feeling it seemed from Ketchikan residents that
30 Prince of Wales people are not law abiding and so I
31 wanted to get an idea if the game infractions that you
32 guys are cracking down on for deer on Prince of Wales, if
33 those are concentrated to Prince of Wales residents or do
34 we find off island people with those types of
35 infractions?

36
37 MR. MEYERS: When I read that particular
38 brochure that was put out earlier, that was put out by --
39 I can't remember the name of it now, anyway, the one
40 you're referring to, and I believe that those figures are
41 probably pretty close, that as far as the percentage of
42 Whites and Natives and others. Even in the Federal
43 systems. I don't have those figures with me and
44 although, you know, we have some activity and we have
45 some citations that have been written for subsistence,
46 very few regionwide, and we do have several written for
47 State violations. And, again, I think the percentages
48 are about the same. But, you know, a lot of the work
49 that we do since we have very few officers is done in
50 concentrated areas and what we try to do is concentrate

00490

1 on those areas that have the biggest affect on the
2 resource and on the use.

3

4 With that said, I'd also like to throw
5 out that the brochures have a number that -- you know, I
6 think Mr. Stokes was referring to some problems that he
7 perceived that need to be dealt with and I believe even,
8 I think it was Mary -- or Marilyn was discussing some
9 issues in Hoonah with, you know, hunters massing to
10 certain areas and then going out and taking deer at night
11 and things like that. That sort of stuff we need to know
12 about. Some people get the information and don't do
13 anything with it but we would like to pursue those to
14 make sure that those are taken care of.

15

16 MR. THOMAS: Thank you. Since this
17 process began and reading the provisions of Title VIII
18 where the emphasis is placed on community involvement,
19 public involvement and everybody that I've talked to
20 about this process, I've encouraged them to put in their
21 mind that they are part of this new management program,
22 we're a team. We're not working against the users. The
23 users aren't trying to outfox us. We all have the same
24 goal in mind. And that's never been tried before.

25

26 It's always been agencies versus the
27 public. We're trying to incorporate the support and
28 cooperation of the people and build a trust, a mutual
29 trust that we can live with. Because people that live in
30 the areas that depend on this resource will put their
31 life on the line to protect that, to make sure they have
32 access to it. And so they need to know that the agency
33 is really an ally and not an adversary.

34

35 See we got to do that, that's never been
36 tried before. This applies to State, Federal, anybody.
37 Any time you put divisions, us and you, we're going to
38 have a problem and we can't afford to do anything with
39 that. With a team it will be a lot more effective and a
40 lot less costly.

41

42 Thank you, Madame Chair.

43

44 CHAIRWOMAN GARZA: Thank you, Bill.
45 Bert.

46

47 MR. ADAMS: Marty, I just want to
48 compliment the Forest Service, as well, you know, for the
49 fine job that, I know they're doing in Yakutat for
50 instance. It wasn't too long ago, you know, when the

00491

1 Forest Service was, the word was mud over there. You
2 know, and whenever the Forest Service was mentioned to a
3 lot of the people in the community, you know, they just
4 blew up into the ceiling and didn't want to have anything
5 to do with them. And then the tribe, you know, stepped
6 in and tried to, you know, smooth things out. And,
7 today, now, we have a real good relationship. Your
8 enforcement officer up there is really low profile, you
9 know, he's integrated into the community real well and
10 he's very well respected and that's a big difference, you
11 know, from just say five or six years ago.

12

13 And I don't know whether it's attributed
14 to your leadership or, you know, whether that's a policy
15 that has come down from the Enforcement Division but it's
16 really serving a good purpose in our community.

17

18 Thank you.

19

20 MR. MEYERS: Thank you, Bert. And in
21 response to Bill's comments, we're actively working on
22 having our officers participate in a lot of the
23 activities that go on in the communities now as far as,
24 you know, attending ANB meetings and giving presentations
25 so everybody knows what our role is and what we're trying
26 to do so we can try to close that gap and try to bring
27 that altogether.

28

29 MR. THOMAS: But you need to tell them
30 that we're trying to work together.

31

32 MR. MEYERS: Exactly.

33

34 CHAIRWOMAN GARZA: Thank you, Marty.

35

36 MR. MEYERS: Thank you.

37

38 CHAIRWOMAN GARZA: Okay, we have tribal
39 governments, Native corporations. Rosita, did you wish
40 to speak?

41

42 MR. THOMAS: I move we adopt them all as
43 a block. No second, uh? It dies for no -- I'm trying to
44 be AFN.

45

46 (Laughter)

47

48 MS. WORL: Thank you, Madame Chair.

49

50 CHAIRWOMAN GARZA: Press the button.

00492

1 MR. THOMAS: Push your button.

2

3 (Laughter)

4

5 MS. WORL: Oh, okay, there we go. Madame
6 Chair, Dr. Garza. Mr. Chair, Mr. Thomas. And Council
7 members.

8

9 (Tlingit)

10

11 For the record my Tlingit name is
12 (Tlingit), I am an eagle and I am from the Thunderbird
13 Clan and I'm a Chilkat. In the other world I am Rosita
14 Worl. I am on the board of the SeaAlaska Corporation and
15 I was appointed from SeaAlaska Corporation to the AFN
16 Board of Directors. I serve as the Chair of the AFN
17 subsistence committee and I think I've held that position
18 for five long years and I've been trying to abdicate but
19 they tell me I can't leave until we have a State
20 constitutional amendment so I may be there for awhile.

21

22 Thank you for this opportunity to talk to
23 you. I have to say -- and I apologize that it's actually
24 the first time that I have attended one of these
25 meetings. And that's the unfortunate reality, is that,
26 at AFN, we are involved at a statewide level and at a
27 national level and international level. Most of our
28 efforts are directed at trying to protect the legislation
29 that offers subsistence protection to rural and Alaska
30 Native people. It is our thinking that and this is, you
31 know, based on our years of experience that we know that
32 the resistance to adopting an amendment to the State
33 constitution derives from wanting to amend ANILCA and to
34 weaken the ANILCA subsistence protections, that is our
35 best thinking.

36

37 Our work is guided by a subsistence
38 summit meeting that was held in, I think it was in 1999
39 and that has been our guiding work.

40

41 The subsistence committee is comprised of
42 AFN board members as well as we have representatives from
43 RuralCAP and recently Ipcom has joined -- has come under
44 the umbrella of AFN and the AFN subsistence committee.
45 Our mandate has been to prevent -- to work to prevent any
46 amendments to ANILCA that might weaken our subsistence
47 protections. But on the other hand, we are also supposed
48 to be looking at opportunities to amend it to a Native
49 priority if the political scenario ever looked like we
50 could do that. So that is part of our agenda.

00493

1 We've also said that we want to amend the
2 State constitution to include a rural subsistence
3 priority and Native, if we can get that as well. But we
4 would amend it only if it protects -- if we feel that it
5 protects subsistence.

6
7 Another objective is to pursue co-
8 management under the State so that is an objective
9 deriving from that subsistence summit and that is an AFN
10 position. And that subsistence convention also told us
11 we had to deal with Katie John and we're very, you know,
12 proud that we were able to move that along very
13 successfully for us.

14
15 It came to -- it really did come to our
16 attention that we need, from the AFN level, we need to be
17 more involved at this level. And that came about largely
18 and it was discussed at our very recent AFN leadership
19 meeting and in that meeting we discussed the Sitka
20 herring roe situation. And here we saw a concerted
21 effort of the Sitka Tribe and I really compliment them on
22 the effort that they took to really get people unified
23 and backing that position. But from the AFN level we
24 were able to get involved in that and were, you know, and
25 met with the Governor and tried to persuade him that it
26 was really important to take care of this situation in
27 Sitka otherwise we might end up with another Katie John
28 case before us. We thought it was an issue of reasonable
29 opportunity and we needed to take care of that.

30
31 And I guess from my understanding is that
32 the State now is really complimenting itself in its move
33 towards not co-management but collaborative management, I
34 think they're calling it.

35
36 AFN had been requesting an oversight hearing on
37 ANILCA and that was postponed when the Senate office
38 building was closed down after our -- after the September
39 11th disaster. But now that meeting has been rescheduled
40 to April 14th. And I'm assuming that -- I mean this
41 would be the body, I would imagine that would offer some
42 very useful information. I think just from my listening
43 to your discussion on the membership of your advisory
44 committee, that seems like, you know, you need to have
45 clarification on that. And by the way, I do want to
46 compliment this committee on its operation. I sit on
47 another RAC, a committee and an advisory committee and we
48 operate by consensus and it's maddening for somebody who
49 was raised on Robert Rule's of Order. So this one person
50 that was trained in ANB and ANS is trying to change that

00494

1 because it takes forever to try to get your business
2 accomplished and so my compliments to this Council.

3

4 I also wanted to note that -- I'm sure
5 that you're all aware that the Anchorage vote is coming
6 up on April 2nd. And at the AFN level we are very much
7 engaged in that because vote is very critical. Although
8 the vote itself is very neutral language, what it -- you
9 know, the message that it sends, I think, to the
10 legislature is going to be very important. AFN will be
11 meeting in Anchorage on April 2nd and April 3rd, and it's
12 to monitor that, that vote as well, I guess, the
13 subsistence summit and discussions are going to begin
14 right on the 4th as well.

15

16 But we are very concerned about this
17 April vote in Anchorage and we are already preparing to
18 move in the event, you know that it shouldn't go the way
19 -- it doesn't go the way that we want. We are -- we
20 have, as you might have been -- heard, the Governor did
21 have a drafting committee to draft new language for a
22 constitutional amendment. Although we had several of our
23 best Native states people and diplomats on that drafting
24 committee it didn't contain everything that we wanted.
25 But AFN did go ahead and endorse his proposal to go
26 forward with amendments. And our attorneys right now are
27 working on those amendments so that those amendments will
28 incorporate what we had adopted at that subsistence
29 summit. My understanding is that there will be a special
30 session on the constitutional amendment.

31

32 I just want to close in saying that I
33 would like to, you know, explore how from the AFN level,
34 you know, we could be of more assistance at this level.
35 I think it was very useful, what we found, it was really
36 helpful when we were engaged in the Sitka herring roe
37 issue and it just pointed to us that that's where we need
38 to be. I know that very often we're criticized because
39 we're not involved. But part of that is time and money.
40 And I think collectively and through the years ANCSA
41 corporations have spent something like 20 million dollars
42 in trying to protect subsistence and it's a matter of
43 limited resources.

44

45 So I just wanted to thank you for the
46 opportunity to be here and also thank each and every one
47 of you for dedicating yourselves to it. I know that it
48 takes a lot of time to be engaged in this very important
49 issue and we all benefit from it.

50

00495

1 Thank you.

2

3 CHAIRWOMAN GARZA: Thank you, Rosita. I
4 have a couple of comments and then there appears to be a
5 couple others.

6

7 I have two ways where I think AFN, just
8 calling the right person could help. The Council
9 appointments, I think you heard that there are issues
10 with making sure that the Council appointments are
11 subsistence based people. We need to stay on top of
12 that. It's my understanding that two appointments were
13 made that were not the recommendation of the team that
14 goes through and looks at the applicants and I think
15 that's a terrible error.

16

17 And the other issue is the Stikene
18 Transboundary issue. We have Dick Stokes -- he's been
19 trying to get a subsistence -- to acknowledge the
20 subsistence fishery in the Stikene and we are being road
21 blocked by ADF&G through various efforts through the
22 Pacific Salmon Commission, the way -- one way we can
23 start to address that is to get somebody on the
24 Transboundary Panel. I've talked to Gordon Jackson with
25 Tlingit/Haida on that and he is recommending two people,
26 either Carolyn Powell or John Feller from Yakutat or
27 Wrangell, since both of those rivers are covered on that
28 panel. Right now we basically have three commercial
29 fishermen on it. If we can get one Native person I think
30 it would go a long way.

31

32 MS. WORL: This is something we can help
33 with.

34

35 CHAIRWOMAN GARZA: Okay.

36

37 MS. WORL: Yes.

38

39 CHAIRWOMAN GARZA: Okay. So our Council
40 has supported the efforts of T&H and it sounded like
41 Gordon was taking the lead on that.

42

43 MS. WORL: Okay, I'll talk to Gordon.

44

45 CHAIRWOMAN GARZA: Okay. Bert.

46

47 MR. ADAMS: Thank you, Madame Chairman.
48 I just wanted to, you know, emphasize the importance of
49 using the RACs in various areas. How many are there,
50 about 10 of them throughout Alaska?

00496

1 CHAIRWOMAN GARZA: Yes.

2

3 MR. ADAMS: But if, you know, AFN wants
4 to see anything happen in the way of subsistence, they
5 could do a proposal, take it to that RAC within that area
6 and there's a pretty good chance, you know, that that's
7 going to go through the Federal Subsistence Board because
8 it has gone through the process. So I just wanted to
9 make you aware of that and that would be a real good
10 source to use as far as your subsistence use is
11 concerned.

12

13 Good luck.

14

15 MS. WORL: Thank you.

16

17 CHAIRWOMAN GARZA: Thank you, Rosita.

18

19 MR. LITTLEFIELD: Thank you.

20

21 MR. THOMAS: Thank you.

22

23 CHAIRWOMAN GARZA: Okay, we are on to
24 other new business. New business I have per diem, I'm
25 not sure if that's the only one left on new business.
26 Mr. Littlefield.

27

28 MR. LITTLEFIELD: I had several I would
29 like to add. One of them was to identify to the Federal
30 Subsistence Board areas where they have reserved water
31 rights. And the other was I would like to address the
32 1(D) proposal that came up and I don't know if it's
33 appropriate how to word that, if they can be added and
34 we're not out of time.

35

36 CHAIRWOMAN GARZA: Okay. The other thing
37 that I added was the Senate oversight. If we have the
38 opportunity to send something over to that over -- April
39 14th meeting regarding our concern about Council
40 appointments and I would like to hope that we would.

41

42 Bert.

43

44 MR. ADAMS: Madame Chairman, I have to
45 excuse myself. I'm supposed to have met, 20 minutes ago,
46 someone but I beg your pardon at this point and ask to be
47 excused.

48

49 CHAIRWOMAN GARZA: Okay. You had wanted
50 to be here when we set the meeting date, do you have time

00497

1 to do that?

2

3 MR. ADAMS: If we do it now, yes.

4

5 CHAIRWOMAN GARZA: Can we do that now?

6

7 (Council nods affirmatively)

8

9 MR. THOMAS: When and where?

10

11 MR. SCHROEDER: Madame Chairman, I'd
12 refer Council members to the new and improved fall 2002
13 Regional Advisory Council meeting window. And I'd like
14 to ask Don if we have any other blackouts in there, any
15 other considerations. And also Council members, if they
16 know of any dates that would be clearly unacceptable so
17 we need a date and we need a place. And I'd be assuming
18 a three day meeting unless the Council suggests that we
19 need a greater or lesser amount of time for our meeting.

20

21 CHAIRWOMAN GARZA: Don.

22

23 MR. RIVARD: Madame Chair, the only thing
24 that I have to add at this point -- Don Rivard from OSM,
25 is that, we try to just have a maximum of two Council
26 meetings per week during this window.

27

28 Thank you.

29

30 CHAIRWOMAN GARZA: Okay. Before we had
31 informally agreed that we would have the -- anyway, we
32 were changing so we would do the spring meetings in the
33 villages so we'd have good weather and we had the spring
34 meeting in the village and we didn't have good weather.
35 So technically if we follow that then this fall meeting
36 would be an urban community, but we're in an urban
37 community so anything's up. I'm not sure if we have an
38 invite back from Hoonah or if we should attempt to show
39 our face there again. I know there's one other community
40 that has an invite but I am assuming that if Hoonah wants
41 to invite they have the first priority.

42

43 Mary.

44

45 MS. RUDOLPH: I guess our HIA president
46 gave an invite to us for a fall meeting and I think with
47 all the enthusiasm that they have about what's happening
48 that any report we give right now would only intensify
49 what's happening.

50

00498

1 I'll check the weather for you guys
2 before you come out.

3

4 (Laughter)

5

6 CHAIRWOMAN GARZA: As long as you can
7 guarantee it, Mary. Yeah, I wasn't sure because the
8 invite from President Wright was kind of any time so I
9 wasn't sure if that was an invite for this fall.

10

11 MR. THOMAS: When were you looking at?

12

13 MR. KOOKESH: The ferry schedule.

14

15 CHAIRWOMAN GARZA: Dependent on the ferry
16 schedule, assuming that we have ferry's that run and
17 their budget isn't cut too greatly since that appears to
18 be another thing on the chopping block.

19

20 Any idea when Mary, is there hunting in
21 September that we should be aware of? Are you looking
22 at.....

23

24 MS. RUDOLPH: Usually tribal parties are
25 starting in the latter part of September and October so I
26 would probably suggest the middle part of September if
27 that's all right.

28

29 CHAIRWOMAN GARZA: So the week of
30 September 16th or the week of September 23rd. Does
31 anybody have any conflicts? Any preference for either of
32 those weeks? Bob.

33

34 MR. SCHROEDER: I was just going to ask
35 Mary, I don't believe there's a ferry schedule out and we
36 may not even have any ferry's anymore but what's the
37 usual ferry schedule for Hoonah in the fall, do you know?

38

39 MS. RUDOLPH: Madame Chair, it's usually
40 on weekends and then turnaround on Sunday. It's usually
41 -- but hard to say because it's different from Sitka to
42 Hoonah and then from Juneau to Hoonah, you know, those
43 are two different schedules.

44

45 MR. THOMAS: What about the mail boat?

46

47 MR. LITTLEFIELD: Madame Chair.

48

49 CHAIRWOMAN GARZA: Mr. Littlefield.

50

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1 MR. LITTLEFIELD: Thank you, Madame
2 Chair. I can't predict the weather either but I would say
3 the earlier in the month the better because the catamaran
4 may still be the best method for getting in and out of
5 there, weather permitting.

6
7 CHAIRWOMAN GARZA: So the earlier the
8 better. Mary, do you have a preference for the week of
9 the 9th, 16th.

10
11 MS. RUDOLPH: Madame Chair, I think
12 anything is, you know, available. Once we find out the
13 date then we can work from there.

14
15 CHAIRWOMAN GARZA: Floyd.

16
17 MR. KOOKESH: Bill was first.

18
19 CHAIRWOMAN GARZA: Bill.

20
21 MR. THOMAS: It's easy to predict the
22 weather, after August it ain't worth a damn until May
23 again.

24
25 (Laughter)

26
27 CHAIRWOMAN GARZA: Okay, Floyd. See, why
28 I ignore him.

29
30 MR. KOOKESH: Yeah. It's my opinion that
31 a lot of the commercial fishing occurs up to September
32 20th.

33
34 MR. LITTLEFIELD: Yeah, I was going to
35 bring that up.

36
37 MR. KOOKESH: And also most of us do come
38 to Juneau before we go anywhere in terms of travel so I
39 would look towards the Sunday ferry going to Hoonah which
40 has been pretty consistent over the years.

41
42 CHAIRWOMAN GARZA: Okay. So then you're
43 suggesting a Sunday ferry on the 22nd, that would be
44 after fishing.

45
46 MS. PHILLIPS: Madame Chair.

47
48 CHAIRWOMAN GARZA: Patricia.

49
50 MS. PHILLIPS: If there is a high

00500

1 abundance of cohos and the king salmon haven't all been
2 caught then they're going to extend the season after
3 September 20th.

4
5 CHAIRWOMAN GARZA: What about the Sunday,
6 September 29th. Don Rivard. There is one other,
7 Southcentral that week.

8
9 MR. RIVARD: Madame Chair, that would be
10 no problem if you decided to schedule that for that week.

11
12 CHAIRWOMAN GARZA: Floyd.

13
14 MR. KOOKESH: We're trying to target the
15 subsistence users not the commercial fishermen.

16
17 MS. PHILLIPS: Well, you brought up the
18 commercial fishing would be closing the 20th.

19
20 MR. KOOKESH: I know but.....

21
22 MR. THOMAS: What's that got to do with
23 commercial fishing, we got commercial people on here.

24
25 CHAIRWOMAN GARZA: We represent a wide
26 range of people on this Council.

27
28 MR. THOMAS: We are very diverse.

29
30 MR. KOOKESH: I've never known it to
31 extend.

32
33 MS. PHILLIPS: I have.

34
35 MR. LITTLEFIELD: Madame Chair.

36
37 CHAIRWOMAN GARZA: John.

38
39 MR. LITTLEFIELD: Madame Chair, I believe
40 it's realistic that we schedule four days, not three.
41 These are fisheries proposals and in the past they've
42 been a little bit longer and I would say that prudently
43 we should look at four days rather than three.

44
45 CHAIRWOMAN GARZA: Bert.

46
47 MR. ADAMS: I'm in that commercial
48 fishing category, I troll and, you know, it closes on
49 September 20th. So if the fish are biting, you know,
50 that's where I'm going to be.

00501

1 CHAIRWOMAN GARZA: Okay, so there's a
2 lobby for September 29th; is that okay, Mary?

3

4 MS. RUDOLPH: I think so.

5

6 CHAIRWOMAN GARZA: Okay, so we'll look at
7 the week of September 29th and we'll check on back up
8 ferry dates, catamaran dates, mail drops.

9

10 MR. LITTLEFIELD: Hoonah, the week of the
11 29th?

12

13 CHAIRWOMAN GARZA: Yes, for 3.5 days.

14

15 MR. SCHROEDER: Madame Chair, John.

16 Perhaps, I mean as a Council you operate really
17 efficiently so you do get through a lot of business so
18 whatever time is allotted, if it's okay with the Council
19 we'll see what our load of proposals might be at that
20 time and if we can have the duration of the meeting be
21 the call of the Chair, that would be a pretty efficient
22 way of doing it.

23

24 CHAIRWOMAN GARZA: Okay. And, Mary, if
25 you get back to Hoonah and they decide that isn't the
26 best week because of a potlatch or something, let us know
27 and we could bump it up a week and hope that the cohos
28 aren't good.

29

30 MR. THOMAS: We could always meet in
31 Juneau.

32

33 CHAIRWOMAN GARZA: I hope they are good,
34 though.

35

36 MR. LITTLEFIELD: Cohos are always good.

37

38 CHAIRWOMAN GARZA: That's relative.

39 Mary.

40

41 MS. RUDOLPH: I would like to make a
42 suggestion that maybe Bob check on the ferry and get back
43 to all of us with the schedule so that nobody's unhappy
44 being stuck in Hoonah.

45

46 MR. THOMAS: Are you trying to get him to
47 coordinate?

48

49 MR. SCHROEDER: I think we're more
50 worried about being stuck in Juneau than being stuck in

00502

1 Hoonah, Ms. Rudolph.

2

3 CHAIRWOMAN GARZA: Okay, Bert, we got the
4 date set, bye, if you got to go.

5

6 Okay, back to new items, we had per diem.

7 Mr. Littlefield.

8

9 MR. THOMAS: I think they should cut it
10 by 50 percent.

11

12 (Laughter)

13

14 CHAIRWOMAN GARZA: But before we do that,
15 I wanted to know that there is an invitation from Craig,
16 Prince of Wales, for the next meeting. Because they
17 really wanted us here this meeting and we're willing to
18 step down for Hoonah.

19

20 MR. KOOKESH: I want to go to Kake.

21

22 CHAIRWOMAN GARZA: We've been there
23 already.

24

25 MR. RIVARD: Madame Chair, Don Rivard
26 with Office of Subsistence Management. My understanding
27 was that Mr. Littlefield wanted to make an appeal to have
28 per diem and that for -- well, maybe I should just let
29 him characterize it.

30

31 MR. LITTLEFIELD: I said per diem or
32 expense account or some kind of honorarium for the locals
33 that are -- everywhere we go we always have usually one
34 or two people from that area so we need to -- they're the
35 only ones that don't get paid.

36

37 MR. RIVARD: Our office fully recognizes
38 that all of you do this on a volunteer basis. But on the
39 other hand, we also have to deal with Federal
40 regulations. And that is, when you're on business for --
41 as a Council member then you come under Federal travel
42 regulations. And Federal travel regulations do not allow
43 for somebody who is not traveling, in other words, if
44 they're in their hometown or village, they are not
45 entitled to any per diem.

46

47 I think the theory is that you can go
48 home for lunch or whatever and you don't have to pay for
49 lodging. So for instance, when we have meetings in
50 Anchorage and I'm out going to the Board meeting or

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1 something, I'm not allowed any per diem, that's just
2 considered part of our job at that point.

3

4 I think the question of honorarium came
5 up last fall if I'm not mistaken and that went back all
6 the way to Washington D.C., and the response was no.
7 That the Council members are not going to get honorarium
8 or anything while they're working as a Council member.

9

10 So you know, I don't have any good news
11 for you, sir.

12

13 MR. THOMAS: Well, remember, you get what
14 you pay for.

15

16 MR. LITTLEFIELD: You can convey my
17 displeasure at that if that's your answer. I mean if we
18 can't do anything, we can't but I just don't think it's
19 fair. Thank you for that.

20

21 MR. THOMAS: I don't think it's fair
22 either. It's too.....

23

24 MR. KOOKESH: I think there's a
25 difference between Don Rivard and Mr. Littlefield and
26 Harold because you're probably a compensated employee and
27 we're just -- my beef here is when I travel from Angoon I
28 have to wait -- I have to dig in my own pocket all the
29 way through to the next to the meeting until the
30 beginning of the meeting and all that way, you know, I
31 don't receive any kind of stipend prior to leaving the
32 community, that kind of bothers me that we have to go
33 that way. Fortunately I hold a position that allows me
34 to expend -- I do have a concern, I don't believe that
35 you and I fit in the same boat.

36

37 CHAIRWOMAN GARZA: Don.

38

39 MR. RIVARD: Madame Chair. First of all,
40 Floyd, I will confirm that there is a difference between
41 me and you and yes, I am a paid employee. But again, it
42 goes back to when you're working -- even as a volunteer,
43 you then become subject to Federal travel regulations.
44 So just, again, talking about the per diem, you're only
45 entitled per diem if you're traveling and if you're in
46 your hometown, then you're not entitled to that per diem.

47

48 And I'll tell you for this meeting, what
49 happened was a switcharoo in meeting here in Juneau.
50 While Mary Rudolph was not going to be afforded any per

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1 diem where Harold Martin was but when it got switched,
2 then Harold wasn't provided any per diem and Mary was
3 because now she's no longer in Hoonah, she's here in
4 Juneau.

5
6 And, again, I think the question of
7 honorarium came up -- I think the Chairs brought this up
8 last fall with the Board and a letter was sent back to
9 Washington, D.C. requesting that and they were -- it was
10 turned down.

11
12 CHAIRWOMAN GARZA: On your other beef,
13 Floyd, I work for the university and when I request
14 travel my travel's approved, I pay for my ticket, I pay
15 for my hotel and I pay for my food and when I'm done I
16 turn in all the expenses and most of the meetings that I
17 go to, Alaska Native Science Commission, Sea Otter Sea
18 Lion Commission, whatever, it operates similarly, they
19 may pay for my hotel -- well, they never pay for my
20 hotel, they may pay for my travel in advance but
21 everything else is out of my pocket until I get there so
22 it's even worse than here. Here, at least, everything's
23 paid for and I have to pay for my own dinner until the
24 next day but I get a check. With the university, I don't
25 get a check until like three weeks after I'm done
26 traveling.

27
28 MR. THOMAS: So I get public assistance
29 and I get food stamps and stickers for my Medicare.

30
31 CHAIRWOMAN GARZA: John.

32
33 MR. LITTLEFIELD: On going to Hoonah next
34 year, I do not want to see a piece of paper come to me
35 that says that I am rooming with somebody because the per
36 diem rate in Angoon [sic] is too high. I do not believe
37 as a member of this, that, we get no pay for this and
38 some of us get no per diem, I certainly think that we
39 need to have a room by ourselves in Hoonah when we go
40 there next time. I don't want to -- I was pretty unhappy
41 with that letter that I got that everybody had to bunk
42 up. I think it's totally inappropriate.

43
44 MR. RIVARD: Madame Chair. Mr.
45 Littlefield, that's so noted and I believe that you're
46 entitled to that and as long as there's lodging available
47 where everybody can have a private room I'm sure that
48 will be arranged. And I will reemphasize that when I get
49 back to the office.

50

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1 MR. THOMAS: Unless you'd let us have a
2 roommate of our choosing.

3
4 (Laughter)

5
6 MR. RIVARD: Well, I have no control over
7 that.

8
9 CHAIRWOMAN GARZA: Okay. Under other new
10 business, before you go off on your tangents, I'd like to
11 Senate oversight because I think I could do it in one
12 sentence. I would be glad to write a letter and send it
13 out, it would have to go quickly, but if I could just get
14 a letter out to Senate oversight that says we're very
15 concerned about the change in the selection process for
16 the Regional Councils that -- and mention some of the
17 things that were mentioned in Porter's letter as well as
18 a response from Forest Service, Fish and Wildlife Service
19 and get that out to Rosita so she could take it over to
20 Senate Hearings because I think she'll be going.

21
22 So if there's no objection I will do so.

23
24 MR. THOMAS: No objection.

25
26 CHAIRWOMAN GARZA: Okay. Reserved water
27 rights.

28
29 MR. LITTLEFIELD: Thank you, Madame
30 Chair. One of the duties that the Regional Advisory
31 Council is to review, evaluate and make recommendations
32 to the Board on proposals for regulations, policies,
33 management plans and other matters relating to the
34 subsistence take of fish and wildlife under the
35 regulations in this part.

36
37 Okay, within this part, one of the Board
38 duties, Federal Subsistence Board duties and this is
39 under 36 242.10 (D)(4)(18), it says, identify an
40 appropriate specific instances where there exists
41 additional Federal reservations, Federal reserved water
42 rights and other Federal interest in lands, waters,
43 including those in which the United States holds less
44 than a fee ownership to which the Federal subsistence
45 priority attaches and make appropriate recommendations to
46 the Secretary for inclusion of those interests within the
47 Federal Subsistence Management Program. And I have two
48 areas I would like to recommend.

49
50 One, is that all lands within the

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1 exterior boundaries of the Tongass National Forest be
2 included and secondly, if that's disapproved, to look at
3 the Sitka Sound War Time Withdrawals, otherwise known as
4 the McNoddy Island Group, and that's in the form of a
5 motion.

6

7 MR. MARTIN: Second that motion.

8

9 CHAIRMAN THOMAS: It's been moved and
10 seconded to make those requests. Discussion.

11

12 MR. MARTIN: Question.

13

14 CHAIRMAN THOMAS: Question's been called.
15 All those in favor say aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN THOMAS: Those opposed.

20

21 (No opposing votes)

22

23 CHAIRMAN THOMAS: Motion carries, two to
24 nothing.

25

26 Okay, so for my own clarification, John,
27 how are we going to get this language put together and
28 sent to the appropriate, are you going to get together
29 with Robert?

30

31 MR. LITTLEFIELD: Yes, yes, I'll get
32 together with Dr. Schroeder.

33

34 MR. SCHROEDER: Yes, John, to expedite
35 that, I'd like Mr. Thompson also to be involved since he
36 deals with OSM more intimately than I do.

37

38 MR. LITTLEFIELD: Okay, Mr. Chair.

39

40 CHAIRMAN THOMAS: John.

41

42 MR. LITTLEFIELD: Mr. Chair, I think we
43 could just say our recommendation is based on the
44 Regional Advisory Council's ability under Part 36, and
45 I'm going with Forest Service regs, Part 36,
46 242.11(C)(3), that gives us the authority to make the
47 recommendation. The authority of the Federal Subsistence
48 Board, one of their requirements is to identify and
49 include these areas and that is in Part 36-
50 242.10(D)(4)(18). So the language is clear in there, I

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1 don't need to go over that. I just said the exterior
2 boundaries of the Tongass and the McNoddy Island War Time
3 Groups.

4

5 Do you need any more than that?

6

7 CHAIRMAN THOMAS: Probably not.

8

9 MR. SCHROEDER: Mr. Chair, John. I'm not
10 sure exactly what we need or how to proceed on that
11 that's why I was saying Ken and I need to talk and I'm
12 sure you'll be able to provide me with background,
13 probably by email a little bit more detail on this.

14

15 CHAIRMAN THOMAS: Okay. Good. Motion
16 has been adopted and now we're doing the follow up on
17 that. I think that's a good idea, it's a good project.

18

19 MR. LITTLEFIELD: I have one other item.

20

21 CHAIRMAN THOMAS: Another item, John.

22

23 MR. LITTLEFIELD: Thank you, Mr. Chair.
24 And it was for discussion and I was concerned about how
25 we could address the Haines/Klukwan and the rural
26 residents of that area, they made several requests to us
27 and I'm wondering if there's some action and I do not
28 have one recommended that we could address the needs that
29 they've asked us for C&T use in 11(D) even recognizing
30 it's a small area, I'd like to see that go forward
31 somehow.

32

33 MS. GARZA: Mr. Chairman.

34

35 CHAIRMAN THOMAS: Dolly.

36

37 MS. GARZA: I think that if you look at
38 the Proposal 14, on the moose in 1(C) and 1(D), the
39 recommendations from Staff I thought were actually good.
40 First we need to do a C&T determination for that area and
41 second, then we can act on establishing -- and so I guess
42 that's what I would recommend that we follow that process
43 that they had recommended is just let's do C&T for Haines
44 for moose because it hasn't been done for deer -- for
45 moose?

46

47 MR. LITTLEFIELD: Both.

48

49 MS. GARZA: For moose and deer.

50

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1 MR. LITTLEFIELD: Let's get them both
2 looked at.

3
4 MS. GARZA: Okay. And then we will be
5 prepared to say we're passing C&T and we're looking for
6 the surplus.

7
8 CHAIRMAN THOMAS: There you go.

9
10 MR. LITTLEFIELD: Thank you.

11
12 CHAIRMAN THOMAS: What's next.

13
14 MS. GARZA: Mr. Chairman, that was it for
15 new business. We're ready for Council closing comments
16 and adjourn.

17
18 CHAIRMAN THOMAS: Council closing
19 comments and adjourn.

20
21 MS. WILSON: Madame Chair, before we go
22 to the Council.....

23
24 CHAIRMAN THOMAS: It's Mr. Chair, now.

25
26 MS. WILSON: Oh, excuse me, Mr. Chair.

27
28 CHAIRMAN THOMAS: Yeah.

29
30 MS. WILSON: Mr. Chair, I wanted to know
31 how do we do a C&T for the Chilkat Valley there?

32
33 MR. SCHROEDER: Mr. Chair, Mary. I think
34 we agreed that at our next wildlife meeting next spring,
35 Staff would prepare the usual, possibly even the improved
36 version of C&T review to put before you at that time. So
37 then you would be making a decision based on material
38 presented before you.

39
40 So I do have a clarification question to
41 the Chair, are these -- does anyone need to resubmit
42 proposals for C&T for these or do we proceed with what we
43 have at this time?

44
45 CHAIRMAN THOMAS: We should probably make
46 a new one.

47
48 MR. SCHROEDER: I'm trying to remember
49 the action that you took, if you tabled or postponed to a
50 certain date.

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1 CHAIRMAN THOMAS: Postponed.

2

3 MR. SCHROEDER: Okay, if both are
4 postponed to a certain date then I think that this will
5 come before you then next spring.

6

7 MS. GARZA: The moose we tabled because
8 we thought we might bring it up today, so we need to
9 untable it and postpone it until the next meeting. So
10 Mr. Chair, I would move that we take Proposal 14 back on
11 the table.

12

13 CHAIRMAN THOMAS: Okay, there's a motion
14 made to take it off the table. Second.

15

16 MS. WILSON: Second.

17

18 CHAIRMAN THOMAS: Question.

19

20 MR. STOKES: Question.

21

22 CHAIRMAN THOMAS: Question's been called.
23 All those in favor say aye.

24

25 IN UNISON: Aye.

26

27 CHAIRMAN THOMAS: Opposed.

28

29 (No opposing votes)

30

31 CHAIRMAN THOMAS: Motion carries.

32

33 MS. GARZA: Mr. Chairman.

34

35 CHAIRMAN THOMAS: Dolly.

36

37 MS. GARZA: I would move that we defer
38 Proposal 14 until the next game meeting next spring and
39 request that Staff work on C&T determinations for moose
40 and deer for the Haines, Klukwan area.

41

42 MR. STOKES: Second that motion.

43

44 CHAIRMAN THOMAS: Moved and seconded.
45 Discussion.

46

47 MR. MARTIN: Question.

48

49 CHAIRMAN THOMAS: Question's been called.
50 All those in favor say aye.

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1 IN UNISON: Aye.

2

3 CHAIRMAN THOMAS: Opposed.

4

5 (No opposing votes)

6

7 CHAIRMAN THOMAS: Motion carries.

8

9 MR. LITTLEFIELD: I got another one now
10 that I think of it.

11

12 MR. KOOKESH: We can't be doing this all
13 night, can we?

14

15 CHAIRMAN THOMAS: We're into comments
16 now. At the close of each of our Council meetings, for
17 those of you who haven't been here before, we like to
18 give you the opportunity to share your impressions, your
19 objections, your excitement, your disgust, anything. And
20 we'll have Cal lead off to show you how it's done.

21

22 Cal.

23

24 MR. MARTIN: It says Council members.

25

26 CHAIRMAN THOMAS: Everybody.

27

28 MR. CASIPIT: Thank you, Mr. Chairman.
29 My only comment on this meeting is usually these winter
30 or spring meetings are kind of down time for me and I
31 kind of just enjoy just kind of observing and watching
32 and listening. The time that I get on the hotseat is in
33 the fall. But I do appreciate interacting with the
34 Council. Like I said last year, I always seem to get a
35 lot of energy and get reinvigorated every time I go to a
36 meeting and go back and feel a lot better.

37

38 Anyway, I really appreciate the Council.
39 I love working with the Council. I like -- I really like
40 what I'm doing and if I ever left this job I don't know
41 what I'd do, I'd sure miss you guys and the great work
42 that we do together. So thank you.

43

44 CHAIRMAN THOMAS: Thank you. Dave.

45

46 MR. JOHNSON: Mr. Chairman, my
47 observations, first of all, I'd like to extend an apology
48 to the Council and to the Yakutat tribe. Bert's not
49 here. If the Yakutat tribe wasn't involved to the extent
50 that to should have been. I know that there was

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1 considerable discussions at some point with the tribe but
2 I don't know what happened perhaps later.

3

4 Back to my first comment, I'm embarrassed
5 at the Staff's presentation and I accept responsibility
6 for much of that because my name is the one that's on
7 those pages. I can tell you that on the other side of
8 the coin, you folks got your nickels worth out of Bob and
9 I because we were working on these things right up until
10 before we walked in the door. And there were numerous
11 meetings and numerous discussions. So I don't want a pat
12 on the back but I wanted to let you know you're nickel's
13 doing something, at least in some places.

14

15 MR. SCHROEDER: Mr. Chair, members of the
16 Council. I second a bit what Dave said and also I really
17 appreciate how the Council was able to piece through,
18 often fragmentary or sometimes unclear information and to
19 make reasonable sense out of what's going on out there so
20 I'm new in this position and I'm going to keep my status
21 as being the new guy who really isn't particularly
22 responsible just yet for anything that goes on. I'll let
23 Dave take the responsibility. But I really did
24 appreciate how, with some of the thornier proposals that
25 Council members pieced through different sources of data,
26 sometimes which would conflict with each other and made
27 sense of that.

28

29 Secondly, I am just really enjoying
30 working with all of you in this new role. It's something
31 of a change for me because in my last position I was
32 doing subsistence research and having a chance to work at
33 a much more relaxed and leisurely pace without 10 phone
34 calls on the answering machine when I get back to it.

35

36 I also say that part of the training will
37 be to get me to respond rather quickly because I had a
38 scientist role and scientists weren't supposed to respond
39 except when they felt like it, perhaps a week or so from
40 now, so I look forward to serving you in the future and I
41 -- one last thing I am a little disappointed because I
42 would think that following what Kim Elton said, that with
43 such a dedicated Council you would have solved the
44 subsistence issues by now and we could all go fishing.

45

46 Thank you.

47

48 CHAIRMAN THOMAS: Thank you, Floyd.

49

50 MR. KOOKESH: Well, I had three things

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1 that I'd like to comment on. The first one was when I
2 was following the discussions to like when Mr. Johnson
3 was giving his presentations, I had a hard time figuring
4 out what page he'd be on and I'd really like us to be
5 able to, at points in time, when discussions are going
6 on, that we be given a hint as to what page you're on
7 because some of us had to scramble because we'd watch him
8 read and we wouldn't know and this is just a little
9 housekeeping stuff.

10

11 And the other one was that a few times
12 when Dolly and I would look at proposals, they'd make
13 reference to say two or three and then all of a sudden
14 they'd say affecting 1(C) or something and we'd look in
15 the book and we couldn't find the thing. We saw district
16 2 and 3 but then when they're talking about -- when
17 reducing the bag limit from.....

18

19 MS. GARZA: Subunits.

20

21 MR. KOOKESH: Subunits, we couldn't find
22 them. It wasn't listed on the map. And then when we
23 were looking at the maps we couldn't even find Zarembo
24 and there was other areas that were listed -- like they
25 got real technical about except for and we were all over
26 the maps looking for these areas that they were
27 specifying that were being specified and the maps
28 wouldn't -- we couldn't go anywhere with you. We were
29 lost. And we couldn't hardly find Ketchikan, I didn't
30 know where we were.

31

32 And the third thing was, I have a
33 gentleman from Angoon who's an elderly gentleman and he
34 wanted to attend these Council meetings and he wasn't
35 able to and he asked me if there's some way that he could
36 impress upon us to make something available so that
37 people that wanted to hear about our programs, our
38 committee meetings here would be able to have access,
39 electronically, telephonically so that we can carry the
40 word out there. Because I do know that we consider what
41 we're doing -- by attending our meetings in other
42 communities that we are making that effort, but I think
43 someone's asking us, can we go a little further and I
44 believe the gentleman that I was talking to also had a
45 hearing problem. But he wanted to know what we were
46 doing and what the outcomes of these functions are?

47

48 And it's been tough since we were
49 supposed to go to Hoonah, it's been tough eating in the
50 restaurants and staying in the hotel.

00513

1 CHAIRMAN THOMAS: Dolly.

2

3 MS. GARZA: Well, I'm kind of talked out
4 after three days of talking. I also got tired of being
5 Chairman. But I think we had three really good days of
6 meeting. We covered some really tough proposals. I
7 disagreed with people that I have great admiration for
8 but I don't think that anyone is walking away with any
9 bad feelings, we just have to do what we have to do is in
10 our heart and what we believe is right and I think that
11 we all did that to the best of our ability.

12

13 I think our meetings are generally too
14 rushed. I know it would be difficult to add another day
15 because of expenses but I just feel like in the end we're
16 just plowing through and sometimes, you know, like we
17 could have spent more time with Rosita and figured out
18 how we could strategize to improve some of our situations
19 and we didn't have time.

20

21 But other than that, I think it's been a
22 great meeting.

23

24 Thanks.

25

26 CHAIRMAN THOMAS: I thought it was a good
27 meeting. There's a lot of changes here. There's a lot
28 of new people in a lot of new roles. And we had -- there
29 was a lot of things that were behind. Our packets were
30 way behind in getting to us. The only reason I got one
31 is the address in Wrangell wouldn't accept it and so they
32 sent it back. It went to the Wrangell Sportsman
33 Association. And it went to them before it came to me.
34 So things like that.

35

36 And, you know, that's been a problem all
37 along. Last year the publishing place got blown up and I
38 don't know what happened this year, it's still blown up.

39

40 And with regard to telephonic access,
41 Floyd, I'll tell you how to get a good idea of how that
42 would work. One of your Council meeting, sometimes, get
43 on the statewide network and have people from all over
44 the state participate in your Council meeting and see how
45 it goes. It'd be a nightmare. Because there's a lot of
46 people that would have that interest and it just wouldn't
47 be feasible. We couldn't do it in two weeks. So not
48 that it's not a bad thought, it's a good thought and we
49 appreciate people's interests.

50

00514

1 I think we were right on target,
2 productive. We had a different agenda this time but we
3 did okay. And I'm just proud of everybody that's here
4 and I want you all to have safe travels when you go back
5 home.

6
7 Thank you very much.

8
9 MR. MARTIN: Thank you, Mr. Chairman. I
10 enjoy everything about this group, granted that we're not
11 always going to agree with each other, if we all agreed,
12 what kind of world would this be.

13
14 But some of us voted against each other
15 today. I think we're all professional and I think we
16 should rise above taking any of this personally. I say
17 that because I got a curt answer from one of the people
18 here after the discussion on C&T, our customary trade. I
19 think we all should realize that the majority rules.

20
21 CHAIRMAN THOMAS: John.

22
23 MR. LITTLEFIELD: Thank you. I agree
24 with that comment completely. Patty voted against me one
25 time and said she apologized, there's no need for that.
26 Everybody needs to say what they feel and vote that way
27 and I certainly have no hard feelings to anybody for the
28 way they voted.

29
30 I do thank the Council for supporting
31 some things which were very important to me and to people
32 from Sitka that they have asked for.

33
34 I have a concern of not getting access to
35 the OSM web page because that's usually where I got my
36 draft proposals before. Even being that that is down, I
37 would like to get email copies if at all possible ahead
38 of time so that we could look at these. This is two
39 years in a row we got the book as we walked in the door.
40 It's pretty tough. I went home and I read every bit of
41 these every night until I knew them. And I think that's
42 unacceptable. I serve on boards and I usually try to use
43 the rule of thumb, if I'm in a board meeting one day I
44 need to spend at least two days getting ready for it.
45 And those two days required me to stay up half the night
46 every night I was here. I need more time.

47
48 But nevertheless, I want to thank the
49 Staff. And Bob, I think you did a good job your first
50 time. I thank all of the Staff for all of the work

00515

1 they've done. I wanted to thank the people of Hoonah for
2 welcoming us, it's kind of a joke, I guess, I'm sorry.
3 But anyway, that's about all I've got to say. The only
4 other concern is perhaps the Staff could get me some data
5 on elk and the affect that they have on deer, that was my
6 other concern I was going to bring up. Maybe just at the
7 next meeting, I'd like to have some information of what
8 that elk population is doing.

9

10 So thank you all.

11

12 CHAIRMAN THOMAS: Dick.

13

14 MR. STOKES: I, too, agree with John and
15 Harold. I appreciate working with this group. And I
16 especially appreciate the Staff. I thought I'd miss Fred
17 a great deal but I find that I don't.

18

19 (Laughter)

20

21 CHAIRMAN THOMAS: Whoa.

22

23 MR. STOKES: And Dave's been a great help.
24 And Cal, he's been great. The only thing I wished he'd
25 do is brought two pots of stew today. With that, thank
26 you.

27

28 CHAIRMAN THOMAS: Mary.

29

30 MS. RUDOLPH: I've been on this committee
31 for quite a few years, this Council, and it's always good
32 to see everyone, familiar faces and I would like to
33 mention the letter that was going to be sent to Hoonah,
34 an apology, if it's sent, I think it should be sent to
35 HIA because they were the ones that made the town crier,
36 like in the olden days and called everyone through phone
37 and got everybody all riled up and I think they would be
38 the one to give the messages to the tribal members and
39 others that were interested in coming to the meeting.

40

41 And the information we got was really
42 good. I was really insulted when I found out I didn't get
43 my packet from Bob and I felt like he was discriminating,
44 so I went to -- we went to a subsistence meeting and Dave
45 Belton said, well, he was -- they were talking about the
46 schedule for this meeting and everybody knew everything
47 and they'd ask me and I didn't have any idea what they
48 were talking about and evidently our IRA president had
49 gotten his packet. So everybody knew what was going to
50 happen before I did. So I was going to show Bob and I

00516

1 grabbed his book and started studying on it so I had a
2 little head start before I came in. And Frank was kind
3 enough to get the -- and let me -- wanting to read the
4 book himself so he was gracious enough to let me keep it.
5 But I appreciated the work on there and I'm sorry you had
6 to stumble on this first meeting.

7

8 So I guess I'm not the only one that -- I
9 will be busy probably in October because I'm planning my
10 mother's party. When she died in May I thought I would
11 wait for her a year and a half but my brother's been up
12 in Anchorage being -- doing radiation treatments because
13 of the cancer that came back in his thyroid so I'm kind
14 of pressed for time so I will be looking forward to
15 seeing all of you again. And I appreciate the humbleness
16 that was shown to me missing going to Hoonah and made me
17 feel good, but like always, it's always good to see every
18 one of you.

19

20 MR. STOKES: I would like to add one more
21 thing. In the near future, Wrangell will have a new
22 museum and civic center so I will be inviting the Council
23 to Wrangell.

24

25 CHAIRMAN THOMAS: Marilyn.

26

27 MS. WILSON: Whew.

28

29 CHAIRMAN THOMAS: Thank you.

30

31 MS. WILSON: Thank you. It's been a long
32 session and I want to say thank you to our Staff for
33 scrambling to get ready to meet here in Juneau instead of
34 Hoonah which we all were looking forward and still
35 looking forward to going there next time.

36

37 I wanted to just say this is always such
38 a good working group, all of us. And when I first
39 started I had dark hair.

40

41 (Laughter)

42

43 And now I read fast because I have to.
44 But I just want to say thank you, it's great working with
45 everybody and with all the Staff and I appreciate all the
46 reports that everybody gives us. It's -- some of it --
47 it makes it easy for us to absorb when it's well put.

48

49 So thank you.

50

00517

1 CHAIRMAN THOMAS: Patty.

2

3 MS. PHILLIPS: Thank you community of
4 Juneau for this wonderful meeting. Like Senator Elton,
5 I, too, have a volatile temper, I like the way he put
6 that and I had an especially volatile temper when I
7 didn't have my Council packet to read. I think we got
8 bogged down on our proposals because we were inadequately
9 prepared and I like being prepared for this meeting.

10

11 ANILCA .805(3)(A) says there will be a
12 timely distribution of all available, relevant, technical
13 and scientific support data and I would like to make sure
14 that that's adhered to.

15

16 I very much appreciate the participation
17 by the public here and one of the important reasons the
18 SERAC goes into the villages is to get firsthand comments
19 which is visibly diminished at this Juneau meeting.

20

21 I would like to thank the Prince of
22 Wales, Craig Ranger District for the C&T recognition and
23 the protocol -- the C&T task force meetings, I guess they
24 were and they recognize the protocol of tribal
25 involvement. And I commend the Craig District Ranger and
26 his Staff for actively involving affected tribes and
27 individuals in the decision-making process.

28 Specifically, thank you to the Prince of Wales
29 representative Mike Douville for his participation in
30 that process. Outreach is vital and the integrity of his
31 position is shown with his involvement, and all ours,
32 too, I don't want to pick out just one member for
33 integrity because I believe each one of you do and I
34 thank you that you share your wisdom.

35

36 And I would also like -- Floyd was
37 mentioning about telephonic and I would like to see if
38 there could be perhaps a pool of money available, like a
39 scholarship -- no, a travel fund for individuals from the
40 villages to attend a Council meeting and, you know, only
41 have a set amount available and the first ones who write
42 in or can show that their C&T, you know, have a criteria.
43 For instance, this winter, there was a US Forest Service
44 visitors industry conference here in Juneau and they had
45 conference fees waived if you contacted soon enough. So,
46 you know, if they can do it for that sort of group, then
47 why can't they do it for Regional Council involvement?

48

49 Thank you.

50

00518

1 CHAIRMAN THOMAS: Marty.

2

3 MR. MEYERS: Well, I'm honored to be part
4 of the Staff to assist the Council in this process. And
5 I hope that, speaking from an enforcement perspective, it
6 does have some value to you in making your decisions. So
7 I think things are going well. I think progress is being
8 made and I think that's what this is all about, make the
9 appropriate changes.

10

11 A suggestion and I think some of the
12 confusion that I saw in this would be something -- when
13 motions are being made, if we had that -- with the
14 technology we have today, have that displayed out so we
15 can have someone make those changes when they're being
16 made and everybody could see those and have a better
17 understanding of what they're voting on might be helpful.

18

19 CHAIRMAN THOMAS: We don't have Staff.

20

21 (Laughter)

22

23 MR. MEYERS: There's four of us, I think
24 somebody could figure it out.

25

26 Anyway, thank you.

27

28 MR. JOHNSON: You've got roadkill
29 instead.

30

31 CHAIRMAN THOMAS: Thank you. Ken.

32

33 MR. THOMPSON: You're going to go clear
34 around the room?

35

36 CHAIRMAN THOMAS: We're going all the way
37 around the room.

38

39 MR. THOMPSON: You're still the best
40 Council of the 10 Councils.

41

42 CHAIRMAN THOMAS: Say it on the record.

43

44 (Laughter)

45

46 MR. THOMPSON: This will get around. No,
47 I really sincerely believe what Fred always said, after
48 having attended other Council meetings, we're very proud
49 of you. You give excellent analysis of the regulation
50 proposals. The Board -- I guess I wouldn't want to say

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1 the Board gives more consideration to your
2 recommendations than other Councils but I know they
3 really listen and we appreciate the amount of effort that
4 you folks put into it.

5
6 I'm embarrassed about some of the things
7 that fell between the cracks this time around. We will
8 endeavor to bring our standards back up to where they
9 were.

10
11 I also want to give you all a special
12 thanks for your support for the Forest Service program
13 needs in your actions that you took in your resolutions.
14 We won't forget that.

15
16 CHAIRMAN THOMAS: Thank you.

17
18 MR. THOMPSON: So thank you.

19
20 CHAIRMAN THOMAS: Prince of Wales. Dale.

21
22 MR. KOOKESH: You're the best in
23 Southeast, he'll say.

24
25 MR. KANEN: I have to figure out this
26 high-tech button here. Thank you and it was really good
27 to be here again and I hope to be able to be with you
28 again in the future. My supervisor, Tom Poochler, asked
29 me last fall, to jump back in and play more of a
30 leadership role for the Forest Leadership Team with
31 subsistence. He said nobody else on the leadership team
32 has your passion, Dale, for subsistence. He didn't say
33 nobody has your intelligence, he said nobody has your
34 passion. So I'll try and provide some passion.

35
36 Anyway, we had a number of Forest Service
37 folks here at the Regional Advisory Council meeting for
38 the first time so this was their first experience and
39 first introduction to this Title VIII grassroots bottom
40 up bureaucracy. I think it was a unique experience for
41 them to see Federal biologists and Staff empowering a
42 volunteer citizen group to make wise decisions. And I
43 heard really, really positive comments from them. I
44 think we impressed them with our bureaucracy but I think
45 they were very impressed with you people, your
46 intelligence, your experience and your background. I
47 think they left with a lot more comfort that perhaps
48 Title VIII was in good hands and was being managed by a
49 reasonable body. And so that was music to my ears.
50

00520

1 Thank you.

2

3 CHAIRMAN THOMAS: Clarence.

4

5 MR. SUMMERS: I want to thank the Council
6 for its efforts during this last three day period of
7 attempting to solve the problems of the world with regard
8 to subsistence. For me, this was a special homecoming to
9 return to Southeast. It was also, in the lead-in,
10 preparing for this trip, I was wondering how was Bob
11 going to adjust, fit in, into this new role, and I think,
12 you know, all things considered, I think he did an
13 excellent job. And I want to compliment Staff in terms
14 of being able to react at the last minute to pull this
15 meeting together at this location in Juneau. I know
16 having conducted public meetings for the National Park
17 Service, the difficulty of trying to put a meeting like
18 this together. I know the process, having worked with the
19 Federal program from its conception, the style format for
20 these proposals is -- you know, if you think the
21 regulations are complicated, just the process that's
22 behind the scenes, the guidelines that the analysts have
23 to follow can be quite complex. And so I know that this
24 was the first of many more meetings to come and I just
25 wanted to compliment Staff again on trying to pull this
26 together and having such a successful time at it.

27

28 And it was also a real treat to see some
29 of the familiar faces at the table and to see in action,
30 Mr. Littlefield and Mr. Stokes, who I haven't seen
31 perform before in the role that you currently serve. In
32 previous years I used to attend the Southeast meetings
33 and more recently I've been working mainly with the
34 Commissions and the Councils in some of the areas.

35

36 And so, in inclosing, I just want to
37 thank you all for the time and effort that you devote to
38 the cause of subsistence management under the Federal
39 program.

40

41 CHAIRMAN THOMAS: Thank you. Dianne.

42

43 MS. McKINLEY: Thank you, Mr. Chairman.
44 I echo Ken Thompson's first comments about this RAC and
45 I'm not biased, but it's a really good learning
46 experience for me. I was looking forward to Hoonah and I
47 was disappointed after all I am (In Native) but Juneau
48 did have its benefits and we had good input. And also I
49 have family here so I enjoyed spending the time here.
50 And this is a good Council and I appreciate everybody's

00521

1 time and effort including our Staff. Thank you.

2

3 CHAIRMAN THOMAS: Thank you. Paul.

4

5 MR. WILSON: I sure do want to give
6 thanks for protection of a subsistence lifestyle. I owe
7 my life to subsistence foods so it is pretty important to
8 me. If I was rich enough I would have ate a lot of
9 McDonalds stuff but I ate lots of fish so I'm still
10 alive. So on a spiritual side I would like to have God
11 bless each and every one of you for doing such a good job
12 and keep on doing it. One of these days we'll have a
13 regulation that says there is no regulations, you just
14 subsist and do what you want. And I hope I'll see that
15 day so thank you very much.

16

17 CHAIRMAN THOMAS: Thank you. John.

18

19 MR. HERRICK: Well, one thing I learned
20 from the Sitka meeting about a year ago is always bring
21 presents to the Chair so this will help get you through
22 tonight.

23

24 (Laughter)

25

26 I'll be real brief, for those that don't
27 know me, John Herrick. I'm essentially the law
28 enforcement for the Forest Service here in Alaska. And I
29 just wanted to thank this Council for its open mindedness
30 and allowing us to have a representative to come to the
31 table. If we don't come to the table to share our
32 experiences and our expertise and to work together for a
33 common goal we'll never get there. So I certainly do
34 appreciate that, so thank you.

35

36 CHAIRMAN THOMAS: Thank you.

37

38 MR. WEBER: I think I've met most of you
39 folks over the last couple of days. I'm Mike Weber,
40 public affairs specialist for the Tongass National Forest
41 in Sitka. This is the first Council meeting that I've
42 attended and it's really been a learning experience.
43 I've been involved with the .810 section of ANILCA, I'm
44 very familiar with that, but this whole process was all
45 new to me. So it's been a real learning experience and I
46 really appreciate the hard work, after having seen you
47 guys work, and then I know what must go on in the
48 background, too, and I really appreciate the work that
49 you folks do. And I think subsistence users in Southeast
50 are well represented by the folks here and thank you guys

00522

1 for your work.

2

3 CHAIRMAN THOMAS: Thank you. Marianne.

4

5 MS. SEE: Well, this is my first
6 opportunity to meet with this Council. And I first just
7 want to offer my sincere respect for all the work that
8 all of you do on the Council and the great knowledge you
9 bring to bear on these issues. It's really very, very
10 impressive to see how many people are on this Council,
11 for one thing, compared to some of the others in the
12 State. But just all the time and care you take is really
13 tremendous.

14

15 I would also like to note that part of my
16 goal, really coming to this meeting, was to ensure that
17 the Department of Fish and Game really brought expertise
18 that would help provide information that you might need
19 in your deliberations. And I hope that that was
20 successful. I would appreciate any feedback on that.
21 But we do have good Staff, knowledgeable Staff, some of
22 whom haven't always engaged as much as we would like on
23 some of these issues and I really tried to bring together
24 a good team to do that this time. And as I say, I hope
25 that was helpful. I think that we had to do some
26 homework to be prepared for some of those issues and that
27 was a good exercise on our part to have to do that
28 anyway.

29

30 But you had some very difficult issues
31 before you this time and we will endeavor in the future
32 to do the same thing -- or to do a similar kind of thing,
33 bring the right people to the meeting that can help you
34 bring information forward and have that be of use to you.
35 And I would appreciate at any time, any feedback anyone
36 has to offer on ways we can be more effective.

37

38 The State's priority users are the
39 subsistence users and it's our job to help make sure the
40 subsistence law is implemented. So even though we
41 disagree sometimes with approaches to doing that or with
42 our Federal colleagues it's something that we are still
43 going for the same results we just may look at different
44 tools to get there.

45

46 Thank you.

47

48 CHAIRMAN THOMAS: Thank you. Jim.

49

50 MR. CAPRA: Mr. Chairman, Council

00523

1 members. I'm Jim Capra with Glacier Bay National Park.
2 First I want to compliment the Staff on getting this
3 together, especially in the different location on a few
4 hours notice. I know that must have been some sleepless
5 hours for them.

6

7 CHAIRMAN THOMAS: Piece of cake.

8

9 MR. CAPRA: I look forward to going to
10 Hoonah in the fall now and I'm sorry we missed it. I
11 just want to say that I think this group does a better
12 job. It may not seem like it at times, but a better job
13 at cutting through the bureaucracy and getting what you
14 need done more than any other group I've ever seen. It's
15 impressive to watch.

16

17 Thank you.

18

19 CHAIRMAN THOMAS: Thank you. Don.

20

21 MR. RIVARD: Don Rivard with OSM. First
22 of all, I'd like to apologize for the non-arrival of your
23 books and the typos that we found in them as we looked
24 through them. And I'll take full responsibility for that
25 and take that back to the office because that's one of my
26 jobs working with Forest Service and this Council is to
27 make sure that that product is as good as it can be and
28 that it gets there in a timely fashion. So I will
29 endeavor to make that happen next time around.

30

31 Second, I'm in a really unique, I think,
32 and good position throughout this whole process. I'm
33 privileged to get to see basically all the steps -- most
34 of the steps in this whole regulatory process, and that
35 means from the time that proposals arrive into our office
36 until the time that the Board makes their decisions. And
37 you've got a great Staff, as you know, that work on it.
38 They're very dedicated, the people at the Forest Service
39 spend a lot of extra hours, on their own time sometimes
40 to just make sure that they get in front of you the
41 information that you all need. And it's a real pleasure
42 to work with them as well. And we all realize that you
43 are our clients, immediately, and that the subsistence
44 users out there are our clients as well and we keep that
45 in mind when we're working.

46

47 And I'd just like to acknowledge one of
48 the people on our Staff in OSM is one of the people
49 behind the scenes is Verna Miller, this time around, who
50 puts all these travel arrangements together and it's a

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1 real daunting job because this time around she was doing
2 it for all 10 Councils and then these last minute change
3 she also jumps on those. So she's just one of those
4 people behind the scenes that I really want to
5 acknowledge.

6
7 What I'm always amazed at, but not
8 surprised, because I get to see this whole process laid
9 out, is just the collective wisdom that comes into
10 decisions. Especially at the Board meetings. When I
11 realize all the number of people that get to weigh in on
12 a proposal and the collective wisdom that goes into the
13 decisions, it's really impressive and it's an amazing
14 thing and I think it's unique, at least in my career to
15 see this happen the way it does here in Alaska.

16
17 And just on a personal note, and I see
18 this at I think every Council meeting that I've attended,
19 this one as well as others, that as a Christian man, I
20 really appreciate the Council's acknowledgement of God
21 before they start their meetings.

22
23 Thank you.

24
25 CHAIRMAN THOMAS: Thank you.

26
27 MR. STOKES: We haven't heard from the
28 recorder.

29
30 MS. WILSON: Salena.

31
32 CHAIRMAN THOMAS: 10 minutes, Salena.

33
34 REPORTER: I'm happy to see you all again
35 this year and I look forward to getting to Hoonah next
36 round.

37
38 MR. SCHROEDER: Go to the mike.

39
40 MS. GARZA: Turn your mike on.

41
42 CHAIRMAN THOMAS: Push your button.

43
44 (Laughter)

45
46 MR. SCHROEDER: Would you identify
47 yourself please for the record.

48
49 CHAIRMAN THOMAS: Okay. I'm going to ask
50 Dick to dismiss us.

00525

1 (Prayer)

2

3 MR. STOKES: Let us pray. Almighty God
4 and Heavenly Father, we thank you Lord for the privilege
5 that we've had to meet these last few days. We pray that
6 you continue to abide with us and give us the knowledge
7 and the wisdom to deal with these problems of subsistence
8 that are before us. And we pray that you'll take each
9 and everyone safely to their home. And we give you the
10 praise and we ask this in the name that is above all
11 names, Our Lord and Savior, Jesus Christ. Amen.

12

13 CHAIRMAN THOMAS: Amen. Okay, there's a
14 motion to adjourn, second, all those in favor say aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN THOMAS: We're adjourned.

19

20 (END OF PROCEEDINGS)

21

22 * * * * *

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1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 State of Alaska and Owner of Computer Matrix, do hereby
9 certify:

10

11 THAT the foregoing pages numbered 317 through 525 contain
12 a full, true and correct Transcript of the VOLUME III,
13 SOUTHEAST FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCIL
14 MEETING, taken electronically by Salena Hile on the 14th day of
15 March 2002, beginning at the hour of 8:30 o'clock a.m. Juneau,
16 Alaska;

17

18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by under
20 my direction and reduced to print to the best of our knowledge
21 and ability;

22

23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

25

26 DATED at Anchorage, Alaska, this 25th day of March 2002.

27

28

29

30

31

32

33

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/00