

1 Robert Chadwick, ADF&G; Tom Brookover,
2 ADF&G; Pete Probasco, US FWS; John Burick,
3 USFS; Wini Kessler, USFS; Rick Davison,
4 ADF&G; Neil Barten, ADF&G; Meg Cartwright,
5 ADF&G; Bob Schroeder, JFSL; Judy Ramos,
6 Yakutat Tlingit Tribe; David Belton, Hoonah
7 Indian Association; Herman Kitka, Sitka ANB;
8 Robi Craig, Sitka Tribe of Alaska; Jude
9 Pate, Sitka Tribe of Alaska; Jack Lorrigan,
10 Sitka Tribe of Alaska; Walter A. Johnson,
11 Yakutat; Woody Widmark, Sitka Tribe of
12 Alaska; David Bedford, Southeast Alaska
13 Seinners.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PROCEEDINGS

MS. GARZA: I'll call this meeting to order.

It's my understanding that Chairman Thomas will not be arriving until they certify this building is anthrax free, so I don't know when that will be.

(Laughter.)

MS. GARZA: While he's not here, today is his birthday. I don't know what is planned.

So, we do have the new P.A. system. If you have problems here in the back, let us know. So, I think, Sandi, you want these off when we're not talking? When you're talking, hit the "mike on" button; when you're not, we won't have feedback.

MR. CLARK: I'd also like to let the audience know, if anybody is having a hard time hearing, if they need hearing-assisted devices, this system is set up to do that, we can set you up with little earpieces to make you hear better.

MS. GARZA: So probably the people who need it didn't hear you, Fred.

(Laughter.)

MS. GARZA: Herman, do you want a hearing device?

Anybody that's sitting by -- I think we're on No. 8 -- we'll move on to Item 9, Proposals to Change Federal Fishing Regulations.

MR. ADAMS: Madam Chairman?

MS. GARZA: Yes.

MR. ADAMS: I'd like to take a minute to introduce a guest, Mr. Bob Heinrichs, from Eyak Tribe. He's on his way to Juneau and he thought he'd drop by and spend some time here. I want to just

1 recognize him.

2 Sitting beside him is their
3 technical director, Bruce Cain.

4 MR. CAIN: Bruce Cain.

5 MR. ADAMS: Would you say that?
6 Some people didn't hear that.

7 MR. CAIN: Bruce Cain.

8 MR. ADAMS: Welcome, Bruce.
9 I also notice an old friend, Nels
10 Lawson sitting over there from Sitka.

11 Madam Chairman, one of the things
12 that somebody made a statement when we
13 started this meeting, was a little bit of
14 information about the hall. I don't think
15 that has been given so far. I'd like to
16 take a couple of minutes -- I can provide a
17 little information.

18 If you notice, the beams up
19 there, they were made by raw ax, all carved
20 out by hand. This whole building, the frame
21 of the building was made in such a manner,
22 and the trees were felled from across the
23 bay over there. It was during the middle of
24 the winter, in 1920 -- '21, '22, I think it
25 was. They would haul it over by gas boat,
pull the trees up, and then they would start
cutting away. The beams in the floor as
well are made of the same stuff.

There's several times when this
hall was almost condemned, caught on fire a
few times, and the leaders of the
organizations said it was time for a new
hall. There was some stalwart people like
myself that say no, no, we have to keep this
hall. We managed to keep it going, restore
it, and we're very proud of it. I think
it's one of the oldest Alaska Native halls
in Southeast Alaska at this point.

MS. GARZA: Thank you, Bert.

We have proposals before us, but
I wanted to check with OVK. You guys had
submitted a couple of resolutions. At what
time did you want those taken up?

1 MR. JOHNSON: The resolutions
2 that we gave to you was just for your
3 information. If you want to give it to the
4 staff to kind of educate them a little bit
5 about those ones I gave you. But we'd like
6 to comment on 9(a) where it's requesting and
7 9(b) where it's FP01-30, if we can get those
8 possibly today, because I'm leaving tonight.

9 MS. GARZA: Okay. So two days
10 ago Fred did hand out the proposal
11 recommendation checklist, so the process --
12 the process we -- for hearing proposals
13 is --

14 Fred?

15 MR. CLARK: Madam Chair, the
16 original agenda, I've made up, if anybody
17 has a copy of that, has the proposal process
18 on it. When OSM took the agenda and made it
19 for a booklet, I no longer have that.

20 The agenda process is the
21 presentation by staff, followed by public
22 comment -- ADF&G comment, and from there it
23 goes to Council deliberation.

24 Can I get some help from staff
25 committee? In general, have ADF&G
26 comments -- have they been presented before
27 public comments or after -- before? Okay,
28 so let's switch those.

29 Do we have a Madam Chair or a
30 Mr. Chair?

31 MR. THOMAS: Public comments are
32 last. All the agencies -- all the agencies
33 make their comments and then the public
34 comment follows that. Then comes the
35 Council.

36 MR. CLARK: Very good.

37 So, we'll be starting with the
38 request for reconsideration under No. 9 tab.
39 Did the request for consideration, 01-01 --
40 is not in your booklet, it was distributed
41 separately -- so you all received that
42 yesterday. Presentation will be made by --
43 RFR01-01. As part of this discussion, we'll
44 be talking about a lot of the overriding
45 issues that we'll be dealing with in
46 essentially all the other proposals as we go

1 along. It's the type of thing we've been
2 calling the macro issues. Issues such as
3 the jurisdiction issue, permitting, when
4 it's appropriate to close streams to
5 nonsubsistence uses, things of that nature
6 tomorrow.

7
8 MR. THOMAS: Has anyone here had
9 a chance to review this topic, this
10 particular consideration? Everyone has
11 already read it.

12 Okay. We're good to go.

13
14 MR. LARSON: Madam Chair,
15 RFR01-01 asks for a reversal of a December
16 2000 Board decision to close the freshwaters
17 at Falls Lake, Gut Bay, and the Bay of
18 Pillars to non-Federally qualified users for
19 the harvest of sockeye salmon. The staff
20 analysis that was submitted yesterday
21 includes a summary of events and evaluations
22 of whether or not there's a conservation
23 concern at these places and whether or not
24 our recommendation for the Board to affirm
25 or rescind their actions.

I want to remind you that
Federally qualified users in these three
systems are residents of Kake.

The Organized Village of Kake
submitted Proposal No. 31 last year. That
proposal asked the Board to restrict the
harvest of sockeye salmon in Falls Lake, Gut
Bay, and Bay of Pillars to Federally
qualified users and to increase the harvest
limits; the Regional Council to close the
waters to non-Federally qualified users, but
not to increase the harvest limits.

There was two reasons for that
decision. One was that there were some
allocations identified between subsistence
users and other users, and there was a
feeling amongst the -- this Council that
they wanted to be proactive and address
possibly undefined conservation issues
before there was a severe problem.

The interagency staff committee
thought that this Council's action was
unnecessary. And they did -- they had three
reasons for that decision. One was that the
sport and subsistence fishery component in

1 freshwater was a very small exponent of the
2 total catch. The others, there's a general
3 lack of information regarding total harvest
4 of sockeye salmon for these three systems.
5 The sockeye harvest was poorly documented.
6 They also thought that if there was
7 additional changes necessary for the
8 management of sockeye salmon for these three
9 systems that it could be accommodated under
10 the present permit system from ADF&G. The
11 subsistence Board deliberated this proposal
12 on December 5th of 2000 and rejected the
13 interagency staff committee recommendations.

14 The Board then adopted that
15 portion of the proposal, supported by the
16 Regional Advisory Council. And their
17 reasoning was -- as stated by their
18 Chairman -- is that it's a little step we
19 can do to conserve stock that are in trouble
20 while we are getting the information
21 necessary. In April of 2001 the State of
22 Alaska submitted a request for
23 reconsideration of the Board's actions. And
24 they have two main points in their request
25 for reconsideration. Principle claim No. 1
was that the Board violated ANILCA by
enacting a closure that was not necessary.
Principle claim No. 2 was that the
conservation concern identified during the
Council and Board deliberations as supported
in the public testimony was really not
supported by substantial evidence.

17 During the summer of 2001,
18 sockeye fishing regulations for these
19 systems are as follows: In freshwater for
20 Falls Lake, Gut Bay is a ADF&G permit
21 required and July 20th closure, limit of 10
22 sockeyes per household, a possession limit.

20 For the Bay of Pillars, there's
21 15 sockeyes per individual and 25 sockeyes
22 per household with a July 31st closing date.
23 In the salt water portions of all three
24 systems, again, you need a Fish & Game
25 permit; the seasons are the same. It's all
State residents who participate, and
although there's a general sockeye sport
harvest of 6 per day and 12 in possession
for Falls Lake and Gut Bay, that's been
restricted since 1999 by emergency order to
half of that, 3 per day and 6 in possession.

1 Until doing the analysis of the
2 request for reconsideration we'll address
3 point No. 1 separately from claim No. 2.

4 We found for principal claim
5 No. 1 which states that it's necessary --
6 it's an unnecessary provision and violated
7 ANILCA, we found three things: One is that
8 the Board can certainly restrict non-Federal
9 subsistence users, and they do it for the
10 three reasons we're all well aware of,
11 first, that the conservation of healthy
12 population, continued subsistence users and
13 for reasons set forth in other regulations
14 or laws.

15 We find that the guidelines that
16 are for what is necessary for healthy
17 continued subsistence use, they're not
18 strictly defined in Federal regulations.
19 There is adequate justification within
20 ANILCA that the Board, in fact, acted within
21 the legal standards of ANILCA and
22 interpreted the available information to
23 allow them to close it to Federally
24 qualified subsistence users.

25 In the analysis, you'll see a
separate section for Gut Bay, Falls Lake,
and Bay of Pillars. Bay of Pillars, the
system was -- in Bay of Pillars was Kutlaku
Lake, we refer to that kind of
interchangeably in the system depending on
the source of the information. Some sources
reference Kutlaku, some Bay of Pillars, and
I've kept that in -- if you look at the
tables and the figures. If the source of
information referenced Bay of Pillars, I
kept that as a reference, Kutlaku Lake,
that's what I've kept.

 We find that there is a
conservation concern at Falls Lake because
there is a request we have of sustainability
of fisheries under the current management
practices. There is, however, a very small
component of this fishery that occurs in
freshwater. The question that we have is
whether or not this small component that
occurs in freshwater is -- whether or not
it's appropriate to close that to
non-Federally qualified subsistence users,
and is an option to refer with some reasons
and an option to rescind.

1 For Gut Bay, the situation is
2 much closer. There is conservation concern
3 there. There's a question of sustainability
4 of the fisheries, and it has to do with
5 maintaining escapements.

6 If you look at Kutlaku Lake,
7 there really is no conservation concern that
8 can be identified. We have -- we do not see
9 increasing catches; we do not see a collapse
10 or a severe reduction in the escapements,
11 and we feel that our recommendations would
12 be that they rescind or change the actions
13 to close Kutlaku.

14 And that is the -- that's my
15 presentation.

16 MR. THOMAS: Thank you very much.
17 I had a couple of observations in your
18 presentation, and the presentation -- thank
19 you. What I was saying, I was thanking you
20 for your presentation. Well done.

21 I think there's substantial
22 evidence that these systems are healthy
23 enough to sustain existing harvest
24 pressures? That's one of several questions
25 I have. Let me go through the rest of them.

26 Okay. Given that there is no
27 substantial evidence for conservation
28 concerns, then I would assume, then, that it
29 would be totally feasible to increase the
30 harvest limits for personal use. The reason
31 that the -- we're limited to that now is
32 because of conservation concerns.

33 Okay. And you made a reference
34 to salt water and freshwater. Okay.
35 They're in the same system. You separate
36 the salt water and the freshwater, and it
37 seems to me like that system should be
38 managed not so much by what is freshwater
39 and salt water, but whether or not there's
40 any fish to manage.

41 And I'm wondering how much of a
42 factor the fresh and salt water are in this
43 issue?

44 That completes my notes.

45 MR. LARSON: Madam Chair, the
46 reason we wanted to separate freshwater from
47 the marine waters is that's the only
48 jurisdiction -- the proposal covers only

1 freshwater, and that's the only thing that
2 I'm aware of that we have an ability to
3 control.

4 We have been in contact with the
5 Department of Fish & Game and we feel that
6 through conservation we can, in fact,
7 maintain those fisheries and maintain the
8 escapements. We've spent a considerable
9 amount of money this year doing projects to
10 identify escapements. This is a bit of
11 information that's not available to the
12 Board or the Council last year.

13 We've done some preliminary work
14 on Kutlaku which is not included in the FIS
15 project this year. So, we've made some
16 great strides in identifying population
17 levels that are in these three systems. So,
18 we know more this year. We'll know more
19 next year about what the actual escapement
20 levels are. But as far as your second point
21 of if we don't see a conservation issue if
22 there's more room for an expansion of the
23 subsistence fishery. I guess we'll have to
24 look at what the scale of that -- that
25 concept to see if, in fact, it wouldn't
cause a conservation concern or how much
there is. We can address that question.

MR. THOMAS: Well, see, the
reason I brought that up, the only reason
we're here is because of subsistence issues,
subsistence management. We don't think
we're experts on other user groups. Now,
our focus now is prudent management, I don't
know if it's salt water or freshwater. So,
our responsibility is here to make sure that
there is continued opportunity for the use
of these resources for personal and
subsistence uses. And so we're very
interested in the findings, the existing
data that is available to make sure that we
don't contribute to the existing
conservation concerns. We want to be as --
we want to support good management as good
as we can. We don't have any interest in
arguing with good management, but we are
insisting on good management.

And so you mention that you've
made good strides, and I won't question
that, but I think my points were responded

1 to. Thank you very much.
2 Is there anybody on the Council
3 that has any questions?
4 Dolly?

5 MS. GARZA: Could you
6 summarize -- by the way Bill is Chairman --
7 the recommendations by the system again? Or
8 if I can find them in the back.

9 MR. LARSON: Mr. Chair, the
10 recommendations are listed at the end of the
11 text portion of the RFR analysis, but to
12 summarize again by the three systems, the
13 first is that Gut Lake has a conservation
14 problem that needs to be identified and
15 we're recommending that the Board affirm its
16 decision to close to non-Federally qualified
17 subsistence users. And there's a caveat
18 here throughout our recommendation is that
19 at the end of the FIS projects, to identify
20 not only the escapements into the systems,
21 the productivity in the systems, and the
22 total cash that's Allotted to the systems,
23 that we'll have a lot better information
24 available to us and we can hopefully make
25 some more informed decisions. Until that
point, until -- with the information we have
in front of us, we're recommending for Gut
Lake that we affirm the decision to close
the waters.

For Falls Lake -- yes.

MS. GARZA: If we're affirming
the decision to close it, then I guess that
I thought they took just the opposite action
at the last meeting. You're affirming their
decision to close it? Why is it before us?
I'm mixed up.

MR. LARSON: The decision before
us is a response to the State's request for
reconsideration to rescind that action --
our recommendation is to not rescind that
action for Gut Bay, but instead to affirm
that action and keep it closed.

In Falls Lake, there is two
options presented, and you need to be aware
of the differences between those two. One
is to affirm, the other is to rescind it.

1 And what we find is that the conservation
2 concern identified is not to the same degree
3 as we seek in Gut Bay, and that there is a
4 mechanism, I think, within the permitting,
5 we can do, the conservation with the Alaska
6 Department of Fish & Game to address those
7 conservation issues and provide for
8 escapement.

9 The other is that the actual --
10 there is -- there is this conservation
11 issue. There is a question about overall
12 escapements. We have sustainability of the
13 fisheries. We have uncertainty with the
14 data that all gives us pause for being very
15 proactive in our decision-making to make
16 sure we don't make the wrong decisions, we
17 don't do something that is going to cause us
18 to have a collapse of the stocks.

19 But the freshwater portion of the
20 corpus is quite small. If you go there, you
21 can see the scale that we're looking at and
22 our ability to judge the sport fishery is
23 not -- the questions that are asked is not
24 appropriate to what we're asking of -- you
25 need to group large areas of the sport
fishery, you can't identify a sport harvest
directly from Falls Lake.

So, by any measure, you're
looking at a very small component of the
harvest that's under freshwater, which is an
area under our jurisdiction. There's an
option to affirm and an option to rescind.

For Kutlaku, there is by our
evaluation no conservation concern under
current management practices. And,
therefore, our recommendation is for the
Board to rescind their action of closing it
to non-Federal qualified users.

MR. THOMAS: Just a point of
observation you have a tendency to -- I'm
not faulting you, but there's a tendency to
minimize the conflict of use of those
resources with the -- with subsistence
users. I'll give you an example. You just
said that the -- that the fresh -- pressure
from sport fishermen was very minimal or
something to that. You never heard that
minimal used in the same breath when
referencing personal and subsistence use.

1 Whenever there's personal or subsistence use
2 is mentioned with disagreement it's usually
3 put in the context of the whole system.
4 That's just an observation.

5 But we'll give the Council an
6 opportunity to ask questions and have
7 deliberations.

8 Dolly?

9 MS. GARZA: I was trying to read
10 this while you were talking, but I
11 apologize. You said Kutlaku. Is that the
12 same as Bay of Pillars? I'm trying to pull
13 out the maps --

14 MR. LARSON: Yes, that is
15 correct. And I would want to make just one
16 point in reference to Chairman Thomas'
17 comment about the allocation issues of use
18 and the physical space that's being
19 occupied, and in the RFR, the information
20 that we have is, you know, of numbers, and
21 values and things that we can add and
22 subtract, and those other kinds of issues
23 are not well identified for us. The
24 physical space characteristics and
25 allocations for time and area. There's very
little documentation that you can't put a
number on it. And I don't mean to minimize
those things because it's very important,
but we don't have a very good way to
evaluate that.

MR. THOMAS: Are those
nonessential areas of information from
management?

MR. LARSON: I think they're
essential for management of the fisheries,
that's correct. They may not be essential
for providing an escapement value for
sustainability of the stocks.

MR. THOMAS: Okay. I trust you
more than I sound like I do.

(Laughter.)

MR. THOMAS: I thank you for
responding.

1 John?

2 MR. LITTLEFIELD: Thank you,
3 Mr. Chair. In the claim of the ADF&G they
4 claim that the Federal Subsistence Board
5 violated Section 850 of ANILCA, and I notice
6 that this 850 comes up several places in
7 here, and to me they only quote the first of
8 four quotable parts of 850. They say
9 necessary for the conservation of healthy
10 populations in Fish & Wildlife. That --
11 they neglect, and you also neglect to add in
12 here that there are four distinct parts of
13 that, as I see it. The first is, unless --
14 unless necessary for the conservation of
15 health and poll -- healthy populations of
16 fish & wildlife, that's what they're using;
17 second is for the reasons set forth in 816.
18 Those are the emergency actions; third is to
19 continue the uses of such populations,
20 that's what our action was based on. OVK
21 came and said they couldn't continue the
22 customary and traditional uses, so 815
23 actually supports what we did, and the
24 fourth one was to -- or pursuant to other
25 applicable law.

I'd like to see 815 quoted in its
entirety. In fact, 815 supports the action
we took and didn't oppose it. So, it was
not in conflict.

Thank you.

MR. LARSON: Mr. Chairman, if I
could address that, and it is something that
I struggle with looking at the development
of the record from last year's Regional
Advisory Council and the Board meeting, and
if I could remind ourselves that the record
is important for somebody like myself who is
trying to reconstruct the happenings and why
we got from Point A to Point B, that you
need to -- that portion of the 815 that
addresses the continuation of subsistence
uses was not well documented, and there was
not a large amount of clear testimony that
said that was, in fact, you know, the
problem there.

So, that is one of the three --
one of the three criteria, but it was -- it
was not well identified.

1
2 MR. THOMAS: That very well may
3 be the case, however, it is existing
4 language, and that's our force, as
5 unfortunate as we be. For some it's
6 possible; for some it's too great. So,
7 we -- when I was looking for advantages --
8 we're always looking for advantages for the
9 subsistence community following our support
10 of prudent, proper management of the
11 resources. We don't want to do anything to
12 impede that. We want to take advantage of
13 every opportunity to utilize as full as we
14 can any resource that's been available or
15 that is available without -- without
16 creating a conservation concern.

17 So, I guess what I'm saying,
18 ANILCA shouldn't be treated by -- it's
19 subject to interpretation of law.

20 MR. LITTLEFIELD: I have another
21 comment on the further rationale that you
22 use to support us voting against the claim
23 of the State. That's on page 7 of the
24 report that we have. I'd just like to
25 clarify for the record that sections -- at
the bottom of the page, where it talks about
Section 805 state that also the Board -- a
lot of this discussion here mirrors what was
presented yesterday by Sitka Tribe of Alaska
having to do with authority of this Council
and what the Board may or may not do.
However, I want to make it clear that that
word "the Board" is not in ANILCA, it is the
Secretary. So this -- this reinforces what
was presented by the Tribe yesterday, and I
agree with them.

26 MS. GARZA: Are there any other
27 questions from the Council to ADF&G staff?
28 Harold?

29 MR. MARTIN: Mr. Larson, is there
30 a documentation as to how many subsistence
31 users utilize these areas and how many
32 sportsmen? The reason I ask is I grew up in
33 Kake and have a subsistence lifestyle and
34 have utilized all these lakes. In all the
35 years I've utilized the lakes, I never seen
the sportsmen fish in any one of those

1 areas.

2 MR. LARSON: Mr. Chairman,
3 there's actually three sources of
4 information that reference a sport use over
5 the three systems, and I might want to
6 direct you to the -- to the figure and table
7 in the back of the main book here.

8 The first is that the -- in
9 recent years, since '97, the Forest Service
10 has kept a record of client use days for
11 guided use of these areas. The guides
12 require -- are required to have the permit
13 and they're reporting -- they don't report
14 numbers of species, necessarily. We're
15 working on the project internally so that we
16 could have a uniform report. But there is a
17 client use day which is -- gives us a number
18 we can work with. If you look on the second
19 page or the third page of the figures you'll
20 see one for Falls Lake, client use days, and
21 '97 for fishing, there was zero and in 2,000
22 there was 26. The same graphs for Gut Bay
23 and Kutlaku.

24 The other piece of information we
25 have is a sport fish guided logbook for
26 marine waters that guide sport fishermen
27 that the guide is required to keep a logbook
28 of numbers of sockeyes, fish that they
29 catch. It does not -- that's not specific
30 to any one system. Sometime -- they're
31 fishing in marine waters. There is a table
32 that has that -- that information, and those
33 numbers are very small.

34 There's also a sport fish mail-in
35 survey that -- because of the numbers of
36 people that are fishing in all these
37 different places and the structure of their
38 survey, we are unable to look at the numbers
39 of sport fishermen that are fishing in one
40 particular stream unless it's a very popular
41 stream. If it's a big stream, then they've
42 got the ability to do that. If it's a small
43 stream, then they need to group larger areas
44 to look at patterns of use. Not necessarily
45 from the catch from any other system, but
46 the pattern of use over these small systems.

47 And that is in -- there's a table
48 that I have that addresses that exact
49 question.

1

MR. RIVARD: Table 8.

2

I think it's Table 5 -- Table 5
and Table 6.

3

MS. GARZA: So, Rob --

4

5

MR. LARSON: The take-home
message here is that there is sport harvest
use of these places, but the number is very
small.

6

7

MS. GARZA: I have a question on
the client use days. I'm trying to remember
the survey information. If you have a
client-use day, does that mean one boat per
day or a day you can have a number of
charter boats in a day?

8

9

10

MR. LARSON: If there was one
boat with three people on it, that would be
three client-use days. So it's the number
of people per day. So, one boat with one
person would have one client-use day. One
boat with three people would have three
client-use days.

11

12

13

14

MS. GARZA: Then the logbook you
were talking about, is that voluntary?

15

16

17

18

19

20

MR. LARSON: No. No, but there's
no uniform standard for reporting on the --
it's one of the items that we've identified
that needs to be addressed next season. I
think starting with the 2002 season, the
Forest Service will be much better prepared
to answer the kind of questions that we
would like to be able to answer that we're
unable to at this point.

21

22

23

24

MS. GARZA: In looking at the
changes you need to make between now and
next season, has there also been discussion
on possible not full compliance in
reporting? I mean, do we think if it says
15 that is right, client-use days?

25

26

MR. LARSON: I don't know that we
have any information to say that these --
the information is inaccurate. I think it's

1 incomplete in that we don't know exactly
2 what the resulting activities, if these are
3 consumptive or nonconsumptive use fishing
4 days or what species, that kind of thing.
5 We're going to have a better -- that's one
6 of the things that is going to be including
7 on reporting for next season. For this
8 data, for what we have right now, that's not
9 available.

10 MS. GARZA: Thank you, Rob, and
11 I -- ask anyone if they have any other
12 questions for ADF&G and I apologize.

13 We're finished with ADF&G staff
14 reports.

15 Bill is chairman now.

16 MR. BROOKOVER: My name is Tom
17 Brookover, Department of Fish & Game. I'm
18 the regional manager for sport fish
19 division, in Southeast Alaska.

20 My role today and for the
21 proposal comments throughout the meeting is
22 to provide the Department's initial response
23 to you, and we've got additional staff here,
24 as you've seen, for follow-up questions and
25 more detailed responses.

Madam Chair, members of the
Council, ordinarily we would appear before
you at this time to address the Council and
provide our comments on the -- provide you
comments with the Federal staff analysis.
In this case, we don't have -- we don't have
a comment in support or otherwise on the
Federal staff analysis for you. We're
currently reviewing the analysis and working
toward providing our comments on that
analysis to the Federal staff at this point
in the near future.

As far as the issue itself, we do
believe that there continues to be no cause
for concern for Pillar Bay stocks and that
the closure enacted by the Federal Board for
Pillar Bay was unnecessary and not provided
for a cause of concern for conservation for
that location.

Falls Lake and Gut Bay this year,
we have some new information that was
provided from the projects that were
operated on those systems, since the RFR was

1 submitted. The results from those haven't
2 been finalized, but some of the preliminary
3 information is included in the analysis.
4 You heard some yesterday from the project
5 leaders, and some of that information
6 presents some potential cause for concern
7 for Falls Lake and Gut Bay.

8 And as a result, we may be
9 looking at management restrictions as
10 necessary next year.

11 We've had some problem
12 discussions with Federal staff over
13 management options for next year, some
14 preliminary discussions on the analysis for
15 Gut Bay and Falls Lake, and it's at this
16 point our hope is to continue discussions
17 for next year's management of the Federal
18 and State fisheries at those locations at
19 Falls Lake and Gut Bay.

20 We feel that if restrictions are
21 necessary, then the remedy lies in something
22 of a cooperative management in both Federal
23 and State fisheries using the agencies'
24 inseason and preseason management abilities,
25 as opposed to Federal taken by the Federal
Subsistence Board at those locations. We
don't have a formal comment on the Federal
staff analysis that time, but we do stand by
our original intent that the cause for
concern in Pillar Bay is not -- is not
there, and we want to continue discussions
at this point regarding the other two
locations, Falls Bay and Gut Bay, in light
of project results this last year and our
review of the Federal staff analysis.

Thank you.

MR. THOMAS: Thank you. You
mentioned that you're going to be giving
your findings on the staff analysis sometime
later.

Do you have any idea when?

MR. BROOKOVER: Mr. Chair,
members of the Council, I think we'll be
talking a lot about it in the next two
weeks, particularly within the division of
the Department of Fish & Game and with
Federal staff. Given the time line before
the Federal Subsistence Board, I would hope

1 that we'd be able to provide some comments
2 to Federal staff within the next few weeks.

3 MR. THOMAS: The reason I ask
4 that is for this particular meeting at this
5 particular time is to have the opportunity
6 to listen to those findings from people that
7 has copies of the staff analysis, so that we
8 could incorporate them in our deliberations
9 with our recommendations when we get to the
10 Board, and so there might be an element of
11 inconvenience or inability to arrive at a
12 more exact conclusion because of -- of
13 responding to the analysis, because the
14 Board is still going to have to get the
15 recommendation from us, whether or not we
16 get to hear or see your responses to the
17 analysis.

18 MR. BROOKOVER: Mr. Chair, what
19 we can say is that the information from the
20 project does present some -- some alarming
21 information that we need to take into
22 account. We do, though, need to come to
23 agreement within the division and the
24 Department before we respond to the Federal
25 staff analysis, and we're not at that point
yet.

We have taken a cursory look at
the analysis. I think we will probably
support the aspect of the analysis that
deals with Pillar Bay. Where we will come
to with regard to Falls Lake or Gut Bay, I
think has yet to be determined and has a lot
to do with our management plans for next
year which we haven't discussed yet.

19 MR. THOMAS: John?

20 MR. LITTLEFIELD: Thank you,
21 Mr. Chair. Tom, I know you said you
22 haven't -- don't have a position, you
23 haven't been able to look at this. Do you
have a copy of this report, to present the
draft staff analysis?

24 MR. BROOKOVER: Mr. Chair,
25 Mr. Littlefield, yes, we have the copy that
you got yesterday, we have got copies at
different times in different divisions over

1 the last few weeks.

2 MR. LITTLEFIELD: I was reading
3 this last night at 3:00 o'clock in the
4 morning. I know on page 9, in bold, it says
5 there is insufficient data to establish any
6 kind of escapement goal, and in the middle
7 of this paragraph something very disturbing
8 caught my eye, and this refers to the
9 sustainable salmon fishing policy for the
10 State of Alaska. It says: Since an
11 escapement goal cannot be established for
12 this system at present; a conservation
13 concern, as defined in ADF&G's regulations,
14 cannot exist.

15 If we were to apply this criteria
16 as a Board up here, we would be limited to a
17 very few of the streams of which there are
18 approximately 3,000 salmon streams in
19 Southeast Alaska. If we were to use that
20 criteria, we would be limited to only those
21 streams for which escapement data was
22 published and indexing took place. I wanted
23 you to comment on, if that is, in fact, what
24 the sustainable policy is -- if you could
25 comment on that.

1 MR. BROOKOVER: Mr. Chair,
2 Mr. Littlefield, thank you. And I can
3 comment on that, and I ask Scott Kelley,
4 Regional management coordinator, to correct
5 me if I'm wrong, for Comm fish it's true
6 that State sustainable salmon policy has a
7 strict definition for conservation concern.
8 I don't have the actual wording of that
9 definition in front of me. It, in essence,
10 refers to a chronic inability despite
11 management action taken to achieve
12 escapement goals or escapement thresholds.
13 So, in order to meet the definition for that
14 term, there has to be repeated attempts at
15 management action to address a problem that
16 does relate to a specific escapement goal.
17 So, that does -- that does require that an
18 escapement goal be present for a system.
19 But there are different types of escapement
20 goals that are defined in a sustainable
21 salmon policy to attain different levels.
22 In some senses those escapements can be
23 averages of past escapements or threshold

1 levels based on past escapement levels, so
2 there is some room for flexibility even
3 within that strict definition, as I believe.

4 And that definition medications a
5 chronic inability despite management actions
6 taken.

7 As far as the State management
8 goes, again, Scott can correct me if I'm
9 wrong, we don't need to meet the strict
10 definition of conservation concern to take
11 action in fisheries. The sustainable salmon
12 policies try to highlight different levels
13 of concern -- conservation concern is one
14 concern -- there are management concerns,
15 and again, I don't have strict definitions
16 in front of me. But the policy itself
17 doesn't preclude us from taking action in
18 fisheries when we don't have or can't
19 identify a conservation concern as it's
20 defined strictly in the policy.

21 MR. THOMAS: John?

22 MR. LITTLEFIELD: Thank you, Tom.
23 To follow up on that, is the
24 sustainable salmon fisheries policy, does it
25 have any portion of that -- I haven't read
that, that's why I'm asking you -- any
portion of that that talks about the
reasonable opportunity for continued
subsistence use, given that that's the State
law as well as our charge here, one of our
charges?

26 MR. BROOKOVER: Mr. Chair,
27 Mr. Littlefield, I don't know. I don't have
28 the policy with me. There may be other
29 staff that know, but I don't know.

30 MR. THOMAS: We can take a break
31 and we'll be happy to have the right policy
32 for you.

33 MR. LARSON: I have it with me.

34 MR. THOMAS: Do you? You'll have
35 time to review a copy of that.

36 Are there any questions from the
37 Council?

38 Okay. Thank you.

1

MR. MARTIN: Mr. Chairman?

2

MR. THOMAS: Harold?

3

4

MR. MARTIN: Tom, I've heard both you and Bob refer to not supported -- okay. I've heard one of you refer to no sufficient evidence. What evidence are you looking at? I know you're bothered by western science criteria, but you may very well be looking at the Kake -- the Kake people may very well be looking at their concerns, on traditional and ecological knowledge, which I think is very accurate for people who live there year-around and use it every year. Is that not acceptable to you?

5

6

7

8

9

10

MR. BROOKOVER: Mr. Chair, Mr. Martin, in the case of Pillar Bay, we do have good -- relatively good information as you described as western science-oriented, I think, and for some of these locations, but not for me particularly, for Pillar Bay, we do have reports from users and discussions with users that also play into our consideration for those locations. But for Pillar Bay, we have fairly regular aerial survey information which we don't have in a lot of systems, and in light of -- and we also, of course, have reported subsistence harvest information. And for the sport fishery, we have several different sources of harvest information that while they don't all generate site-specific estimates for Kutlaku itself, our -- or do provide evidence that the actual harvest evidence is small. Overall, the harvest estimates we have for the terminal area and together with the aerial survey information indicate that also the harvest on that stock is not -- is not at a dangerous or alarming level.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Generally, we see as many fish during the aerial surveys or more than what was actually estimated to be taken in harvest. With an aerial survey, of course, we're not seeing all the fish, we're seeing a fraction of them, so that tells us that there are more fish in that system than what we're saying.

1 In the case of Pillar Bay, I
2 think we can say the escapement is in some
3 order of magnitude greater than the harvest,
4 and that doesn't present concern.

5 When we say we have no evidence
6 of concern, we also have some evidence in
7 support of a healthy stock at that location.

8 As far as -- as far as
9 traditional knowledge, I guess the other
10 component, I think we take that into account
11 in different proportions in different areas,
12 among different divisions. I can speak for
13 the sport fishery in that we talk to some of
14 the users directly and also other users to
15 get a sense of what they're saying. I've
16 talked to people personally, I'm sure our
17 area managers have, for me that interaction
18 has been at Falls Lake, I've talked to -- I
19 got no responses that generally support what
20 we've seen in the data.

21 MR. THOMAS: Any others?
22 Mike?

23 MR. DOUVILLE: Mr. Chairman, I
24 have a question on your information, like on
25 a couple of your tables here, particularly
26 Table 5 and Table 6. While we're really
27 focused on Bay of Pillars here, this
28 information provided -- it says Bay of
29 Pillars or other streams, really, how can
30 they use this information here when we're
31 focusing on the Bay of Pillars?

32 MR. BROOKOVER: Mr. Chairman,
33 Mr. Douville --

34 MR. DOUVILLE: One other
35 question. And is this information gathered
36 in a similar fashion as, say, the deer
37 harvest surveys?

38 MR. BROOKOVER: I didn't hear the
39 last part of your last question.

40 MR. DOUVILLE: I just was asking
41 how this information like on 5 and 6, Table
42 5 and Table 6 was gathered. Is it a similar
43 fashion as the deer harvest surveys are?

1 MR. BROOKOVER: Mr. Chairman,
2 Mr. Douville, the reason the data is
3 displayed as it is in Table 5, I think this
4 is information we provided to Robert for the
5 analysis, assuming that's the case, I'm sure
6 it is. What we provided here is information
7 from the statewide harvest survey that
8 estimates sport harvest information. And as
9 Robert said, the survey generally does a
10 good job of estimating sport fishing effort
11 and harvest levels for larger areas and
12 larger fisheries, but it doesn't do so well
13 as estimating specific effort and harvest
14 levels at small sites like Pillar Bay, Falls
15 Lake.

 What we can glean from the
9 information is an estimate for the
10 Petersburg area as a whole which including
11 the Pillar Bay area.

 What we did for this analysis
11 that -- at Robert's request, was take that
12 information one step further. We get the
13 information from the questionnaire
14 responses. Much of it is identified by
15 location, some of it isn't. In other words,
16 if somebody fishes at Pillar Bay, they may
17 write in Pillar Bay, or Kutlaku Lake, or
18 Petersburg area. What we did for this
19 analysis, we took the statewide harvests for
20 this area and pulled out all other known
21 location, Petersburg, pulled it out. What
22 we were left with was this other category,
23 and that included fish that could have been
24 taken at Kutlaku as other even named
25 location, it's other category, and that was
 an attempt to give you more of a sense of
 magnitude of harvest that could have been
 taken at Kutlaku Lake, but it doesn't
 include harvested at other sites. It's not
 site-specific. That's, I guess, what I call
 maximum plus estimate. That could
 potentially be taken at Kutlaku lake. For
 example, 201 fish in 1996, it's possible
 that that could all be taken in Kutlaku
 Lake, but it's extremely unlikely, because
 they were likely harvested at other
 locations.

 So I think that was my answer to
25 your first question.

 Your first question I think was:

1 How does this survey compare to your survey
2 by the Game division? I'm not familiar with
3 all the mechanics of that, but I believe
4 that relies on returns from -- no, I guess
it doesn't. I'm just not familiar enough
with that survey. I can describe how we
conduct this survey for you.

5 MR. THOMAS: Let me interrupt
6 your -- Cal over there when you're fishing
7 this way, was making some gestures behind
8 your back and you couldn't say, he was
9 nodding in the affirmative that there was
similarity.

10 Don't correct me, Cal.
11 Go ahead.
12 Correct me, Cal.

13 MR. CASIPIT: What I was nodding
14 my head, I was trying to get Mike's
15 attention. He was wondering whether the
16 sport fish survey and how that was done in
17 the mailout survey. I believe that's what I
18 was nodding my head about, was the sport
19 fish information that's referenced in those
20 two tables are from mailout surveys. I was
21 really trying to answer Mike's question more
22 directly.

23 MR. DOUVILLE: My only comment is
24 these numbers really fluctuate wildly for
25 numbers for effort and so far to me, that's
really strange for any fishery, right?

26 MR. THOMAS: Quit giving us
27 strange-looking data. We hope that's one of
28 your goals for the future.

29 (Laughter.)

30 John?

31 MR. LITTLEFIELD: Thank you,
32 Mr. Chair. Could you please summarize the
33 actions that the Department has taken, say,
34 in the last three years on these three
35 systems for the Council and, in particular,
were there reductions and limits, you know,
bag limits, area, for that?

1 MR. BROOKOVER: Mr. Chair,
2 Mr. Littlefield, I can summarize from the
3 sport fish actions taken, and I defer to
4 Bill Davidson to summarize the actions taken
5 in the subsistence fishery.

6 In the sport fishery going in the
7 last few years in 199- -- 1999, I believe,
8 we restricted Falls Lake bag limits to three
9 per day and six in possession, which is half
10 of the regulatory bag limits at those
11 locations.

12 I believe in those years, the
13 sport fishery action was taken before the
14 subsistence season began.

15 When we took the action in the
16 sport fishery, we took it at Falls Lake,
17 Salmon Lake, Klag Lake, and, I believe,
18 Hoktaheen. The four systems which observed
19 increases in subsistence harvests, and I
20 believe other concerns associated with the
21 escapement. Bob Chadwick, correct me if I'm
22 wrong on that, area biologist for sport
23 fishery.

24 That's the summary of the sport
25 fish action taken.

MR. DAVIDSON: Mr. Chairman,
Mr. Littlefield --

MS. GARZA: Your name.

MR. DAVIDSON: My name is Bill
Davidson, the area biologist for management
of subsistence fisheries and commercial
fishery in the Sitka area.

Actions in the last three years
at these three systems -- and I don't
believe that there's been any action taken
at Kutlaku, and three years ago in 1999 we
took action by amending the subsistence
permit that we issued to change the final
date of the season at both Falls Lake and
Gut Bay. The season closed at a time we
were approximately 90 percent of the
subsistence harvest had usually occurred.
That was the action we took.

So, we didn't close either
system, but we did restrict the season so
that at least the last 10 percent of fish
returning to that system would be available

1 for escapement. We took that action not
2 knowing what the escapement is in the
3 systems, but out of concern for the
4 noticeable increase in harvests that we have
5 observed on the permit harvest reporting.

6 MR. THOMAS: John?

7 MR. LITTLEFIELD: Thank you.
8 To follow up -- the dates, do you
9 have the dates of the concurrent sports and
10 subsistence, or did the subsistence take
11 place before the sport fishing?

12 MR. DAVIDSON: The subsistence
13 closure was done preseason on the permit.
14 The season was closed July 20th.

15 MR. BROOKOVER: I might add, that
16 was -- if I'm not wrong, that was done one
17 year and changed and stayed in effect on the
18 permits, whereas the one difference is the
19 sport fishery restrictions are done on an
20 annual basis by emergency order prior to the
21 season.

22 MR. THOMAS: John?

23 MR. LITTLEFIELD: Thank you, Mr.
24 Chairman. I think this demonstrates one of
25 the problems I have with this dual
26 management system and it applies to Redoubt
27 as well as we talked earlier yesterday, that
28 we have a preseason closure of subsistence
29 which has been in effect since 1999. We're
30 still allowing sport fish to take place when
31 we have a known conservation concern or by
32 your own admission, and as we talked
33 earlier, I think if you're going to put
34 restrictions on anything, then you probably
35 should look at the subsistence and allow
36 them to give them a reasonable opportunity
37 and keep sport fish closed until you've
38 determined that there's enough fish for
39 everybody.

40 MR. THOMAS: Anybody else?
41 Dolly?

42 MS. GARZA: John, it sounds like

1 something that we should mention in the
2 annual report, because it relates to policy
3 process.

3 MR. THOMAS: Anybody else?

4 MR. DAVIDSON: I'd like to
5 respond, if I may.

6 MR. THOMAS: Turn your light on.

7 MR. BROOKOVER: I would rate the
8 reason for the action not as a conservation
9 concern, but as a management concern.

10 MR. THOMAS: Okay. That leaves
11 me with a question. How do they differ?

12 MR. DAVIDSON: I think, as I said
13 earlier, the conservation concern is a
14 higher level concern where an escapement
15 goal is not being met on a chronic basis
16 even after management actions are taken. In
17 this case, the concern was based on the
18 information as we had it at the time which
19 is not a complete picture of what's going on
20 there, but it's just a concern that we need
21 to remember conservation in this entire
22 equation and try to take what minimal action
23 we could to ensure that long-term
24 productivity in the systems.

25 MR. THOMAS: I want you to vote
26 to bear in mind in the presentations here,
27 that whatever action taken by the Council is
28 going to be a response to what we hear and
29 how we interpret that, and so it will serve
30 your best interest to use terminology and
31 expressions that we think is more universal
32 and not so much of office jargon.

33 So, I'm just letting you know,
34 because I don't know where this is going to
35 wind up.

36 Bert?

37 MR. ADAMS: I agree that we don't
38 need to be concerned with conservation. I
39 think we all are. I think our main goal is
40 to make sure that the resources are
41 available for us from this time to as far as

1 we can go, for our children and
2 grandchildren and their grandchildren and so
3 forth. It's always been my understanding,
4 you know, that the State has the same
5 priority as, you know, the Feds do, and
6 that's subsistence, and then commercial
7 fishing and then sport.

8 And we keep ourselves focused in
9 that direction, I think we'll all be on the
10 same page.

11 MR. THOMAS: Dolly?
12 Anybody else?
13 Thank you very much.

14 MS. WILSON: Mr. Chairman?

15 MR. THOMAS: You've got to be
16 quick.

17 MS. WILSON: I more or less want
18 to make a comment. I guess we work hard on
19 these proposals, and when we sent this
20 proposal to the Board, we don't do it
21 lightly. So, I was wondering what our
22 justification was and how we did it -- I
23 don't have my minutes from last year. So,
24 could we have some input on our last minutes
25 of this proposal?

MR. THOMAS: We'll probably do
that as we start coming closer to
deliberations.

That's a good question.
Thank you.
Okay. Thank you very much.
Any other agencies or staff to be
heard?

Agencies or staff?
If not, we'll move into public
comment.

Mike Jackson has an application
here for comments on this proposal.

MR. JACKSON: Thank you, Mr.
Chairman. I'm Mike Jackson from the
Organized Village of Kake, and I'm
representing them here today by Council
action to respond to the Federal staff
analysis and also the analysis drafted up by

1 the Department of Fish & Game sport fishing
2 about the reconsideration of opening sport
3 fishing along the Bay of Pillars, Kutlaku,
4 Falls Lake, and Gut Bay.

5 Our major concerns, as you heard
6 some people talk this morning, about
7 substantial evidence, the evidence that
8 we've learned from our uncles as Haida
9 people, Tsimshian people of Southeast and
10 the Eyak people has been from our
11 grandparents and their way of life.

12 I'm not here to lecture your
13 Council because I know you're all learned in
14 that aspect, but I see a lot of Alaska
15 Department of Fish & Game biologists that
16 are -- have put their time in as biologists
17 for sport fishing, commercial fishing, and
18 subsistence in their departments for the
19 State now representing the Federal
20 Government underneath -- for your staff.
21 That's just an observation of mine, on me.

22 My concern is how much does the
23 staff people know about substantial evidence
24 in regard to our Native people that have
25 lived here that we know of that we've
26 documented in our stories and names and
27 dances and sacred times of our memorial
28 potlatches that we can trace? It is like an
29 analogy of using a molding that thickness
30 that goes all the way around that building,
31 then on the second molding right there, you
32 put a thumb mark right at the end of that
33 one, that's the last 200 years that we've
34 been in contact with these biologists.

35 I'm not criticizing them as
36 learned people in the field of biology --
37 fish and biology or wildlife. I'm trying to
38 give them a perspective of the last 12,000
39 years that we've been dealing with our
40 customary and traditional gathering.

41 Do you think that is substantial
42 evidence? I'd really like to thank you for
43 that, for your consideration. And your past
44 consideration on this when I've never gotten
45 really a chance to talk to you before about
46 this subject.

47 I realize I'm handicapped, this
48 is what my uncle wrote underneath our
49 traditional ecological knowledge. He
50 started a paper, now it's becoming volumes

1 of information in Kake, and thanks to the
2 Federal people for the grant to have a
3 historian go through and start picking out
4 just certain parts of our lives that are
5 important to us under traditional ecological
6 knowledge.

7 He writes, Charles Skaan "Topsy"
8 Johnson, he's about 65, 68, and he says: I
9 realize I'm handicapped in not knowing
10 enough about some of the important things
11 that are reasons our people have survived
12 since before remembrance. The importance of
13 the culture and traditional harvesting and
14 the preservation of indigenous food.

15 Subsistence is not a word in our
16 Tlingit culture. Our very survival is based
17 upon two words, Haa Kusteeyi -- excuse me,
18 if I murder the pronunciation, which is --
19 which is our life; and then Haa Atxayee, our
20 food. For these words inherently are
21 synonymous and reciprocal.

22 In the Tlingit culture it is a
23 well-understood principal that humans are
24 just one part of the land and of nature and
25 not the dominant force in it. Living in
26 harmony with the land and with nature is an
27 integral part of our culture and
28 self-identity. We draw our identity from
29 the land and the waters. We, as our
30 forefathers have harvested and from our
31 relationship with that land and the sea and
32 its resources. It is a spiritual and sacred
33 relationship, just like this sockeye we're
34 talking about and the cohos, the things that
35 we're dealing with today. Because we use --
36 I saw somebody come in with a case of
37 half-pint of something, and it sure smelled
38 like Copper River red salmon, I can tell
39 you. I have a heck of a nose from the Eyak.

40 So, it's based upon our need to
41 co-exist with the land and with the nature
42 from these lands and the water. We as our
43 forefathers harvest in measured quantities
44 in what we need to sustain ourselves, being
45 careful not to unnecessarily disturb or
46 destroy anything not required for our
47 sustenance and physical well-being.

48 On these lands and waters, our
49 ancestors lived and died. Here we too make
50 our homes. We as were our ancestors are but

1 a small segment of a pilgrimage from one
2 generation to the next in that we share that
3 information once we're in that Elders'
4 category, to share the cultural, traditional
5 knowledge that we have on to one another as
6 our forefathers have for the last 12,000
7 years.

8 The migration of birds and games
9 and the spawning of fish has determined our
10 annual calendar and our annual camps where
11 our people travel to conduct our hunting
12 trap, and food gatherings. The way we
13 always have. Our beliefs do not focus on
14 how the environment can be harnessed and
15 changed to human benefit, but on the need to
16 understand and live in harmony with nature.

17 Whereas the western notions of
18 nature may be -- have their roots in the
19 first chapter of the Book of Genesis of the
20 gentile Torah where God says: Let us make
21 man in Our Image, according to Our Likeness;
22 let them have domination over fish and sea,
23 over birds and over the cattle, over the
24 earth, and over everything that creeps on
25 the earth.

And a little later in the same
chapter: And God said to them, "Be fruitful
and multiply; fill the earth and subdue it."

This is theological perspective
that has driven much of the European
expansion.

That's just our analysis in Kake
and what my uncle and I have talked about.
So, it comes to what we look at as a
cumulative effect of fishing pressures on
these three systems, we call them the Kake
Trilogy Lakes. As Harold knows, there are
other sockeye lakes in the area, but we feel
that they're not in trouble, and we go to
only if one of the others are in trouble,
that we don't go fish to one until it fails
through this past thousands of years that
also we've existed here. We always knew
what was happening in those lakes, as you
may have in the areas that you do come from.

So, the cumulative effects that I
see, that this ADF&G proposal faces is one
aspect, and one aspect alone that's
affecting both sport fishing and the
customary and traditional use of these lakes

1 is what you look on Table 10, the second
2 page from the end of your handout is when
3 you look on there, look at commercial
4 fishing gathering around those three lakes,
5 adjacent to and next to those three lakes.
6 They're telling us that the freshwater sport
7 fishing barely catches anything, as Harold
8 grew up, there was hardly any sport fish and
9 charter boats around. My generation, as I
10 have seen it, have seen a proliferation of
11 sport fish in our area. There are floating
12 lodges that are there, and when we go out
13 there -- and I'm sorry, I didn't come to
14 defend this at the first time you presented
15 it -- is when you get there within that
16 stream system right in front where we gather
17 most of it -- and I will look at later what
18 the Federal Government and the State is
19 saying, excluding marine waterways. We have
20 used these waterways and the mouths of those
21 creeks since time immemorial, and it's
22 customary and traditional to gather that
23 salmon within that area at the mouths of the
24 river.

13 When the sockeye that I know of
14 reaches the lakes of these areas, we never
15 bother them, because they went through their
16 whole life coming back home and we call them
17 the fish people. In fact, my clan name is
18 Kalcheti (ph.) freshwater marked sockeye
19 salmon from small pipes. There was a real
20 small lake there that sustains that one
21 little bit of sockeye and coho. Once
22 they've reached that lake, we don't bother
23 them because they have to go through the
24 business of producing more of our sockeye.

19 So, the cumulative effect shows
20 on Table 10, the tens of thousands of fish
21 that the commercial fishermen catch adjacent
22 to these streams, and it's starting to show
23 up in Gut Bay.

22 It just so happens that the
23 Department of Fish & Game and the Forest
24 Service is starting to look at our creel,
25 our amount of sockeye we catch from the
26 areas. Burt Jackson is out there coming up
27 and we tease him for it -- coming up with
28 numbers that we get the number of household
29 we're representing out there. For using
30 Alaska Department of Fish & Game hat, he

1 gets criticized. He knows it's only in
2 jest, but we encourage him to be part of the
3 data gathering of what we're trying to find
4 out in the river systems and lake systems.

5 So, we look at not only what the
6 subsistence gatherers are gathering right at
7 those lakes and what the sport fishermen are
8 doing inside those streams or in front of
9 the lakes, but what the charter boats are
10 anchoring up in our favorite fishing places.
11 A lot of times there are 12-foot boats that
12 go across Frederick Sound at Chatham Creek
13 right in front of Point Gardner. If you
14 ever fish in that one area where all that
15 water comes together and changes tide, you'd
16 be really watching the weather and when not
17 fishing there, and traveling there is when
18 that tide changes right in front of Joshua
19 Island so the 12-foot skiffs that do make it
20 over there, because we have to get our
21 salmon when we have to get it from those
22 three systems, and there's a charter boat
23 sitting right where you usually make your
24 sets. I talked with Bob Larson and I know
25 he's brand new with the Forest Service and
he needs a lot of education, what I call
civilization in the Native way to look at --
I talked to him, he talks about me
mentioning that we're maybe eating
ourselves, which people said, don't you ever
overharvest any one area because you're
going to be eating your grandson's -- what
he's going to be depending upon later. The
thing that he didn't mention was that it is
the boats when we ran there that these
people were there fishing also our fish.

19 When we talk about sport fishing,
20 subsistence fishing, I hope we start looking
21 at the commercial fishing, and I thank the
22 Sitka Tribe and their attorney for bringing
23 out information in regard to Forest Service
24 jurisdiction of the waters. And one thing I
25 would like to possibly talk with you about
and maybe for you to look at in your
consideration as Council people is the
definition of freshwater, that it should
extend to the freshwater outflow where the
salmon tend to congregate below -- before
upstream migration, at least several hundred
feet beyond the falls, like Falls Lake, and

1 like Redoubt Lake. About several hundred
2 feet beyond the falls or ahead of the
3 streams or rivers, if that's a
4 consideration, but I was going to bring out
5 the fact that right on the second paragraph
6 of the first page of the draft analysis,
7 RFR01-01, the background, the extent of
8 Federal public waters, right on the second
9 sentence in the middle, it says "excluding
10 marine waters."

11 I wonder why we could not include
12 the Federal waters within and around and
13 adjacent to Federal Forest Service lands.
14 When the Park Service fought so hard to
15 knock out every use out of the Park Service
16 in Glacier Bay and our Hoonah brothers have
17 fought hard and long for the use of that.

18 The Katie John case in the 9th
19 District Court of Appeals where it says the
20 Forest Service should start looking at what
21 waterways they are going to be used and
22 extending their jurisdiction through. Or
23 look at Cravitch v. United States about all
24 inside waters along the Tongass National
25 Forest.

To look at those issues and the
issue that Sitka Tribe had brought forward,
I think you have to extend the jurisdiction
about what really happens and why we're here
today as your appointed Council to look at
the well being of subsistence users, of how
Fred did an analogy of an upside pyramid of
how and why the subsistence users should be
the wisest users considered and the safety
of their use, and then the sport and
personal use above that, and finally
commercial.

I know we're not here to talk
about commercial, but that's all these
biologists have ever known when they worked
information the Department of Fish & Game.
Ask Mike Turek. Our friend Mike has been
doing studies with us and along with us from
the subsistence division, and underneath his
supervision he hardly has anybody. But when
you look at commercial, there's a lot of
biologists under that.

In fact, that's who we're using
as expert in the lake system, is the
commercial division in our studies.

1 I really would have liked to have
2 looked side by side with Mike Turek in the
3 subsistence division and the people that he
4 used to have working for him prior to --
5 because of their sympathetic views, their
6 cultural sensitivity, and their aim of
7 looking at the continuance of subsistence in
8 small communities.

9 So, I was looking at -- at this
10 staff analysis is that, I think the
11 substantial evidence that the customary and
12 traditional users have used, I think that
13 should be weighed heavily against any
14 biological scientific knowledge and taken
15 into consideration that as you reconsider
16 this proposal, that we've always tried to
17 take care of these systems. Now that there
18 is more competition for them, and we don't
19 know, as it's said over and over in that
20 whole booklet that you do see there, that
21 they don't have no quantifiable data on a
22 lot of sockeye coho streams around us, much
23 less steelhead.

24 So, I would urge you to
25 conservatively look at it -- and I think
it's a conservation issue myself -- to look
at it and err on the conservation side.

Let us develop those studies and
then come up with a decision, but please on
the conservation side, look at what the
subsistence users have always used through
these systems, like it says, since time
immemorial.

So, I think I'll end my comments
in regard to this.

I didn't even look at what I
wrote about all the paragraphs as I go along
in here, but I hope I did cover it.

I'll be glad to answer any
questions.

MR. THOMAS: John?

MR. LITTLEFIELD: Thank you,
Mr. Chairman. Thank you for that history.

Personally, I am a strong
proponent of traditional and ecological
knowledge and consider it in all of my
deliberations in here. I think you've
looked at this, just for the record I would

1 like you to summarize the action you would
2 like this Council to take. The
3 recommendation of staff was that we
4 reaffirm -- we did on Gut Lake and Falls Bay
5 -- Lake, but they also recommended that we
6 overturn the Bay of Pillars decision, and I
7 would like your opinion on these three
8 systems, what you think this Council should
9 do based on TEK?

6 MR. JACKSON: I think that you
7 should reaffirm all of them of your closures
8 of all of those lakes, especially Pillar
9 Bay. Because since Falls Lake is starting
10 to fail, that what we're looking at is that
11 there are low numbers that the study just
12 last year have gone through that we're going
13 to be depending upon Bay of Pillars now, and
14 Alecks Creek, and -- and Kwatahein and
15 Kutalku Lake.

11 We have these other sockeye lakes
12 that we go to when we know one is going
13 under strain or stress that's caused by
14 something. But I wish that you'd consider
15 my plea to keep whatever sport fishing
16 that's being done there -- I know it's small
17 from what's been gathered, but I know the
18 commercial fisheries is going to continue to
19 knock the fish out of the water there,
20 adjacent to our streams. So, I would hope
21 you would keep them all closed and leave
22 them closed until we do find out what's
23 going to be happening with those systems in
24 the next two, three years with these
25 studies.

Thank you, Mr. Chairman.

19 MR. THOMAS: Dolly?

20 MS. GARZA: Mike, you had
21 mentioned that there are floating lodges in
22 the area. I wonder if you can point out on
23 the map where they are. I don't know if you
24 know if all of them are, or someone from
25 ADF&G or Forest Service knows where they
are.

24 MR. JACKSON: I'll go by the
25 Chairman's recommendation, Bay of Pillars,
before Salt Lake, you go to the point, the

1 middle island, before you go to the salt
2 water lake, off to the right, right where
3 that area, that's where the small boats go
4 in. On the right-hand side, there is a boat
5 that houses about -- a dozen to 60 people at
6 a time that we've seen there because they
7 have a barge -- floating barge adjacent to
8 it that they house people on.

9 That one is very close there.

10 There's another boat called the
11 ARCTIC FISHER. It was a processing boat up
12 in the Bering Sea at the height of the
13 fisheries up there. The gentleman that owns
14 it stays in and around the Kake/Petersburg
15 area and has anchored the boat inside the
16 lake as a floating lodge and will go across
17 Chatham, sit right in Red Bluff Bay, take
18 off his little boats that are from his
19 friends in Petersburg and elsewhere and fish
20 the Falls Lake sockeye, take their fish over
21 back to their boat and process it. And who
22 knows how much they take from there. And I
23 don't know if it's his clients or his
24 friends, but that's a nice floating lodge he
25 goes around moving through Southeast on.

It's about 180-foot long floating
lodge.

MS. GARZA: That's two?

MR. JACKSON: Yes.

I just remembered two more. The
Pipous Bay Lodge -- Pipous Point Lodge
(ph.). They run all the way down there, and
snag sockeye with weighted jiggers right at
the mouth of these rivers of Falls Lake and
Gut Bay.

There is also another lodge at
Tyee, right at the end of the island, a very
short ways down from Falls Lake and Gut Bay,
they come right in there with weighted
jiggers to catch their -- those are
land-based.

Thank you.

MR. THOMAS: Bert?

MR. ADAMS: Mr. Chairman, Mike, I
really appreciate your presentation,
particularly, you know, the statement you

1 made about going back to traditional
2 knowledge, and using the natural laws to
3 govern our conduct and our affairs. In that
4 position paper I gave you this morning has
5 an opening statement in there about how we
6 should abide by the natural laws. I think I
7 made presentations and give talks every now
8 and then, that's an underlying themes that I
9 like to emphasize very strongly. Our
10 people, many, many years ago lived under the
11 natural laws. Because they -- because they
12 lived in those laws, they understood the
13 laws because they understood the laws, they
14 obeyed them, because they obeyed them,
15 nature provided them with everything they
16 needed to sustain their lives.

17 I think the commercial industry
18 has yet to learn, you know, how to use
19 the -- these principals and concepts in
20 order to be assured and every one can
21 benefit from the resources that we have.

22 I always like to use the
23 demonstration of that circle and putting
24 natural -- the nature on there, and then the
25 arrows on the outside, and, you know, how
26 those arrows, you know, were outside
27 influences and -- they were outside looking
28 in and they were wanting to come in and
29 conquer. And when they eventually did, it
30 caused this culture clash or this upset of
31 nature that we are still trying to recover
32 from today.

33 I'm not saying, you know, that
34 commercial industry is bad. I think that
35 there is a place for it. But I think it has
36 a great deal to do with how it has upset the
37 balance of nature and so forth.

38 We're going to be doing a TEK
39 study in the Dry Bay area here, and I have
40 real strong feelings that when the
41 commercial industry began to come in, it
42 really caused a lot of problems that we're
43 still trying to recover from today.

44 Again, I just want to emphasize
45 for those people who are proponents of the
46 commercial fishing industry, that I think
47 there a place for all of us.

48 And, again, I'd like to just go
49 with that idea that as we learn about how we
50 can abide by those presents and concepts and

1 principals, that we will begin to learn --
2 to understand, you know, that as we abide by
3 those laws, we can understand them. As we
4 understand them, then we can live by them.
5 As we live by them, then we will begin to
6 reap the benefits of the resources of this
7 land and it's something that everything, in
8 my opinion is going to have to be able to
9 come on the same page with that shared
10 vision so that we can all benefit.

11 And I think there is a place for
12 sports; there's a place for subsistence; I
13 think there's a place for commercial, just a
14 matter of finding out how we can make it
15 work for us.

16 When we find those answer, I
17 think we have an obligation to share with
18 one another, not only with one another, but
19 to the country and to the world as well.

20 MR. JACKSON: Thank you.

21 MR. THOMAS: Anybody else?

22 MR. JACKSON: So, Mr. Chairman,
23 I'd like to thank you and thank the ADF&G
24 for helping us on the studies and the U.S.
25 Forest Service on providing some of the
26 moneys and going after moneys to do studies
27 on the areas. It's the first time that I
28 know of in my limited lifetime that one
29 watershed like Falls Lake, Gut Bay, Kook,
30 Hoktaheen, Salmon Bay, Klag, Redoubt, are
31 being studied for the fish coming back to
32 them. I think we just can't study within
33 the lake system alone, and what the people
34 are catching, that we need some kind of
35 indexing that follows that migration that
36 Jan Morgan put before you on the map, about
37 where the cohos might be being intercepted
38 out in Sitka Sound, but I really appreciate
39 the moneys that have been brought forward
40 from your cause to look at one single
41 watershed that I know of that has never been
42 studied before, because it all has been
43 commercial. I do, like you, Bert, believe
44 that there is space for all three, and that
45 if we can all work together to come up with
46 a common goal of what this Council is about,
47 I think we'd be in much better waters.

1 Gun nux cheesh.

2 MS. GARZA: I just have one more
3 question. In your testimony you had
4 mentioned that your nephew does census of
5 sockeye harvest by subsistence users, that
6 it's paid for by ADF&G. Is that on the
7 ground or is that in Kake?

8 MR. JACKSON: On the grounds
9 where we go in there to fish.

10 MS. GARZA: And so -- he does not
11 collect information on the charter boats in
12 the area?

13 MR. JACKSON: They make note of
14 them being in there. I think this was
15 funded by the -- ADF&G subsistence; is that
16 right, Mike?

17 Meg's project, because there's
18 two anthropologists that came to see the
19 studies, Amy and I forget her name, she
20 worked for ADF&G -- a young gentleman named
21 Nate Sobeleff came to Kake to talk to and
22 interview people out there.

23 MS. GARZA: So, then, I guess to
24 Rob or to Bill, the information on the
25 number of clients -- does that include the
26 information collected by the people who are
27 out in the field there?

28 MR. LARSON: No, it does not.

29 MS. GARZA: Okay. Thank you,
30 Rob. Thank you Mike.
31 Meg wanted to say something.

32 MR. THOMAS: Come on up.
33 Mike?

34 MR. DOUVILLE: Thanks, Mr.
35 Chairman. You said that you agreed with the
36 three other systems but you did not agree
37 with the -- with the Department on the Bay
38 of Pillars, that you would like to see it
39 remain as it was because I believe you said
40 there was -- because of the runs in the
41 other systems are putting more pressure --

1 did I hear you right?

2 MR. JACKSON: Yes, with the Gut
3 Bay run, next year there's going to be
4 concentration from the Kake people to go
5 down to the Bay of Pillars to look at that.
6 So we encourage you to keep your ruling as
7 is and the Board's ruling that sport
8 fishing -- that sub -- not be allowed to be
9 on either three of them, just as you ruled
10 before.

11 MR. THOMAS: Bert and John?

12 MR. ADAMS: I just wanted to
13 share an experience on the follow-up on the
14 comments I made earlier about abiding by and
15 living the traditional way. Last year, you
16 know, we were talking about having the
17 meeting here in Yakutat. We talked
18 considerably about the dates and everything
19 because we had a subsistence hunt and then a
20 regular hunt is afterwards. One of the
21 things that I've never, ever done with my
22 children before is go out hunting with them.
23 I was always busy doing other things, and I
24 used to wonder why they never came home with
25 moose, and so this year I was committed to
26 go with them to see how they hunted, and I
27 found out a lot of things.

(Laughter.)

28 MR. ADAMS: One of the things
29 that I was taught as a kid and I helped them
30 understand this as well, is that you have to
31 prepare yourself. You have to prepare
32 yourself to go out and provide meat and food
33 for your family, it's a spiritual thing,
34 right? And so that's something that they
35 weren't doing in the past, okay?

36 And so, when we went -- we rented
37 or at least -- a cabin at the Harlequin Lake
38 that evening, and we sat and we talked about
39 how we were going to proceed for the next
40 day. I showed them -- explained to them
41 some of the ways that I was taught. You
42 have to prepare yourself, and you have to
43 believe that that game is going to present
44 itself to you because you have to feed your

1 family, you have to also show respect. And
2 so that morning, you know, we went out
3 and -- the next morning we went out, lo and
4 behold, we got the first moose, my grandson
5 got his first moose. We used those
6 principles, one of the thing -- that's some
7 things that I showed them. One of the
8 things is showing respect for the game you
9 kill. As we took the head off and front
10 paws off, I told them the way I was taught.
11 You take the head and present it back home,
12 and put the hoofs in the proper places, you
13 say a prayer over it. You ask that you have
14 a safe trip back home. And that's what we
15 did.

16 Then, a few days later, I wasn't
17 able to go out with them, but my sons caught
18 two more moose. You know, of the seven
19 moose that were taken out as of
20 yesterday, we've already caught three of
21 them. I just wanted to share that with you.
22 I think it's really important that we use
23 that respect and prepare ourselves in the
24 spiritual way to go after our game and our
25 food.

26 MR. JACKSON: That's our sacred
27 and spiritual relationship with all the
28 resource that we do gather, especially in
29 Kake, but I guess that's the half a moose
30 that Ray Sensmeyer was saying that you guys
31 were going to bring down to Kake for the
32 Alaska Native brotherhood and sisterhood
33 convention next month.

34 Thank you.

35 (Laughter.)

36 MR. THOMAS: John?

37 MR. LITTLEFIELD: Thank you,
38 Mr. Chairman. Yesterday we were given a
39 handout, and while I don't agree with what's
40 shown there, it had to do with the marine
41 boundaries and the freshwater jurisdictional
42 map and I asked Fred to give me a copy of
43 those three, and actually it's not the copy,
44 that's my only original. I have a request
45 if you would review these three maps and
46 give us a recommendation of, given the

1 limited language of the regulations as they
2 stand, what you believe the headland to
3 headland jurisdictional line should be
4 there. Personally I think it's too far up
5 the stream, but you as a TEK user of that
6 area, I would like to have your opinion on
7 what you think those should be if this
8 Council was to consider that later in this
9 meeting.

10 MR. JACKSON: Thank you, Mr.
11 Chairman, and Mr. Littlefield.

12 The one I just looked at right on
13 top was Gut Bay --

14 MR. THOMAS: This is a different
15 topic, so let's not go into that now.

16 MR. JACKSON: Okay.

17 MR. THOMAS: I appreciate your
18 willingness and John's enthusiasm, but we're
19 under parliamentary procedure, so pay
20 attention.

21 MR. LITTLEFIELD: Mr. Chairman, I
22 believe I asked him for a recommendation for
23 later consideration in the meeting. I'd
24 like to have his comments, not now, but if
25 you could fill that out sometime later in
the meeting.

MR. THOMAS: He'll be happy to do
that.

Mary?

MS. RUDOLPH: I would like to
know how many studies are being done in
Southeast on these fish rivers, and where
at, if you could let us know, let me know
anyway, because I know in our area there is
a lot of problems with some of the rivers
and spawning areas. So, I would like to get
some kind of idea if there are any studies
being done.

MR. THOMAS: Right now, we're
dealing with the contents of RFR01-01.

25

(Laughter.)

1

MS. GARZA: Mr. Chairman, for the sake of start -- for the sake of starting the process, I would move that we accept RFR01-01 request for reconsideration.

2

3

4

MR. THOMAS: You heard the motion.

5

6

MS. WILSON: Second.

7

8

MR. THOMAS: Marilyn seconded it. Discussion? John?

9

MR. LITTLEFIELD: Mr. Chairman, I would like to offer an amendment and the amendment would concern the recommendation of Kutlaku. If I read the motion correctly that was made was to accept and Kutlaku was recommended to rescind the Board action, and I would like to make an amendment to -- how do we do that? Do you have a procedure?

10

11

12

13

MS. GARZA: Mr. Chairman, my intent of bringing that forward as a single proposal is to vote it down.

14

15

So, the initial position of the Federal Subsistence Board to vote in favor of this proposal last year would stand.

16

17

18

19

MR. LITTLEFIELD: I raised my hand at the same time as Dolly, and what my tact was a little different and that was to just make a motion to reaffirm our actions in Hydaburg, which would have affected the same thing, a positive motion.

20

21

MR. THOMAS: The Chair is going to declare a 15-second timeout here so that we settle any conflict between our Council members.

22

23

24

I want to respect you on both items, they're both good ones, but we need to understand what we're doing. We don't want to approach this with any confusion in our deliberations.

25

So, maybe Dolly and John, you can have pretty much a proposal between you.

1 MS. GARZA: So, I guess that's
2 what I was trying to do, John, was to make a
3 motion in the affirmative that we accept a
4 request for reconsideration and so I think
5 we're trying to do the same thing.

6 MR. THOMAS: Dolly's motion will
7 be up, because it is in the affirmative.
8 We have results of approaching
9 the affirmative action? Kupeesh?
10 John?

11 MR. LITTLEFIELD: Will the maker
12 of the motion explain to the Council so that
13 everyone is clear what a "yes" vote means
14 and what a "no" vote means?

15 MS. GARZA: Okay. Mr. Chairman I
16 was attempting to follow parliamentary
17 procedure in that every motion should be
18 made in an affirmative action. So, I was
19 requesting that we approve the request for
20 reconsideration of Federal Subsistence Board
21 decision on nonsubsistence -- blah, blah,
22 blah, Kake; and so, my intent after the
23 motion is on the table is to vote against
24 the motion and my vote against it would be
25 that I did not hear anything that would
26 cause me to think that the Federal
27 Subsistence Board would hear new evidence.

28 If there are studies going on, I
29 think we should wait until those studies are
30 concluded and before us.

31 So, if we vote the motion down,
32 then the vote that we took in Hydaburg and
33 the vote that the Federal Subsistence Board
34 took at their last meeting would stand. At
35 least that's what I think I'm doing.

36 MR. THOMAS: Marilyn?

37 MS. WILSON: Dolly, could you
38 read that slow so I can write it down,
39 please?

40 The motion?

41 MS. GARZA: Oh, for the motion?
42 That we would move to approve the
43 request for reconsideration of RFR01-01.
44 Because the request is for

1 reconsideration.

2 MR. THOMAS: Everybody
3 understands the motion? Everybody heard the
4 motion? Everybody understands; is that
5 correct?

6 If you don't understand, talk to
7 the person next to you and get it
8 straightened out.

9 (Laughter.)

10 MR. THOMAS: Okay. As soon as
11 Pelican shows up, we'll have a vote.

12 MR. CLARK: Mr. Chairman?

13 MR. THOMAS: Fred?

14 MR. CLARK: I just wanted to
15 remind the Council that when we go through
16 the actions, when the Council actually takes
17 actions on all of these proposals, we want
18 to use that check sheet, that checklist in
19 order to make sure that we have the Council
20 motion down very well, then the rationale
21 going through it point by point, and then
22 kind of just a quick run-through of the
23 administrative aspects, make sure we cover
24 all the bases for each of the proposals, for
25 proposals like this one, three different
aspects, three different drainages.
Regarding one proposal, my request is the
Council goes through each of the drainages
and goes through the list, to make the
record really, really strong, so we'll be
able to tell the Board exactly what the
Council is thinking along the way.

MR. THOMAS: Thank you. And
we'll be sure and do that.

Okay. Are we ready for the
question?

Dolly?

MS. GARZA: No, if we vote on my
motion as it stands, we are not doing what
Fred is requesting, we're not going system
by system. I disagree with you that we need
to do it.

1

MR. CLARK: You can do it in one motion, under the rationale, if you can do it individually, then that would suffice.

3

4

MR. THOMAS: See, if whatever action we take of this and we satisfy the reasons on this particular sheet, I think what Fred is suggesting is that we take the three systems that's mentioned in this request and they could be identical. If we did that, it would give them a stronger position when we present it to the Board.

7

Okay. Let's take a five-minute break for caucus here.

8

John? Before we caucus.

9

10

MR. LITTLEFIELD: We already did that. We did this in Hydaburg. We don't need to do this. This is an administrative action. We're not debating the proposal one way or another. It's just administrative and I agree with Dolly.

11

12

13

MR. THOMAS: Okay. We'll take a break.

14

(Break.)

15

16

MR. THOMAS: We're back in order and we're going to proceed with completing this agenda item.

17

18

MS. GARZA: Mr. Chairman, at the rate we're going, we should be done sometime this week.

19

20

Mr. Chairman, we have before us a motion to reconsider a proposal that we voted on in Hydaburg. The proposal that we voted on was to exclude non-Federal subsistence qualified salmon fishers from three systems in the Chatham Straits area.

21

22

We voted in support of that motion. That proposal went to the Federal Subsistence Board who also voted in favor of that proposal.

23

24

The request we have before us is to reconsider that vote and to open one area, the Bay of Pillars, so that non-Federal qualified subsistence users

25

1 could harvest in that area. That's the
2 basic change between what was passed by the
3 Federal Subsistence Board and what the
4 request for reconsideration contains.

5 That's my reading of it.

6 Mr. Chairman, I would vote
7 against the request for consideration and by
8 voting against the request for consideration
9 I or we would reaffirm the Federal
10 Subsistence Board's position that they
11 supported this initial proposal, from a year
12 and a half, I don't know how long ago it
13 was.

14 Two, I would vote against this
15 proposal for reconsideration because I have
16 not heard any new evidence. I understand
17 that there's information that was collected
18 in the year 2001, but that information was
19 not provided at this meeting.

20 Three, I would vote against this
21 request for reconsideration because as was
22 stated to us by our Kake residents, he
23 believes that there will be an increase in
24 subsistence use based on a decrease in
25 sockeye in other streams.

I can't remember what else you
guys told me to say, but those are the three
main reasons that I would vote against the
proposal for reconsideration.

MR. THOMAS: Okay. I see Don at
the table. Don, I can't allow it. Once a
motion has been made, we can't allow other
comments until we dispense with this action
item.

MS. GARZA: Unless it's for
clarification.

MR. THOMAS: Somebody has got to
request it.

Dolly, request it.

MS. GARZA: Don, could you
clarify this for us?

MR. RIVARD: Thank you,
Mr. Chair, and other members of the Council.
Just -- I think I wanted to clarify this, I
probably should have come up here at the

1 beginning of all of this. I apologize for
2 not having done so. The reconsideration --
3 the Board determined that the ADF&G had
4 legitimate points in order to reconsider all
5 this. So, that's why it's being
6 reconsidered.

7 What I'm hearing from the Council
8 here is a rejection of the reconsideration.

9 It is being reconsidered. The
10 Board found that there was enough points
11 being made by the ADF&G that it warranted
12 being reconsidered, and the Chair, Mitch
13 Demientieff directed that this go back
14 before your Council to get your input again
15 on the points that were being made by the
16 State.

17 So, I just wanted to make that
18 clear. That not all the times is it
19 necessary for a reconsideration to go back
20 to the Council, but the Board Chair, Mitch
21 Demientieff, directed that this go back for
22 your consideration this time around.

23 Just for point of clarification.

24 MR. THOMAS: Thank you.
25 Harold?

MR. MARTIN: Thank you, Mr.
Chairman. One of the reasons I brought out
the traditional ecological knowledge this
morning, as opposed to western science, I
think Mike covered that very well. I've
always maintained that we are -- we were the
original stewards of this country, the
original conservationists. There is still
protocol that exists in the communities as
to conservation of our natural resources. I
think Mike covered that very well too by
stating that because there's a shortage in
one of the lakes that the other two be
utilized a little more.

Natives will not exploit or
jeopardize the natural resources that we've
been depending on from time immemorial.
It's a way of life to the Native people.

I would urge a "no" vote on this
motion.

Thank you, Mr. Chair.

MR. THOMAS: Further discussion?

1 Marilyn?

2 MS. WILSON: I would vote this
3 motion down because I'm going to take into
4 consideration the TEK knowledge -- the TEK
5 that Mike gave to us, and I think that's
6 just as important, if not more so than all
7 of the other information that we get, and we
8 use all information, so, I include Mike's
9 report to us. That's why I'm voting it
10 down.

11 MS. GARZA: Don, I'd like to kill
12 you, because we really have to swing the
13 opposite of just so declared. If the
14 Federals -- I was not aware that Federal
15 Subsistence Board could choose to reconsider
16 a proposal without that reconsideration
17 going first to the Regional Advisory
18 Council. That surprises me.

19 So, if we simply voted this
20 request down, then the Federal Subsistence
21 Board could, in fact, hear information and
22 say we agree and we will reverse on Pillar
23 Bay.

24 And so, if we want to affirm our
25 position that we took in Hydaburg, based on
26 the fact that the Federal Subsistence Board
27 will reconsider this proposal even though we
28 don't think they should, then we do need to
29 take it bay by bay and say, yes, we affirm
30 with 1; yes, we affirm with 2; and on No. 3,
31 we don't agree with the staff analysis
32 because of these reasons.

33 Is that correct?

34 MR. THOMAS: Just a minute.
35 We're not going to allow staff to come up
36 any more because the questions that we asked
37 from the Council aren't interpreted
38 accurately by the staff. The response we
39 get back from the staff is confusing to the
40 people that asked the question.

41 What happened here, this is a
42 request for reconsideration. We spent all
43 morning reconsidering. We've honored that
44 request. What we arrive at, whatever action
45 we take does not suggest that if we vote it
46 down doesn't mean we didn't reconsider. We
47 reconsidered and came up with our same

1 position is all this is.

2 So, I would suggest we get on
3 with the vote, otherwise the snow is going
4 to go away and the herring's going to come
5 in again.

6 (Laughter.)

7 MR. THOMAS: Bert?

8 MR. ADAMS: Mr. Chairman, I think
9 we have discussed this to death. I am ready
10 to vote on it. I ask for the question. I
11 ask for the question.

12 MR. THOMAS: Question has been
13 called.

14 MR. LITTLEFIELD: Mr. Chairman,
15 for the record, I want to state why I'm
16 going to vote "no." I'm going to vote "no"
17 because this request for reconsideration
18 should not even be before the SERAC at this
19 time. I mentioned earlier and it was in
20 your brief that the RAC is the supreme power
21 empowered to consider these things. We did
22 that in Hydaburg, the Secretary or Board as
23 you had it in the book had three options,
24 and those three options are spelled out in
25 law. None of those applied here. No where
does the law say you can send it back to us,
we'll send it back to you. It says either
to do one of three things, affirm it, or
deny it and send back a recommendation.

When we considered this in
Hydaburg, we went through this procedure
here, and I accepted traditional ecological
knowledge as substantial evidence, and that
is enough for me.

Thank you. I will be voting
"no."

MR. THOMAS: Question has been
called for. That closes discussion.
Go ahead.

MS. PHILLIPS: I also am going to
oppose the motion. Staff has recommend --
has suggested that there is insufficient
evidence and my decision in Hydaburg was

1 based on Section 801 No. 5 that residents of
2 rural Alaska require that an administrative
3 structure be established for the purpose of
4 enabling rural residents who have personal
5 knowledge of local conditions and
6 requirements to have a meaningful role in
7 the management of Fish & Wildlife and of
8 subsistence uses.

9 And the local knowledge shared
10 with us has been supported by the data
11 collected at Falls Lake and Gut Bay that the
12 stocks in those two areas are experienced --
13 experiencing a failure. So that the western
14 science is supporting what the local
15 knowledge was telling us. And decisions are
16 being made based on reports submitted by
17 sport harvesters and guides, and as far as
18 household surveys done by subsistence --
19 done on subsistence harvesters have
20 indicated that the harvest is actually
21 higher than what's reported on the permits
22 submitted, and I'm suggesting that the
23 harvest by sports harvesters and guides is
24 actually higher than what's being reported
25 on the forms that they submit.

And so, those are the reasons why
I'm going to support -- or vote "no" on this
motion.

MR. THOMAS: Further discussion?
Bert?

MR. ADAMS: Let's vote.

MR. THOMAS: I tried that.
Further discussion?
Okay. Question has been called
for. All those in favor of the motion,
signify by saying "aye."
All those opposed, say "no."

COUNCIL MEMBERS: No.

MR. THOMAS: Okay, the nos have
it.

Okay. The Chair is emotionally
stressed out. We're going to take a
five-minute break.

(Break.)

1
2 MR. THOMAS: We're ready to move
3 into 9(b), these next three proposals are
4 proposals that have been -- they were from
5 previous years' regulatory cycle. The next
6 one we'll be addressing would be Proposal
7 No. 24. Who is going to introduce that?
8 Cal?

9
10 MR. CASIPIT: Thank you, Mr.
11 Chairman. My name is Cal Casipit. I'm the
12 regional subsistence staff fisheries
13 biologist for the Forest Service in the
14 regional office in Juneau.

15 This first proposal that's before
16 you, FP01-24 is a deferred proposal from
17 last year and requests a change to the
18 fishing schedule at Klawock Lake -- from
19 basically a week -- a Monday through Friday
20 fishery or a weekday fishery to a -- if you
21 would think a Saturday -- basically, a
22 weekend fishery.

23 A little on the regulatory
24 history. The current fishing -- the current
25 open period for fishing on the Klawock is
Monday through Friday. Because of concern
that stocks are being overharvested and that
original proposal for a Monday through
Friday fishery came from a proposal by the
Prince of Wales Fish & Game Advisory
Committee. So, currently, the subsistence
sockeye season in Klawock River and Lake
extends from July 7th through July 31 with
open fishing periods from 8:00 a.m. Monday,
to 5:00 p.m. on Friday. The harvest limit,
possession limit is ten sockeye per day.

19 The proponent requested that a
20 weekend fishery be instituted. Only, the
21 preliminary -- the preliminary conclusion at
22 that time in Hydaburg from staff was to
23 support the proposal to convert to it a
24 weekend fishery, the open of the season
25 would remain July 7 through July 31st, and
the period of the weekly fishing period
would extend from 8:00 a.m. on Saturday
until 5:00 p.m. on Wednesday.

24 We also suggested a daily harvest
25 limit of ten fish per day. That's a
possession limit. And also instituting an
annual harvest limit of 20 fish per

1 household.

2 We had allowable gear of rod and
3 reel and dip nets. Also some bait
4 restrictions, and harvest reporting
5 requirements.

6 To review the action by the
7 Council, at that time in Hydaburg last year
8 the Council deferred the proposal because
9 they felt like they needed more information
10 from the community and -- as to where --
11 whether or not the proposal was supported by
12 the community of Klawock.

13 And that is -- that concludes my
14 prepared report and I'd be happy to answer
15 any questions.

16 I would also like to call Dave
17 Johnson to the table. He may have
18 additional information as to whether or not
19 the community supports the proposal.

20 MR. JOHNSON: Thank you, Mr.
21 Chairman.

22 MR. LITTLEFIELD: That was my
23 concern at Hydaburg, we wanted more input
24 from the community, if they address that.
25 That addresses my concern.

26 MS. GARZA: Mr. Chairman, also
27 from Hydaburg, we were trying to remember
28 here, and we did hear from Jimmy Martinez, I
29 think, with ANB. We heard from ANS -- Dave
30 could you come up and sit down here. The
31 impression we got from the Klawock residents
32 that we spoke to that they were unaware of
33 this proposal and they did not support it.
34 And so when I saw it here again, I didn't
35 realize it was a deferred one. I thought it
36 was resubmitted by ANB but it was my
37 impression that it was never submitted by
38 ANB, and it was an incorrect log there. And
39 so I'm fully prepared to vote this proposal
40 down because none of the comments on it are
41 from Craig or Klawock ANB or ANS or IRA.
42 But maybe, Dave, you could let us know if
43 you've talked to people there.

44 MR. JOHNSON: R. K. Johnson,
45 Tongass coordinator for subsistence. Madam
46 Chair, and Council, with regard to the

1 Klawock Lake system and with regards to this
2 proposal, the reason it was changed
3 initially was to basically exclude folks
4 from Ketchikan from being able to come over
5 and harvest sockeye in the creel work
6 system. In talking to several people, there
7 are a few people that work during the week
8 that would like to be able to have the
9 season open on the weekend, but for the most
10 part, most of the people I talked to wanted
11 to keep it the same. In fact, some people
12 felt that the system is so far below
13 escapement needs that there should be no
14 subsistence harvest at all.

15 So, I have talked to several
16 people, and the consensus was still to leave
17 it the same with a few dissenting folks that
18 work during the week.

19 MS. GARZA: Mr. Chairman, did we
20 ever determine if this was actually
21 submitted by Klawock ANB?

22 MR. JOHNSON: Madam Chairman, out
23 of due respect for the Elders in Klawock,
24 when an Elder says that they represent
25 something or someone, my understanding from
26 what little I know of Native culture, you
27 give deference to that Elder. I was unable
28 to confirm whether or not this was submitted
29 from Klawock or Craig ANS.

30 MR. THOMAS: Bert?

31 MR. ADAMS: Mr. Chairman, and
32 Dave, who submitted the proposal, then, if
33 it didn't come from ANB or ANS, where did it
34 come from?

35 MR. JOHNSON: Fanny Ermalof
36 representing the ANS, according to Fanny,
37 submitted that proposal.

38 MR. THOMAS: Mike?

39 MR. DOUVILLE: Thank you,
40 Mr. Chairman. This proposal for one --
41 there is no sockeye harvest in the creek or
42 in the lake as of this time. You can fish
43 five days a week when it is open from the

1 7th through 31 in the salt water. However,
2 the weekend is closed. And I think her
3 complaint is that she doesn't -- the people
4 that fish for her work during the week, so I
5 believe that this proposal should be going
6 to the Alaska Department of Fish & Game. I
7 think it's misdirected, really, in reality.

8 Because there is no sockeye
9 fishing. I don't believe that we're going
10 to start one there either.

11 To me, that's my impression of
12 this proposal.

13 Thank you.

14 MR. THOMAS: Harold?

15 MR. MARTIN: Thank you, Mr.
16 Chairman. I recollect our sessions in
17 Hydaburg. I remember talking to Mr. Jim
18 Martinez. He related to me that he was glad
19 that somebody had notified him of what is
20 taking place. He knew nothing about this
21 proposal. And he said he was there to speak
22 against it, and I think he did.

23 MR. THOMAS: Dolly?

24 MS. GARZA: Yeah, I think we
25 could get through this proposal fairly
quickly because one of the major points we
made, and that's what Mike made, is that the
majority of the subsistence sockeye harvest
from Klawock Lake system, in fact, occurs in
State waters, and so even -- even the intent
of it is misdirected. It should be going to
the Board of Fish if they wish to have the
boats that are fishing fish the weekends.
We can't alter that, and although -- in
Hydaburg, we did have some discussion where
technically there could be a subsistence
fishery in the creek or in the lake, that is
not done by the subsistence users in that
area. They simply fish in Klawock lake
estuary area and continue to fish during the
weekdays.

And so, if we can whiz the ADF&G
comments, other comments, public comments.
I think we just need to take action of this
proposal.

1 MR. THOMAS: Rather than doing
2 that, that being the case, we're not
3 comfortable in being in receipt of it, I
4 would recommend that we take no action, and
5 have it recorded that no action was taken
6 here. If they wish to submit it to the
7 Department of Fish & Game that would be
8 their privilege and it wouldn't be prudent
9 for us to do that. So, the best thing we
10 can do with this would be no action.

11 Bert?

12 MR. ADAMS: Mr. Chairman, I was
13 going to make the same suggestion and since
14 you did it, I'll make a motion that we take
15 no action on this particular proposal.

16 MR. THOMAS: Bert made a motion,
17 Cal seconded it.

18 (Laughter.)

19 MR. CASIPIT: Mr. Chairman, the
20 reason this is back before you --

21 MR. ADAMS: Mr. Chairman, Mr.
22 Chairman, point of order. We need a second.

23 MR. DOUVILLE: I second it.

24 MR. CASIPIT: Mr. Chairman, the
25 reason this is back before the Council is
because the Council did not take action last
time. If we -- if the Council again takes
no action this year, it will be back before
you next year as well.

I suggest that some action be
taken so we can take it off the docket.

MR. THOMAS: It's difficult for
us to take action if we don't have a sponsor
of the proposal. And we're getting enough
evidence that nobody is claiming sponsorship
of the proposal. So, if we take no action,
why should it come back to us if they don't
know where it's coming from. If we don't
know where it's coming from, how do we know
from -- know it's not -- no -- how do we
know where it's coming from, kupeesh --

1 MR. ADAMS: Exactly my point.

2 MR. THOMAS: Bert, you're a good
3 man.

4 MR. ADAMS: If we don't take
5 action, it goes back to the community, then
6 we'll have a sponsor. I think that's all
7 we're looking for at this point.

8 MR. THOMAS: Dolly?

9 MS. GARZA: I can go either way.
10 Either way, we can send as a Council the
11 people who supported this or even didn't
12 support or to Klawock ANB, Craig ANB, ANS,
13 let them know our action, let them know it
14 should go to the Board of Fish not to us, if
15 the intent is to change the actual ongoing
16 fishery, because otherwise we are looking
17 disrespectful to them by -- because there
18 may be people who are thinking that we are
19 going to take action on this proposal at
20 this time. And so, if we don't take action,
21 we need to just let them know that we intend
22 not to take action until we hear more
23 clearly and give them direction that they
24 should be going to the Board of Fish if they
25 want a change in the ongoing fishery.

MR. THOMAS: Dave?

MR. JOHNSON: Mr. Chairman, the
sponsor of the proposal at a minimum was
Fanny Ermalof. Whether it's more than that,
I can't speak to that, but she's definitely
the person that contacted me.

MR. THOMAS: It should have had
her name on the proposal then.
What's the wishes of the Council?
Bert?

MR. ADAMS: Not only that, Dave,
it should have gone through the process of
community involvement and all of that good
stuff too.
Thank you.

MR. THOMAS: No more lectures.

1 Marilyn?

2 MS. WILSON: Mr. Chair, I amend
3 our motion to include a letter to the
4 sponsor of the motion, plus the individual
5 that is not named explaining our actions and
6 what they should do.

7 MR. THOMAS: You heard the
8 motion, a second?

9 MR. ADAMS: Second.

10 MR. THOMAS: Moved and seconded.
11 Any more discussion on the
12 amendment?

13 MS. GARZA: Question.

14 MR. THOMAS: Question has been
15 called on the amendment. All those in
16 favor, say "aye."

17 COUNCIL MEMBERS: Aye.

18 MR. THOMAS: Those opposed, same
19 sign.

20 The motion is amended.
21 Fred?

22 MR. CLARK: Are you going to go
23 through the Alaska Department of Fish &
24 Game, other agency comments, and public
25 comments before the action on this proposal?

MR. THOMAS: Depends on the
action. If we don't take any action, then
there's no point.

MR. CLARK: Just want to be
clear.

MS. GARZA: Mr. Chairman, I guess
I would like to know if there's someone from
ADF&G who intended to speak to this motion?

MR. BROOKOVER: Mr. Chairman, Tom
Brookover with the Department of Fish &
Game, division of sport fish. And I'll keep
this brief. Our comment on this is

1 essentially same and unchanged from last
2 year. We remain neutral on the proposal.
3 Our stance and position is the same again
4 this year.

5 MR. THOMAS: Bert?

6 MR. ADAMS: I would call for the
7 question.

8 MS. GARZA: I'd like to know if
9 there were other agencies prepared to speak
10 to this motion?

11 Hearing none, I'd like to know if
12 there is any public comment? Anyone here
13 who came here to testify on this motion?

14 Seeing none, I'd say we're ready
15 for deliberation.

16 MR. THOMAS: More discussion on
17 the motion of the minutes.
18 Any more discussion on the motion
19 as amended.

20 Ready for the question.
21 Dolly?

22 MS. GARZA: The motion is that we
23 would take no action and we would inform the
24 maker of the motion that we think that this
25 proposal should actually be going to the
26 Board of fish. Is that what we're voting on
27 now?

28 If that is --

29 MR. THOMAS: It's apparent we
30 don't know how to not take any action.

31 (Laughter.)

32 MS. GARZA: That was my reading
33 of what we're voting on. If we vote to take
34 no action, we will in -- will we indeed see
35 this at our next fish meeting.

36 MR. THOMAS: What part of "no"
37 don't we understand?

38 MR. CLARK: I think it's
39 completely clear on the record that the
40 Council just doesn't want to deal with this

1 proposal unless somebody resubmits a
2 different proposal that has a sponsor that
3 has good community background. I think
4 that's clear in the existing record. So my
5 impression is that it won't come back to you
6 automatically.

7 MS. GARZA: Mr. Chairman, just
8 one more clarification. If we vote in favor
9 of this motion to take no action and to
10 request that the proposal writer be informed
11 that this should go to the Board of Fish,
12 who will make that contact? Is that you
13 Fred, Cal, Dave?

14 MR. CLARK: The regional team
15 will take responsibility for doing that.

16 MR. THOMAS: Okay. We're passed
17 the point of ability to breeze right through
18 this, so we're going to continue discussing
19 following lunch on this.

20 Are we ready to vote?

21 MR. DOUVILLE: Can I ask a
22 question? Thank you, Mr. Chairman. The
23 reason I have a problem with this is we do
24 not have a sockeye fishery in Klawock River
25 or Klawock Lake as this body would have
anything to say about.

MR. THOMAS: That's why we take
no action, we take no action.

MR. DOUVILLE: The only fishing
is done down on salt water and we don't have
anything to say about that either. So, we
don't do anything in my opinion.

MR. THOMAS: That's what we're
going to do. We're working really hard by
not doing anything.

(Laughter.)

MR. THOMAS: Okay.

MS. GARZA: Call for the
question.

1 MR. THOMAS: Somebody move that
we moved --
2 Okay, all those in favor, say
"aye."

3 COUNCIL MEMBERS: Aye.

4 MR. THOMAS: I'm not going to
5 take any action, I'm not going to vote.
All those opposed, say "no."
6 Okay. No action is taken.
Okay. We're going to recess and
7 address our appetite for lunch. Until
12:12. We're going to have a 12-minute
8 lunch break.

9 A SPEAKER: I'm going to have a
slide show going while you're eating lunch
10 about projects from Angoon this past summer.
Just pictures.

11 MR. THOMAS: Okay. I thought
12 maybe it was a -- something to do with our
legislature or something.
13 Thank you.

14 MR. THOMAS: 1:15.

15 (Lunch break.)

16 MR. THOMAS: It's a couple
minutes more before we call to order, but I
17 have a couple of housekeeping things I have
to go through here.

18 First one being, thank you very
much for the nice birthday card and cake and
19 gift and all the discouraging remarks that
came with it.

20 I was talking to a couple of
hunters this morning, just got back from the
21 Situk River there from out of -- they're
from out of town, and they got here and they
22 borrowed a friend's hunting cabin site on
the Situk, and they got up there last night
23 and so they -- they set up the campsite and
was about ready to call it a night so they
24 can go out early this morning. So, one of
the two guys says while you're finishing up
25 here on the cabin, I'm going to walk up a
little ways behind the campsite and see what

1 the country looks like back here. So, he
2 did that, and he was walking along, walking
3 along, he found a nice trail, and at a point
4 in the trail where it made a turn was an
5 uprooted spruce tree, so the roots were
6 sticking pretty high. As he came around
7 there, he was confronted by a bear, and so
8 they startled each other, so the bear didn't
9 have a chance to charge, so he leaped at
10 this guy, and the guy knowing that he -- had
11 a lever action gun closed his eyes and shot
12 and waited for the bear to finish him off.
13 So, when he realized he was still alive, he
14 looked up and saw the bear running for all
15 it was worth, so, he thought he better go
16 back and tell his partner. He went down in
17 the cabin, told his partner what happened,
18 and the partner says, well, if that ever
19 happens again, you better be ready.

20 So the guy said, yeah, that's a
21 good idea.

22 So, he goes down with the -- by
23 the river's edge and he's -- he practices
24 crouching and loading his gun and shooting
25 up all at the same time so he don't miss
again. So he did this about four times, and
then they hear this thrashing going on back
up in the woods. And they couldn't
understand what could be making all that
racket. So, the both of them decided to go
up so that if something happened one of them
would at least make it out.

17 So, they followed the trail of
18 the earlier person that went up there and
19 came up to the same uprooted tree, and
20 discovered the same bear practicing short
21 leaps.

22 True story.

23 (Laughter.)

24 MR. THOMAS: Okay. Those are my
25 housekeeping ones.

26 Dolly?

27 MS. GARZA: Mr. Chairman, it was
28 explained to us at the beginning of this
29 morning that Lonnie Anderson from Kake has
30 resigned from the Council effective a week
31 or two weeks ago, and personally he is

1 sorely missed at this meeting. He was a
2 good participant in the Council, and we do
3 have a couple of Kake guys here, we're
4 hoping they will take home a letter and a
5 certificate as well as a small appreciation
6 from the Council. I would like to read the
7 letter and the certificate.

8 To Mr. Lonnie Anderson in Kake.
9 The Southeast Regional Advisory Council met
10 in Yakutat during the week of October 15th,
11 2001. Your presence and contributions were
12 greatly missed. Your insights, application
13 of experience, and good humor, have been a
14 constant base on which the Council has
15 depended and benefited from over the years
16 of your membership. The vacancy of your
17 seat on the Council is a vacancy in the
18 heart of the Council. You will be missed.

19 As you move on to other pursuits,
20 its our great hope that you will continue
21 your involvement in the subsistence issues.
22 In appreciation of your service, we offer
23 you the enclosed certificate of
24 appreciation, and small gift from the
25 Council members.

 And this is signed by the entire
Council except for Butch Laiti, who is not
here.

 The certificate of appreciation
is the Southeast Regional Advisory Council
awards this certificate to Lonnie Anderson
in appreciation for all of your years of
heart and soul and commitment to subsistence
rights dated this day, October, 2001, signed
by the Council members.

 If you could come forward, Mike,
and accept these on behalf of Lonnie.

 Thank you.

 MR. THOMAS: Mike, do you have
any emotional response you'd like to share
with us.

 MR. JACKSON: Yes, it's very
appreciated on behalf of Lonnie Anderson.
He's going through a part of his life where
he's retired from civic activity in the
community. He's been the mayor for like the
last 18 years or parts of during that time,
and his wife is -- needs to be close to the

1 doctor, so they're moving to Juneau. He
2 already bought a house there, and she needs
3 to be close to a doctor on -- things that
4 does happen.

5 I know I talked with him during a
6 party we had for him during the change of
7 mayors up there in Kake, and he did say he
8 was resigning off this also. And wanted to
9 be here to tell you guys how much he
10 appreciates being involved in it. It was a
11 very emotional time for him at the time for
12 stepping out of the city civic activity, he
13 said, what he missed most was the activity
14 and interests that went down here at the
15 Council. Again, thank you.

16 (Applause.)

17 MR. THOMAS: Thank you, Dolly,
18 for tending to that. It was very well done,
19 and, Mike, thank you for being available to
20 deliver that to Lonnie for us.

21 Okay. Looking at my agenda we
22 are now dealing with Proposal 27 King
23 salmon, sockeye and coho salmon, Proposal
24 27, Cal.

25 MR. CASIPIT: Thank you,
26 Mr. Chairman. My name is Cal Casipit, and
27 I'm the subsistence fisheries biologist for
28 Alaska region of the Forest Service in
29 Juneau.

30 FP01-27 is -- this is basically
31 going to be a progress report for the
32 Council. As you are aware, you passed a
33 modified seat -- basically, you accepted
34 the -- this proposal last year with some
35 modification in terms of seasons for the
36 three species.

37 What you had recommended and had
38 gone to the Board was chinook salmon season
39 on the Stikine of -- with a season harvest
40 limit of five with a season from June 1
41 through July 20; for sockeye harvest, a
42 season harvest limit of 40 with a season
43 from June 15 to July 1st; and a coho salmon
44 harvest limit of 20 with the season lasting
45 from August 15 to October 1.

46 As I said, you had recommended
47 that to the Board as I just read. The Board

1 took up this proposal. However, they
2 deferred any action on the proposal until
3 the proposed season harvest limits and
4 seasons were coordinated with the Pacific
5 Salmon Commission which basically oversees
6 transboundary river fisheries of which the
7 Stikine is one.

8 As I said, in December 2000, the
9 Board deferred pending this consultation.
10 There has been a series of correspondence
11 since then between the Federal Subsistence
12 Board and the Pacific Salmon Commission. I
13 guess where we are right now is that Federal
14 representatives, that is myself and Bob
15 Larson, are invited to the next
16 transboundary technical committee meeting
17 which will occur in -- November 28th and
18 29th in Whitehorse. We will present the
19 proposal as recommended by the Council to
20 the transboundary technical committee and
21 receive any concerns that they have at that
22 time.

23 A final decision will be made or
24 a decision will be made by the transboundary
25 panels in January or February of 2002. And
26 if you have any specific questions about the
27 process for going through the negotiations
28 on the Pacific Salmon Commission, I'm
29 probably not the right person to ask, and
30 that -- Scott Kelley with Alaska Department
31 of Fish & Game is probably the best person
32 to ask those questions, but I'm not sure
33 he's in the audience right now.

34 MR. THOMAS: Scott Kelley with
35 Alaska Department of Fish & Game.

36 MR. THOMAS: Scott Kelley?

37 MR. CASIPIT: It's my
38 understanding that any -- these proposed
39 subsistence fisheries would be -- according
40 to the State, in my conversations with the
41 State Department of Fish & Game that these
42 proposed fisheries would be considered new
43 fisheries for the purposes of the Pacific
44 Salmon Commission. Now, I realize that
45 during deliberations by this Council that
46 the Council didn't feel that these were new
47 fisheries, that they were actually

1 subsistence fisheries that had been going on
2 since time immemorial.

3 Apparently, the Pacific Salmon
4 Treaty doesn't view those fisheries in the
5 same way. They review them as new
6 fisheries. As a consequence, any new
7 fisheries on these transboundary rivers have
8 to be negotiated between the State of Alaska
9 and -- who represents the United States, and
10 the Canadians.

11 MR. THOMAS: That is disparaging
12 news, disparaging.

13 Dolly?

14 MS. GARZA: So, Mr. Chairman, can
15 we get additional information on when and
16 where that meeting will be? If there's any
17 public notice to it, I'd like to see it. I
18 know it's November 28th, 29th, something
19 like that.

20 MR. CASIPIT: The transboundary
21 technical committee meeting, November 28th
22 and 29th in Whitehorse at DFO's office. I'm
23 not sure where that is in Whitehorse.

24 MS. GARZA: And could you give me
25 a little bit of background on what happens
if somebody goes to a transboundary
committee and how it goes from there to the
actual Commission, an idea of time line, if
you know, and I don't know Rob, if you need
to step up also or if Cal can do it all.

MR. CASIPIT: It is my
understanding that this transboundary
technical committee meeting in Whitehorse
that it's simply an opportunity for the
Federal program to present the
recommendation as approved by this Council
to the transboundary technical committee,
and receive any concerns that they may have
with that recommendation. I'm not sure what
we would do with them once we got them, and
then the final decision from the panels
would be in January and February of 2002.

MR. THOMAS: At least to that
point it seems apparent that we won't be in

1 a posture to forward this for any immediate
2 action in this cycle so I'm wondering if it
3 would be wise for us to wait until at least
4 after this meeting in Whitehorse and maybe
5 get some better direction there rather than
6 doing something different to ruin any
7 opportunity that we might have with regards
8 to this proposal.

9
10 MR. CASIPIT: Robert just told me
11 it's actually the Commission that makes a
12 decision and they get a recommendation from
13 their panel, and the Commission meets in
14 March. I was wrong. The Pacific Salmon
15 Commission which, I guess is the big final
16 decision maker.

17
18 MS. GARZA: Mr. Chairman, I have
19 known Alaska Commissioner Christine Hunt and
20 then my husband now is on the Pacific Salmon
21 Commission as a game commissioner, and the
22 point that they have both made is that they
23 are surprised that they don't have more
24 Alaska Natives at the meetings, that they
25 don't hear anything about Alaska Natives
26 subsistence meetings, so if we had a meeting
27 in Whitehorse, it would be good if we had
28 somebody from this Council at that meeting
29 and possibly someone at this Council at the
30 full commission meeting, if not, at least
31 correspondence directly from this Council to
32 the panel or to the Commission. Because I
33 think we have been a silent voice, and I
34 know with Pacific Salmon Commission that the
35 Native voices in Canada, the Native voices
36 in Washington are much, much, louder --

37
38 MR. THOMAS: We'll take that
39 consideration up as a Council at another
40 time. It's a good idea and it's good
41 information, Dolly. We thank you for
42 sharing that with us.

43 My Native representation has been
44 Cal all this time, so....

45 It's as good as we can do.

46
47 MR. CASIPIT: Thank you,
48 Mr. Chairman, for your confidence. However,
49 during the negotiations for negotiating any
50 new fishery, it's a negotiation we do in the

1 Canadians and the U.S. for the northern
2 areas. It's my understanding that the U.S.
3 negotiations are handled by Alaska
4 Department of Fish & Game. It's Alaska
5 Department of Fish & Game that actually will
6 be responsible for negotiating these
7 fisheries, and not us. We're there just to
8 provide information and I guess --

9 MR. THOMAS: I want to make an
10 attempt at streamlining the process because
11 I'm going to approach the leadership of the
12 Commission to appoint a committee of two,
13 one being Mr. Simpson from British Columbia
14 and the other one being Ms. Garza from
15 Alaska and see if we can come to a faster
16 resolution in our favor.

17 Not Simpson -- Jones, Russ --
18 Russ Jones.

19 MS. GARZA: I do have a question
20 in terms of that process, then. We have a
21 question of a new fishery -- whether or not
22 it's a new fishery or an ongoing activity,
23 but if Fish & Game separate from the Federal
24 Subsistence Board and the Federal Advisory
25 Council process, if Fish & Game has no
26 interest in supporting a new subsistence
27 fishery to this transboundary panel, then
28 are we basically screwed?

29 If a request is going forward to
30 that panel regardless of the U.S. action,
31 will that request still go forward to the
32 Commission? Or is the only thing that comes
33 out of the panel the recommendations?

34 MR. CASIPIT: I'm not -- again,
35 as far as the process goes, I'm probably not
36 the right person to be asking this, but it
37 is my understanding that this proposal is
38 already on the agenda for the transboundary
39 panel meetings for January and February.
40 This issue is already on that agenda. We've
41 been asked, Robert and I have been asked to
42 make a presentation to the transboundary
43 technical Committee in Whitehorse.

44 MS. GARZA: Let me ask anybody in
45 the audience who has ever been to a panel
46 meeting, the Northern Transboundary Panel,

1 earlier, and it's a chinook salmon season of
2 June 1 to July 20 with a season harvest
3 limit of five; for sockeye salmon a season
4 of June 15 to July 31 with a season limit
5 harvest of 40; for coho salmon, a season
6 from July 15 to October 1 with a season
7 harvest limit of 20.

8 That's what I will be presenting
9 to the transboundary technical committee.

10 MS. GARZA: Do you know if the
11 Tribal representative from Alaska is Andy
12 Abone?

13 MR. CASIPIT: Ben is nodding his
14 head yes.

15 MR. VAN ALEN: He has been. I
16 haven't followed it.

17 MS. GARZA: So, then, the need is
18 to support this proposal, if that's our
19 intent?

20 MR. CASIPIT: The Council did
21 support that modified proposal as just read.
22 The Board at its December 2000 meeting
23 deferred on it because of the -- you know,
24 the treaty implications. But what I'm
25 presenting is what the Council is
recommending.

MS. GARZA: So, then, this
proposal here is basically for information
only since we already supported it?

MR. CASIPIT: This is basically a
progress report for the Council to let you
all know where we're at and it's taken us a
year to get to this point. Bill, what's the
action, though, to defer? I'm just
wondering if that's appropriate for us to
defer it until we can -- you know, get
enough information to where we can put forth
a representation with the necessary
justifications and such.

24 Dolly?

25 MS. GARZA: Mr. Chairman, I would
move that the Council continue to support

1 FP01-27 and ask that it be taken to the
2 transboundary panel of the Pacific Salmon
Commission, and that we be reported on the
3 results of the panel deliberation.

4 MR. THOMAS: You heard the
motion. Is there a second?

5 MR. MARTIN: Seconded.

6 MR. THOMAS: Moved and seconded.
Discussion?

7 MS. WILSON: Question.

8 MR. THOMAS: Question has been
9 called. All those in favor, say "aye."

10 COUNCIL MEMBERS: Aye.

11 MR. THOMAS: Those opposed, same
sign.

12 Motion carries.

13 MS. GARZA: Mr. Chairman?

14 MR. THOMAS: Dolly?

15 MS. GARZA: Just a final too --
Russ Jones, who was recently appointed by
16 the Commission, will be here on Friday at
noon. If we're still meeting, we can make
17 him sit there and tell him everything all
over, make sure we have -- we are aware of
18 that.

19 MR. THOMAS: The Chairman has a
favor to ask of the Vice Chair. Since
20 Mr. Jones will be looking for one, I look
for a public apology for calling him
21 Mr. Simpson. Mr. Jones will be in town.

22 MS. GARZA: Call for the question
on the motion.

23 MR. THOMAS: Question is call --
We already voted.

24 We're going to call the question
on the next one just in case.

25 The next one is what, 30?

1 MR. CASIPIT: Yes, FP01-30 is a
2 deferred proposal from last year. This
3 proposal came from the Organized Village of
4 Kake and the City of Kake to restrict
5 harvests of steelhead trout in Hamilton Bay
6 River and Kadake Bay River to Federally
7 qualified subsistence users only.

8 Staff presented an analysis to
9 this -- to the Council last year in
10 Hydaburg. The action on the Council was --
11 action by the Council was deferred until
12 additional stock assessment information was
13 available on steelhead in these two rivers.
14 At the time, there was a fiscal year 2001FIS
15 project that was thought to be -- that was
16 thought to be in operation through this
17 year, and that that would provide some
18 information to the Council on stock status.
19 However, that particular FIS study was not
20 supported and not -- was not approved by
21 either the Council or the Board back in
22 February when the Council met to discuss
23 stock assessment project, FIS projects.

24 So, this proposal is back before
25 you with no more information than you had
last year. And, you know, it's open for the
Council to decide what they want to do with
it now.

With that, I'll be happy to
answer any questions.

MR. THOMAS: Questions, anybody
have any questions?

MS. GARZA: So, how is no more
information available different than what
Fred just handed out to us, regulatory
history of stock status of trout and
steelhead in Southeast Alaska?

MR. CLARK: That was a piece of
information that was given to me just a
little bit ago by Alaska Department of Fish
& Game. I'm not sure if it was in
particular reference to this proposal or to
other ones further down on the docket.

If someone from the State would
like to comment on that, they'd be welcome
to.

1 MR. BROOKOVER: Mr. Chair,
2 members of the Council, my name is Tom
3 Brookover with the Alaska Department of Fish
4 & Game. We provided this paper primarily
5 for some background information for later
6 proposals, proposals that deal with Prince
7 of Wales steelhead and cutthroat trout
8 region wide. There's information in -- in
9 this that affects those areas. There's not
10 a lot of information that pertains
11 particularly to the Hamilton and Kadake
12 proposal that was deferred last year. About
13 the new information I think we would have
14 for those two systems would be the year 2000
15 sport harvest estimates for the Petersburg
16 area as a whole.

9 MS. GARZA: I asked him to repeat
10 that.

11 MR. BROOKOVER: The only new
12 information we would have this year that we
13 didn't have at last year's Regional Council
14 meeting would be the sports harvest
15 estimates for the Petersburg area. The
16 sport harvest isn't in this packet. There
17 is mention of the regionwide harvest but not
18 the Petersburg area.

15 MR. THOMAS: Any question from
16 the Council?

17 Does the State have any further
18 comments to offer on this proposal?

18 MR. BROOKOVER: Mr. Chair,
19 members of the Council, our only comment
20 would be that it remains the same as last
21 year.

21 MR. THOMAS: Thank you.

22 MS. WILSON: Mr. Chairman?

23 MR. THOMAS: Marilyn?

24 MS. WILSON: Have a question on
25 the count of page 21 of our big booklet. It
has the year of index count. I don't even
know what that means, 2,000 -- oh, year
2000, okay. Number of reds and the number

1 of adult steelhead is 138, and the year
2 before that in 1999 is 14. So, that's a big
3 difference in counting in the amount of
4 steelhead. And this paper we just got
5 mentioned that steelheads don't lay very
6 many eggs at one time, and that they become
7 adults within seven years, is it -- I just
8 glanced at it, so....

9 I was wondering why the
10 difference in count, Bill, in the number of
11 fish?

12 MR. THOMAS: Cal?

13 MR. CASIPIT: Thank you, Mr.
14 Chairman, Ms. Wilson. Those numbers that
15 appear in those columns on page 21, those
16 are basically -- you know a biologist walks
17 up to the stream and counts the number of
18 steelhead that he sees as he walks up the
19 stream. There's all kinds of variability
20 with doing that. There may have been a big
21 storm or a big freshet the night before,
22 there's a bunch of silt or mud in the water,
23 you can't see very much. It depends on flow
24 and water conditions, and, you know, these
25 are -- we -- were just the best estimates of
the Forest Service biologists when they made
these counts. I'm not sure that looking at
the numbers you can find anything as far as
a trend in the population or anything like
that.

I think probably what -- maybe
what's more important is the number of redds
that were observed because the nests that
were dug, those are easier -- easier to
count and they don't move around like fish
do.

MS. WILSON: Mr. Chairman?

MR. THOMAS: Marilyn?

MS. WILSON: Would you say
counting the number of redds, what is redds?
I don't know what --

MR. CASIPIT: Those are the nests
that the female builds to put her eggs in.

1 MR. THOMAS: Okay. Are there
2 other agency comments?
3 Public comments, Mike Jackson?

4 MS. GARZA: Also, I need to see
5 visually where this is.

6 MR. THOMAS: It's six miles south
7 of the municipality of Kake.
8 Tell her where it's at, Mike.

9 MR. JACKSON: Shall I show you on
10 the map or do you have it there?
11 Okay, Mr. Chairman?

12 MR. THOMAS: Yes, go ahead, Mike.

13 MR. JACKSON: Thank you. Just
14 to -- for the Council's information, as I
15 was looking back on our -- my three days
16 here, two-and-a-half days here. I answered
17 a question in regards to your comment on how
18 the government-to-government talks and
19 deliberations have gone between the
20 different agencies, and I have found and
21 have seen here the interaction between your
22 Council, the staff members, and the ADF&G
23 people that do come up, and public comment,
24 meaning Tribes. And if we refer back to
25 your question about government-to-government
deliberations, then it might be something
small in your protocol in regard to how you
call upon the Tribal governments to give
comments here that the Tribal governments
are present in regard to staff people, like
myself, and that if we're going to be
talking to government-to-government issues
and what I see of IRA constitutions and
traditional Council constitutions, then that
could be maybe your staff could look at upon
us as a government and call for Tribal
government comments, because based upon what
the subsistence Council is about, it's
directly about us, about the primary users
of the Tongass National Forest for the
Southeast region. That's just one comment I
thought I'd give you for your consideration
on calling upon not just public comment, but
the Tribal government's comment on our
opinion on things that are taken up here.

1 So, with that, to make things
2 real short, I'd like to ditto everything
3 that I said on the sockeye streams this
4 morning.

5 MR. THOMAS: Can you tell us what
6 they were again?

7 (Laughter.)

8 MR. JACKSON: Okay I got them
9 right here --

10 MR. THOMAS: Not from the text --

11 MR. JACKSON: Right from the
12 head. What I said about our customary and
13 traditional use of my uncle's words to
14 say -- Skaan Johnson -- we cost -- what my
15 brother here, Bert, says, it encompasses a
16 lot of things that we're talking about here,
17 respect, respecting one another, but also
18 the things that Kakolonkul (ph.) has given
19 us, or Salona (ph). With that, I want to
20 make it short that there has no studies
21 within done on this except our personal
22 observation on these two rivers, and our
23 competition with fly fishermen on those
24 rivers.

25 So, if you have any questions,
I'd like to respond to them, if not, any
comments?

MS. GARZA: Mr. Jackson, I'm
looking at the draft staff analysis, and on
page 16 the draft staff analysis, which is
page 20 in our book on regulatory history,
it says that there is no designated,
established subsistence season for steelhead
in either of these river systems. I find
that quite surprising considering that both
of them are quite close to Kake.

So, is it -- am I to understand
that the harvests that either, one, you guys
don't take any steelhead, or two, that all
of your take is under state sports?

MR. JACKSON: You know, we've
never recognized any kind of regulation on
these streams, I don't know if the State has

1 either because of the amount of people that
2 fly into Kadake Bay. Patty Grantham, the
3 district ranger out of Petersburg, approved
4 a fishing and hunting license platform to be
5 put up in the Hamilton Bay area if you knew
6 that area. The people got up in arms about
7 it because that's the customary and
8 traditional use. They said it's an
9 infringement on the steelhead, because
10 steelhead is kind of sacred to us. It kind
11 of marks the springtime of the beginning of
12 the salmon. They call it trout here, about
13 our boillfish, the first one caught and we
14 take our grandchildren and our nephews down
15 there to do that. They share it with the
16 first Elder they do give it to. We do have
17 a spring fisheries and a fall. They're
18 coming into these two rivers today. Some of
19 my brothers are up there fishing.

20 MR. MARTIN: Mr. Chairman?

21 MR. THOMAS: Just a minute. Give
22 the Chairman a chance to talk here once in a
23 while. One thing about the Chairman, he has
24 the license to use the floor all day.

25 Seriously, Mike's -- Mike's
26 comments here as regarded to us as having as
27 documented evidence, that's one of the --
28 one of the charges we've had in dealing with
29 TEK, and it was wise that he -- TEK was
30 considered and it's probably the most wise
31 in fisheries management, not just in
32 Southeast, but any place. Because the
33 people that spend their life on the systems
34 have much more hands-on knowledge than
35 people that visit or learned about the
36 systems at Stanford. I say this only to
37 give more credit where credit is due in
38 dealing with the advantages of local
39 knowledge. Before Western science found its
40 way to managing resources here, everything
41 was done by instinct and there was no money
42 involved. There were no budgets to manage
43 these resources. Now, without appropriate
44 budgets there's no appropriate management.
45 If the -- if they give you more money for
46 management, they get a bigger staff. They
47 cut back on the budget, they cut the whole
48 program. So, that's the instability that we

1 have to deal with. With TEK, we don't have
2 that to worry about. TEK is there whether
3 there's money or not, and the resource is
4 there whether there's money or not. And we
5 are the only advocates for the health --
6 maintaining the health of any stock that we
7 reference in our meetings. So, I say that
8 so that we don't feel timed by being
9 confronted. Well, there isn't substantial
10 evidence. There is substantial evidence,
11 and we're going to make sure that the
12 evidence is ready for presentation.

13 Any other questions from the
14 Council?

15 Harold?

16 MR. MARTIN: Thank you, Mr.
17 Chairman. In response to established
18 subsistence seasons, I'm not sure what they
19 recognize as a subsistence fishery, but as
20 far as established subsistence season, I
21 remember as a little boy growing up in Kake,
22 I used to go to the three creeks with my
23 dad, Portage -- Portage Creek, Hamilton
24 Creek, and Kadake Creek. These are creeks.
25 I equate rivers with Taku River, Chilkoot
River. We're talking about creeks here; not
rivers. In those days we caught them with a
gaff hook, and we did this in March and
April. That's as far as our season went.

Now, you look at this it says the
fly fishing season is open all year around,
and this is what we referred to as --
self-limitation. We take what we need when
we need it. We go on to the next season,
next fisheries that come along. I just
wanted to make that point, Mr. Chairman.

MR. THOMAS: Thank you.

MR. LITTLEFIELD: Mr. Chairman?

MR. THOMAS: John?

MR. LITTLEFIELD: Thank you,
Mr. Chairman. I have a question for Mike.
That's one of the things we talked about
earlier was whether there was an opportunity
for you to continue the uses to which you've
been customarily and traditionally doing.

1 And do you feel that there are restrictions
2 on that opportunity for you at this time on
3 both of those systems? If you could talk to
4 that --

5 MR. JACKSON: Thank you, Mr.
6 Chairman. Mr. Littlefield, yes, there is a
7 restriction. Right where one of the creeks
8 branches off the main Kadake Creek comes
9 into and around near the tidal flats, the
10 Forest Service, put a cabin in there in the
11 1960s. And on that wall you'll see sports
12 fishermen's comments about the amount of
13 fish -- the steelhead caught on those walls.
14 And it's a living history there. You can go
15 up and look at what the cohos -- the amount
16 of cohos they caught.

17 What surprised me was when I was
18 there fishing, I saw a friend of mine that
19 was a commercial flyer for Alaska Airlines
20 now, he used to fly for Alaska Coastal Ellis
21 Airlines and he was just about retiring, and
22 he was up there with his friends from down
23 south and other people that fly for Alaska
24 Airlines. Their friend flew them out of
25 Juneau on the plane, right up to the cabin,
put them there with these small electric
refrigerator boxes, freezer boxes -- they
had five of them filled with steelhead.
Now, it's self-regulatory, open season and
anything goes on there what I saw of it with
Budweiser cans spread all over the place.
To me that's a direct insult, and he's no
longer my friend of the way he treated the
resource.

There's lodges built in Kake,
just like here. We respect the people to
make money on the resources, when it limits
the resource -- subsistence resources. I
think it's a direct conflict of getting
shoulder to shoulder on getting the limited
resources we have there. All we know is we
got what we needed there as fresh fish to
keep the Elders happy on boiled fish for us.
So, there is that competition. Again, with
the Forest Service permitting sport and
hunting platforms to be used as -- by
charter outfits to have their clients go out
and compete with us in these areas. There's
a conflict.

1 Thank you.

2 MS. WILSON: Mr. Chairman?

3 MR. THOMAS: Marilyn?

4 MS. WILSON: I seem to remember
5 years ago down in the Prince of Wales Island
6 there was trouble with deer and we
7 recommended that the people outside of
8 Prince of Wales not come in to hunt deer
9 anymore, and we all got in a hot seat by
10 people calling us up at our homes from
11 Ketchikan. I think it was one of the
12 lawyers. That's when we cut the other user
13 group out, and I'm wondering if there could
14 be a better system of regulating these
15 sports and commercial fisheries before we go
16 cutting it out.

17 MR. JACKSON: Maybe from a
18 biological standpoint, maybe one of my
19 brothers back here with his degree in fish
20 and game and the management of them, maybe
21 we can work together on those numbers to
22 come up -- to possibly mitigate that issue
23 about knowing how much there are and
24 possibly the openings again. But that would
25 be probably another subject on how we might
be able to better manage the steelhead
population and concerns.

MR. THOMAS: John?

MR. LITTLEFIELD: Thank you,
Mr. Chairman. Mr. Jackson, have you had a
chance to look at Proposal 35 in this book?
It follows the next one.

Specifically, what I'm looking to
is the recommended language that the staff
recommended, and what I'd like you to do is
consider that language as -- whether it
would be acceptable or not for application
to steelhead on these systems?

That's on page 21.

MR. JACKSON: Yes, I'm looking at
that. I don't know if there would be no
closed season, the daily harvest issue. I
know we really didn't take very much

1 steelhead out of each by number, and it
2 would be something that maybe would be --
3 we'd be considering if we can look into this
4 a little closer.

5 MR. THOMAS: There's something I
6 want to point out before we get a long ways
7 in our deliberation. I moved ahead and I
8 got to the preliminary conclusion and the
9 justification. Preliminary conclusion to
10 oppose the proposal, further recommended as
11 stock and harvest assessment program.
12 Justification: ADF&G estimates and the
13 limited information collected by the Forest
14 Service do not support restriction of these
15 fisheries to subsistence users at this time.
16 Limited information supplied by the ADF&G
17 indicates that there is no significant sport
18 harvest of steelhead in these systems.

19 Limiting harvest to subsistence
20 users would have little or no effect on
21 steelhead trout availability and on
22 subsistence opportunities. A stock
23 assessment program needs to be implemented
24 so the adequate escapement goals and harvest
25 guidelines can be developed to meet the
26 needs of subsistence and other users. Then
27 it refers to FP2001-23 which is going to be
28 coming up at least for discussion. But the
29 justification makes reference to the limited
30 information.

31 As far as I'm concerned, the
32 information we got this morning wasn't
33 limited at all. It sounds like --

34 It sounds like systems that need
35 more responsible attention than what they've
36 been getting so, I don't agree with that
37 justification from this point. Last year I
38 probably could have, but this year I don't.

39 John?

40 MR. LITTLEFIELD: I thank you,
41 Mr. Chairman Mike. I'm sorry for kind of
42 putting you on the spot there, but I looked
43 at your regulation as it was actually
44 proposed by OVK and it asked that Hamilton
45 Bay River and Kadake River are closed to
46 steelhead except by Federally qualified
47 subsistence users. And the reason I
48 referred you to 35, there will be quite a

1 few more proposals in which that same
2 language was requested or similar type. And
3 staff's response was, No. 1, we have no
4 subsistence fishery there. You're asking us
5 to establish that. And the way they did
6 that was that you may only harvest if you'll
7 put in just like steelhead in Hamilton and
8 Kadake. I want you to kind of paraphrase
9 that under Federal jurisdiction, under the
10 terms of a Federal subsistence fishing
11 permit. There is no closed season. I don't
12 want you to talk about limits. Obviously,
13 these limits are not the same. Would the
14 intent of language like that be
15 satisfactory? That's what I was trying to
16 get, because if this does come up for
17 discussion, and it's amended or something
18 else, we need to have some information from
19 you.

20 MR. JACKSON: I think that would
21 be acceptable to OVK.

22 MR. THOMAS: Questions?
23 Thank you, Mike.

24 MR. JACKSON: Gun nux cheesh.

25 MR. THOMAS: Okay. What's the
wishes -- where are we at -- now we're to
Regional Council deliberation and
recommendations.

What's the wish of the Council?

MS. GARZA: Take a five-minute
break.

MR. THOMAS: Five-minute break is
the recommendation of the Council.

(Break.)

MR. THOMAS: Okay. We've
finished all of our reports and persons to
be heard on Proposal No. 30. This was a
proposal that was diverted from last year's
meeting, and we considered more information
this time than we had in the past, and so
it's now the property of the Advisory
Council, and we need to dispose of it, so

1 what's the wish of the Council?
 John?

2
 MR. LITTLEFIELD: Mr. Chair, I
3 would like to move that we postpone the
4 discussion on Proposal FP01-30 until after
 the discussions on Proposal 35 take place.

5 MR. MARTIN: Second the motion.

6 MR. THOMAS: There's a second to
7 that. On the discussion, could you explain
 to us the reason?

8 MR. LITTLEFIELD: Thank you,
9 Mr. Chairman. Some of this language in here
10 mimics the language that was originally
11 asked in 35 and other proposals. In other
12 words, restricting to Federally qualified
13 subsistence users. I believe it's important
14 to have that discussion prior to acting on
 this so that we air all the issues of what
 that means and what that is asking for as
 well as additionally establishing
 Southeast-wide proposals or fisheries, as
 opposed to a single system.

15 MR. THOMAS: Was there any
16 objection to the deferral?
 Hearing none, we'll defer.
 That brings us now to Proposal
17 35.

18 John? We got to hear somebody
19 introduce it.

20 No, right now -- we went from 30
21 to 35 right now. That's where we're at.

22 MS. GARZA: So, Mr. Chairman,
23 just a short clarification, so what happened
24 to 23?

25 MR. THOMAS: We don't have 23.
 30, it was felt by some of the
 Council members that the discussion,
 deliberations that occur in Resolutions 35
 will also reflect its implications on
 Proposal 30. And so that's where we're at
 now, just -- the intent of this is to kind
 of streamline the action and deliberations.
 Bert? You're not done -- gone

1 yet?

2 MR. ADAMS: No, this evening.
3 Mr. Chairman, I think Proposal
4 No. 23 was a proposal that was introduced or
5 submitted by Mr. Glenn Israelson from
6 Yakutat, and this is the same situation on
7 No. 25 and 37 is in, is it was withdrawn.
8 And I think that we need to respect that
9 proposal and consider it here because it was
10 withdrawn by the people up north -- up above
11 us.

12 MR. THOMAS: I understand, but
13 right now we're considering 35.

14 MR. ADAMS: Are we going to come
15 back to 23 somewhere down the line?

16 MR. THOMAS: You just follow my
17 lead.

18 MR. ADAMS: You going to do it
19 before I leave?

20 MR. THOMAS: No.

21 MS. GARZA: I think he's asking
22 that because we did get a letter from
23 Mr. Israelson asking us to --

24 MR. THOMAS: Let's not short cut
25 any corners.

26 MS. GARZA: But not -- proposal
27 up is 23.

28 MR. THOMAS: After 35.

29 MS. GARZA: So, we're just asking
30 about the order.

31 MR. THOMAS: But there was a
32 motion made to defer 30 until when we deal
33 with 35. That's where we're at.

34 MR. LITTLEFIELD: Mr. Chair, 35
35 could come up at any time, and I have
36 absolutely no objection to considering 23 at
37 this time.

1

MR. THOMAS: Is 23 the wishes of
the Council at this point?

2

3

Okay. So now we're at 23 instead
of 35.

4

MR. CLARK: Mr. Chairman, we have
copies of the Proposal 23 analysis being
delivered to the hall. They're not in your
booklet. So, those are being delivered.
So, if you want a chance to have those at
your fingertips so perhaps even have a
chance to review those, then it would be
best to defer 23 for a little while.

5

6

7

8

MR. THOMAS: Bert?

9

MR. ADAMS: Mr. Chairman, I
concur with that, and move that we put that
23 on the agenda somewhere down the line.

10

11

MR. LITTLEFIELD: I second.

12

MR. THOMAS: Okay.

13

After hearing all that, what does
the Council want to do?

14

MS. GARZA: 35.

15

MR. THOMAS: The Chair is mad now
and is going to 37.

16

17

(Laughter.)

18

MR. THOMAS: 35, no objections?
Marilyn, is 35 okay?

19

MS. WILSON: Great.

20

MR. THOMAS: All right.
That-a-girl.

21

Okay. Would somebody introduce
us to 35. Oh, you even got it up on the
wall.

22

23

MR. VAN ALLEN: This is Ben Van
Allen with the Forest Service doing the staff
analysis on 35. We're starting off with 35
because it's kind of an all-encompassing
proposal that if adopted would -- would

24

25

1 govern the subsistence harvest of coho
2 that's in existing regulations in areas
3 3(A), 3(B), and (C) on Prince of Wales
4 Island as well as in the Proposals No. 24
5 and 26 governing harvest of coho in District
6 13, and in District 14, and also govern the
7 harvest of coho in the whole suite of
8 proposals -- regulatory proposals before
9 you, 26 through 33.

10 It also affects what's before you
11 in Proposals 38 and 39. So it's kind of
12 a -- I guess it's probably more efficient to
13 discuss this one at the present time, right
14 off the bat because it will certainly carry
15 importance in knowing how in-depth we would
16 need to go if at all in all these other
17 proposals, at least dealing with coho.

18 So, I did put this -- oops. I
19 guess I got a few lines there.

20 I put this on this screen in
21 power point and provided, I guess what might
22 be an executive summary that I'm looking --
23 working from on the screen in front of me
24 and what was handed out just to help us
25 along, try to boil down the -- what the
proponents are looking forward to -- am I
way off the screen --

MR. THOMAS: Thank you, Fred.

MR. CLARK: You don't need to see
this.

MR. THOMAS: Us and the gallery
appreciate that.

MR. VAN ALLEN: A chief concern
expressed is an increased guided and
nonguided sport fishery. The concern is
expressed in the harvest reporting accuracy.
That there's some displacement of
subsistence users in the areas they're used
to fishing. That there are, indeed, some
conservation concerns regarding harvest or
overharvest of coho in some of these
streams. I might have also put in there
that there's some enforcement concerns,
maybe enforcement of how harvest limits and
whatnot are regulated or enforced.

Another main concern is increased

1 access and harvest limits of coho. So,
2 right now, a Federal subsistence user must
3 harvest their coho under -- by purchasing a
4 State sport fishing license and fish under
5 the State sport fishing regulations.

6 And they desire -- Federal
7 management is one item that was fairly clear
8 in talking with the proponent as well as
9 listening at the various comments.

10 They seek to do their subsistence
11 fishing safely and efficiently, as few trips
12 and most efficiently as they could harvest
13 them, being able to go when the weather
14 window is best, those kinds of things.

15 Actually, in their proposal,
16 they're proposing -- basically providing us
17 with a number. This is what we'd like to
18 harvest in a given day, as well as for the
19 household limit. They're providing an
20 actual number which is -- I guess, is yet
21 another way to get at kind of what the -- a
22 little bit at what the pattern of use is or
23 what the need is. I point out like a
24 household harvest survey to try to estimate
25 the number. Here's another way a number
comes to us and that's by the proponents
saying this is what is a reasonable number
for a household to need for coho for a
season for a year.

16 An analogy was brought forward
17 that they wanted these harvest limits to be
18 roughly at part with what a family of four
19 could harvest sport fishing. I don't know
20 if that relates directly to a subsistence
21 priority or a fairness or whatever, but that
22 was an issue, a complaint that was brought
23 forward.

24 They're also very adamant about
25 seeking funding for basic stock assessment
management programs. So, the issues -- and
I would say this -- these are issues by
all -- it would be by the users and by the
Council members, by Department of Fish &
Game biologists, Forest Service folks,
everybody. We want our coho stocks to stay
healthy. We generally can make the
observation that whatever the current
management pattern and the harvest pattern
is here in the '70s, '80, and '90s, 2000s
now. Something is working because any way

1 we look at coho production in Southeast and
2 even down to individual areas we're
3 literally at historical high levels of
4 abundance, the variations in -- variations
5 in returns are there depending on natural
6 variations in survival, and in the few
7 research studies that are out there are that
8 the spawning levels are fully seeding
9 available spawning habitat, and that we
10 really are in a fairly healthy situation for
11 coho.

12 There is concern by all parties
13 of -- if there is, then it's well-regulated,
14 that being the guided, nonguided sport
15 charter operations. I guess, I know I come
16 to this position working with commercial
17 fishery division and I know that the battles
18 were hot and heavy there in the early,
19 mid-'70s while limited entry was being
20 debated and put into place, and that's what
21 we've had since the mid-'70s with all the
22 commercial gear groups anyway basically
23 sharing a piece of the pie, the harvestable
24 surplus along with the sport and subsistence
25 users, and the only segment, I'd say, of the
26 industry right now that has its continual
27 growth to it would be the sport and sport
28 charter industry, and when it's small in
29 relation to other or in relation to any run,
30 it isn't of great concern, but when the
31 effort is directed at individual streams
32 which are commonly fished by subsistence
33 users, that raises a concern. Also, in any
34 year that we might have low abundances. In
35 this case, a coho due to just natural
36 events, you know, it would be more of a
37 concern if a larger share of the available
38 harvest is going to the sport, guided
39 charter operation. So, anyway, there's a
40 general concern that we would all share on
41 that.

42 This growth of the industry is,
43 just like I say, is affecting the allocation
44 of the other users among the users,
45 displacement, physical displacement from the
46 fishing sites and whatnot. Also, it's
47 clearly driven by -- there's a niche there,
48 economic niche for that industry, and
49 it's -- you know, a viable one in the
50 region, and just -- so, again, it's how do

1 we moderate and regulate the guides sport.

2 There's also concern that guided
3 sport operations could easily concentrate
4 their harvest effort in a particular stream
5 or -- and overfish that one stream. And so,
6 I'm, you know, pleased with the great
7 distribution of production we have amongst
8 the thousands of streams in the region, and
9 it isn't any one stream that I would be
10 comfortable with writing off or allowing
11 overharvesting. We want to maintain this
12 wide distribution of production; and, again,
13 I guess it relates back to the current
14 pattern of harvest. There's minimal
15 subsistence harvest of coho, minimal sport
16 basically -- most of the commercial harvest
17 of coho, and it's in the millions. This
18 year was right up there with one of the near
19 historical high harvest years, but most of
20 that harvest occurs in -- in areas of where
21 the stocks are highly mixed, and the risk of
22 overfishing any individual run is really
23 minimized due to the distance from the
24 stream that the harvest occurs and the
25 length of the season, relatively low
exploitation rates spread out over a long
several months.

So, there's no risk to
overfishing in the current management
approach as long as we're generally
responsive to overall run strengths.

And it was mentioned earlier
about the harvest reporting, timeliness, and
accuracy of that is a concern, an issue.

We all want appropriate and
effective subsistence regulations; and, of
course, we want funding for basic stock
assessment and management, so we have a
basis for making those management decisions.

So, the questions we have before
us are: Are subsistence needs, indeed, are
they not being met? Is the State sport fish
six coho a day harvest limit; is it
inadequate?

So, what are the subsistence
needs for coho in this case?

Are the sport charter concerns,
are they real or perceived? Is the industry
really growing at such a rate and is it at
such a level now to really be a problem?

1 The conservation concerns, are there really
2 problems with stock health in individual
streams or certain locations?

And these are valid questions.

3 So, we get to the dilemma we face
4 here with coho, is that coho are a customary
and traditional subsistence species
5 recognized, the Federal Government has a C
and T determination for coho in the region.
6 The State does not have a customary and
traditional determination for coho in
7 Southeast except in one location. And our
regulations, our Federal regulations require
8 that we have a permit to harvest coho, but
no permits are given.

We don't issue permits for
9 harvesting coho except for the actions last
year, I believe for areas 3A, B, and C,
10 Prince of Wales.

So, right now we're in a
11 situation where subsistence users outside of
3A, B, and C meet their subsistence needs,
12 harvesting under state sport fish regs, or
they retain coho from the commercial
13 harvests. If they are a commercial fisher
or know somebody, or they might harvest them
14 in the streams like maybe they always have,
which, in fact, is illegal. We don't want
15 that. So we have to work on a regulation
that's effective that doesn't put somebody
16 in that situation.

So, the proponent proposes
17 closing the sport fishing for coho in
freshwater. That's basically what the words
18 mean. They only want to allow Federally
qualified subsistence users to harvest these
19 coho on a Federal permit; that there will be
no closed season, that the household
20 harvests limits are 20 a day, and 40 a year,
that you could use dip nets, spears, gaffs,
21 as well as rod and reel, like you could
under sport fish regulations, and it's okay
22 to use bait from the 15th of September to
the 30th of November.

23 These harvest limits -- they're
proposing, particularly in the Proposals 24
24 and 26, referring to Districts 13 and 14,
they propose harvest limits that are tied to
25 abundance of cohos in individual streams.
That's actually a great idea. It's commonly

1 referred to as abundance-based management,
2 the more fish you -- it's a more fish more
3 time thing.

4 On this Proposal 35 that we're
5 talking about, it mentions that regulatory
6 agencies, I guess, specifically, the Forest
7 Service would review run information for
8 individual streams and have that option
9 available to them to set different harvest
10 limits for different streams. And the
11 proponent also specifically requests funding
12 for stock assessment and management.

13 So, after reviewing all this, the
14 Forest Service staff is recommending that,
15 yes, indeed, a Federal coho subsistence
16 fishery is established, that we do issue
17 permits. They're required so we'll issue
18 them. The permits would have a harvest
19 reporting feature to them just like State of
20 Alaska subsistence personal use permits
21 have. Report roughly -- or where and when
22 and how many salmon you caught by species
23 and have that mailed in or turned in by a
24 certain date close after the end of the
25 season.

And, again, just like the
proponent suggested, that we not have a
closed season, that household harvest limits
are what they asked for, 20 a day, 40 a
year. The gear is the same as what was
asked for; dip nets spears, gaffs, and use
of bait from 15 of September to 15th of
November. We just shortened that 15th --
they recommended to the 30th of November.
We just made it consistent with the use of
bait that's in place for sport fish
regulations.

We also recommended that stock
assessment management programs are funded as
needed to implement this new regulation, to
extend to the new fishery.

At the same time we're opposing
the closure of Federal lands to
non-Federally qualified subsistence users.

That's cool, I might have to work
off -- where did it go.

Hello. I'm going to have to work
off my cheat sheet here.

Sorry about that. That's really
weird.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. CLARK: Could somebody turn on the lights?

Thanks, Ivan, I probably actually pulled up my wrong file.

Okay. Justification for staff position opposing the closure to non-Federal users. The coho stocks are generally healthy throughout the region. There's certainly concerns that we have in a few locations. It's basically more of a management concern. Some years there's -- I guess, poor returns due to poorer survivals and management actions are taken, but generally the stocks are quite healthy. And so you see throughout the staff analysis that we consider that an unnecessary restriction on non-Federal users.

We recognize that coho are, indeed, a traditional subsistence species. That subsistence take must be legalized, that it's improper for the Federal government, in this case, to require the subsistence harvest of coho be done under a State sport fish regulations, that they'd have to buy a sport fish license and follow those regulations.

Since a permit's required, we need a permit, and we also need a permit so we can help monitor harvests and it's a piece of information, very useful in managing future years' seasons.

Another -- other justifications are the harvest limits, why are we recommending 20 and 40? Basically, it's because that's what the proponents asked for. It's what the user presumably needs. It's reasonable relative to the current status of the stocks, what we think its a historical use to the sport harvest limits that are in place right now, and reflects a recognition, I guess, of the subsistence priority.

Allowing retention of only stock area trout that have been incidentally gaffed or speared is done to address concerns of a high incidental take of those species, the sockeye and steelhead in particular, and that -- having that regulation alleviates the need for a closed

1 season. So, it makes it a little simpler, I
2 think, for the user to know that he can go
out and fish for coho and not worry about a
season date.

3 It also helps distribute the coho
4 escapement through the run. If the season
was only a week long, of course, that would
5 be a fairly potential large impact on the
run, on that timing segment of a run, but
6 since it's able to be fished throughout its
run, I think that has some biological sense
to it.

7 So, it's the impact of such a new
8 fishery or a Federal subsistence fishery for
coho.

9 I'd say it's really -- as I said
right now, it's quite unknown if this would
10 actually increase the harvest -- subsistence
harvest of coho in the region.

11 I don't know if it will increase
targeting of coho, increase the subsistence
12 use of coho. I don't know if it will shift
effort from marine waters into freshwater,
13 into streams for coho, because in our
situation we're talking about Federal lands
14 again, and by and large most of the coho are
caught in marine waters; and, in fact, most
15 are caught in marine waters in fishing under
State sport fish regs.

16 I don't know if it will result in
a shift in effort from sport to subsistence.

17 The need for a new permit means
we need to develop a permit, write up a
18 permit, issue it, retrieve it, and have a
database.

19 This requires the user to record
his harvest and baby-sit this permit and try
20 to return it on time. So that's a
complication.

21 The need for stock assessment of
management programs is certainly there, not
22 in all 3,000 coho-producing streams in the
region, but we need to have a reasonable or
23 improved estimate of escapement, so an
extension of what's already in place. We
24 would certainly need to estimate harvests
and harvest patterns in freshwater in those
25 locations which have the highest intensity
of use, be it from subsistence or
subsistence and sport combined.

1 We need that information to
2 recognize and respond to any stock concerns.
3 We want to do that before we have any
4 conservation problem, before we're in any
5 mode of rebuilding or anything. We want to
6 keep our stocks healthy.

7 And having that information will
8 help us maintain the subsistence priority.

9 So, future refinements, it seemed
10 to be that it would be a push for the Board
11 of Fisheries to authorize this State
12 subsistence harvest of coho throughout
13 Southeast Alaska. Right now they allow
14 subsistence fishing by permit only at
15 Mitchell Bay and Salt Lake, behind Angoon.
16 So, basically, for the State to follow suit
17 and establish a permit system -- subsistence
18 fishery, too, for coho.

19 And then I'd say keep working
20 towards what I call jurisdiction-free
21 cooperative management, and again issue just
22 one permit for subsistence harvesting of
23 coho. It doesn't matter where they're
24 fishing, fresh or marine. Consistent
25 regulations in terms of harvest limits and
seasons and whatnot, and then obviously,
work together with a common assessment of
stock status and the management plan. And
I'm just going to throw this out, probably
work towards something like that if we
had -- I call it a subsistence management
working group of Tribal, Federal, and State
biologists that would meet during the
winter, some off-season time and review
stock assessment management information and
establish these permit conditions that would
be on the next season's subsistence permit.
That same group could recommend projects and
even regulatory proposals, too.

 That's what I have for now.

 Thank you.

MR. THOMAS: Thank you very much,
Mr. Van Alen.

 It was a good presentation.
However, I'm disturbed at the content and
the format of this analysis. In my
interpretation, it's not consistent with the
provisions of Title VIII, Section 1.

 This puts up more challenges to

1 the subsistence community than it does
2 assistance and opportunity for using that
3 resource.

4 I'm not placing any blame. It's
5 an observation. But I want -- that I wanted
6 to share with you. I say this because I've
7 been with this program since it started, and
8 this is too much of an image of what the
9 attitude -- of the attitude of what the
10 Department had put forth for many years
11 without interruption. And I could say -- I
12 might say that that might be inherent to
13 this point. It may take a little time for
14 some of that to wash off, and so I'm taking
15 all that into consideration. So, this is
16 something we've heard for 50 years with
17 everything we've gone after with regards to
18 subsistence opportunities and use.

19 So, the longer you're involved in
20 this, the more you'll understand what I've
21 just said, and I found it interesting on
22 page 3 that there was a reference made to
23 these new fisheries, for lack of a better
24 term to call it. And that was very
25 inappropriate, you see. So, I don't know if
it would be wise for the Council to take
into consideration all of the points and the
aspects that were pointed out -- the
presentation itself was well done, it was
put together good, and you did a good job of
delivering it. But I want to caution the
Council to not use this as a ball and chain
to keep you from moving forward.

So, for an analysis, the analysis
just -- all it did was list concerns. That
part does not constitute a good analysis.
You see? So, with that, I just want to
bring that. Heads up. Thank you again.

Does the Council have any
questions for Mr. Van Alen?

No questions for Mr. Van Alen.

Okay. Thank you very much.

Okay. Department?

23 MR. BROOKOVER: Mr. Chair,
24 members of the Council, my name is Tom
25 Brookover with the Department of Fish &
Game. Essentially we concur with the
Federal staff's conclusion to oppose the
closure to non-Federally qualified users.

1 We feel that the coho salmon abundance in
2 Southeast Alaska is currently high and we
3 don't have any known conservation concerns
4 for the species in the region. And we're
5 neutral with regard to implementing a
6 subsistence fishery for coho under Federal
7 regulations. We have a few additional
8 points we'd like to emphasize. Should the
9 modified proposal and the regulatory
10 language be adopted, first we agree with the
11 Federal staff comments related to the
12 potential risk of overfishing individual
13 small runs of coho, and if subsistence
14 fishing efforts concentrated on smaller
15 stocks and results in additional harvests,
16 then we feel the risk of potentially
17 overharvesting a stock is increased. We
18 agree with the Federal staff comments
19 related to the need for a well designed and
20 user supported permit system. And we feel
21 that the permits should be designed to
22 ensure the harvest by system can be tracked
23 if the permit information indicates that
24 certain systems are subject to consistently
25 high subsistence harvest and effort. Then
we as State and Federal management
biologists need to know so that we can focus
either additional stock assessment work on
those streams or take the fishery
restrictions in various fisheries as
necessary.

We do have some concerns
regarding a year-around season for
subsistence coho. Salmon fisheries should
propose regulatory language be adopted on,
the State's subsistence fisheries have
defined fishing seasons for sockeye, perch,
and chum salmon for most of Southeast Alaska
systems and for coho in the Hasselborg
River, and those are in place to prevent
significant by-catch of species that aren't
targeted and in some cases to allow
protection for some segments of the runs to
meet spawning escapement requirements.

And by allowing fishing for coho
when adults aren't present in the river, the
proposed season provides what we feel is
unnecessary opportunity for incidental
harvest of other species. Our last comment
is that changes to the permit system should

1 be deferred pending findings from Federally
2 funded projects that are now in progress.
3 Those are referenced in our comments in your
4 booklet as the FIS Projects 103, 106, and
5 107.

6 Mr. Chair?

7 MR. THOMAS: Thank you.

8 Now, some of these provisions
9 that you mentioned should be in place prior
10 to a subsistence fishery. Are any regs like
11 that in place now, by the users groups?

12 MR. BROOKOVER: Mr. Chair, there
13 are regulations in places for other user
14 groups. For instance, in the sport fishery
15 there are bag limits, methods and means
16 regulations, possession limits. For the
17 coho fisheries there are regulations in
18 place, State regulations in place for the
19 Hasselborg River, I believe. And there may
20 be others.

21 MR. THOMAS: Is it feasible that
22 those existing regulations can be extended
23 to include the -- the subsistence fisheries?

24 MR. BROOKOVER: Mr. Chair, I
25 think I would call for the help of Scott
Kelley at this point, regional manager,
coordinator for commercial fisheries
division who manages the subsistence
fisheries.

MR. THOMAS: Okay.

MR. KELLEY: Good afternoon,
Mr. Chair -- good afternoon, sir.

MR. THOMAS: Your name is Scott
Kelley?

MR. KELLEY: That's correct. My
name is Scott Kelley. I'm the regional
manager coordinator for sport fisheries
Alaska Department of Fish & Game.

MR. THOMAS: The question I asked
of Tom, I was referencing existing
regulations around the coho for sport and

1 commercial, guided sport, et cetera, and I
2 was just wondering if it is feasible that
3 with those -- the existing language in those
4 regulations could be extended to encompass a
5 subsistence fishery?

6 MR. KELLEY: Mr. Chair, members
7 of the Council, in direct regard to a State
8 subsistence fishery for coho salmon, that
9 would be an Alaska Board of Fisheries issue
10 in the fact that the State is not allowed to
11 issue, with the exception of the Hasselborg
12 River that Mr. Brookover mentioned we're not
13 allowed to issue subsistence permits for
14 coho or Chinook salmon.

15 MR. THOMAS: Then, with regards
16 to the Federal management, would it -- would
17 it be adequate for them to take language
18 that's managing other uses now and apply
19 them to subsistence fisheries?

20 MR. KELLEY: Mr. Chair, members
21 of the Council, our comments are based --
22 are you specifically referring to the
23 season? Or comments on -- a season?

24 MR. THOMAS: Anything to do with
25 harvesting of cohos?

MR. KELLEY: Well, as
Mr. Brookover indicated, Mr. Chairman, we do
have seasons in place and regulations in
place for other user groups, and we feel
that in general to be consistent it would be
wise to have similar restrictions in place
for other users. In this case, subsistence,
sir.

MR. THOMAS: Okay. That's fine.
The reason for my inquiry was to
try to leave you with a sense that any
regulations with management to subsistence
is not more cumbersome than it is for other
user groups. That's all I was trying to
establish. I hope you can understand what I
was trying to do there.

Thank you very much.

MR. KELLEY: Thank you,

1 Mr. Chair, members of the Council.

2 MR. THOMAS: Anybody else have
3 any questions?
4 John?

5 MR. LITTLEFIELD: Thank you,
6 Mr. Chair. Did you see the handout when he
7 made the proposals? They had some future
8 proposals listed on the last page, 4 of 4.
9 I'd like you to comment about what you think
10 about the jurisdiction-free cooperative
11 management, as well as establishing
12 subsistence management working groups. In
13 other words this was to look at the run on
14 the run-wide basis, if you could comment
15 those, please.

16 MR. KELLEY: Mr. Littlefield,
17 members of the Council, I'd be happy to do
18 that, sir. I believe what Mr. Van Alen was
19 talking about was very logical, given that
20 we have Federal management in Federal waters
21 and State management in State waters and
22 we're talking about the same fish, same
23 creatures. We need to work together,
24 Federal staff, and State staff, to ensure
25 that the runs are adequately -- that there's
adequate escapement for the runs for future
returns. So, I believe in the context of
what Mr. Van Alen said regarding joint
management work groups, the Department of
Fish & Game is certainly willing -- speaking
from a commercial fisheries standpoint,
we've already committed staff time to
working with Federal staff on these issues.
Mr. Chair?

20 MR. THOMAS: Further questions?
21 Thank you very much.
22 Other agencies?

23 MR. VEACH: Mr. Chair, members of
24 the Council, Eric Veach with the -- I'm Eric
25 Veach, National Parks service. As presented
in the staff analysis, this would not affect
Glacier Bay National Park, however, it would
affect Glacier Bay Preserve, and we are in
full agreement with the recommendations and
staff analysis.

1

MR. THOMAS: Thank you.

2

Any other agencies?

Public comments?

3

MR. CLARK: Mr. Chairman?

4

Yes. There were two written

public comments, both in opposition to this proposal. The united Fishermen of Alaska -- thank you, Cal -- wrote that the Federal Subsistence Board lacks jurisdiction listed in the proposal, these proposals unnecessarily restrict nonsubsistence users and would be contrary to 16USC 3125.

8

The Southeast Alaska Fishermen's Alliance also wrote in opposition to this proposal. The proposal is asking the Federal Subsistence Board to restrict harvest of other users in areas where they do not have the jurisdiction of marine waters. This complete restriction of coho harvests could create other potential problems in the future with the health of coho stocks when commercial fisheries on other species is curtailed because of the incidental harvest of coho salmon when harvesting pink salmon and cause overescapement of pink salmon in these streams. Federal and State systems differ in management of coho stocks. These proposals create a new freshwater fishery that has not existed under State management. There is also a growing concern about the guided sport fishing industry. Many subsistence fishermen are also commercial fishermen depending upon the economies, economics of the commercial fishery, that would be damaged by the complete prohibition against the harvest of coho salmon.

20

Thank you, Mr. Chairman.

21

MR. THOMAS: Thank you, Fred.

22

Another thing I want to point out. With every concern that was brought to our attention here -- were done so in a very emphasized speculated manner. Everything was could be, may be, might be, can be. That could apply to anything.

24

25

I don't see that as a flag.

We need to take all that into

1 consideration. And we're dealing with --
2 we're dealing with the government that is
3 not comfortable in using the word "shall" or
4 actually committing anything and are used to
5 reaching conclusions without a conclusion.

6 Further comments? Any more
7 public comments?

8 Okay. Are you rising to be
9 recognized?

10 MR. BEDFORD: Yes.

11 MR. THOMAS: Front and center,
12 standard time.

13 MR. BEDFORD: Mr. Chair, members
14 of the Council, my name is David Bedford. I
15 serve with the United Fishermen of Alaska
16 and Southeast Alaska Seiners. I have one
17 brief comment on the proposal as modified by
18 the staff. I was wondering if it's
19 possible -- I don't understand fully what
20 the staff is suggesting here, sounds like a
21 region-wide fishery. If that's the case,
22 would there be an inconsistency between
23 what's fishery under this fishery and a
24 region-wide for this fishery. I'm raising
25 that for a question for your -- I don't have
any comment after that.

MR. THOMAS: It would be hard to
make a comparison because we don't know what
the availability of the Stikine is going to
be, but should it ever come into where we
can be able to deliberate that and approach
it with some sense of responsibility, it
would be identical to this.

MR. BEDFORD: Thank you.

MR. THOMAS: Thank you.

Further comments?
Okay. What's the wish of the
Council?
John?

MR. LITTLEFIELD: Mr. Chair, I'd
like to move to adopt the proposed
regulation, FP02-35 as shown on the

1 executive summary, page 24 of your booklet.

2 MR. THOMAS: You heard the
3 motion. Is it seconded?

4 MR. STOKES: I'll second it.

5 MR. THOMAS: Moved and seconded.
6 Discussion?

7 MR. LITTLEFIELD: Thank you,
8 Mr. Chair, my motion was to adopt the
9 language as you originally proposed it. The
10 reason for that is I think we need to
11 include specifically the things they talked
12 about in the issues and this did that. It
13 also talked about the studies and put that
14 into the motion so we don't have to amend it
15 later, escapement later. All the things he
16 talked about were mentioned here but were
17 not in the regulation that they proposed
18 that we accept.

19 I'll talk about it later. That's
20 all I have at this time.

21 MR. THOMAS: Further discussion
22 on this proposal, on the motion?
23 Ready for the question?

24 MR. MARTIN: Call for question.

25 MR. THOMAS: Question called for.
All in favor of this motion, signify by
saying "aye."

COUNCIL MEMBERS: Aye.

MR. THOMAS: Those opposed, "no."

COUNCIL MEMBER: No.

MR. THOMAS: Motion carries.

MS. PHILLIPS: No.

MR. THOMAS: One no.
Motion carries.

MR. CLARK: Mr. Chairman?

1 MR. THOMAS: Fred?

2 MR. CLARK: Just to make sure
3 that the record is very clear, I was
4 wondering if the Council could go through
5 the proposal recommendation checklist real
6 quick, just to get it on record.

7 MR. THOMAS: It's a really
8 important document. Support the proposal,
9 yes, no modifications?

10 Okay, rationale?
11 Subsistence opportunity?
12 John?

13 MR. LITTLEFIELD: Mr. Chairman,
14 under subsistence opportunity and
15 conservation concerns, I note that the
16 opposition that was stated 3125, I'd like to
17 say 3125 talks about the continuation of
18 uses of subsistence.

19 MR. THOMAS: Right.

20 MR. LITTLEFIELD: I'd like to
21 clarify that for the record that that's why
22 I'm in support of it.

23 MR. THOMAS: Okay. So, we're
24 circling A under No. 1, B under No. 2; is
25 that correct?

MR. LITTLEFIELD: That's correct,
Mr. Chairman, the applicable 3125, 16USC.
If you look under ANILCA, it would be
Section 815. That's the language, yes, sir.

MR. THOMAS: I'm satisfying this
checklist now.

Okay. Under No. 3,
administrative aspects --

MR. CLARK: Mr. Chairman?
Could you address 2D, please?

MR. THOMAS: Excuse me.

MR. CLARK: No. 2D, any
restrictions of nonsubsistence uses?

1 MR. THOMAS: 2D.
2 John? Did you ask for -- did you
3 ask for restrictions for nonsubsistence
4 users?

5 MR. LITTLEFIELD: Yes, Mr.
6 Chairman, I did. Than was based also on --
7 had to -- the rationale for recommendation
8 C, kinds of information. I've been
9 receiving reports and I believe there are
10 members who would be willing to put on the
11 record at this time affidavits for the
12 record that there is interference with the
13 fisheries at this time by the guided sport
14 industry targeting small streams, and
15 that -- they're fishing under the same
16 methods that we are to take our subsistence
17 fish. The only way right now that we can
18 take our subsistence fish is under this six
19 fish a day because there is no fishery.

20 MR. THOMAS: So, John, would it
21 be reasonable, then, to use each of the ABC
22 and D in 2 as rationale?

23 MR. LITTLEFIELD: Yes, Mr.
24 Chairman, I agree with that.

25 MR. THOMAS: Thank you.
Okay. I'm going to need some
help with No. 3.

MR. CLARK: Mr. Chairman?

MR. THOMAS: Fred?

MR. CLARK: The motion included a
permit, so, subsistence permit may close
some areas and restrict the harvest limits
when necessary for conservation purposes.

So, I don't see in there what any
other particulars on a permit should the
Council want any other particulars on the
permit. If not, that's fine, but we should
say you don't want anything else on the
permit.

MR. THOMAS: John?

MR. LITTLEFIELD: Mr. Chairman,

1 the permits were added because of the
2 recognition because we need good numbers on
3 all of our streams. I've asked for numbers
4 from just about every person that's
5 testified. Even though they've been doing
6 it for 20 years, collecting this data, we're
7 just new, nobody can give me that number.
8 No one is willing to say this is the number.
9 Hopefully these permit systems, by getting
10 us good numbers, will allow us to do that.
11 I think that even that it is a burden, a
12 little bit of a burden for the people to do
13 that, but I believe the information that we
14 gather justifies it. Well, is that
15 included --

16 MR. THOMAS: Fred, does that
17 satisfy you -- your queries?

18 MR. CLARK: That does for the
19 permits.

20 MR. THOMAS: That's for 35,
21 right?

22 MR. CLARK: That's for 3(a). And
23 then just we should put it on the record
24 that there is a harvest number that is in
25 the motion. Already there?

There's no restriction on dates
because it's open season. There's a bait
restriction from September 15th through
November 30th. And there's a request for
additional studies.

MR. THOMAS: Ida?

MS. HILDEBRAND: Ida Hildebrand,
BIA staff --

MR. CLARK: It's a clarification
that's in there.

MS. HILDEBRAND: -- committee
member. On behalf of myself and probably
other agencies here and the public, I
request that if anyone presents material to
the Council -- which every one has a right
to do -- that they make copies available to
the public. And as far as this exercise

1 that you're now going through, in my
2 opinion, is an administrative problem that
3 your coordinator should have been taking
4 care of with assistance from his office as
5 opposed to dragging the public through his
6 checklist. And while I understand the value
7 of it, I believe reviewing the transcript
8 could have answered those questions or
9 someone on his staff should have been at his
10 side to say this particular question wasn't
11 answered. It makes no sense to us sitting
12 in the audience, exactly what the Council is
13 responding to at this particular time, since
14 we do not have copies of the document.

15 Thank you, Mr. Chair.

16 MR. THOMAS: John?

17 MR. LITTLEFIELD: There was a
18 supporting document that also I submitted
19 with this specifically, and I hate to do
20 this again Ms. Hildebrand, but under No. 3
21 of the supporting documentation on page 25,
22 I believe I addressed all of those concerns
23 adequately in why this change should be made
24 when I submitted this. I believe every one
25 of those concerns that are on this checklist
were addressed, and I concur, and if there
are any that I missed, I would be happy to
respond to them.

MR. THOMAS: Now, that wasn't the
case, but thank you, Ida. Thank you, John.

18 So, we're complete now with
FP02-35.

19 MR. THOMAS: That brings us to
20 24.

21 MR. LITTLEFIELD: Mr. Chair?

22 MR. THOMAS: John?

23 MR. LITTLEFIELD: In the draft
24 staff analysis, the second paragraph says
25 that if 35 is adopted, it supersedes 24, 26,
27, 28, 29, 30, 31, 32, and 33. It also
would supersede the Federal subsistence
regulations governing the harvest of coho
salmon in Sections 3A, 3B, and 3C, and

1 Proposals 38, and 39. So, my Proposal 35
2 that I wrote actually said that these would
3 be taken up on a system-wide basis by those
4 users in that area, so I believe all of
5 those are basically off the agenda. There's
6 no need to discuss them.

7 MS. GARZA: Can you list the
8 numbers again?

9 MR. LITTLEFIELD: It's on page 27
10 of your book, under the draft staff
11 analysis, second paragraph, and I may have
12 missed one. I will start again here.
13 24, 26, 27, 28, 29, 30, 31, 32,
14 and 33.

15 It also supersedes previous
16 action on Sections 3A, 3B, and 3C that we
17 took in Hydaburg, and also Proposals 38 and
18 39. And this is in regards to coho only.

19 MS. GARZA: Mr. Chairman?

20 MR. THOMAS: Yes.

21 MS. GARZA: I guess I'd like to
22 ask you, John, are you the author or you the
23 author of 26 through 33?

24 MR. LITTLEFIELD: Give me a
25 minute to look down them, please.
26 May I respond to that?

27 MR. THOMAS: Sure.

28 MR. LITTLEFIELD: Proposal 24 was
29 proposed by the Hoonah Indian Association.
30 I am the proponent or the Sitka Tribe is the
31 proponents of the other proposals and both
32 of those other entities should be given a
33 chance to comment on that.

34 MS. GARZA: Mr. Chairman?

35 MR. THOMAS: Dolly?

36 MS. GARZA: I did vote in favor
37 of Proposal 35. However, I'm quite
38 concerned about putting all of our eggs in
39 one basket, if you will. If we lose 35 and

1 we have not voted on any of the other
2 proposals, then we could lose everything.
3 If we were to vote on every single proposal,
4 in a quick manner, voting for each proposal,
5 if 35 is voted down by the Federal
6 Subsistence Board, which at best has a 50/50
7 chance, then we may have a better chance to
8 get any of these proposals passed. I am a
9 bit concerned simply stating that it
10 supersedes and thus requires no action.

11 That was one of my questions for
12 you in whether or not Sitka Tribe and you
13 are willing to make that -- to take that
14 risk and whether or not we should vote on
15 Hoonah separately since Hoonah is not here
16 to tell us whether or not they're willing to
17 take that risk.

18 A SPEAKER: We are.

19 MR. THOMAS: We do have a
20 representative.

21 MS. GARZA: There's an issue of
22 38 and 39.

23 MR. BELTON: Mr. Chairman,
24 members of the committee, of the Council,
25 rather, excuse me, my name is David Belton,
B e-l-t-o-n. I'm the director of natural
resources for the Hoonah Indian Association.
In regards to our proposal identified as
No. 24, we are satisfied with allowing the
discussion that goes along with Proposal 35
to represent our interests as well. It was
understood from the beginning that our
efforts were a region-wide effort. It was
my understanding that we were entering into
this effort with other communities, Angoon,
Kake, Sitka, other communities that have
similar concerns. For the sake of time, I
won't go into some prepared thoughts and
comments regarding values and feelings about
subsistence that come from our community.
However, I would like to note that there are
some concerns that continue to come in
regards and in conflict with other agencies'
determinations that there are no substantial
concerns regarding coho streams and other
salmon species, habitat areas in our

1 community. The Elders continually remind me
2 of areas that are very much different today
3 than what they traditionally were, so I
4 would like to also claim some of the points
5 that also were brought up earlier by Mike
6 from Kake, Mr. Jackson, in regards to
7 differences of opinion regarding knowledge
8 and observations that come from long-time
9 traditional users and what we hear
10 represented by some of the State and Federal
11 agencies concerning the overall health of
12 systems.

13 MR. THOMAS: Any questions?

14 MR. THOMAS: Thank you.

15 MS. GARZA: So was Sitka Tribe
16 going to respond to the proposals they
17 submitted?

18 MR. PATE: Mr. Chairman, I had a
19 question first. My name is Jude Pate. I
20 represent Sitka Tribe. Is this the time to
21 address the sockeye concerns in Proposal 29,
22 or is that later on? I'm a little bit
23 confused. It looked like 29 was included in
24 that batch, so sockeye are on a different
25 situation.

MR. THOMAS: John?

MR. LITTLEFIELD: Mr. Chairman, I
believe I said these address coho concerns
of those proposals only. I expect those
proposals to come up and the sockeye of them
to be considered separately.

MR. PATE: Mr. Chairman, I have
no comments at this time. Other staff
doesn't either. So, I'm sorry to interrupt.

MS. GARZA: Five-minute recess.

(Break.)

MS. GARZA: We're back to order,
and I'm taking over Chairmanship.

MR. THOMAS: We're back to order

1 and sit down, gang.

2 Okay. You know, we have several
3 concerns at this particular meeting. Any
4 proposal we have, every request we have we
5 consider very critical, very essential, and
6 we want to be deliberate when we reach a
7 conclusion. We want to understand -- at
8 least Council member-wise, and in our action
9 on the last proposal of 35, it had a torpedo
10 effect, and almost the whole fleet, so there
11 has been some concerns raised around that,
12 so rather than to proceed and deal with the
13 concerns later, we're going to do that now,
14 and I think Mike has a motion.

15 MR. DOUVILLE: Mr. Chairman, I
16 make a motion to reconsider -- I don't have
17 any glasses on --

18 FP02-35.

19 MS. GARZA: Second.

20 MR. THOMAS: Okay. It's been
21 moved and seconded, under discussion. I
22 would like for members of the Council to use
23 this time to deliberate and the reason Mike
24 made the motion is he was eligible to do
25 so -- turn his button off like you do mine.

26 And he was the prevailing side of
27 the vote. But even though he was on the
28 prevailing side, there was still -- with the
29 potential impact on a significant number of
30 other proposals, he felt like some of them
31 would be unduly jeopardized by a blanket
32 action of 35.

33 So, in your deliberations under
34 discussion here, those are the areas we want
35 to get to the point to where we understand
36 and are comfortable with them.

37 John?

38 MR. LITTLEFIELD: Mr. Chairman,
39 we are discussing 35; is that correct?

40 MR. THOMAS: Correct.

41 MR. LITTLEFIELD: Mr. Chair,
42 under 35, I would like to offer an amendment
43 in the first sentence of the proposed
44 regulation, the amendment would be to

1 substitute the words "you may only" for the
2 words "only Federally qualified subsistence
users may."

3 MR. THOMAS: Before we do that,
4 John, we have to vote on the motion to
reconsider.

5 MR. LITTLEFIELD: Oh, excuse me.

6 MR. THOMAS: So, I was just
7 breaking -- making as a clarification
comment.

8 Dolly?

9 MS. GARZA: Mr. Chairman, I
10 seconded the motion and I would request that
11 we vote for the motion to reconsider because
12 there were issues that Council members
13 didn't feel that they had time to bring up
14 and so it is a courtesy that I think we need
15 to extend to our Council.

16 MR. THOMAS: Ready to call for
17 question.

18 MS. WILSON: Question.

19 MR. THOMAS: Question has been
20 called, all those in favor of
21 reconsideration, say "aye."

22 COUNCIL MEMBERS: Aye.

23 MR. THOMAS: Those opposed, no?
24 Dolly?

25 MS. GARZA: Now that we're there,
I'm not sure of the exact process. There
are three proposals that are -- that need to
come back to 35 tonight. We have No. 23. I
understand one of our Council members will
be here. The Redoubt sockeye, Jude Pate is
leaving tonight, he's already extended his
stay, and he needs to go home, and poor Kake
Tribal, they want to at least testify to
before they leave tonight.

I'm not sure if we can put down
35 and allow these three people to testify
on these proposals as a courtesy.

1
2 MR. THOMAS: I respect that and I
3 appreciate that, but this agenda has been up
4 for some time, and every time it's been
5 distributed it's suggested that we would be
6 here from Monday through at least Thursday,
7 and possibly Friday. And that's the case.

8 And we struggle enough with our
9 agenda on trying to do a good job with the
10 information before us. And I don't know
11 that it's a courtesy of the requesters to
12 make those kinds of changes with the
13 importance of this meeting, and the agenda
14 takes months to set up, and there's a lot of
15 work that goes into the sequence of an
16 agenda.

17 But if the Council wants to
18 extend those exceptions, I'm not going to
19 assume that as a chair. I can, but I won't.

20 So, what's the wishes of the
21 Council?

22 Bert?

23 MR. ADAMS: Thank you, Mr.
24 Chairman. I thought at the onset of this
25 meeting here that we adopted the agenda as a
26 guide, and we could alter it in any way that
27 we feel when it is necessary to do so.

28 MR. THOMAS: That was true, but I
29 didn't see throwing it all together and
30 coming up with another one. We're talking a
31 significant amount of time and information
32 here.

33 MR. ADAMS: Mr. Chairman?

34 MR. THOMAS: Yes.

35 MR. ADAMS: I have to leave here
36 in about ten minutes to go home and pack and
37 kiss my wife good-bye, and, you know --

38 MR. THOMAS: I'll do that; you
39 stay here.

40 (Laughter.)

41 MR. ADAMS: I don't think she'll
42 let you in the door.

1 But, you know, at least, you
2 know, we got Proposal 23 back on the floor,
3 and I trust, you know, that, you know, the
4 Council will be able to deliberate that now
5 without me being here, with that, you know,
6 I'd just like to excuse myself in about ten
7 minutes.

8 MR. THOMAS: Good, I was hoping
9 you would give us some confidence.

10 You sound like an adversary
11 sometimes.

12 What's the wishes of the Council,
13 shall we juggle our agenda to allow those
14 that want to travel?

15 John?

16 MR. LITTLEFIELD: Mr. Chair, I
17 believe we can take care of 35. There was
18 only a couple little things in 35 that
19 seemed to bother 35. I think we can take
20 care of 35 with a short amendment.

21 MR. THOMAS: Nobody is answering
22 my question.

23 MS. WILSON: Mr. Chairman?

24 MR. THOMAS: Marilyn?

25 MS. WILSON: I would rather we
take care of the other proposals first and
then go back to 35, because I think there's
more to 35 than what John says. I think
we've got a lot more discussing on that.

I so move that we act on the
other proposals, 23? -- I don't remember the
numbers.

MR. THOMAS: 23?

MS. GARZA: Bert 23 could go, so
it would be 29 and poor.

MR. THOMAS: Okay.

MS. PHILLIPS: Second.

MR. THOMAS: Hearing no
objection, so ordered.

1 So where are we at?

2 MS. GARZA: Proposal 29.

3 MR. THOMAS: Somebody want to
4 introduce that, Proposal 29?

5 MS. GARZA: Before he starts, Mr.
6 Chairman, just a point of question.

7 Cal, did you get the staff
8 analysis for 23?

9 MR. CASIPIT: Yes.

10 MS. GARZA: Okay. We just want
11 to know.

12 Okay.

13 MR. THOMAS: Go ahead, Terry.
14 While they're getting ready, let's go back
15 to 35 -- no, go ahead, Terry.

16 MR. SUMINSKI: Just please give
17 me a minute. I was prepared to do 27. I've
18 got to do a little arranging.

19 Mr. Chairman, Council members, my
20 name is Terry Suminski, fisheries biologist
21 with the U.S. Forest Service.

22 Okay. Proposal FP02-29 submitted
23 by the Sitka Tribe of Alaska requests
24 closing the Redoubt Lake watershed and part
25 of Redoubt Bay, to sockeye and coho fish,
26 except by Federally qualified fishermen with
27 the positive customary and traditional use
28 determinations under the terms of Federal
29 subsistence fishing permit.

30 The proponent also requests
31 changes to the sockeye salmon harvest limits
32 and establishes a subsistence coho salmon
33 fishery.

34 The coho portion of this proposal
35 is related to Proposals No. 26, 35 and so
36 forth. I'll just stick with the sockeye
37 portion of the proposal for now, I believe,
38 if that's okay with the Council.

39 The main issue was this proposal
40 is No. 1 is the -- this would extend Federal
41 jurisdiction into salt water. It would also
42 close the area to sockeye and coho fishing
43 to all but Federally qualified subsistence

1 users -- that would apply both for coho and
2 sockeye or -- okay. And for sockeye it
3 would replace the existing State permit with
4 a Federal permit, and it would be managed
5 under Federal permit.

6 And then if this was to happen,
7 if the entire fishery was under Federal
8 management, the proponent recommends a
9 series of management -- or a management
10 strategy, I'm sorry, with seasons, bag
11 limits, allowable gear, and -- okay.

12 What we've determined is that
13 would be the effect of this proposal is,
14 No. 1, we've been advised that the marine
15 waters are not under Federal jurisdiction.
16 In this system as in most other sockeye
17 systems that we'll be talking about, the
18 vast majority of sockeye harvest occurs in
19 marine waters. There's -- and also for --
20 this one, there's not a conservation concern
21 in restricting all but Federally qualified
22 subsistence users would result in
23 unnecessary restriction to non-Federally
24 qualified subsistence users.

25 Working under the assumption that
the marine waters would not be under the
Federal jurisdiction, the proposed
management strategy would not be as
desirable if -- you know, as it would be if
it covered the entire fishery, both fresh
and salt water.

The proposed bag limits are
actually a reduction in the number of
allowable -- number of sockeye allowed.
Right now there's a possession limit of 10
sockeye. I believe this one was proposed at
20. But it would be a daily limit of 20 --
I'm sorry. The proposed daily limit would
be 25; proposed annual limit would be 50.
This could be seen as a reduction depending
on how you look at it because under the
existing system the possession limit is 10
and a person can go back as many times as
desired, as long as they process the fish
between harvesting events. And there is no
annual limit existing, so, you can go back
as many times as desired.

The requirement of a Federal
permit would also result in a dual reporting
system because the State permit would still

1 apply to both fresh -- fresh and marine
2 waters, and the Federal permit would only
3 apply to the freshwaters of the system.

4 This could result in -- this
5 could result in problems of validity and
6 reliability in harvest reporting as
7 mentioned earlier. It could also result in
8 fishermen being confused as to what system
9 they should be reporting under, depending on
10 where they're fishing. This could be very
11 confusing, at Redoubt especially, because
12 the way the line is proposed right now, it
13 would divide the dip net fishery almost in
14 half. So, you could potentially be on one
15 side of the line, you could be fishing under
16 State regulations, and on the other side of
17 the line, you could be fishing under Federal
18 regulations.

19 I don't believe the -- you know,
20 that type of dual permitting or that type of
21 dual regulations on the same fishery is what
22 the proponent intended. I think their
23 intention was more to have a seamless
24 fishery area.

25 Okay.

Sorry for the delay here. I was
all prepared to do 27.

Okay. In conclusion, under
justification, this proposal involves waters
that are not under Federal jurisdiction;
specifically marine waters.

The Federal Subsistence Board
does not have authority to extend Federal
jurisdiction into marine waters. Therefore,
the marine waters portion of this proposal
is outside the scope of this analysis.
Sockeye and coho stocks in this system are
considered healthy. There is no
conservation concern with these species in
this system. ANILCA section 815(3) does
not allow the restriction of nonsubsistence
uses unless necessary for the conservation
of healthy populations of fish and wildlife.
Since there is no conservation concern with
these species in this system nonsubsistence
users cannot be restricted. The proposed
closure would unnecessarily restrict
nonsubsistence users. It would meet
subsistence needs, while supporting the
stock. However, harvest reduction is not

1 necessary because the fish stock is healthy.
2 Additionally, very little fishing effort
3 occurs for sockeye in freshwater, therefore,
4 the changes would have negligible effect on
5 users or the sockeye stock, and result in
6 additional regulations.

7 Dual permitting would likely
8 result in confusion and increase
9 administrative burden for subsistence users.
10 Dual harvest reporting could also result in
11 a reduction of data quality in existing
12 state harvest-reporting system.

13 Thank you, Mr. Chair.

14 MR. THOMAS: Thank you, Terry.
15 Through no fault of your own, I'm noticing
16 something that really, really consumes a
17 majority of our time, and that's referencing
18 other user groups. I don't think that's
19 necessary when we're talking subsistence.
20 Title VIII is a subsistence-focused piece of
21 legislation. The reason this Council is
22 here is because of Title VIII. I say this
23 because in other user group forums you never
24 hear them spending time discussing
25 subsistence or the benefits of subsistence.
I don't think we should do that here with
other user groups. Not to show disrespect
to them, but I don't think it's necessary
for us to mention those other user groups as
much as we do.

Our whole focus here should be
with the subsistence effort.

Any question for Terry?

18 MR. SUMINISKI: Thank you,
19 Mr. Chair.

20 MR. THOMAS: Thank you.
21 Okay. Is Herman Kitka in the
22 house?

23 MR. ADAMS: Mr. Chairman, I'm
24 going to have to leave now, but I'd like to
25 just say a few words, if I might.

MR. THOMAS: Okay.

MR. ADAMS: I'm sorry I have to
leave. I had another meeting to attend to

1 in Juneau, and I wasn't getting any per diem
2 here, but I will down there. So that's one
of the reasons.

3 (Laughter.)

4 MR. ADAMS: I hope that you've
5 all had, you know, an enjoyable time in
6 Yakutat while you were here. We had a
7 beautiful day yesterday, and I trust that
8 many of you had an opportunity to see our
9 beautiful community and the beaches and the
10 mountain and all that stuff, you know. I
11 hope that you've had a real good time here.
12 I also want to let you know that as I've
13 listened to all of the things that have
14 happened here the past few days that, you
15 know, we are dealing with our freedoms and
16 our rights here, and I would really like you
17 to consider, you know, where do we get our
18 rights from? I believe, you know, in that
19 phrase in the Declaration of Independence
20 that says that all men are created equal in
21 the eyes of the Creator, and that, I think,
is where we get our freedoms from. It isn't
from government, or it isn't from any other
sources. It is from the Creator who has
provided us with all of the things that is
necessary to sustain our lives. And Mike
Jackson, you know, emphasized or referred to
the scripture in Genesis and it says that
the Creator gave us, you know, dominion over
all things, but not only that, but he also
entrusted us with the responsibility of
being good stewards, and that's what all
this is about, is being able to develop
good, sound, regulations or proposals that
will provide us with the resources that will
sustain us for years and years and years and
years, even into our many, many generations
in the future.

I hope that as we deliberate upon
these proposals, that we will remember who
is the Giver of our rights and our freedoms,
and it is that one Person that has --
created all things.

24 And I really believe that. And
25 those are some of the things that I base a
lot of my decisions on as we deliberate upon
these things, you know.

1 So, as I leave, you know, I hope
2 that the rest of your time will be
3 productive, and that you will enjoy your
4 stay here; and I understand there's going to
5 be a nice dinner here for you tonight. I
6 don't know if they're going to be doing any
7 entertainment, but we have some young people
8 who are really outstanding dancers, whether
9 that will be tonight or tomorrow, I'm not
10 sure, but I would sure encourage you to stay
11 here for that.

12 Thank you, Mr. Chairman, and
13 members of the Council. It has been a
14 pleasure working with you, and, again, we
15 welcome to you Yakutat. We hope that as you
16 leave in the next day or so that you will
17 all have a safe trip back home.

18 MR. THOMAS: Thank you, Bert.
19 Have a safe trip. As far as
20 entertainment tonight, it's my understanding
21 that the Department is going to give us a
22 two-hour exhibition on different dances.

23 (Laughter.)

24 MR. THOMAS: Herman?

25 MR. KITKA: I'm -- I'm going to
26 speak on what the Redoubt Lake was used for
27 by the Sitka community. Before the
28 commercial fishing started, Redoubt used to
29 produce millions of sockeyes, and Sitka
30 community used to go there to smoke salmon,
31 the sockeye salmon. They never used it for
32 winter use; they used it for food when they
33 went to the fish camps to put up the winter
34 food. And when the commercial fishing
35 started in 1900, Permit Packing Company was
36 built in Sitka for that sockeye, and the
37 person that controlled it, the fisheries in
38 the bay itself was Thomas Bennett, and his
39 seine boat was named the REDOUBT, and each
40 season, that the REDOUBT produced 100,000
41 sockeyes to the Permit Packing. There was
42 15 seine boats that used to fish for the
43 cannery, and the cannery, the top number of
44 sockeyes on the REDOUBT, it's on record at
45 the cannery records is 500,000 fish. That's
46 a lot of fish that lake used to produce.

1 The lake itself is 11 miles long, and the
2 sockeyes never produced, never spawned in
3 the rivers that went into the lake. They
4 spawned along the lake where the mountain
stream came down from rain, this gravel beds
along where the water entered, and that's
where the salmon spawned.

5 And I don't know what's really
6 taking place, only sometimes I do some
7 guesswork on there. I'm not a biologist. I
8 know the weather has lots to do with the
9 decline. It isn't from commercial fishing
10 or subsistence, or sport fishing. It's
11 because the lake itself is only about five
feet above sea level, and when the tide is
up, it's closer. That's how come the bay is
called in Tlingit, Kluunaa (ph), that means
the fish when it's high tide, just like
going in the cave and hide, you can no
longer get the fish for use after it enters
the river system.

12 And that's why the bay is named
13 that way, Kluunaa, hide in place for the
14 fish just like going in a cave.

15 Today, the fish that lake
16 supports is only under 2,000 a year, and all
17 the money that's going into the study is
18 only looking at that small amount of fish,
19 but they're not looking at the spawning
20 ground, why it's disappearing. My
21 observations is the lake used to freeze
22 years ago when it was -- we had cold
23 weather. Today we have a lot of warm
24 weather. And the lake faces southwest, and
25 before the lake starts out, when the
southwest wind blow, it tear up all the
aisles in the lake and it cleans out all the
gravel beds along the shore of that lake.
And today, when you look at it, there's
hardly any gravel left on account of the
waterlilies been growing there ever since
the warm trend started in Southeastern.
That took place from 1937 was the last cold
weather we had, and from there on it's -- we
never have any amount of freezing, maybe
two, three weeks, and rain again.

24 I think this is the cause of the
25 decline because the spawning ground
disappearing. That's where the sockeyes is
going.

1 I was with -- I was one of the
2 persons that formed the Nornayaka (ph.)
3 Culture when the Forest Service was working
4 with us and talking about just feeding the
5 lakes. I tell them it's not going to work.
6 We have to look at the spawning ground.
7 Some of the biologists I worked with, they
8 claim a salmon egg can only survive in the
9 gravel because they need oxygen. And the
10 silt that's on that gravel bed, I think,
11 chokes off all that oxygen to the eggs so
12 they don't survive. And I think this is
13 what's happening. This is only my guess
14 because I'm not a biologist; but I used to
15 go in there in the falltime, would take the
16 boat in there deer hunting. That's when I
17 noticed all those things that I'm talking
18 about.

19 I think it can be brought back to
20 produce at historical level if we do
21 something about the spawning areas. I know
22 there's a lot of technology among our people
23 that could figure it out how to clear those
24 gravel beds. It's a shame today they
25 blaming the decline on the subsistence
users. They close the area for -- we can't
even take sockeyes. Last year they close it
all together. And that used to produce a
lot of fish. Each family used to take 100
sockeyes, and there used to be a lot of
people in Sitka. Before the flu epidemic
when I was a young boy yet, 1919, those
large community house in the village, some
of them had three families, four families,
and a lot of kids. The epidemic wiped the
people out and they are just now getting
back on their feet from that. And all those
people that I'm talking about used to get
all the sockeyes from Redoubt Lake. In the
old days, the person that's in charge or the
family it went back and forth between the
Raven and the Eagle. So, I always say
ownership was family. When the Raven
controlled the bay, when the children go up,
you pass on the children -- the place, and
when their children have children, when they
get old, their children take over, it gets
back to the Raven again. These are the
things that, that's why people always say we
have a right to go there to get our

1 subsistence fish, and a lot of times we are
2 denied from different places.

3 I think we should work on finally
4 getting the spawning grounds back to where
5 they used to be so they could produce a lot
6 of fish for all the subsistence users.

7 No person is seeing the sockeyes
8 anymore, seiners opens after the sockeye is
9 already up on the lakes. There's no
10 commercial fish to be blamed for the
11 decline, and the subsistence users, a few
12 family that's left now in Sitka we only
13 around 900 population of Natives in Sitka
14 area.

15 It's a hard, hard thing.

16 I know we should be entitled to
17 having a lot of fish, but we don't do
18 anything about it. Some of the old people
19 that used to own those areas, they made sure
20 the spawning ground is kept clean. They had
21 the young fellows used to go in, and after
22 1930, they brought regulation in, and that
23 forced those people that had control of
24 those areas, they were moved out of there.
25 It went under Federal control. Nobody is
allowed in those streams any more. And I
think we should spend some of the money
they're using just to look at the fish
that's there to do something about the
spawning grounds so we can have our
abundance of sockeye in that area. It's a
shame to have a lake that large that used to
produce millions of sockeyes. It only
produced sometimes 1800 to 2,000. The most
it produced are around 5,000 fish.

This is information for you folks
to consider. That's all I'm going to say on
it.

Thank you.

MR. THOMAS: Thank you, Herman.
I apologize to the Department for my break
in sequence.

Now we call on the State.

Tom, I have a question on
sequence when you get up here. Don't let me
rattle you, or if you want to get rattled
yes.

25

MR. BROOKOVER: Tom Brookover

1 with Department of Fish & Game.

2 MR. THOMAS: With regards, Tom,
3 to what Herman just said -- your mic -- I
4 was left with the impression that there are
5 some things that could be physically done in
6 the spawning grounds of the systems, and he
7 was kind of appealing to us to rather than
8 just count the fish that are there and hope
9 for the best to actually do something in the
10 habitat areas. Is that something that has
11 been done or could be done, or -- the reason
12 I ask the question is because it makes sense
13 to me from watching what people do in
14 hatcheries, those hatcheries down there are
15 on a constant maintenance and making sure
16 that the conditions are as good as they can
17 be all the time. And I was just wondering
18 if that same application can occur in a
19 natural habitat area?

20 MR. BROOKOVER: Mr. Chair,
21 members of the Council, I think I would
22 refer that question to our area biologists,
23 Bill Davidson and Bob Chadwick, and also
24 Terry Suminski with the Forest Service,
25 because I know they're more familiar with
the habitat issues in that lake than I am.
I know that we have done some en -- lake
enrichment work in the lake that may be
important information.

MR. THOMAS: Okay. Hopefully we
can spend some time on the discussion,
something around that.

Thank you for your patience and
now if you'd comment on the proposal we're
on now which is 29.

MR. BROOKOVER: Mr. Chairman,
members of the Council, in our comments for
Proposal 29 are very similar to Proposal 35,
we concur with the Federal staff
recommendation to oppose closures to
non-Federally qualified users and we're
neutral with regard to implementation of a
subsistence fishery for coho salmon under
Federal regulations.

The other point that we made also
pertain -- there are a few differences

1 regarding the difference in proposal with
2 our comments. One of those are, obviously,
3 the same concerns would apply to sockeye in
4 this proposal as they did in coho that I
5 mentioned earlier. The other is the
6 adoption of this proposal would increase the
7 divergence between State and Federal
8 permitting, and increasing the -- increase
9 the complexity of the regulations and I
10 guess the public confusion associated with
11 the complexity. This proposal would require
12 adoption, as I understand it, of a Federal
13 subsistence permit that would apply to
14 waters of Federal jurisdiction, that would
15 be in addition to the State permit now in
16 existence for the waters managed under State
17 jurisdiction.

18 Those permits would have
19 different harvest limits, as I understand
20 it, different gear, possibly different
21 seasons, and, of course, the additional
22 permit. That's really the only substantial
23 comment I have on this proposal.

24 Thank you.

25 MR. THOMAS: Thank you.
Any questions for Mr. Brookover?
John?

MR. LITTLEFIELD: Thank you,
Mr. Chair and Mr. Brookover. As regards to
the Redoubt Bay system, could you please
summarize the last three years of management
decisions again for the record on coho and
sockeye and the dates, bag limits,
et cetera?

MR. BROOKOVER: Mr. Chair,
Mr. Littlefield, again I would refer to the
area biologists for the information. They
issue the EOs and are most informed with
them.

MR. THOMAS: What's the wishes of
the Council, is that person here?

MR. BROOKOVER: Yes, Mr.
Chairman, that will be Bill Davidson with
commercial fisheries and Bob Chadwick with
sports fisheries.

1
2 MR. THOMAS: Okay. Thank you.
You got off that pretty easy.

3 MR. DAVIDSON: Mr. Chairman,
4 thanks. To summarize the last three years
of management decisions regarding Redoubt
5 Lake there were no changes in 1999, and in
the year 2000 as well as last season there
6 was a closure to all user groups at Redoubt
Lake due to information cast low returns to
the system. That was in --

7
8 MR. LITTLEFIELD: Just to
clarify, in 2000 and 2001, there were
9 closures to all users on the same date; is
that correct?

10 MR. DAVIDSON: That's correct.
11 Bob Chadwick can speak for the date of the
sport fish closure, but the announcement
12 went out in a news release on July 11th and
the closure was in effect by July 14th for
the remainder of the season.

13 MR. THOMAS: John?

14 MR. LITTLEFIELD: Thank you, Mr.
15 Chairman. Prior to 1999 or say the couple
years before that, were there any others of
16 a similar nature, real deduction of bag
limits, that type?

17 MR. DAVIDSON: I don't believe
18 there's been any changes in the bag limits
that I can remember. However, there have
19 been closures in, say, the past ten years
to -- again, to all users at Redoubt Lake,
20 probably imposed sometime later in the
season after substantial subsistence harvest
21 had taken place, but, again, due to lower
returns.

22 MR. THOMAS: Yes.

23 MR. CHADWICK: Mr. Chair, Bob
24 Chadwick Alaska Department of Fish & Game
sport fish. Just a point of clarification;
25 there was a reduction June 4th, 2001 of the
bag limit, in Salmon Lake, Hoktaheen, Falls,

1 and I forget the other one off the top of my
2 head, but there was a reduction at Redoubt
of the bag limit from -- I mean from 6 to 3,
3 and that was done on June 4th.

4 MR. LITTLEFIELD: Thank you.
That's all I have.

5 MR. THOMAS: Further questions?

6 MS. PHILLIPS: I have a question.
7 So, an individual can have a
State permit and a Federal permit if this
8 proposal passes; is that the way I'm
understanding it?

9 MR. STOKES: Mr. Chairman, there
10 must be something wrong. I smell raw gas
coming from the kitchen.

11 MR. THOMAS: Too many breaks,
12 anthrax.

13 (Break.)

14 MR. THOMAS: Life threatening
15 emergency exercise. I only saw three people
16 grab their ankles. We came through with
17 flying colors. Everybody else is okay. I'm
18 very proud of you.

19 To those of you that are
20 traveling, safe journeys.

21 We were in the process of getting
22 more information, more biology information
23 from the Department, and sorry about the
24 interruption, but we do this to avoid
25 monotony when we can, so, if you would
continue, please. Or are you in for
questions?

MR. DAVIDSON: Okay.

MR. THOMAS: Any questions for
the Department?
Patty?

MS. PHILLIPS: I asked, would I,
an individual who fishes, be able to have a
State permit and also a Federal permit if
this proposal passes?

1
2 MR. DAVIDSON: I think that -- I
3 can't speak to the Federal permit system,
4 but you could certainly have a State permit
5 system, if you asked. I presume, you know,
6 the Federal system. I don't know whether
7 the permit would be based on the Federal C
8 and T finding or exactly how that system
9 works. I defer to the Federal staff to
10 answer that.

11 John?

12 MR. LITTLEFIELD: If this
13 proposal were to pass, would there be any
14 need for a State permit -- the subsistence
15 permit issued by the Feds should supersede
16 and be enough? Is that your interpretation?

17 MR. DAVIDSON: No, there would
18 still be a need for a State permit because
19 the State position is that we still have
20 jurisdiction in State marine waters and a
21 State permit would be necessary for harvest
22 at that location.

23 MR. THOMAS: John?

24 MR. LITTLEFIELD: Mr. Chairman,
25 that was not what was asked. They asked, if
this proposal was passed as was written, we
have not debated Federal jurisdiction, in
other words, if this proposal were to pass
as it is written, then there would be no
need for dual permits?

MR. DAVIDSON: Okay. No, there
would be no need.

MR. THOMAS: Fred? Cal, Marty?

MR. CLARK: Marty, you want to
take this one?

MR. THOMAS: Fred, you're
implicating Marty.

MR. CLARK: If this proposal were
to pass as worded, that means you would
assume that there would be Federal
jurisdiction in marine waters, correct?

1 However, the Federal permit would be for
2 those people who are covered under the
3 Federal customary and traditional use
4 determination. Under the State system, all
5 citizens of the State are considered
6 subsistence users. So, if the State wanted
7 to continue with those people in that area,
8 then there would be a State permit. If
9 there was a closure to all nonsubsistence
10 users, then only those C and T users would
11 be eligible. So, in that case there would
12 be no need for a State permit for that
13 fishery.

14 MR. THOMAS: Any further
15 questions?
16 Dolly?

17 MS. GARZA: Okay. Somewhere in
18 this analysis I got the impression that,
19 well, I can no longer figure out whether or
20 not Redoubt sockeye are a conservation
21 concern. So can you summarize that for me?

22 MR. DAVIDSON: I think that
23 Redoubt sockeye are -- put them still in the
24 category of a management concern, and while
25 I just heard Mr. Kitka's ideas that could be
26 a portion of the problem, I think that in
27 this case we had a situation with Redoubt
28 Lake, but we had a fertilized system, a lake
29 fertilization program that was ongoing for a
30 number of years and appeared to be working,
31 restoring the abundance of the Redoubt Lake
32 returns to, I believe, around 60,000 fish in
33 1999, and the past two years' declines in
34 closures associated with those declines may
35 be closely related with withdrawal of the
36 fertilizer, the fertilization program due
37 to, I think, funding cuts. So, right at a
38 time when the lake was producing a maximum
39 or a high number of smolts and getting good
40 survivals, it could be that the plankton
41 population of the lake, which had been
42 bolstered by fertilizer collapsed. So I
43 believe that what I'm saying in answer to
44 your question is I think that there's a good
45 probability that given some unknown amount
46 of time that -- this situation will reverse
47 itself because it has been fertilized again

1 for the past three years.

2 MS. GARZA: So, what years were
3 not fertilized?

4 MR. SUMINISKI: Terry Suminski,
5 U.S. Forest Service biologist. '96, '97,
6 '98 were unfertilized.

7 MR. LITTLEFIELD: Thank you,
8 Mr. Chairman. On your report, page 106,
9 your response, State response, second to
10 last paragraph, you say sockeye systems --
11 excuse me, sockeye stocks in this system are
12 considered healthy. I also heard staff say
13 that there are no conservation concerns. I
14 just wanted to clarify if that's your stand
15 given the past management decisions that
16 you've taken on this system?

17 MR. DAVIDSON: That would be
18 my -- I don't think it's a stock concern. I
19 think the stocks are healthy enough to where
20 they can rebound to high levels again given
21 that the lake is now, again, being
22 fertilized, so, a couple of years of good
23 freshwater and marine survivals should bring
24 it back.

25 MR. THOMAS: I missed that. A
couple of what?

MR. DAVIDSON: I'm saying that
given that the fertilization program has
been reestablished, we had very good
escapements in 1999 that I think that the
stock can -- is in a position where it can
rebound and, again, produce healthy returns.
So, I think the stock is a healthy stock.

MR. THOMAS: I'm -- I went to the
same biology school Herman went to, but
seems to me like if a system reaches a point
of being dependent on manmade enhancements
for conditions to be right for them to
sustain themselves, seems to me like after
this -- after this enhancement program goes
on for a while, seems like it -- the
benefits would saturate itself somehow with
whatever is occurring in the lake naturally.

1 And I don't know that to be the case, but it
2 seems like that could be a scenario. Am I
3 in any ways close, do you think? Opinions
4 are good now.

5 MR. DAVIDSON: Just my opinion, I
6 think you are on track there. I think, you
7 know, we do know that the coastal sockeye
8 stocks are -- the lake systems are -- get
9 their health from returns, from marine
10 nutrients from the fish that return and
11 spawn in the lake. It's a system. It
12 recycles itself. So, maybe in this case,
13 you know, the lake wasn't able to sustain
14 itself on -- without the fertilizer, but I
15 think in the long run it can. That's only
16 my opinion.

17 MR. THOMAS: It sounds to me like
18 it's becoming an artificial system.
19 Any more questions?
20 John?

21 MR. LITTLEFIELD: One more
22 question and I would like both ADF&G as well
23 as staff to respond to this. We've taken
24 care of -- you've answered the part on
25 conservation concerns. I would like to
remind everybody that there is four parts to
that, one of which is to continue the
subsistence uses of the populations. And
that's part of 16USC 3125. Given the
closures of the past ten years, do you
believe that that still applies?

MR. DAVIDSON: I'm not familiar
with the full text of those regulations, so,
continuing subsistence uses is certainly the
goal.

MR. THOMAS: Dolly?

MS. GARZA: I cannot find the
map, the James Caplan map on what is -- by
his determination the Federal line. And the
one that's in the book isn't quite clear
enough to me, and I'm trying to get at
Patricia's question if we have a line, do
you know if it's at the top of those falls
or at the bottom of those falls or in the

1 middle of those main falls?

2 MR. SUMINISKI: Terry Suminski,
3 Forest Service biologist, going by the mean
4 high tide definition of headland to
5 headland, it would be about three quarters
6 the way up the falls, you know, the lower
7 part of the falls there.

8 MS. GARZA: Okay. Have you been
9 to those falls?

10 MR. SUMINISKI: Yeah.

11 MS. GARZA: If at the main falls
12 you're standing on the right side, which is
13 a nice ledge where you dip net for
14 sockeye -- I still am not sure if you're
15 dipping into -- if it would require a
16 Federal permit if there's one or a State
17 permit?

18 MR. SUMINISKI: Yeah, and you're
19 correct, there are places where I've
20 personally dipped that would be -- I
21 could -- the sweep of the net would be from
22 Federal to State. I could straddle the
23 line, and -- straddle the line, you must
24 have been down there. There's very specific
25 spots where you dip, and those would
probably be roughly equally divided between
State and Federal, maybe a couple more on
State than Federal. And some right in the
middle of the line. Does that answer the
question?

MS. GARZA: So, following that
line of thought, for the -- for the people
who do use rod and reel and consider
themselves sport, I have never seen any of
them above that line.

MR. SUMINISKI: I would -- for
sockeye, I would agree with you. I don't
think I have either. Most of them are
below, down towards the salt water side.

MS. GARZA: And for subsistence,
I would say the majority are below?

1 MR. SUMINISKI: The vast majority
2 of the harvest is below, yes.

3 MS. GARZA: Because it's at low
4 tide, so it would be in the State -- for the
5 most part in the State water?

6 MR. SUMINISKI: That's correct.

7 MS. GARZA: Okay. I guess I am
8 quite concerned and Bill, I'm not sure if
9 perhaps the State has a series of
10 definitions of management concern, resource
11 concern and stock concern that perhaps this
12 Council isn't understanding, and so when
13 we're asking you a question, we're asking
14 you a general question about resource
15 conservation, but I think you're giving us
16 an ADF&G definition of where this stock fits
17 into -- into your categories. But what I
18 have heard, and what I can see from this
19 data is that the residents of Sitka are
20 quite concerned about the health of this
21 stock that they're not sure that this is
22 just a dip net because of the change in the
23 fertilization of the lake and to have two
24 years when you have absolutely no
25 harvesting, 2000, you had 35 fish, then, of
course, we would expect to see this kind of
proposal in here.

During that same period what I
noticed in the table which brought me
concern was that in 1994 there is 720 sport
takes, by 1997 that sport take has doubled
to 1300, and two years later that sport take
had, again, doubled to 2800, and so and I
have been down there when that whole process
started of charter boats coming down there
and initially saying, well, it's just our
family, we just come down at the end of the
season. All of a sudden this take doubled
in two years and then it doubled again in
two years. During the same time we have the
subsistence harvest taking a nose dive in
the last two years, and so putting aside
whatever ADF&G categories there are for
management, maybe you can explain, we're
nonetheless concerned about the health of
this stock, whether or not we have resource
conservation concerns.

1

MR. SUMINISKI: Terry Suminski.
I think what you're seeing in the numbers there is actually the user's choice to use sport fishing or staggering methods in salt water rather than go up in the falls and dip net. When we have relatively high returns, it's much easier to snag fish than it is during years of low returns, so, some -- quite a few of the people that are the harvest that's listed under sport was actually taken by people that would be Federally qualified subsistence users that just chose to stay in their boats and snag rather than go up on the falls and risk slipping around on the rocks. And that was my observation being down there. Bill may have something to add to that.

10

MR. THOMAS: John?

11

MR. LITTLEFIELD: Mr. Chairman, I have two questions for Mr. Suminski. One is while he is dipping that fish, I would like him to define for me whether that is a Federal fish or a State fish. It sounds like we have half-dried -- I never heard of a half Federal, half State fish. I'd like him to comment on that. Also as a personal user, I assume you've been doing this for four years, I would like you to comment on whether you believe that you have been able to continue the subsistence uses that you've done in the past in a customary and traditional method given the management decisions to close Redoubt to all users?

19

MR. SUMINISKI: Yes, as far as identifying whether it's State or Federal, I guess you have to check the tag on it. I have no clue. As far as my personal use of the system usually does -- surely doesn't go back as far as yours, but I don't require that much, and I really haven't had any trouble.

23

24

MR. THOMAS: The Federal fish still have the adipose fin, the State fish don't have an adipose fin.

25

1 (Laughter.)

2 MR. LITTLEFIELD: Thank you,
3 Mr. Chairman.

4 MS. GARZA: So, Bill, could you
5 tell me when you were saying resource
6 conservation and management, could you
7 explain those to me?

8 MR. DAVIDSON: Sure. It's
9 difficult for me too because sustainable
10 fisheries policy which has those definitions
11 is rather new, so, it's new to me to work
12 with it, but the basic difference -- I think
13 that a resource concern is one where you're
14 chronically unable to provide for
15 sustainable fisheries, and a management
16 concern is a concern where you might have a
17 low year. And you might not have all the
18 information in the world to make a decision,
19 but in the interest of conserving the
20 resource you might decide to take some
21 action as we have in the past several years
22 to try to bring it back.

23 So, it's a -- to me a management
24 concern is one where management action is
25 taken, and a resource conservation concern
is one where the stock is in need of, you
know, maybe regulatory fixes or, you know,
enhancement activity.

MR. THOMAS: Mike?

MR. DOUVILLE: Thank you, Mr.
Chairman. Do you have any -- I don't know
which one of you could answer this -- but do
you have any system -- I guess you have a
weir across here so you can count fish? Do
you have any provision that -- where you
would let so many fish go through this weir
insuring a sustained species before you
allow all these fisheries to take place, or
you kind of just eyeball the bay and hope
there's some there? How do you manage it so
that you're sure you have an adequate
escapement, because some of these numbers
are like in 2000, that's a pretty small
return for that big of a system. That's a
real tiny one. What is your projections for

1 the next two years? I heard you say that
2 you anticipate in a couple years there
3 should be some increase return because of
4 fertilization, but what is your projection
5 for the next two years before that happens?

6 MR. DAVIDSON: The Forest Service
7 operates a sockeye weir at Redoubt Lake and
8 every fish returning to that lake can be
9 counted. It's a pretty fish-tight weir and
10 we have such a history of running that weir
11 observation that we can construct a run
12 timing curve, by date, by calendar date,
13 portions of a run that should be in the
14 lake, and so using that weir, you can look
15 at the returns that you've been getting, and
16 inseason project escapement at the end of
17 the season.

18 So, we can kind of look ahead and
19 make a timely inseason management decision
20 to achieve an escapement or to not take
21 action or to take action to provide a
22 minimal amount of fish to provide for
23 spawning needs. So, we have a very
24 powerful, useful tool in place to make those
25 kind of inseason decisions. This past sees
26 on the decision to close was made when only
27 15 percent of the run had returns, and so we
28 could take timely action early enough to
29 make a difference. So, it's -- as far our
30 information level inseason, it's very good.

31 As far as information casting, we
32 don't have a information casting program.
33 We do need to review at some time all of the
34 data that's been collected and look at the
35 age classes of the fish that have been
36 returning, and that will help give us an
37 idea of what might be coming back next year
38 or the year after, but certainly in 1999 we
39 had one of the highest escapements into the
40 lake that we've seen in quite some time.
41 So, it's almost the opposite problem. We
42 have about 50 -- over 57,000 fish return to
43 the lake that year. So, also since then
44 lake fertilization has been reimplemented so
45 that there was an adequate escapement --
46 more than ad -- adequate escapement plus
47 fertilization, so I would think that there
48 will come a time when those good escapements
49 are going to kick in and start producing

1 excellent returns again.

2 MR. THOMAS: Mike?

3 MR. DOUVILLE: Thank you,
4 Mr. Chairman, I still -- I guess I'm asking
5 you: Do you have a fixed number that you
6 like to see go into that lake for
7 escapement? I know that you have some good
8 years, some very good years which are
9 probably very nice, but also you have some
10 very poor years like last -- like the ones
11 I've mentioned. And it would appear to me
12 if I was managing that stream, that I would
13 want to have at least 10 or 12,000 fish in
14 that system before you started even fishing
15 just for escapement protection.

16 MR. DAVIDSON: We -- you know,
17 like to see something on the order of
18 like -- what we can do is look back at the
19 past years, the average escapements since
20 the lake's been fertilized and kind of look
21 toward sustaining the good return that also
22 we've had by providing for at least that
23 many fish. And so I think we don't have a
24 formally established goal for that system,
25 but the goal that we would use would be some
26 kind of a range based on the average recent
27 years. So, you know, we're talking about
28 25,000 fish or 20,000 fish that would be a
29 comfort level that we're providing an
30 adequate escapement. Modeling by looking at
31 the size of the lake has come up with this
32 number of around 100,000 fish. Ideally we
33 would work towards larger escapements as
34 time goes on, but, you know, plans for next
35 season would be, I think, to go ahead with
36 subsistence fishery and monitor the return,
37 and if the returns aren't good, then, again,
38 take action on a timely basis.

39 But let's wait and see how the
40 returns are.

41 MS. GARZA: Bill, right behind
42 you, Ben has been flipping through some
43 slides on Redoubt and there is one --
44 through the season escapement and harvest.
45 Could you flip to that one, Ben?

1 MR. VAN ALLEN: Basically -- yeah,
2 we have, I believe it's 22 years of weir
3 count information, but the first three years
4 back -- it was on the earlier slide, 1950 --
5 what was it, '53, I think, '54 and '55, then
6 the weir started up again, and it's operated
7 continuously except for, I think, 1998. We
8 have really one of the best time series of
9 information and what we see out of all of
10 those years of data, yes, indeed the run is
11 very highly variable with the general
12 indication that it's much -- it's built to
13 fairly higher levels. The returns have been
14 much higher in recent years than they were
15 in the early '50s or in the '70s there,
16 early '80s. So some of that attributing to
17 the success of fertilization effort --
18 anyway, given all those years of data, it is
19 a very powerful tool for inseason predicting
20 of how large the escapement is going to be,
21 than's shown on this figure here where --
22 the horizontal -- wait, sorry, those
23 vertical lines, the dark black ones indicate
24 probability, like given all these years of
25 data there's an 80 percent probability that
final escapement, actually escapement that's
going to turn out for the year is going to
be within that range. And so here's how the
model performed each day of the run in year
2000 where it never really had any
indication that the run was going to be up
at its -- at the historical, at least over
this series of years, 1953 to, you know,
1999, whatever, average escapement of
whatever that is, 24,000 fish. And so we
knew from the beginning that it was small,
and that's how it worked out. In, I guess
you could --

20 MS. GARZA: Ben -- Ben, so those
21 red bars that kind of look like pinstripes
22 on a shirt, that is the average over time of
23 the escapement through the season?

23 MR. VAN ALLEN: That's correct.
24 That's an average daily escapement for all
25 those years of weir counts.

25 MS. GARZA: That's cumulative?

1 management precision. So, we're fairly
2 confident in what the final escapement is
3 going to be for the year, at least that
4 are -- our estimate would be 80 percent of
5 the time would fall within that range
6 observed by the time the cumulative
7 escapement -- by, in this case, just a
8 second, 35, I'm just looking at it. It's
9 right in here. Probably put it up there,
10 right around the 20th of July.

11 So, anyway, that's basically how
12 this works. Officially, there's a lot of
13 variability in the beginning of a run, and
14 if we flip to 1991 -- yeah, try up or down,
15 keep going. I guess go up -- yeah that,
16 one. Here's 1991. We see a lot of
17 variability in the beginning. We had one or
18 two days of large weir counts in a
19 relatively larger for the strength of the
20 run for the year -- sorry, 2001. So we have
21 a lot of variability in the estimates in the
22 prediction at the beginning of the season.
23 But they're -- they basically fairly rapidly
24 trended towards a low number. And the date
25 that the announcement was made was right in
here (indicating).

It was right around -- I believe
it was the 11th or so.

MR. CHADWICK: My apologies, no
disrespect meant. Bob Chadwick. The news
release went out on July 11th and was
effective July 13th. And to address some of
Mr. Littlefield's concern, if I may,
Mr. Chairman, in the last two years we have
closed the sport fish and the subsistence
fishery at the same time. As you can see by
this chart here, that when we first started
out in the run, we looked back at 2000 and
'99 and we thought that maybe the return in
2000 was maybe just a one-year glitch. We
looked like by the time we started looking
at this, being a new biologist in Sitka, I
was watching that pretty tight. You can ask
Bill, I was running down his office.

And we had a prediction of close
to 25,000 fish or, you know, between 25,000
and 5,000. Later that week, by the time,
you know -- within a week, we knew that we
needed to do something, we needed to do it

1 immediately. Given the last two years of
2 the depressed -- not a depressed run, but --
3 you know in the 3,000 range, it looks like
4 this year, unless we have evidence to the
5 contrary, we'll be closing the sport fishery
6 at the beginning of the season. And go
7 ahead and open the subsistence fishery and
8 Bill can talk to that.

9 I just wanted to clarify that.
10 Thank you.

11 MR. THOMAS: Dick?

12 MR. STOKES: I have a question
13 for you. Why don't you close the sport
14 fishing earlier, because most of those are
15 charters?

16 MR. CHADWICK: Mr. Chair,
17 Mr. Stokes, actually, on the data I do have
18 for Redoubt I have -- it's not fact -- what
19 do I have, I can say that 74 percent on the
20 average from 1993 to -- I mean until 2000
21 for the average 74 percent of those sockeye
22 are Redoubt according to the Statewide
23 harvest data, 75 percent of them are
24 harvested by resident fishermen. And the
25 other part of the question, why don't we
close it? We have in the past, if this
trend looks like it's going to continue next
year, we've talked about it previously with
Bill Davidson, Mr. Van Alen, and Terry.
I've mentioned it to Jack, and we'll talk
more about it, but we would go ahead and
close the sport fishery this morning.

MR. STOKES: It seems like it
would be prudent to close to sport fishing
and let the subsistence user have a better
shot at it.

MR. CHADWICK: Thank you, sir.

MR. THOMAS: John?

MR. LITTLEFIELD: Thank you,
Mr. Chair. Mr. Douville asked a question of
what was that number again, we hear that
number again and nobody is willing to step
up to the bat and say what this escapement

1 goal for this system is when we have over 50
2 years of data. The Federal Government
3 apparently has escapement predictions and is
4 able to give you that number and we keep
5 hammering on what's this number. When can
6 there be a conservation concern and
7 apparently the sustainable yield policy of
8 the State means there will never be a
9 conservation concern here or in any other
10 stream?

11 MR. VAN ALLEN: Mr. Chairman,
12 committee, I -- I want to respond somewhat
13 on that in that I don't know exactly, you
14 know, the different ways people could define
15 conservation concerns. I guess I'm
16 definitely still in the mode of a management
17 concern that we face any given year, any
18 given stock with the end point being trying
19 to maintain escapements. And, yeah, what is
20 the number? I just -- in the discussion
21 that Mr. Chadwick just mentioned that we had
22 a little conference call and I really
23 encourage this -- all players to -- for us
24 to get together and talk on this. We threw
25 out or -- I threw out numbers being kind of
a minimum predicted escapements we'd like to
see before we take certain actions at
Redoubt, it was discussed that if it looked
like the escapement for the season was going
to be less than 10,000, we would all decide
on which date we would make that decision
bill, maybe it would be the 11th of July,
6th of July. We haven't got to those kind
of things, but the concept of having decided
before the season, you know, in a group,
deciding what these -- I guess triggers are,
so we just discussed that maybe at 10,000
the sport fishery would close, and if the
information casted escapement for the season
was less than 6,000, then there would be
action on the subsistence fishery. I'm just
saying those were two numbers that also were
thrown out and I think we need much more
discussion on that. Those are not the
estimates on what we think is the MSY goal,
biology goal, escapement goal, the goal to
maximize production; we actually think it's
higher than that. What's most important to
us is to maintain at least some reasonable

1 seeding of escapement in there so that if
2 survivals are our favorite or at least
3 average, and other things come to play, that
4 we won't -- whether we will have enough fry
5 produced to take advantage of that. You
6 know, frankly, we're not managing for any
7 necessary harvest opportunity in any given
8 year, like open who I think that's really
9 important point. We're managing literally
10 for the run five years from now. Any action
11 taken this year is literally for the future.
12 And, yeah, it seems kind of awkward to have
13 to close what has become Sitka's most
14 important subsistence fishery if you look at
15 numberswise convenience to town, all those
16 kinds of things. It's a really important
17 fishery and here two years in a row has had
18 to be closed. But, again, that's basically
19 to avoid the -- what I call, again,
20 escapement bottleneck, where if we only had
21 1,000 or 500 fish in there, that would be
22 many years, many cycles of the sockeye to
23 rebuild from that extremely low escapement.
24 The critical thing for everybody is to make
25 sure we maintain at least some reasonable
seeding, and we're not at all pleased with
escapements of 3,000 or less than 3,000.
Again, we'd like to see 6,000 or 10,000 and
ideally we'd be playing with number unless
the 20,000 zone or more, but I don't know
that's kind of my -- you know, insight into
that concern about it being a real
conservation concern and not responsive to
subsistence harvest needs.

18
19 MR. THOMAS: So, the number is
20 3,000?

20 MR. LITTLEFIELD: May I follow up
21 on that?

21 MR. THOMAS: Before you do, John,
22 we're going to have to wind this up, we've
23 got members of the public that are going to
24 come for dinner; dinner is ready; we're not.
25 We're going to move whether we're not.
We're not going to finish this part of the
proposal tonight.

25 MR. LITTLEFIELD: Mr. Chairman, I

1 think I'm reminded of a saying if it looks
2 like a duck, walks like a duck, quacks like
3 a duck, chances are it's a duck. Whether
4 you call it a management concern or
5 conservation concern, I think there's
6 something going on here that will not allow
7 the local people to continue the subsistence
8 uses that they are customarily and
9 traditionally accustomed to. I think that
10 statement is true, because obviously, you --
11 you've obviously cut off subsistence use.
12 At a minimum, I would close this system to
13 sport use or any other use and open it on
14 those days when you can predict with
15 reasonable certainty what the run is going
16 to look like. And if it's sufficient, open
17 it up to sport fishery, otherwise you've
18 already harmed the continued use of sport
19 fish -- excuse me, subsistence.

20 MR. THOMAS: Thank you, Dolly.

21 MS. GARZA: We did have one
22 member of the public that wanted to testify
23 and then zoom off to the fish.

24 MR. THOMAS: I've got six members
25 of the public signed up.

26 Are we going to honor the locals
27 or show them the favorite side of
28 disrespect? What are we going to do?

29 Okay. Sounds to me like we want
30 to continue and that's what we'll do. I'm
31 not going to make reference to this again
32 until we dispense of this action.

33 Okay. Any more comments from the
34 State or questions?

35 Do I see a hand down there?

36 Thank you very much.

37 MR. SUMINISKI: Thank you,
38 Mr. Chairman.

39 MR. CHADWICK: Thank you, sir.

40 MR. THOMAS: Public comments.

41 MS. WILSON: Public comments for
42 29. Jack Lorrigan. After Jack Lorrigan,
43 it's Nels Lawson. After Nels, it's Woody

1 Widmark.

2 MR. LORRIGAN: Mr. Chairman, I
3 was wondering if I could defer my time to
4 Mr. Pate. He's got to --

5 MR. THOMAS: He wanted to talk
6 about 25 and 37, and 37. We're talking 29.

7 MR. LORRIGAN: He wanted to talk
8 about 29, I believe.

9 MR. THOMAS: I'm just going by my
10 sheet of paper here.

11 He can talk about 29. I've got
12 no problem with that.

13 MR. PATE: If it pleases the
14 Chairman.

15 MR. THOMAS: It pleases the
16 Chairman.

17 MR. PATE: My name is Jude Pate.
18 I'm attorney for Sitka Tribe. Thank you,
19 Mr. Chairman, for allowing me to testify.
20 Thank you Council, Council members.

21 I'm testifying in two capacities:
22 First, as a personal subsistence user for
23 Redoubt. I'm a qualified Federal
24 subsistence user. I've held a permit for
25 most of the last eight years. Redoubt is my
primary place where I get my sockeye. I
depend on those sockeye and the management
decision by the State and the Forest Service
to close in 2000 and 2001 meant that I got
no sockeye at all from Redoubt. When I take
those fish, I share them with people, with
Elders. I take them to the potlatch. I use
them in all sorts of ways in Sitka. And
when I'm not able to get fish at Redoubt, my
sockeye, I have to go to Necker Bay. I have
a small skiff, 16 foot, outside waters,
time, money, risk. Usually I have to have a
second support with me. The fish at Necker
Bay are smaller. They're not as good. The
fish at Redoubt are big and healthy, very
good fish. I believe the management
decisions to close subsistence fishery
together with the sport violates my rights

1 as a subsistence user under 804. That's the
2 preference. When there's restrictions
3 you're supposed to restrict subsistence
4 users last.

5 About reports of charter boats,
6 I've seen them there. There's been a
7 charter explosion in Sitka, and I think that
8 the department's own data shows there's been
9 an increase in the sport use.

10 As attorney for the Sitka Tribe,
11 I'll speak to the jurisdiction. There's
12 three different bases for the Council to
13 exercise jurisdiction to close the waters in
14 the way that proposal is requested. The
15 first is that title is held, as I described
16 to you earlier, United States actually owns
17 the submerged lands through a series of
18 presidential proclamations. The second is
19 an independent basis of reserved waters.
20 The United States holds an interest in those
21 waters. The third basis is something called
22 extraterritorial jurisdiction. Your
23 attorney, Mr. Yugashefski (ph.), made
24 reference to it when the hunting from a boat
25 issue came up. Extraterritorial
jurisdiction, you're allowed to exercise
that because you know those sockeye are
headed for Federal waters and you know who's
intercepting them, and you know by allowing
them to intercept those fish that it's
frustrating the purpose of ANILCA which is
to protect subsistence uses. Therefore,
you're able to exercise extraterritorial
jurisdiction without moving the line from
where it is now. You're not required to
push that line out. You can exercise it
right from where it's at now.

I believe that the -- whether you
call it a management decision or
conservation decision by the Department, if
you look at the effect of it, the only time
a conservation -- by Mr. Davidson's
definition is going to happen is when there
is not enough to be fished at all. And if
that's the case, then the subsistence
priority will never kick in. There is not a
chance that a subsistence priority would be
in place. And by closing the sport and the
subsistence at the same time, that's a
violation of Section 8034 which requires

1 times of restrictions to close other
2 fisheries before you close subsistence uses.

3 Finally, under Section 815,
4 Mr. Littlefield and other staff members,
5 Council members have made this point
6 repeatedly, there are other basis besides
7 conservation purposes under Section 815.
8 There,'s also to continue subsistence uses,
9 and both of those are at issue here,
10 conservation and continuation of subsistence
11 uses.

12 I believe Mr. Davidson's only
13 testimony when he was discussing about why
14 the fishery was closed early, because he
15 needed to conserve fish, conserve
16 conservation. I believe it is a
17 conservation action.

18 Thank you, Mr. Chairman, for the
19 time.

20 MR. THOMAS: Questions for Jude?
21 Dolly?

22 MS. GARZA: Jude, in the map
23 that's provided to us on 101 where the
24 Federal jurisdiction line is and where the
25 proposed closure boundary is, it's my
understanding that there was an error in
that?

26 MR. PATE: Mr. Chairman,
27 Ms. Garza, yes, I believe there was, and I
28 don't know where it lies, but I leave that
29 to Mr. Lorrigan to describe when he
30 testifies. He was involved in the drawing
31 of that line.

32 MR. THOMAS: Further questions?
33 Thank you.

34 MR. PATE: Thank you, Mr.
35 Chairman.

36 MS. GARZA: Move to recess.

37 MR. THOMAS: For how long?

38 MS. GARZA: Tomorrow.

39 MR. MARTIN: Second.

1

MS. GARZA: Just on
administration. Do you know -- do they have
bingo here tonight? So there's bingo here
tonight. So we do have to get out of here
besides this dinner and tomorrow night I saw
a poster that ANB, ANS is having a meeting
here tomorrow night. So we don't have this
hall until we want to leave.

2

3

4

5

6

MR. THOMAS: Moved and seconded
to recess.

7

All those in favor, say "aye."

8

COUNCIL MEMBERS: Aye.

9

MR. THOMAS: Opposed?
We're in recess.

10

11

(Southeast Federal Subsistence
Regional Advisory Council adjourned at 5:00
p.m.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Sandra M. Mierop, Certified
Realtime Reporter, do hereby certify that
the above and foregoing contains a true and
correct transcription of the Southeast
Federal Subsistence Advisory Council meeting
reported by me on the 17th day of October,
2001.

Sandra M. Mierop, CRR, RPR, CSR

