

1 SOUTHEAST
2 FEDERAL SUBSISTENCE REGIONAL
3 ADVISORY COUNCIL

4 Taken at:
5 Alaska Native Brotherhood Hall
6 Yakutat, Alaska

7 October 18, 2001

8 ATTENDANCE

9 Council Members Present:

10 William C. Bill Thomas, Chair
11 Bert Adams
12 Floyd Kookesh
13 Richard "Dick" Stokes
14 Mary Rudolph
15 Patricia Phillips
16 Michael A. Douville
17 Marilyn R. Wilson
18 John Littlefield
19 Harold Martin
20 Dolly Garza

21 Coordinator:

22 Fred P. Clark

23 Others Present:

24 Dan LaPlant, US FWS; Scott Kelley, ADF&G;
25 David Johnson, Tongass NF; Ida Hildebrand,
26 BIA; Rachel Mason, NPS; Jim Capra, NPS;
27 Sandy Scotton, NPS; Eric Veach, NPS; Mike
28 Jackson, OVK; Burt L. Jackson, OVK; Daniel
29 Gillikin, USFS; Steve Will, KCAW-FM; Don
30 Rivard, US FWS; Greg Bos, US FWS; Tom
31 Morphet, United Fishermen of Alaska; Bob
32 Larson, USDA; Mike Turek, ADF&G; Ben Van
33 Alen, USDA; Doug McBride, US FWS; Terry
34 Suminski, USDA; Jeff Reeves, USDA; Greg
35 Kahler, USFS; Martin Myers, USFS; John
36 Burick USFS; Nels H. Lawson, USFS; Robert
37 Johnson, ADF&G; Steven McCurdy, ADF&G;

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.
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PROCEEDINGS

MR. THOMAS: Glad to see everybody here. Looks like our hall is getting larger, capacity is increasing.

When we left last night we were with FP02-35, and we were discussing proposals that were listed as a blanket enclosure in this proposal. However, there was a reconsideration and then we pulled separate proposals from that blanket for individual deliberation and discussion. And I'm going to need some help. If my memory serves me right, we were still dealing with Proposal 29 last night, and we're still in public comment. Is that correct?

MR. CLARK: That's correct.

MR. THOMAS: Okay. Thank you. And for public comment, we have members of the public.

Woody Widmark, if you would, please.

MR. WIDMARK: Thank you, Mr. Chair, Council Members. Thank you for allowing me to speak this morning regarding Redoubt Lake. Just to refresh my memory from yesterday, as you know, that Redoubt Lake was closed for the past two years regarding inseason. A couple of things that I wanted to get across to you, Mr. Chairman, and the Council members was at least communication. That was brought up by yourself, Mr. Littlefield, and Mr. Adams. At times it gets a little bit confusing with dual management back home on the Sitka Tribe's traditional territories regarding dual management. If I may, if I can go with one route, Federal jurisdiction on the -- with the Forest Service that the Tribe deals primarily with the Forest Service and worked that relationship which is strong today. We did have our growing pains, but we -- both the Tribe and the Forest Service really worked on its trust responsibilities, communication, protocol on the memorandum of understanding which was established, as you

1 know, that executive orders by President
2 Clinton, the Forest Service, and the Tribe
3 established an MOU and we met annually for a
4 couple of years and we've grown so much that
5 we're meeting twice a year now.

6 Some of the things that we've
7 gone through besides getting our information
8 across on subsistence and other areas in the
9 Tongass on the traditional areas is we've
10 gone to the common grounds as well to learn
11 what other Tribes are doing and share what
12 Sitka Tribe is doing in the Tongass.

13 The deal on the closure on July
14 11th, we did get contacted, yes, Mr.
15 Chairman, and Council Members, but we did
16 contact a day or a day or two late. The
17 Council meets every third Wednesday. We
18 finally officially got contacted during that
19 period of time by the district ranger. As
20 it was noted the other day, the staff were
21 contacted on that staff level, but the
22 Council did not by the line officer, by the
23 district ranger. Those are things that
24 we're still working on and I'll bring that
25 up when we have our meetings during that
time.

14 But I did want to establish that
15 we have a pretty good relationship at least
16 on a dual management with the Forest
17 Service, we continue and we try to enhance
18 that and I feel pretty good on that, even
19 when Mr. Morenson was here and when
20 Mr. Franzel who has left us now.

21 On the action as it was taken on
22 July 11th at Redoubt Lake, if I may, that
23 Fish & Game and the U.S. Forest Service
24 acted jointly. "Jointly" was one I
25 highlighted that got my attention, to
protect the Redoubt Lake sockeye, which
would happen in early July.

21 If I may, Mr. Chairman, going on
22 to the Alaska Department of Fish & Game,
23 there are parallels that I want to share on
24 that. Besides the last two years with the
25 Redoubt closure, we did have another closure
as well which made it difficult for our
subsistence harvesters to harvest sockeye.
The other closures on one of the proposals
already, so I won't get that, but it made it
difficult for our traditional harvesters to

1 reach our customary use during that time.

2 The -- if I may, we had been
3 working trying with Alaska Department of
4 Fish & Game, on another issue is another
5 customary and traditional use on herring.
6 We have met a couple of times this past year
7 with the Fish & Game, the Commissioner, and
8 a couple of his staff besides the area
9 biologist back in Sitka. We are working
10 closer together -- we don't have a formal
11 agreement, but we've been communicating
12 better.

13 Some of the things that we're
14 talking about is looking at a formal
15 agreement, hopefully a seat at the table,
16 and ongoing dialogue, et cetera.

17 This closure at Redoubt Lake to
18 parallel with the herring issue that I just
19 mentioned was mentioned by Mr. Davidson that
20 this decision was a conservation concern.

21 My question -- and it doesn't
22 have to be answered -- my question to myself
23 was: Was that an allocative decision versus
24 nonallocative decision? It has been said
25 that the allocative decision cannot be made
26 by administrative staff, only by the State
27 Board of Fish. Was this a nonallocative
28 decision where the staff has the authority
29 to make that decision?

30 My question -- those were my
31 questions I had at least on parallel with
32 the Fish & Game and U.S. Forest Service.

33 The other -- the other aspect was
34 subsistence priority met? It was mentioned
35 also, Mr. Chairman, Board members that the
36 pyramid in concept that subsistence priority
37 is No. 1, at the top and commercialism is at
38 the bottom. I as Tribal Chairman for Sitka
39 Tribe at times don't feel that way, that
40 subsistence is at the bottom, not a
41 priority, let alone not even a secondary.
42 That commercialism is at top. But with the
43 collaboration that Sitka Tribe and other
44 Tribes in Southeast has met, that's been a
45 positive to look at our resources and try to
46 enhance our customary and traditional way of
47 life.

48 Our biologist, Jack Lorrigan,
49 with Sitka Tribe and our Fish & Game
50 personnel, the Forest Service personnel have

1 been collaboratively working together on
2 projects in the Sitka Tribe traditional
3 territories. It's been going on for the
4 past couple of days that I want to bring
5 this up, reemphasize that those are concerns
6 with the dual management closures, that I
7 myself have to deal with in representing
8 3100 Tribal citizens. At times it feels
9 like I'm alone here because I don't see
10 other Tribal leaders to listen to Tribal
11 concerns. I know Mr. Adams is a Tribal
12 leader, the gentleman from Eyak had to leave
13 yesterday. It was good to see Tribal
14 leaders speak on behalf -- come down here
15 and listen, and listen to other Tribal
16 leaders.

17 I do echo Mr. Jackson from Kake
18 on the collaboration, trying to get -- learn
19 about the resource, putting people to work,
20 collaborating with the different agencies,
21 and I hope that continues with the budget or
22 limited budget that we have.

23 I know it's going to be ongoing,
24 Mr. Chairman, that -- but I just wanted to
25 share with you and the Council members about
26 the Tribe's ongoing concerns regarding
27 Redoubt Lake.

28 Thank you, Mr. Chairman.

29 MR. THOMAS: You have a position
30 on Proposal 29? Are you speaking in favor
31 or in opposition to it?

32 MR. WIDMARK: No, at this time,
33 Mr. Chairman, no, I don't, but I just --
34 I'm -- I'm at a loss about trying to figure
35 out on a dual management. I'm sure I'm not
36 the only one. But I feel that the two
37 agencies and the Tribe, the pyramid, if you
38 will, needs to collaborate a little bit
39 more, at least better communication because
40 our relationship with the Forest Service on
41 the government-to-government is there, but
42 our relationship with Fish & Game is not.
43 But I did let you know and the rest of the
44 Board members that we are trying to work
45 that out, not just with the herring issue,
46 but hopefully with the Fish & Game as well,
47 Mr. Chairman.

1 MR. THOMAS: Thank you. It was
2 an excellent presentation.

3 Questions? Are you ready for
4 questions from the Tribunal?

5 John?

6 MR. LITTLEFIELD: Thank you, Mr.
7 Chairman; and, Mr. Chairman, I would like
8 you to clarify the position of the Sitka
9 Tribe as I see it, and I want you to correct
10 this if I'm wrong that the intent of this
11 proposal as with all of our proposals was
12 not to restrict a commercial salmon harvest
13 that currently takes place in Southeast
14 Alaska, that was never my intent and I would
15 like to, if you could, for the record, say
16 that was your intent. This is generated by
17 competition in the terminal area, in the
18 area that's under Federal jurisdiction, not
19 out in the open oceans or anything like
20 that, that was never our intent, but we are
21 trying to recognize specific bodies, if you
22 could comment on that, I would appreciate
23 that.

24 MR. WIDMARK: Mr. Chairman,
25 Mr. Littlefield, I do agree, that is not the
26 intent. My message is a subsistence
27 priority first should be met, shall be met.
28 That would be -- that could be -- not would
29 be, not could be, shall be met. It's a
30 multiple-use resource, and I just want to
31 make sure that our subsistence harvests are
32 met and or intent is never to close down
33 commercial sport, et cetera, as long as the
34 resource is there, Mr. Chairman, that
35 subsistence priority is first.

36 Thank you, Mr. Chairman.

37 MR. THOMAS: Thank you.

38 Further questions?

39 Dolly?

40 MS. GARZA: Mr. Chairman, it's
41 not a question, but a comment, and it's good
42 to see you here, Chairman Woody. I wanted
43 to let you know that Sitka Tribe has been
44 the most present Tribe at all of our
45 deliberations over the time from Ray Neilson
46 to Wade Martin to Norm Kohler to Jack

1 Lorrigan that STA has consistently presented
2 themselves at these meetings and at STA's
3 expense. We thank you for that commitment
4 because it is important to see the Tribes
5 and rural community members here. As you
6 can see, the majority of our meetings are
7 occupied by State and Federal agency staff
8 as part of their job, and we're grateful
9 that they're here because they give us
10 advice and information, but it is because of
11 the subsistence people that we're here. We
12 want you to know that if finances get tight
13 that we hope you hold on to sending somebody
14 here, because it's critical and it's good to
15 see you.

9 MR. THOMAS: Mary?

10 MS. RUDOLPH: I would also like
11 to say the same, and I'm on the Board of a
12 Native Association, so a lot of this
13 information is taken back, and we have a
14 person that works for natural resources
15 that's taking a lot of this information back
16 and normal Tribes to work with. I commend
17 you for coming because not a lot of our
18 Board of Chairman can make it to these
19 meetings. We appreciate your input.
20 Thank you.

16 MR. THOMAS: Any questions?
17 Thank you very much.

18 MR. WIDMARK: Thank you,
19 Mr. Chairman, Board members.

19 MR. THOMAS: Jack Lorrigan, did
20 you want to speak on 29?

21 MR. LORRIGAN: Good morning,
22 Mr. Chairman, Council. I'd like to thank
23 Yakutat for hosting this once again, and
24 good to see all of you this morning.

25 I'd like to speak in favor of
26 Proposal 29 in the regards that most all
27 these proposals have a similar theme, and
28 that was subsistence priority is -- needs to
29 be met, that we have no desire to shut down
30 the commercial industry, that the proposals
31 as put before you are not perfect, and that

1 hopefully the wisdom on your Board will help
2 modify and give us something that we feel --
3 or we can all agree serves the interest.

4 I've had the pleasure of working
5 with the Forest Service and Fish & Game this
6 summer on a couple of projects, and in
7 working with those staff members -- I
8 know -- I think I know where the heart is
9 and what the rules they have to play by are.
10 So, one way to change how they play by the
11 rules is maybe change the rules. So, if
12 they rewrote the regulations, they wouldn't
13 be working for Fish & Game very well. So,
14 in the interest of cooperation and serving
15 the greater public need, we can still get
16 what we want, these proposals before you
17 were born out of the frustration that there
18 is a competition for this resource.

19 In the packet that Mr. Pate
20 presented to you, we believe after your
21 Council has had a chance to review it, come
22 back, that there may be stronger means for
23 you to apply your jurisdictional further out
24 than presently, but we haven't -- that's all
25 speculation, and we haven't seen their
26 response, and we don't know if they'll
27 respond that way. It's a big bite to take.

28 I think that's all I have for
29 this morning.

30 MR. THOMAS: Okay. Thank you.
31 John?

32 MR. LITTLEFIELD: Thank you, Mr.
33 Chairman. Mr. Lorrigan, have you, as a
34 biologist, in recognizing all the data that
35 was presented yesterday especially by
36 Mr. Van Alen, we appreciate that. It was
37 very informative. He gave us some
38 indication of what an escapement goal would
39 be for the Redoubt system. We tried to
40 hammer down a number, we asked everyone a
41 number. Is there some number that we should
42 see from you as a biologist before we should
43 open the goal for subsistence fisheries,
44 especially for some other users. Is there
45 some number that comes to mind?

46 MR. LORRIGAN: I've only been on
47 the lake once, I've only dip netted at the

1 mouth. I've never walked the spawning
2 areas. I could not begin to even guess at
3 what the number is. Listening to Herman
4 yesterday talk about the cannery that was
5 built at Redoubt and the 500,000 fish catch
6 that one year, and then the escapement goals
7 lately, the highest lake in recent memory
8 has been 57,000 fish, I don't know. I know
9 what's been going there probably isn't near
10 enough in the past two years. I don't know.
11 It would be nice to see 10, 20, 30,000 fish
12 go in there annually so it could build up.
13 But right now that system needs help with
14 fertilization, so, there needs to be a point
15 where enough fish come back, spawn on the
16 lake naturally, that their bodies naturally
17 fertilize the lake, but I couldn't tell
18 you -- begin to tell what you that number
19 is.

11 MR. LITTLEFIELD: Thank you,
12 Mr. Chairman, I have one last follow-up I
13 believe, and I'm referring to Section 802 of
14 ANILCA has to do with the policy of
15 Congress, and in Section 1 it says: It is
16 hereby declared to be the policy of Congress
17 that consistent with sound management
18 principles and the conservation of healthy
19 populations of fish and wildlife -- that's
20 how these resources are to be managed. And
21 when we apply that to the Redoubt system,
22 I'm talking about area-wide here, when we
23 apply this to the Redoubt system, could you
24 respond to the staff's perception that this
25 is a healthy stack given what Herman said
and whether you believe that the management
principles that they've been enacting are
adequate or correct or however you'd like to
comment on that?

21 MR. THOMAS: If you're not
22 comfortable in responding to that, you don't
23 have to, because it's a question you weren't
24 ready to yield at this time. If you're
25 comfortable in doing so, you're welcome to.

24 MR. LORRIGAN: I'll take a stab
25 at it.

25 Redoubt Lake is a unique lake
because of the saltwater layer that lays

1 below. It doesn't act like a normal lake.
2 Because of that, they've had to artificially
3 refertilize it to promote juvenile
4 production. The little bit of adults that
5 do come back and 57,000 high escapement
6 is -- what is that, 1, 10 percent of
7 500,000? And I don't know -- I haven't
8 talked to anybody who can definitively say
9 when that salt layer at the bottom of the
10 lake developed. Has it always been there?
11 Has it developed recently? Is there an
12 underwater channel where it just refreshes
13 itself? I don't think that anybody can say
14 for sure. I think what I've seen is that
15 Fish & Game has tried in cooperation with
16 the Forest Service to get as many fish in
17 the lake as possible and feed those fish
18 that are there, but I don't believe they
19 have the budget to help. This is where the
20 concept of money talks and baloney walks.
21 I'm not saying that subsistence is baloney,
22 but the commercial and sport fishery drive
23 their budgets and they respond accordingly.
24 They try to help us. Sometimes our
25 perception of that help isn't favorable, but
I think they try to get as many fish in that
lake as possible and still provide for the
fishery. So, what I've seen, I think
they're doing what they can, personally.

16 MR. THOMAS: Dolly?

17 MS. GARZA: Okay, Jack, I'm
18 looking at the actual proposed regulation
19 language on page 98 and the first one is,
20 it's my understanding is intent of the
21 proposal to extend the Federal line out from
22 mean high water that water fall. And it was
23 my understanding from the map that we've
24 been given is that that line is
25 misrepresented in the diagram we have on
page 101.

22 MR. LORRIGAN: Yes, I've spoken
23 with Terry Suminski. That line should
24 actually -- I think we've pulled inside of
25 Kidney Cove, and I don't know the name of
the peninsula that comes up from Redoubt to
the tip. It should be a straight line
almost parallel to the letter "F" on Federal

1 jurisdiction. I think his computer program
2 wouldn't let him bring the line over, that's
3 why he drew an arrow, from that right about
4 there.

5 MS. GARZA: I'm not sure that we
6 would get the line that far out. However,
7 from the testimony that I've heard both from
8 staff as well as from the public is that
9 there's too much confusion on the falls when
10 you're dip netting whether or not you're a
11 State dipnetter or a Federal dipnetter,
12 around my feeling is that we need to move
13 that line out at least so that those people
14 at the falls clearly understand that they're
15 a Federal subsistence dipnetter and that
16 they are less apprehensive or less confused
17 about their activity when they're out there.
18 So, I can see moving it out to that small
19 island where people dip net off of when --
20 at a low tide. The reasoning for taking it
21 even farther out is because what I noticed
22 in the harvest levels on page 105 and what I
23 had pointed out yesterday was that between
24 1994 and 2000, the sport harvest has
25 quadrupled. It's gone from 700 to 2800, and
for those of us who fish that area know that
there are a number of charter boats going in
there and casting for sockeye. It concerns
me greatly that we have this increase in
harvest in a time when we know that the
sockeye returning will be at a lower level
because of the years of unfertilized
sockeye, and so for that reason, I'm
concerned that that line is not far out, the
line at which you can cast -- there's a
marker line 200 feet away from the falls,
500 feet away from the falls, that if we're
still taking 2800 sockeye by casting, that
that line is not as far out as it should be,
especially at a time when we have low
stocks.

And so I'm trying to come up with
a line that would be defensible to the
Federal Subsistence Board given that when
the Federal Subsistence Board sees this
proposal, they will be getting staff reports
from Federal as well as from ADF&G. And so
I -- and, of course, anybody who even
charters or likes to snag is not going to be

1 happy with Kidney Point, the sockeye don't
2 start schooling up there. So, how far out
3 do you think we need to go? Is it another
4 100 feet from the point where that snagging
5 occurs -- because, I mean, I've been there,
6 you see people right on the line, and
7 they're snagging -- they're not snagging
8 toward the ocean, they're snagging toward
9 the creek. So if -- considering the length
10 of how far they can cast that line, they're
11 snagging into estuary and waters where the
12 sockeye are schooling up, and so what I'd
13 like to see is a line that's drawn several
14 hundred feet out, that I think may have a
15 better chance at being accepted.

Does that make sense to you?

9
10 MR. LORRIGAN: I've been there
11 several times and I know what you're talking
12 about. That's -- it's easier to snag a fish
13 when it's getting closer to the actual
14 stream and they concentrate down, they're
15 racing by you. And there's individual
16 talent and people get good at it.
17 Personally, I have on several occasions when
18 the run was large got all my fish, the sport
19 method, right where the line is, that says
20 Redoubt Bay. I fish that little coast on
21 the west side and got plenty of fish right
22 there without even coming into the estuary
23 portion of Redoubt. I just follow the
24 jumpers and got everything out there, and I
25 didn't have to run a bunch of gas all the
way in. I was done, left and went somewhere
else for whatever I was doing.

I believe -- I'm not prepared to
answer that question unless I had a chance
to sit down and talk with staff from the
other agencies.

21 MR. THOMAS: Other questions?
22 John?

23 MR. LITTLEFIELD: Sorry,
24 Mr. Chairman, I need to follow up a little
25 bit on what Dolly asked him.

Would the Tribe be -- consider an
amendment to the proposal. In other words,
my understanding is the proposer can modify
his proposal up until the time we act -- we

1 take action it; is that correct, staff?

2 MR. CLARK: It can be modified as
3 long as it's not too greatly modified,
4 because the proposals went out for public
5 review. But it's up to the Council to
6 modify it as well. Just a little side
7 point, staff is more than willing to work
8 with Sitka Tribe in modifying lines on the
9 map.

10 MR. LITTLEFIELD: Following that
11 up -- thank you, Fred.

12 Would you feel comfortable or
13 would you want a few minutes to look at
14 something like adding an amendment to the --
15 to develop your language similar to this,
16 that the Federal inseason manager may modify
17 these restrictions upward or downward as
18 required? In other words, to allow some
19 flexibility to the manager within that area
20 to adjust that line?

21 MR. LORRIGAN: I think these
22 proposals are subject to some manipulation
23 to make them a better fit, I guess, the
24 ultimate goal as long as a subsistence
25 priority is met. I would like to talk with
26 the Federal manager or staff for that person
27 to go over that language. That moment, I
28 don't have a problem with that, but it would
29 be nice to have a couple more heads on it.

30 MR. THOMAS: Further questions?

31 MS. GARZA: Jack, one of the
32 other concerns that I've heard is -- I guess
33 the two sides of this, if we're trying to
34 exclude non-Federally qualified subsistence
35 users from Federal waters, that's actually
36 very little of that stretch where you can
37 dip net on the small side of the falls,
38 that's probably the upper half, on the main
39 falls, it's going to be on the left side
40 because on the right side it's going to be
41 hard to find footing. So it doesn't really
42 have much effect. The concern -- the
43 concern that I understand is for the harvest
44 by non-Federally qualified subsistence users
45 in the area where you can either snag for

1 fish or you can be dip- netting on State
2 waters. Would you say that's true?

2

MR. LORRIGAN: Yes.

3

MS. GARZA: Okay. And so the
4 other concern that I've had heard voiced by
5 Jude Pate, who is now gone, is that you guys
6 were quite concerned that subsistence was
7 not the priority when, in fact, a closure
8 included both the subsistence as well as the
9 sport fishing -- the sport fishing.

10 And so what I was reading from
11 that or at least deducting from that is that
12 the intent was that sport fishing should be
13 closed before subsistence fishing is closed
14 if there is an apparent conservation
15 concern, not as ADF&G defines conservation
16 concern, but as we define conservation
17 concern. Is that -- do you think I'm
18 reading that right?

19 MR. LORRIGAN: I think there's
20 some half-truths there. We're not always on
21 the grounds to -- and we're not running the
22 weir to determine what the escapement is for
23 any particular time. The way we interpret
24 the regulation to read is that subsistence
25 has a priority and that we shouldn't be
lumped in with sport fish. However,
conservation, as I see it for the Tribe
biologist, rules. If there's a conservation
concern, then shut us all down.

The time frame that the managers
had to act was within a couple of days to
keep -- keep as many people from charging
down there and getting the last bit of fish
that were really, really needed on the
spawning grounds. 3,000 fish, less than
3,000 fish is nowhere near what's needed for
that lake. That is obvious. But in the
future we would like to see more
consideration towards the regulation as it's
written that subsistence has a priority.
You shut down the commercial and sport, then
subsistence -- over time we hope to work
that into the regime. I think we're
still -- we're still seeing the old way of
doing things.

1 MS. GARZA: Okay. So what I'm
2 trying to get at is looking at -- when we
3 looked at the slides yesterday of the
4 escapement that had obviously -- appears to
5 be steadily increasing over between the end
6 of June and the end of July, and by the end
7 of July or 1st of August we know what's
8 going on. We hope to have a fairly high
9 escapement, but subsistence is occurring and
10 sport fishing is occurring even at the
11 beginning of that escapement return.

12 And so what I'm thinking in my
13 mind is that if there were a mechanism to
14 say, okay, perhaps we should bump
15 subsistence opening back a bit so we know
16 that we at least have some escapement and
17 through some memorandum of agreement, since
18 the Federal and State biologists have these
19 abilities to come to these agreements -- at
20 least that was the understanding I got --
21 that the sport fishery does not open until
22 there is a minimum escapement in, and that,
23 in effect, would -- would allow for the
24 subsistence level. So, you may have
25 subsistence opening on July 3rd. You have a
certain amount of escapement and it may be a
week or ten days later, we say, okay, the
run looks good and then sport can be opened.

16 MR. LORRIGAN: That is a phrase
17 I've been hearing is subsistence is open
18 until closed and sport fishing is closed
19 until open, to take care of that priority.

18 MR. THOMAS: Can I have the
19 motion read? Does anybody have a copy of
20 the motion that we're talking about?
21 John?

21 MR. LITTLEFIELD: Mr. Chairman, I
22 do not believe we are deliberating 29 at
23 this time. I don't think a motion to accept
24 has been made. It could be corrected.

23 MR. CLARK: Still on public
24 comment, Mr. Chairman.

24 MR. THOMAS: On what proposal?

25 MR. LITTLEFIELD: 29.

1

MS. GARZA: The proposed regulation is on page 98.

2

But the comment that you made, Jack, that subsistence is open until closed and sport is closed until open, is that a want or is that the current state?

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MR. LORRIGAN: I think it's a want right now.

6

MR. THOMAS: Question? Anybody got more questions?

7

Thank you.

8

Nels Lawson?

9

MR. LAWSON: Thank you, Mr. Chairman. Thank you members of the Council. My name is Nels Lawson. I'm a resident of Sitka. I am a role member of Sitka Tribe of Alaska, and I am also a Federal employee with the Forest Service.

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I am a subsistence user, and I have lived in Sitka since the late '40s. I believe as a Federal employee for the Forest Service that I can share with you my experiences growing up in Sitka. However, I don't believe I can have a position one way or the other on Proposal 29; so, I will share with you my experiences growing up in Sitka.

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Specifically, Redoubt. I remember in the late '40s and early '50s, the amount of sockeye that used to be around Redoubt. The bay in front of the lake and farther out from the Redoubt Bay, I remember used to be jumping with sockeye during the summertime. There would be a lot of sockeye there. Recently, the last time my subsistence needs were met at Redoubt Lake was in 1995. Some of the reasons why I no longer go to Redoubt Lake to harvest my sockeye is that there's incredible amount of competition for the same fish. Sometimes the bay -- the shores along the river will be lined with people trying to dipnet. There will be a lot of boats in the bay anchored up. Some of them are dipnetters and some of them would be trying to snag. The reason for that is Sitka or Redoubt Lake

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1 is very close to Sitka, about 10 to 12
2 miles. That's a very short run. It's
3 easier for the persons that have the smaller
4 skiffs to get to Redoubt Lake. It's only
5 about a half hour run.

6 I have means to travel farther,
7 and I do travel going north about 50 miles
8 or going south about 50 miles where there's
9 less competition for the same fish.

10 And I think there's a real
11 critical point for myself in that there is a
12 lot of competition for the Redoubt Lake
13 sockeye.

14 MR. THOMAS: Questions?

15 MR. MARTIN: Mr. Chairman,
16 Mr. Lawson, thank you for your testimony.
17 When you say "competition," are
18 you talking about other Natives or sport
19 fishermen? Who is this competition?

20 MR. LAWSON: All of the above. I
21 do note that in the last several years that
22 I've gone back to check there have been a
23 lot more charter boat operators in there.

24 MR. THOMAS: Patty?

25 MS. PHILLIPS: Nels, do you know
how long local residents have asked the
managers of this stock to give subsistence
the priority of harvest?

MR. LAWSON: I don't know the
answer to that question.

MR. THOMAS: Any more questions?
Thank you, Nels.
Mike? Do you have questions for
Nels?

MR. DOUVILLE: No.

MR. THOMAS: Thank you, Nels.
Mike?

MR. DOUVILLE: Thank you,
Mr. Chairman. I have a suggestion on this
proposal that would break it into separate

1 parts since it is a -- one part of it seems
2 relatively simple to me and the other is
3 really complex. The first paragraph is the
4 part that I have difficulty with. The
5 second part of it, establishing a Federal
6 subsistence fishery should be relatively
7 easy with minor modification.

8 I was just curious if the makers
9 of the proposal would entertain that idea?

10 MR. THOMAS: Is the maker of the
11 proposal here?

12 MR. LORRIGAN: Could you repeat
13 your question?

14 MR. DOUVILLE: I would suggest
15 that we break this proposed regulation into
16 two parts, making the first paragraph Part
17 A, and maybe Part B for the -- what remains
18 below that, and changing the wording,
19 perhaps maybe it would be easier if I show
20 him what I did on paper?

21 MR. THOMAS: Sure.
22 We'll stand at ease for a minute
23 and let Mike get his point across to Jack.

24 (Break.)

25 MR. THOMAS: Okay, Jack?

MS. GARZA: Mr. Chairman, could
you hear all the comments on the proposal --
did we hear all of the public testimony on
this proposal? Did you have any more green
cards? Otherwise, we're going into Council
deliberation.

MR. THOMAS: What we have left is
I've written -- the written public comment.
Some, nothing happened on this
caucus; is that what I'm understanding?

MS. GARZA: No, that -- I think
when we talk about it it will be Council
deliberation regarding proposal itself, so
we need to bring it up -- so we need to
bring it up then. So we need to follow the
correct process, make sure we've done the

1 public testimony. Fred has written us our
2 written notes and made sure -- we can go
to -- can we amend this proposal?

3 MR. LITTLEFIELD: I agree,
4 Mr. Chairman. I believe the correct
5 procedure would be to bring it as a motion
so we can talk about it, second, to amend it
so we can vote on it as a paragraph.

6 MR. CLARK: Only one written
7 public comment, Mr. Chairman, in opposition
8 to this proposal. The proposal seeks to
9 seek jurisdiction in marine waters contrary
10 to Federal Regulations. The waters of
11 Redoubt Bay are marine waters. Several
12 proposals seek to extend Federal
jurisdiction to marine waters in Southeast
Alaska or call for closure of nonsubsistence
fisheries. SEAS believes both of these
types of proposals raise serious concerns
about the proper administration of Title
VIII of ANILCA.

13 That concludes the written public
14 comments, Mr. Chairman.

15 MR. THOMAS: Okay. We've had the
16 comment periods the last three days on 29.
17 We now bring it to the Council for
18 consideration and action.

19 John?

20 MR. LITTLEFIELD: Mr. Chairman, I
21 move to adopt FP02-29 as shown in the
22 proposed regulation on page 98 of your book.

23 MR. THOMAS: You heard the
24 motion. Do I hear a second?

25 MS. WILSON: I second that
motion.

MR. THOMAS: Been moved and
seconded.

Discussion?
John?

24 MR. LITTLEFIELD: Mr. Chairman,
25 in accordance with staff's prodding us all
the time, I would like to respond to the

1 four rationale that are shown up here and
I'm going to vote the way I am.

2 If there was ever a system that
3 cried out, that there's a conservation
4 concern, this is not healthy, by whatever
5 name you call it, and just the fact that we
6 artificially fertilize this to make it work,
7 makes No. 1, to me, very obvious. There is
8 a conservation concern.

9 No. 2, the subsistence
10 opportunities have been limited in the past.
11 This proposal is an attempt by STA to remedy
12 that fact.

13 No. 3, there are three days, as
14 you said, Mr. Chairman, of information, lots
15 of information on the record concerning
16 management decisions, users' inability, and
17 I have a -- today staff would work with STA
18 if this proposal were to pass to modify
19 these as needed to accomplish the goals.

20 And No. 4, are there going to be
21 restrictions? Yes, Mr. Chairman, there will
22 be restrictions. But for all of the reasons
23 that are mentioned above. This system
24 requires that we do so.

25 Thank you.

MR. THOMAS: Thank you. Is it
all right for Mr. Lorrigan to remain where
he's at?

Okay.
Further discussion?
Dolly?

MR. DOUVILLE: Are you going to
amend it?

MR. THOMAS: Mike?

MR. DOUVILLE: Thank you,
Mr. Chairman. I would like to amend this
proposed -- offer an amendment.

MR. THOMAS: Okay.

MR. DOUVILLE: I would like to
amend it to -- for the first paragraph to be
in the separate section, Part A.

And further amend the second
paragraph to read "Federally qualified

1 subsistence users," striking the word "you."
2 Okay, I'm going to need some
3 help.

4 MR. THOMAS: That's a good
5 amendment, but I'm going to need some help.
6 On more -- do we need to amend
7 the first portion first and a consideration,
8 consider a second part, and then consider a
9 word change, or what is -- I'm trying not
10 to -- I'm trying not to wind up with a
11 product to move forward in cumbersome
12 format, so I'm asking -- so, my own feeling
13 is that the first amendment shall make
14 reference only to the line; is that correct,
15 Mike?

16 MR. DOUVILLE: Mr. Chairman, it
17 encompasses two things, it -- it establishes
18 a line, but it also asks for a --

19 MR. THOMAS: Maybe I can make it
20 easier. Why don't I go ahead and let you
21 read the first amendment until you get to
22 the first period in the amendment?

23 Can you do that?

24 MS. GARZA: Mr. Chairman?

25 MR. THOMAS: Dolly?

MS. GARZA: I think that
Mike's -- that we should let him finish all
of the amendment, then it's A, and Section
B, so we have a clear picture, then we can
decide what to do. He was still amending.

MR. THOMAS: Oh, I'm sorry.
Go ahead, Mike.

MR. DOUVILLE: Mr. Chairman, I
don't know how to deal with the first
paragraph of this, so I'm making it Part A.
Part B is one I would really want to amend.
And I will read it for you.

MR. THOMAS: You were --

MR. DOUVILLE: Federally
qualified subsistence users may fish for

1 sockeye coho salmon in Federal waters under
2 the terms of a Federal subsistence permit.
3 The open season is from what's written here,
4 not changing that.

5 Going down to the numbers of
6 fish, I would like to amend those paragraphs
7 to read, up to 25, and up to 50. The next
8 paragraph, up to 10 coho, and up to 20 coho.
9 And that would be my amendment.

10 MR. THOMAS: That's a good
11 amendment.
12 What's the wishes of the Council?

13 MS. GARZA: I'll second the
14 amendment.

15 MR. THOMAS: Okay. It's been
16 moved and seconded. Discussion?
17 Okay. The motion was moved to
18 amend, and there was a second to amend the
19 motion. We're now in the discussion portion
20 of that action.

21 John?

22 MR. LITTLEFIELD: Thank you,
23 Mr. Chairman. I will speak against this
24 amendment. And the reason is it was an out
25 of order deal that was not the correct way.
I agree with three of the things that are
done; I disagree with one. Therefore, I
will speak against the amendment.

MR. THOMAS: Further discussion?

MS. WILSON: I have a question.

MR. THOMAS: Marilyn?

MS. WILSON: Mr. Chairman, I have
a question on the first part of the
amendment. Could you read that over again?
I missed it. The first paragraph.

MR. DOUVILLE: Thank you,
Mr. Chairman.

I was wishing to break this
proposal into two portions, Part A would
encompass the first paragraph of this
proposal. Part B would be all the wording

1 underneath that.

2 MR. THOMAS: Does the reporter
3 have this down? Is it in a position we can
4 read it?

 Would you do so, please?

5 (Excerpt read by the reporter.)

6 MS. GARZA: So, Mr. Chairman, I
7 guess I wasn't sure which part of that
8 amendment was out of order or incorrect.

9 MR. THOMAS: John?

10 MR. LITTLEFIELD: Mr. Chairman, I
11 believe the amendment would try to
12 accomplish two things: No. 1, it tried to
13 get the Council to consider this motion by
14 paragraph, and that should have been the
15 first thing, and then secondly, we should
16 have then discussed each paragraph, what
17 bothered him about it and what did not.
18 Procedurally-wise, the correct motion would
19 have been to consider by paragraph. We
20 would have voted that up and down. Assuming
21 it's passed we would then discuss each
22 paragraph as we came to it and what we felt
23 was wrong about it. And I believe that with
24 the approval of the maker of the motion and
25 the second, we can clarify that, that that
 was his intent.

 MR. THOMAS: Further discussion?
 Further discussion on the motion?

 MS. PHILLIPS: Mr. Chair?

 MR. THOMAS: Patty?

 MS. PHILLIPS: I would like to
 handle this procedurally correct.

 MR. THOMAS: Further discussion?
 Dolly?

 MS. GARZA: So, then, Mike and I
 can withdraw this and resubmit just that we
 consider it -- the first paragraph and then
 the rest of the paragraph or paragraph by

1 paragraph, as long as I got the mike. Also
2 it's my understanding that this is the Sitka
3 Tribe proposal, and so in addition to Jack
4 being up here, I think we need the chairman
5 of the Council being up here, Sitka Tribe
6 Council.

7 MR. THOMAS: Before we do that,
8 we need to take some action. Are you going
9 to withdraw your motion to amend and the
10 second?

11 You withdraw your motion to
12 amend?

13 MR. DOUVILLE: Mr. Chairman, I
14 withdraw my motion to amend.

15 MR. THOMAS: Will you withdraw
16 your second?

17 MS. GARZA: I withdraw my second.

18 MR. THOMAS: Okay. Then, we will
19 proceed in a different fashion.
20 Either Dolly or John?
21 Dolly?

22 MS. GARZA: Mr. Chairman, I would
23 move that we take action on Proposal 29,
24 paragraph by paragraph.

25 MR. MARTIN: Second the motion.

MR. THOMAS: It's been seconded.

MR. LITTLEFIELD: I call for the
question.

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

COUNCIL MEMBERS: Aye.

MR. THOMAS: Those opposed, same
sign.

Motion carries.
Okay. Paragraph by paragraph.

MS. GARZA: Mr. Chairman, I guess
we need a better map and some clarification
from Sitka Tribe on the first paragraph
exactly where is that line, since it was

1 incorrectly represented.

2 MR. SUMINSKI: Mr. Chairman,
3 members of the Board, Terry Suminski with
4 U.S. Forest Service. I did remap the
5 coordinates of the two points that I think
6 John and Jack were talking about. And I
7 have those written down here. Shall I read
8 them in?

9 MR. THOMAS: Yes.

10 MR. SUMINSKI: Okay. And this
11 would be substituted in --

12 MR. THOMAS: Terry. As you read
13 that, will you -- would you indicate what --
14 okay, for instance, if you move a line, does
15 that move it up or down or just give us an
16 imaginary picture, what changes are
17 occurring.

18 Could you?

19 Thank you.

20 MR. SUMINSKI: Yeah, if you look
21 on the map on page 101, and it's pretty
22 much -- it would move the line to where the
23 arrow is pointing, to that point, over to
24 the shore, and then the actual description
25 would be 56 degrees, 53.98 78 North, 135
26 degrees, 19.017 west, and 56.54.3 -- I'm
27 sorry, 56 degrees, by 54.332 north, by 135
28 degrees, 19.068 west.

29 MS. GARZA: So, Mr. Chairman?

30 MR. THOMAS: Dolly?

31 MS. GARZA: Terry, could you walk
32 by each of us and make sure we've drawn the
33 line correctly?

34 MR. SUMINSKI: Right now?

35 MS. GARZA: Yes.

36 MR. THOMAS: This would be easier
37 to understand with a GPS.

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39 MR. CLARK: Mr. Chairman?

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MR. THOMAS: Fred?

MR. CLARK: Staff would be available to show members of the public exactly where this line is, as they've just shown the Council, at their convenience.

MR. THOMAS: Does staff and the agency have this information to their understanding now? Is that shared?

Okay. So we're not leaving anybody behind.

Okay.

MS. GARZA: Mr. Chairman?

MR. THOMAS: Dolly?

MS. GARZA: I move to support the first paragraph of Proposal 29.

MR. THOMAS: Thank you, Terry.

MR. MARTIN: Seconded.

MR. THOMAS: There you've heard the motion. There was a second.

Harold seconded it.

Okay. Discussion on the motion?

MS. PHILLIPS: Chairman Thomas?

MR. THOMAS: Yes.

MS. PHILLIPS: The way I see Paragraph 1 of this proposed proposal is that not only does it move a line, but it also establishes a subsistence fishery, and closes the waters to other user groups. So I see Paragraph 1 doing three things, and I understand the intent of the -- the way I understand the intent is that, No. 1, they want to establish a Federal subsistence fishery on Redoubt Lake. I support that intent.

However, all these other intents are muddying the waters.

MR. LITTLEFIELD: Mr. Chair?

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MR. THOMAS: John?

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MR. LITTLEFIELD: Mr. Chairman, speaking to Paragraph 1, I'm going to support the language as written for several reasons. No. 1 is the Sitka Tribe has proposed this and the lines were correctly shown, and that was fully the intent of the Tribe, that this is a could meet a headland to headland. That point was not just picked out of the air. The point that's shown on the left of your map is, in fact, or could be described as a headland. The muddy part of this is the fact that the regulations have two definitions. They talk about the mean high tide and everything like that, and the charts that you received yesterday showed how muddy they were, because they weren't consistent.

The second part of the regulation talks like headland to headland. I propose that headland to headland is much more correct than the high tide. And for those reasons, I believe this is a headland to headland, and I'm going to vote to support Paragraph A.

15

MR. THOMAS: Dolly?

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MS. GARZA: Mr. Chairman, I have the same concern that Patricia has. However, I would like to ask Sitka Tribe, if this goes forward to the Federal Subsistence Board and they shoot this proposal down because they think that that line is too far out, are you willing to risk the fact that you may lose the establishment of a Federally -- of a Federal subsistence sockeye fishery because it's part of this proposal? I mean, as Patricia says there's three points in that first paragraph.

22

MR. DOUVILLE: Mr. Chairman?

23

MR. THOMAS: Mike?

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MR. DOUVILLE: Thank you, Mr. Chairman, I would like to make a comment to this. I support it at least to the part

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1 that meets the first half of it. The part I
2 have difficulty with -- even farther than
3 that, I support it as far as establishing a
4 Federal fishery and the area. I do not
5 support the part where it eliminates all
6 fishermen from it except Federally qualified
7 subsistence fishermen. There is no hard
8 evidence here that they should be eliminated
9 at this time.

6 MR. THOMAS: Just a minute.
7 Dolly asked a question of our guys at the
8 table. Let's give them an opportunity to
9 respond. Right now they're deep in thought
10 and they're pondering and give us some very
11 accurate information now.

9 Jack?

10 MR. LORRIGAN: Speaking with my
11 Chairman, he feels that the risk is
12 acceptable at this time.

12 MR. THOMAS: The risk is which?

13 MR. LORRIGAN: Acceptable.

14 MR. THOMAS: Okay.

15 MR. KOOKESH: I just had a
16 comment -- I had a comment, my comment would
17 have been, if you would have -- if you would
18 have made a decision wouldn't you be going
19 against what's up on the wall right there,
20 when we're talking about the lines being
21 moved out, because of the Federal
22 jurisdiction extending into the water?

19 MR. LORRIGAN: At the time the
20 proposal was written, Mr. Pate had come up
21 with a lot of material regarding the Tongass
22 jurisdiction, and we had the belief that
23 over time that material will prevail and
24 allow this -- what we're asking for would
25 be -- is not accepted now, we realize that,
but when this proposal was drafted up, we
were under the impression that in the
future, Federal jurisdiction would apply to
the waters that Mr. Pate had described, and
a lot of this would be in keeping with the
proposal.

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MR. THOMAS: Dolly?

MS. GARZA: Mr. Chairman, given the response from Sitka Tribe, I'm willing to support the first paragraph as is. That's their choice and I'm going to honor that.

In regards to the three points, moving the line, headland to headland is certainly a good argument, who knows where it would go. The establishment of a Federal subsistence fishery for sockeye in that area is absolutely essential. The need to exclude nonsubsistence fishermen, at this time I think is justifiable. Every time I look at Table 1 on page 105 I see the weir escapement has gone from 57,000 to 4,000. We think that this is because of fertilizing, but we don't know, and we won't know until that weir escapement increases based on the fertilization starting again. Again, I see that the sport harvest has quadrupled from 1994 to 2000. That's phenomenal, that's phenomenal. Subsistence harvest during that time on the average, 2,000, 3,000. It did have one bump and then it dropped down to 35 and crashed. At this time I see a resource conservation concern. In terms of the terminology that's being used under the salmon policy, the salmon conservation policy or whatever that's called, I guess in my years in trying to understand fisheries management from the academic perspective, I have heard time and time again is that the time to take action is not after the stock has been down for six years and then you can call it a resource conservation need, but when it appears that there is a problem, you take preventative action. You don't take reactive measures after the stock has collapsed and it takes 20 years to also rebuild it. This is the time to take action. It may be that the fertilization work and the stock zooms back up and there could be a proposal to reestablish a sport fishery or snagging fishery, whatever. I don't believe that this is the time. This stock is in jeopardy.

1 Thank you, Mr. Chairman.

2 MR. THOMAS: Thank you.
3 Any more questions or more
discussion?

4 MR. LITTLEFIELD: Question.

5 MS. PHILLIPS: Mr. Chair?

6 MR. THOMAS: Patty?

7 MS. PHILLIPS: What I'm
8 understanding then, is that in times when
this stock rebounds and there is abundance
9 and this chart on page 105 shows that there
is a cyclical abundance of this stock, that
10 it will take -- if this proposal passes,
then it would take a regulatory action to
11 allow other user groups to harvest inside
the line that is recommended? Is that what
I'm understanding?

12 MR. THOMAS: There was a nod
13 affirmative.
Dolly?

14 MS. GARZA: This assumes that
15 that line does get extended, yes, it would.

16 MR. THOMAS: Further discussion?
17 Question. Was the question
called?
Harold?

18 MR. MARTIN: Mr. Chairman, I do
19 have concerns with the conservation issue.
The gentleman here yesterday stated there
20 was a 3300 fish escapement in this area, but
he said things should be pretty rosy the
21 next two years. I just don't go along with
the operation by speculation. I think there
22 is a conservation concern here.
Mr. Chairman, I call for the question.

23 MR. THOMAS: Fred?

24 MR. CLARK: Thank you, Mr.
25 Chairman. I thought it was just important
to get on the record that the Council is

1 aware that Paragraph A that you're dealing
2 with now is not within the jurisdiction of
3 the Federal Subsistence Board at this time.
4 It may well be at some time, but that could
5 change. But at this point, the way the
6 regulations read now, that this -- that
7 paragraph is -- it's outside of the Federal
8 jurisdiction. What's liable to happen is it
9 would go to the Board and the Board says we
10 can't deal with it until such time as it is
11 within the Federal jurisdiction.

12 MR. THOMAS: Thank you very much.
13 Patty?

14 MS. PHILLIPS: This proposal
15 establishes a C and T on this -- on Redoubt
16 Lake, and if we pass the whole proposal,
17 could we request that this C and T, that
18 this proposal reflects remain in place?

19 MR. THOMAS: You pass this
20 action -- whatever action you pass is going
21 to be what you're going to have to live
22 with. If you're considering anything
23 different than what's in front of you,
24 that's where we use the methods of
25 amendments to make it fit, what we think we
want. Once you adopt something, that's what
goes forward.

John?

MR. LITTLEFIELD: Thank you,
Mr. Chairman, this is to respond to the C
and T. There is a C and T, positive C and T
for all salmon species for the people, the
rural residents of Sitka at this time. This
does not establish or change anything that
is already in effect. The Sitka Tribe knows
full well the risks that this proposal may
be turned down for any or all parts of it,
and they stated they are prepared to go with
it.

Thank you.

MR. THOMAS: Further discussion?
Call for the question.

MR. MARTIN: Question.

1 MR. THOMAS: All those in favor,
say "aye."

2 COUNCIL MEMBERS: Aye.

3 MR. THOMAS: Those opposed, "no."
4 Thank you. The Chairman is
burdened with anxiety again, so we'll take a
5 five-minute break.

6 MS. WILSON: Mr. Chairman --

7 MR. THOMAS: Marilyn?

8 MS. WILSON: I think we should
have a hand vote on this -- this amendment.
9 I would call for a hand vote.

10 MR. MARTIN: There were no nays.

11 MS. WILSON: There was no nays?
It didn't seem like everybody voted is why.

12 (Break.)

13 MS. GARZA: So, we're on Proposal
14 29.

So, we had agreed that we would
15 change Proposal 29 paragraph by paragraph.
We approved the first paragraph as is. The
16 second paragraph, third paragraph, fourth
paragraph, fifth paragraph, sixth paragraph;
17 can we combine them and ask anyone if they
have a problem with any of them, or do we
18 wish to go paragraph by paragraph?

19 MR. DOUVILLE: I don't have any
problems with it. If anybody has any, maybe
20 they could respond.

Thank you.

21 MR. KOOKESH: Wasn't there a
22 motion to go through them paragraph by
paragraph?

23 MS. GARZA: It was our
24 understanding that Sitka would be happy if
we made no amendments to this motion.

25 I would look for a recommendation
to support 2nd, 3rd, 4th, 5th, 6th, 7th

1 paragraph as written.

2 MR. LITTLEFIELD: So moved.

3 MR. DOUVILLE: I'll second that
4 motion.

5 MS. GARZA: So, it has been moved
6 and seconded to support Paragraph 2, 3, 4,
7 5, 6, 7 as written in our packet without any
8 amendments that may have been previously
9 mentioned.

10 That is the motion before us.

11 MR. LITTLEFIELD: Question.

12 MS. GARZA: Question has been
13 called to support the remaining six
14 paragraphs.

15 Fred?

16 MR. CLARK: Just to be clear that
17 the rationale for that is the rationale for
18 supporting at least the limit number, is
19 that according to the staff analysis, the
20 rationale presented in the staff analysis?

21 Excuse me, Cal just corrected me,
22 that the staff recommendation actually has a
23 higher number than the one that is in the
24 motion.

25 I'm sorry, Madam Chairman.

Some rationale would be good for
at least regarding the limit number.

MS. GARZA: I think our rationale
is based on the interest of the Sitka Tribe.
I mean, if we go point by point of the staff
analysis, there's some things we don't agree
to.

MR. LITTLEFIELD: Call for the
question.

MS. GARZA: Question has been
called. The motion before us is to approve
or support paragraph 2, 3, 4, 5, 6, and 7 as
written. All in favor of the motion,
clearly signify by saying "aye."

COUNCIL MEMBERS: Aye.

1 Those opposed, say "no."
2 The motion passes.
3 Thank you, Woody.

4 MR. WIDMARK: Thank you, Madam
5 Chair.

6 MS. GARZA: So, we should be done
7 by next week.

8 We have finished Proposal 29.
9 The initial amendment was to take
10 up the proposal paragraph by paragraph. We
11 then took up Paragraph 1 and as a Council
12 supported that paragraph. We then took up
13 the remainder -- remaining six paragraphs
14 and supported those paragraphs, so in
15 essence, we have completed that proposal
16 because we split them. We do not vote on it
17 as a package.

18 MS. PHILLIPS: Okay.

19 MS. GARZA: So we are done with
20 Proposal No. 29.

21 Yesterday we had talked about
22 changing the order and going to proposal
23 because of Mike Jackson, but he has already
24 left. We then had a request to go to
25 Proposal 23. It is a Yakutat proposal, and
26 part of it was so that Bert could be here.
27 Bert has already left, but I wonder if the
28 maker of the motion is here, is it Glenn
29 Israelson?

30 Yeah, the staff analysis was
31 handed out to us last night at the end of
32 the day. What Cal had told us was that this
33 staff analysis was not the staff analysis
34 that would have gone to us because the
35 proposal was withdrawn, so maybe you can
36 further explain that, Cal.

37 MR. CASIPIT: Thank you,
38 Ms. Chair. That's correct, Proposal FP02-23
39 was withdrawn by staff committee because
40 they felt that rod and reel was already
41 allowed under the existing Federal
42 regulations as long as you had a state
43 subsistence permit in your possession.

44 That being said, there's some
45 additional information that Mr. Meyers has

1 developed here in the last couple of days.
2 I would prefer to wait to give that
3 testimony until the Council calls me up.

4 Thank you.

5 MS. GARZA: Okay. So, we have --
6 Proposal 23 is not in the packet. There is
7 a letter, however somewhere on our table
8 asking us to consider Proposal 23 because
9 he, I think, disagreed with the reason or
10 did not understand the reason for it being
11 withdrawn? We agreed to hear it, and then
12 the draft analysis was provided to us at the
13 end of yesterday.

14 So, the letter that we received
15 from Glenn looks like this very short
16 letter, signature at the bottom, and the
17 staff analysis was handed out yesterday.
18 9/7/01, draft staff analysis, FP02-23.

19 So, procedurally, Fred, let me
20 just ask you how do we address the proposal
21 that is listed withdrawn in; our packet?

22 MR. CLARK: Madam Chairman, you
23 can address it in any way that you want.
24 You can treat it just like a regular
25 proposal recognizing that it was not sent
out as part of the packet.

26 We've talked back and forth
27 somewhat about the public notice aspect of
28 that, and I think the general conclusion
29 is -- at least from my point of view, is
30 that nobody else got it ahead of time either
31 to review. So it's actually on the same
32 playing field as the rest of the proposals,
33 or the rest of the analyses. It did go out
34 in proposal packet, so public notice for the
35 proposal was made.

36 So, you can treat it as you wish,
37 and then it's up to the Board to decide
38 whether they want to treat it like they do
39 the rest of the proposals or the
40 recommendations as well. I don't know which
41 way to go, but my inclination is that they
42 will accept it after you hear all the
43 rationale, that they will accept it as a
44 regular proposal, and accept the
45 recommendations just as they would any other
46 proposal.

47 Thank you, Madam Chair.

1
2 MS. GARZA: As we agreed to at
3 the beginning of this meeting, we will take
4 up Proposal 23. We have the staff analysis.
5 We have the proposal. We'll go through the
6 process.

7 Mr. Thomas?

8 MR. THOMAS: Yes, one of the
9 reasons it is before us is that it was
10 brought to my attention that a proposal was
11 withdrawn, and that's not acceptable,
12 because the proposals are intended to get to
13 this Council, and so they are the property
14 of this Council until we move them forward.

15 So, it was an error to withdraw
16 them when they did for the reasons that they
17 did. So, it's a matter of proper protocols
18 and we need to keep those protocols intact.
19 And so I -- I encourage them to make
20 Proposal 23 available to us. You're
21 absolutely right, you can treat it as a
22 regular proposal.

23 Thank you, Madam Chairman.

24 MS. GARZA: So, we will start
25 with the proposal process with staff report,
26 ADF&G report, if they're prepared, agency
27 report, public comment and then Council
28 deliberation.

29 MR. CLARK: Madam Chair, while
30 Cal is getting ready to do the presentation,
31 I would just point out just for
32 clarification that we need to be clear about
33 the types of withdrawals. What we're
34 talking about here is an administrative
35 withdrawal that's from the program. It's
36 administratively withdrawn. That's
37 different than a withdrawal that's done by
38 the proponent. If this withdrawal had been
39 done by the proponent, I don't think you
40 would want to deal with it at all. That's
41 different than this type, which is an
42 administrative withdrawal.

43 MS. GARZA: It's all yours, Cal
44 and Marty.

45 MR. CASIPIT: Thank you, Madam

1 Chair. My name is Cal Casipit, I'm the
2 regional staff subsistence fisheries
biologist for the Forest Service in Juneau.

3 Proposal 02-23, again, was
4 submitted by Mr. Glenn Israelson of Yakutat.
5 He's requesting that the Federal subsistence
6 fishing regulations for steelhead on the
7 Situk and Ahrnklin Rivers clearly state that
8 the rod and reel is legal gear for Federally
9 qualified subsistence users.

10 I'll call your attention to the
11 actual proposed regulatory language that
12 appears on page 1 and 2. I guess we would
13 have two options there. One would be to
14 actually issue Federal permits for the
15 taking of steelhead on the Situk and
16 Ahrnklin Rivers, because they'd be a Federal
17 permit and rod and reel would be legal gear.

18 Another option would be just to
19 make a modification at .27(i)12IV or VI, I'm
20 sorry, where it says you may take fish
21 listed in this part unless restricted in
22 this section or under the terms of a
23 subsistence fishing permit. However,
24 rainbow steelhead trout may also be taken by
25 rod and reel.

26 I do provide some biological
27 background and the harvest history of
28 steelhead on the Situk and Ahrnklin Rivers.
29 Currently, under State sport regulations
30 there is a 36-inch-minimum size limit to
31 fish per year. Under State subsistence
32 regulations, people are allowed to catch
33 five steelhead on the Situk and Ahrnklin
34 Rivers with the provision that if they need
35 more they can go back to Fish & Game and get
36 another permit for an additional five as
37 long as the harvest doesn't exceed 300 in
38 any one year.

39 Table 1 on page 4 displays the
40 commercial sport and subsistence harvests of
41 steelhead in the Yakutat fisheries from 1991
42 to 2000. And you can see those numbers
43 there.

44 It's important to note that this
45 fishery -- this subsistence -- the director
46 of subsistence fishery for steelhead is a
47 relatively new fishery, and according to the
48 data that we have, very few participants
49 have participated in that, presumably

1 because it's awful hard to set gillnets in
2 the estuary in January and February, that
3 sort of thing, and control your gillnet to
4 catch only five.

5 Our preliminary conclusion, the
6 time with a staff committee, was to support
7 the proposal to modify the regulation as
8 it's displayed on page 5. Basically, adding
9 the words: However, rainbow steelhead trout
10 may also be taken by rod and reel.

11 Our justification is that it's a
12 clarification to the Federal regulation to
13 also clearly state that rod and reel is
14 allowable gear for Federally qualified
15 subsistence users fishing for steelhead in
16 the Situk and Ahrnklin Rivers. This request
17 does not -- the proponent does not request
18 any changes to subsistence seasons or
19 harvest limits, and that the State permit
20 would still be issued and folks could use
21 that permit with a rod and reel.

22 That concludes my testimony. I
23 think Mr. Meyers has some additional
24 information for you that he would like to
25 present.

26 MR. MYERS: Madam Chair, Council,
27 Marty Meyers with the Forest Service law
28 enforcement in Juneau. This particular
29 proposal is similar to a few proposals that
30 have gone before the Board for review and
31 approval that have some technical glitches
32 to them, I guess in the respect of the
33 permitting system. And law enforcement has
34 been trying to assist in the implementation
35 of this in order to make the permits valid,
36 one, for the user, and also something that's
37 valid when it comes time to address any
38 enforcement issues later on.

39 In this particular proposal --
40 follows one presented last year in trying to
41 get a Federal permit for subsistence
42 steelhead fishing. And the last one was
43 turned down basically with the assumption
44 that the State permit would allow the
45 subsistence user to use that permit to do
46 the fishing in the Situk and Ahrnklin
47 Rivers, but what wasn't addressed is that
48 our current Federal regulation does not
49 specifically state the use of rod and reel.

1 It's assumed because it's in the front of
2 the pamphlet in the regulations that rod and
3 reel is allowed for subsistence fishing.
4 But under the rod and reel definition, or
5 what outlines different restrictions for
6 gear types, it says in there that you can
7 use these unless otherwise restricted, and
8 what the State permit did in this case, is
9 it otherwise restricted the use of rod and
10 reel. Therefore, it only allowed the taking
11 of steelhead by the -- incidentally by the
12 use of nets below the Situk and Ahrnklin
13 Rivers when they gathered together in that
14 lagoon. So essentially, we got nowhere with
15 that. So, there's two things here. One of
16 the issues that we're trying to overcome is
17 the Federal enforcement or use of State
18 permit that's strictly a State permit, and
19 the other is the implementation of the
20 Federal system -- Federal regulations under
21 Federal permit. I would suppose if -- if it
22 were possible, which I think it is, based on
23 the coordination efforts that are going on,
24 we could have a dual permit that basically
25 addresses both Federal and State issues
marked as Federal and State and that that
permit reflects changes to both Federal and
State regulations. Currently, that's not in
effect. We've been able to implement
Federal permits in some areas and the rest
of the areas are still operating a State
permit which, if you look at it, and unless
it specifically states in a particular area
that you're allowed to use rod and reel, it
still restricts the use of rod and reel for
subsistence fishing on its face.

19 So, when you consider this
20 particular proposal, there's two good
21 avenues to draw a decision from, one is
22 either to go the Federal permit which the
23 use may or may not increase, but I think
24 people are talking about coordinating
25 efforts and working together, I think it can
go either way. You can work together to
make one permit work for both or you can
work together and make the information to
work for both permits and get the same
information. The two choices are to have a
Federal permit or the second choice is to
have the State permit reflect Federal

1 regulation.

Thank you.

2

MR. THOMAS: Chairman?

3

MS. GARZA: I thought you were
4 saying Marilyn and you took over
chairmanship back.

5

MR. THOMAS: Thank you for your
6 analysis, and that just kind of reinforces
my satisfaction with this proposal coming
7 before us. Now, among managers and
administrators the mention of cooperation,
8 interaction, fair treatment to everybody,
looks really good and sounds really good,
9 but there's a theory -- there's a history of
hostile attitudes towards subsistence in
10 Alaska, and we're trying to remove ourselves
from that by encouraging more specified
11 Federal management in these areas.

If it would work out like you
12 described, that would be so nice, but we
can't depend on that. So, that's why the
13 push for as much Federal jurisdiction and
them exercising the direction is encouraged
14 by this Council.

Thank you, Madam Chairman.

15

MS. GARZA: Are there any other
16 questions for Federal staff?

Cal?

17

MR. CASIPIT: I just wanted to
18 ask the Council to have the proponent come
up here and give his perspective on the
19 issue before we go into public testimony, if
that would be okay.

20

MS. GARZA: That is out of order,
21 but that's okay. I have one quick question
here. Under the staff analysis on page 5,
22 you support the proposed regulation, should
read 27(e)12, blah, blah, blah. Are those
23 regulations State or Federal?

24

MR. CASIPIT: Federal
regulations.

25

Okay, there has been a request
that we go to the writer of the proposal

1 before any other agency comments. Is there
2 any objection from the Council?

3 Patricia?

4 MS. PHILLIPS: I was wondering
5 why did the staff support the alternative
6 proposed regulation given that there were
7 two alternatives? Why did they support the
8 one they chose to support over the other
9 one?

10 MR. CASIPIT: Thank you, Madam
11 Chair. Patty, when I wrote the preliminary
12 conclusion for this we were thinking in
13 terms of staying with the intent and spirit
14 of the State/Federal memorandum of agreement
15 as far as subsistence management, and that
16 unless there was no change to bag limits or
17 seasons, that we would go with the State
18 permit issuing a State permit and the people
19 having the State permit being allowed to use
20 Federal regulations with that permit.

21 I don't want to speculate on
22 whether that was a wise decision or not
23 based on the testimony that was just given
24 to you by Mr. Meyers. I would leave that up
25 to the Council to term.

26 MS. GARZA: So, I guess -- thank
27 you for asking that question. Because when
28 I had read this and it says it's "Federal,"
29 that it implied to me that you were in favor
30 of a separate Federal permit. So, I'm
31 reading it wrong.

32 MR. CASIPIT: It could go either
33 way. The two alternative languages appear
34 on page 1 and two. The language on page 1
35 would be changing -- changing the Federal
36 regulation to making it explicit that rod
37 and reel is allowed when you're fishing with
38 a State permit on the Situk and Ahrnklin
39 Rivers. On page 2 is alternate language, if
40 you wanted to issue Federal permits that you
41 would issue Federal permits. That's why I
42 say Federal. They highlighted Federal there
43 and because it would be a Federal permit,
44 there would be no need to have -- however
45 rod and reel would need to be there, because
46 rod and reel is already available under

1 Federal regulations.

2 MS. GARZA: Let me continue to
3 clarify. There are Federal subsistence
4 permits. Is that primarily for Prince of
5 Wales coho?

6 MR. MYERS: Madam Chair, that's
7 correct.

8 MS. GARZA: So it would not be
9 creating a new system. We have created a
10 permit, so it would allow the use of that
11 permit in a different area?

12 MR. MYERS: I would think that
13 would be the case.

14 MR. LITTLEFIELD: Madam Chair?

15 MS. GARZA: John?

16 MR. LITTLEFIELD: Thank you for
17 the report. Marty, when you talked about
18 the permit systems and the difficulty you're
19 having in those -- yesterday when Mr. Van
20 Alen was making his presentation, he brought
21 that up as one of the issues that we need to
22 strive toward that in a later proposal. I'm
23 asking that the Board consider that, really
24 work toward that, establishing a joint
25 permit to get rid of these dual permits so
that it really doesn't matter where that
fish comes from, and you think that we
should attach that as a recommendation to
this, the Board recommendation that they
strive for a single permit system here?

Thank you.

26 MR. MYERS: Madam Chair, Council,
27 John, basically I think it's really
28 important for clarity for understanding the
29 whole process for the people that are
30 actually the users to know exactly what
31 they're supposed to, to do. The rule is
32 clear, the information they're given is
33 clear, if they have a permit those items on
34 the permit need to be clear. I think a
35 Federal user and you are restricted and
you're allowed to do certain thing that are

1 different from the State, they need to have
2 that in their hand when they go out there.
3 I think that's important. What's been
4 difficult is making part of it happen. We
5 can make decisions in the Federal system,
6 you can make a decision here, it can be
7 accepted by the Board, but that doesn't
8 necessarily mean that that will change.
9 We're counting on a state system that will
10 change the verbiage on the permit. I guess
11 that's one of the difficulties in the whole
12 process, just because you make a rule here
13 doesn't mean that it will be implemented
14 correctly at the other end. And that's the
15 difficult part of this -- there's more work
16 there. Whereas under the Federal system, if
17 we had a permit in place, we make the rule,
18 it goes to that permit. So, I guess all I'm
19 saying, no guarantee that if you decide to
20 go with the proposal like that, that that
21 would actually happen unless the
22 administration between agencies would
23 actually implement that particular method.

Thank you.

13
14 MS. GARZA: So, Marty, for a
15 resident of Yakutat currently they can get a
16 State subsistence permit for steelhead with
17 using gillnet gear at the mouth?

16 MR. MYERS: That's correct.

17 MS. GARZA: And if they want to
18 take steelhead so that -- by excluding rod
19 and reel as a -- for Federally recognized
20 subsistence users, they are not qualified to
21 take steelhead as a Federally qualified
22 subsistence user in river?

20 MR. MYERS: That's correct.

21 MS. GARZA: So, then, the
22 question was, is it okay to go out of order
23 and hear from the proposal maker prior to
24 other agency reports?

Floyd?

24 MR. KOOKESH: I believe you asked
25 if anyone was opposed until I don't think
you --

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MS. GARZA: I was just going to say that, then they said Floyd. Fred, did you have a comment?

MR. CLARK: I was just going to add to John's question about whether this would be a good recommendation to the Board, and my suggestion that that would be a good item for the annual report.

MS. GARZA: Okay. So we will hear from Glenn Israelson -- I'm not sure if I'm pronouncing your name right, so please let us know.

Thank you, guys.

MR. ISRAELSON: Madam Chair, Council members, my reason for drafting this proposal --

MS. GARZA: Excuse me, please state your name for the record.

MR. ISRAELSON: My name is Glenn Israelson. My reason for directing this proposal at mainly steelhead is that most of my fish that are actually subsistence fish are caught under sport fish regulations because the bag limits and the numbers are fish are there where I don't necessarily have to go get a subsistence permit. I can catch enough on rod and reel. The problem with the steelhead is with the two per year 36-inch size real distribution, you can't get very many steelhead, and I haven't got a steelhead over 36 inches in two-and-a-half years.

The problem that I ran into was I went out to the Department of Fish & Game to get my subsistence permit, the first one that ever applied for a subsistence permit out there, and I was informed that if I was to retain a steelhead under 36 inches under that permit that I would be cited, even though the Federal regulations state that I would be allowed to use a rod and reel, which is my reason for putting this proposal together.

1 MS. GARZA: Any questions?
I think we got it.
2 Thank you. And you can still
testify under public comment, if you choose.

3 MR. ISRAELSON: Thank you.

4 MS. GARZA: ADF&G?

5 MR. BROOKOVER: Thank you, Madam
6 Chair. My name is Tom Brookover. I'm with
the Alaska Department of Fish & Game. At
7 this time we don't have a comment or -- I
guess a position on this proposal for you.
8 We had some ongoing discussion and issues to
consider when we talked to Federal staff and
9 found out the proposal was withdrawn. At
that point we stopped working on it.

10 But I do have some information
for the Council with regard to the issue,
11 and the analysis that was passed out
yesterday, and that is, there is currently a
12 regulation on the books under Chapter 1,
subsistence fishing regulations, the State
13 regulation that also prohibits the use of
rod and reel as a subsistence methods and
14 means unless otherwise specified.

15 That's a blanket statewide
regulation.

16 My understanding is that the
Board of Fish has considered the use of rod
and reel in some areas of the State and has
17 allowed it under specific provisions,
specifically in Western Alaska. And my
18 understanding is that the Board's intent is
to continue discussions of the use of rod
19 and reel as a subsistence methods and means
over their next Board cycles, and they
20 intend to do that on a region by region
basis, and those discussions and
21 deliberations may also involve in places or
in total findings of customary and
22 traditional use of that gear type.

23 So, there is an intent on the
part of the Board of Fisheries to consider
the use of rod and reel on a region by
24 region basis.

I think that's all I have.

25 MS. GARZA: Are there any

1 questions of ADF&G staff?
Marilyn?

2

3 MS. WILSON: Yes, Madam Chair,
4 Tom, I'm really confused. Is this a Federal
5 waters or river or State? Why the dowel
6 management?

7 MR. BROOKOVER: Madam Chair,
8 Ms. Wilson, I guess I would defer to Federal
9 staff. I -- I don't know how I could answer
10 that at this point. So I would defer to
11 Federal staff's recommendation on what
12 Federal waters are.

13

14 MR. CASIPIT: Thank you, Marilyn,
15 Cal Casipit, subsistence fisheries
16 biologist, regional offices Forest Service.
17 I did pass out to Council and I have some
18 copies for the public of the Federal --
19 proposed Federal -- Federal jurisdiction for
20 the Situk and Ahrnklin Rivers. Basically,
21 it's mean high tide line in both those
22 rivers. The estuary, the lagoon would be
23 outside Federal jurisdiction in State
24 waters, the river itself above mean high
25 tide would be Federal jurisdiction. The
question here is if the user was to go down
to the lagoon and fish with a rod and reel
they would be violating state regs, outside
our regs, they would be able to use a rod
and reel down in the estuary. The question
comes here is with a Federal user in Federal
jurisdiction would still have to go get the
State permit, but the State permit prohibits
the use of rod and reel. In my mind, seems
the most reasonable way to harvest a
steelhead in the river. And right now
that's not allowed under the State
regulation, under the State permit.

26

MR. MARTIN: Madam Chair?

27

MS. GARZA: Harold?

28

29 MR. MARTIN: Why is rod and reel
30 prohibited by the State for subsistence use?

31

MR. BROOKOVER: It is prohibited
under a statewide regulation under the use

1 of subsistence, methods and means.

2 MR. MARTIN: Can you tell me why?

3 MR. BROOKOVER: Madam Chair,
4 Mr. Martin, I'm not fully aware of all the
5 reasons, that reg has been in place for
6 quite a while, and it was before my time. I
7 don't know why -- why it is.

8 MR. MARTIN: Thank you, I'm just
9 wondering, I was just a little kid. I'm 67
10 years old now. I was a little kid when my
11 brothers teach me to use a rod and reel.
12 How long does it take to establish a
13 traditional use for gear? Back in 1996, I
14 believe, there was a case in Hoonah where
15 the woman had a subsistence permit but she
16 was out there fishing with a rod and reel.
17 She was cited for it. I referred this case
18 to the Alaska Legal Services. The judge
19 threw this case out saying the use of rod
20 and reel is a reasonable opportunity to take
21 a subsistence. I'm not sure what kind of
22 precedence this is, but it is on the court
23 records.

24 MS. GARZA: Are there any other
25 questions of ADF&G? Let's roll it along.
26 We've got like 20 more proposals.
27 Mike?

28 MR. DOUVILLE: Thank you. I have
29 some questions. First, is legal gear can
30 use -- that's gillnets, what is legal gear?
31 And another part of it is you -- you can
32 answer that first and then I have another
33 question.

34 MR. BROOKOVER: Madam Chair,
35 Mr. Douville. In general, there's a list in
36 regulations of legal gear, and it's a fairly
37 long list. That list pertains to a lot of
38 fisheries statewide. The way the
39 regulations are set up, region by region
40 basis. Many of the regulations refer to the
41 statewide regulations in the statewide user
42 gear for the Situk. The gear is also
43 specified on a permit, and it includes
44 gillnets can be used in the Ahrnklin River,

1 Situk average line estuary, down below of
2 the Situk River -- provisions on where and
3 how that gear can fish. It also states that
4 also all other legal gear listed in the
5 section I just referred to, 01670 can be
6 used throughout the Situk River, average
7 live, Situk average line estuary with the
8 exception of 300 feet of either side of the
9 Situk River weir. I can read that list of
10 gear to you if you'd like.

11 MR. DOUVILLE: So you can use
12 nets up in the river to take subsistence
13 and/or Federal subsistence fish. Or
14 steelhead, mainly, I'm talking about
15 steelhead, right?

16 MR. BROOKOVER: I believe that's
17 correct, but at this point I'll refer to our
18 area biologist, Bob Johnson.

19 MR. JOHNSON: Good morning. My
20 name is Bob Johnson. I'm the area
21 management biologist for sport fish here in
22 Yakutat. I can best address your question
23 by giving just a brief history of how we
24 ended up with what we have now. I believe
25 it's a 1997 Board of Fish meeting in Sitka
where we established the directed steelhead
fishery in Situk and average establish. The
Board directed us to get together with the
Tribe and local users here in town and come
up with a way to implement the 300 fish
subsistence fishery. It's unfortunate Bert
isn't here, he was here on the meeting.
Local subsistence users and other users were
present at the meeting where we came up with
the best way to implement the subsistence
fishery so that there could be as much
involvement by as many people as there could
be to share those 300 fish.

And it was by gentleman's
agreement that the fishery would take place
in the place -- in the location where the
traditional -- the majority of the
traditional subsistence fishery had been
taken, on the shore of Situk/Ahrnklin
Lagoon, by the fish camps. There were
problems addressed, and the main reason it
would not be illegal to fish those nets up

1 by the river, it was by gentleman's
2 agreement to reduce conflict between sport
3 anglers and subsistence users, and the best
4 compromise that we came up with was that it
5 would be -- since most of the sport
6 subsistence fishery took place in the lower
7 interest of the river, down towards the
8 lagoon, that would be what would -- was
9 agreed upon. And that's how -- that's sort
of a nutshell how that involved -- evolved.
It is not illegal to take gillnet and fish
in the river proper. As a matter of fact,
every year one or two people do fish gillnet
in the river itself. But the general use
pattern for set gillnets here in Yakutat has
been down in the estuary area close to the
fish camps.

10 MR. DOUVILLE: I have some more
11 questions.

12 MS. GARZA: Turn yours off.
13 Mike?

14 MR. DOUVILLE: Okay. Then with
15 rod and reel we come into conflict with your
16 36-inch fish. This fellow testified that he
17 couldn't catch one that big with a rod and
18 reel. Therefore, we've got different
19 restrictions. With the nets and stuff, you
20 don't have size restrictions in the same
21 system, right?

22 This is a problem here. Aren't
23 we trying to avoid this thing or am I
24 missing something?

25 MR. JOHNSON: As Tom stated
earlier in reference to your question, by
statute and I cannot argue for or against
that. It's just the way the statute reads,
that it does say that rod and reel is not
allowed for subsistence use in the Situk.
So, we're bound by that statute. But you're
absolutely correct that the chance of
catching a fish on a rod and reel under
State sport fishing regulations is rather
limited. With the last five years, the
proportion of the total run that has -- that
is 36 inches or greater is between 3 and 6
percent of the total run. That puts it in

1 the ballpark of around -- out of a run size
2 of right between 6,000, 9,000 fish, in the
last five years.

3 So, we're in the hundreds -- you
4 know, like around 100 to 200 fish annually
5 there, 36 inches in length or greater.
6 You're absolutely right. The chances of
7 catching one under sport fishing regs is
lower than it would be definitely with a
gillnet, which does not select by a size,
and there's no limitation on subsistence
steelhead size.

8 MR. DOUVILLE: I guess I'm
9 missing something here. I don't understand
10 how you could use nets in the system and no
11 size real distribution, but there's a
12 problem with using a rod and reel in the
13 river. What is -- I don't understand what's
going on.

14 MR. JOHNSON: Most of that
15 problem is an enforcement problem, actually.
16 And the State did not have -- and the Board
17 did not have any problem with a size
18 restriction on gillnet, on
19 subsistence-caught fish whatsoever. It was
20 just the methods and means, which was you
21 could not use a rod and reel. Maybe Tom has
22 something to add to that.

23 MR. BROOKOVER: No.

24 MR. THOMAS: Necessity questions.
25 Dick?

MR. STOKES: Thank you. I don't
see why we're not treated like the rest of
the state, because up north up around Kenai
and that area the sport fishermen, the
charter boats are all out there and they're
making thousands of dollars each year, and
they're using rods and reel, and why they
were restricted here when you have a bag
limit or a quota, what difference does it
make whether you catch it with a net or rod
and reel? It's just like the State put a
restriction on the way we caught salmon
down -- king salmon down in Wrangell. It's
no dipnetters were allowed. They had a

1 quota during the derby of one fish a day.
2 When the derby was over, they allowed two.
3 What difference did it make whether we used
4 a jigger or whether we didn't. They were
5 petitioned enough to get it repealed. I
6 don't see why there is a problem here. I
7 think the Department of Fish & Game just --
8 it bothers me that they carry on like this.
9 We spend hours over the whole
10 thing and it should be dissolved right now.

11 MR. THOMAS: Okay. We're hoping
12 to do that.

13 Comments like that are going to
14 be reserved for deliberation between
15 Council.

16 We're discussing language in
17 existing regulations as compared to those
18 that are proposed, and we're going to keep
19 our discussion and questions limited to
20 that.

21 We'll save the lectures for
22 ourselves.

23 John?

24 MR. LITTLEFIELD: Thank you, Mr.
25 Chairman. Following up a little bit on
26 Mike's, you addressed how many fish were
27 caught under the rod and reel process. It's
28 in the hundreds, very small percentage, and
29 at the same time there's a subsistence
30 fishery going on. I was wondering if you
31 could give me the numbers of fish over the
32 past few years like you did for the rod and
33 reel of how many fish were caught by other
34 methods in the subsistence fishery?

35 MR. BROOKOVER: Yes, Mr. Chair,
36 Mr. Stokes -- Mr. Littlefield, excuse me.
37 Perhaps I was misunderstood. I said there
38 were that many fish that were available that
39 were greater than 36 inches. Our statewide
40 survey indicated there was no harvest in the
41 year 2000. The majority of the fish that
42 are harvested in the Situk steelhead fish
43 rim are as by-catch in the commercial set
44 net fishery in the spring. We're right on
45 the border between two different life
46 histories of steelhead, fall-run fish in the
47 river right now. We have another run that

1 comes in later. The majority comes in May.
2 We have a fall run, and we have a spring
3 run.

4 The harvest in the commercial
5 fishery, the by-catch over the last ten
6 years has averaged around 100 fish, a little
7 over 100. It's been as high as 235 and it's
8 been as low as about 104 that we have that
9 were reported. Of course, some people hang
10 on to the fish and share them throughout the
11 community. I think Judy's survey would bear
12 that out. It shows a real similar
13 distribution of catch throughout the
14 fisheries.

15 The sport harvest, we went to
16 the -- we were actually closed down to
17 harvest for six years. We had some low
18 runs, closed down the sport fishery to
19 retention in the early '90s for several
20 years. We have implemented a spawning
21 closure to know the harvest on the -- now
22 the harvest is definitely less than 100 fish
23 for the last 1997 down, 101 in '97, 11 in
24 '98, 32 reported in '99 and none during
25 2,000.

Subsistence, our numbers on the
reported subsistence harvests that are
turned in to us have ranged as incidental
during the -- that are marked in the salmon
subsistence harvest average about 20 fish
per year for the past ten years. Judy
Ramos' survey shows a slightly higher number
that would indicate closer -- an average
closer to 40 fish during 2000. That's kind
of the ranges that we're looking at. Not
including actually mortality with the otters
and eagles and all.

Thank you.

MR. THOMAS: John?

MR. LITTLEFIELD: There is no
directed fishery by any residents by other
methods or are they all by-catch. In other
words, is there any person down there that's
trying to catch subsistence fish other than
a commercial fisherman as by-catch?

MR. JOHNSON: No, sir, not that I
know of. We established the subsistence

1 fishery in '97, and I believe that
2 Mr. Israelson is the first person that had
3 come in and requested a permit for the
4 fisheries, sir.

5 MS. GARZA: I think we're kind of
6 waltzing around this -- waves around this.
7 The Board of fish has attempted and we have
8 attempted to provide rod and reel as a
9 subsistence method, and I think we need to
10 vote on it. That was our intention --

11 MR. THOMAS: That's kind of my
12 feeling, you know.

13 I don't think you're really
14 interested in our opinions, and that's
15 something we share, and so let's get with
16 the intent of the proposal and move on.

17 Are there further questions for
18 Fish & Game?

19 Thank you very much.

20 Other agencies? Do we have other
21 agencies that would like to comment on this
22 proposal?

23 MR. CLARK: Mr. Chair. Just to
24 remind people in our little list of agencies
25 that Tribes are considered under the agency
26 comments too. So, if they're Tribal
27 representatives who -- it looks like Judy
28 wants to make a comment.

29 MR. THOMAS: I'd like to call on
30 her. I got a paper from her. I didn't know
31 she was under agency. But no other further
32 agencies, okay.

33 Ms. Ramos?

34 MS. GARZA: Just as a point,
35 Fred, she didn't put down she was Yakutat
36 Tribe. She just put down Judy Ramos.

37 MS. RAMOS: My name is Judy
38 Ramos. I'm the subsistence harvest survey
39 coordinator for the Yakutat Tlingit Tribe.
40 I just wanted to give you the results of our
41 subsistence harvest survey we did for 2000
42 on steelhead. We surveyed approximately 139
43 households, which it was about 60 percent of
44 the households and they were all picked at

1 random. And the results of our survey on
2 steelhead is -- shows that there were 143
3 steelheads harvested and that was about
4 1,216 pounds. 15 percent of the households
5 harvested steelheads and there's other
6 information here, 12 percent harvesting
7 steelheads, 65 percent subsistence used, 1.4
8 percent were from commercial catch, and 4.3
9 percent were by rod and reel.

10 And if you look at this by gear
11 and pounds, that represents 415 pounds by
12 rod and reel, and if you look at this by
13 other ways, if you take the amount of
14 steelhead that were harvested and look at
15 them by subsistence or removed from
16 commercial catch or rod and reel, 34 percent
17 of the subsistence steelhead that were
18 harvested was harvested with rod and reel.
19 So, there is quite a few households that are
20 harvesting steelhead using rod and reel.
21 It's one third of the steelheads that are
22 harvested are harvested with rod and reel.
23 I just wanted to bring the results of our
24 survey for your information.

25 MS. GARZA: Thank you, Judy.
It's good to have that information. Based
on that information, we should be supporting
this proposal to make sure that we have a
Federally qualified subsistence rod and reel
subsistence fishery.

MS. RAMOS: Looks like there are
a lot of households harvesting using rod and
reel, yes.

MR. THOMAS: Any questions for
Judy?

Thank you.

MR. THOMAS: Anybody else that
would like to speak on 23 that I might have
missed?

MS. GARZA: Mr. Chairman?

MR. THOMAS: Dolly?

MS. GARZA: I'm not sure of the
exact process for accepting this, but my

1 intent is to support alternate 2 and require
2 a Federal subsistence permit for steelhead.
3 We've tried to go through the State process
4 and it didn't work. It made it very
5 confusing for people here, and we may try it
6 again and we may find some other glitch in
7 some paragraph and some other regulation in
8 ADF&G book that will prohibit it for another
9 year, so I think the easiest way to deal
10 with it is to say let's have a Federal
11 steelhead subsistence rod and reel permit.

12 MR. LITTLEFIELD: Second.

13 MR. THOMAS: You heard the
14 motion; there was a second.

15 Actually, that was good language.
16 We just need to pare it down to three pages.
17 Pare it down to three pages.

18 John, you going to pare it down
19 for us?

20 MR. LITTLEFIELD: If you look on
21 page 2, the draft staff analysis, my
22 understanding is that's what the maker was
23 saying, and that's why I said that that I
24 would second that, because I believe Option
25 2 is correct. So, the language of the
26 motion would be as listed under or
27 alternatively, and the following language in
28 the italics is the motion, page 2.

29 MR. THOMAS: Could you read that
30 for us?

31 MS. GARZA: So, we would accept
32 alternative two which is listed on page 2 at
33 the top of the staff analysis. 27(e)12(iv)
34 you may take salmon trout, other than
35 steelhead and char.

36 A SPEAKER: Keep going.

37 MS. GARZA: Only under the
38 authority of a subsistence fishing permit.
39 You may only take steelhead trout in the
40 Situk and Ahrnklin Rivers, and only under
41 authority of a Federal subsistence fishing
42 permit. The next: You may take fish by
43 gear listed in this part unless restricted

1 in this section or under the terms of the
2 subsistence fishing permit under Federal
3 permit gear types. We have rod and reel
4 listed, that's correct, Marty?

5 MR. MYERS: That's correct.

6 MS. GARZA: So the only thing
7 that we change in the Federal regulation on
8 that first paragraph is that shaded
9 "Federal" word. So it is a Federal
10 subsistence fishing permit. So the motion
11 that I made was to support the second
12 alternative, and that is what John seconded.

13 MR. THOMAS: Thank you.
14 Any discussion on the motion?

15 MS. GARZA: Call for the
16 question.

17 MR. THOMAS: Question was called.
18 All those in favor, signify by saying "aye."

19 COUNCIL MEMBERS: Aye.

20 MR. THOMAS: Those opposed, same
21 sign.

22 The motion is carried.
23 That next on the proposal is
24 lunch.

25 MR. LITTLEFIELD: Seconded.

(Lunch break.)

MR. THOMAS: We're back in
session. We finished 29 and 30, and 23, and
so now we're going to be tackling Proposal
24.

MS. WILSON: 24? I think it's
26.

MR. LITTLEFIELD: Mr. Chair?

MR. THOMAS: John?

MR. LITTLEFIELD: Proposal 24, we
talked about a little yesterday, but it

1 should come after the discussion on 35, in
2 my opinion.

3 MR. THOMAS: Okay. We're going
4 to dispense with 35 and not include those
5 separate proposals that were included
6 yesterday.

7 Let's proceed with that.
8 Marilyn?

9 MS. WILSON: Mr. Chairman, we
10 made a motion to act on Proposals 29 and 23
11 and 26, and we worked on 29 and 23 already,
12 and then go back to Proposal 35. So we need
13 to work on 26, according to the motion.

14 MR. THOMAS: Okay. Thank you.
15 So, let's -- let's refer us to
16 26.

17 MS. WILSON: Page 52.

18 MR. THOMAS: On page 52. Develop
19 new regulatory language to protect coho
20 salmon in District 13, Sitka area drainages
21 from overharvest.

22 Submitted by John Littlefield.

23 MR. LITTLEFIELD: Mr. Chair?

24 MR. THOMAS: John?

25 MR. LITTLEFIELD: Could we ask
the court reporter, whatever you call this,
Council recorder to tell us exactly what we
said, because 26 also should be considered
after 35.

26 (Requested excerpt read by the
27 reporter.)

28 MR. THOMAS: So that will bring
29 us back to where John suggested that 26 be
30 handled after we deal with 35. So, we'll go
31 back up to that point, and that leaves us
32 now in dealing with 35.

33 MR. MARTIN: I have in my note
34 the -- that there's a motion to consider 29,

1 30, and 23. We've done 29 and 23, about 30.

2 MR. LITTLEFIELD: Mr. Chair?

3 MR. THOMAS: Yeah.

4 MR. LITTLEFIELD: Mr. Chair, 30
5 is also under the general provisions of 35,
6 and I would suggest that it be discussed
7 after 35.

8 MR. THOMAS: Okay. Let's get
9 something going here.
10 What's the wish of the Council?

11 MR. LITTLEFIELD: 35.

12 MR. THOMAS: We've had some
13 suggestions made, and then we lined up with
14 interruptions to start that, so I need to
15 know what the wish of the Council.
16 Marilyn?

17 MS. WILSON: Mr. Chairman, I move
18 that we work on Proposal 30 after we work on
19 Proposal 35.

20 MR. THOMAS: You heard the
21 motion.
22 Is there a second?

23 MR. DOUVILLE: Seconded.

24 MR. THOMAS: It's been moved and
25 seconded.
26 Discussion?
27 Okay. Without this, then we move
28 to 35?

29 All those in favor, say "aye."

30 COUNCIL MEMBERS: Yes.

31 MR. THOMAS: All those that
32 opposed, say "aye."

33 MR. KOOKESH: Aye.

34 MR. THOMAS: And you're from?
35 So, we're back to 35. Okay. As
36 this happened, I didn't make a single pencil

1 scratch, so do we need more analysis?
Presentation?

2 Okay, we don't need any more
analysis, presentation.

3 Okay. John?

4 MR. LITTLEFIELD: Mr. Chairman, I
had several concerns about this proposal
5 that the language that was proposed by the
staff and the reason I asked for us to
6 consider the language on page 24 as the
proposed regulation was that it added some
7 concerns I had, and that was that each in
the third paragraph -- Mr. Chairman, if you
8 mind if I give some history on this before
we act on it?

9

MR. THOMAS: Say it again?

10

MR. LITTLEFIELD: Can I continue,
11 there's no motion -- can I continue
working -- talking about this, the history?

12

MR. THOMAS: You mean something
13 that didn't list in the content?

14

MR. LITTLEFIELD: No,
Mr. Chairman, I'm not talking to the motion.
15 I'm trying to give some history. Is there
any objection to that?

16

MR. THOMAS: How much time you
17 going to take?

18

MR. LITTLEFIELD: Less than five
minutes. A couple minutes.

19

MR. THOMAS: What's the purpose
20 of wanting to share the history?

21

MR. LITTLEFIELD: So that when I
offer a motion you will note -- hopefully
22 we'll get a second.

23

MR. THOMAS: Okay. I think we'll
take a chance. Take those comments in
24 discussion.

25

MR. LITTLEFIELD: I'm prepared to
offer a motion.

1

MR. THOMAS: Motion is entertained, a motion is in order.

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MR. LITTLEFIELD: Mr. Chairman, I distributed a copy of the FP02-35 substitute language, and the title at the top says page 1 of 2. I would like to submit the language on that sheet as a motion.

4

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MR. THOMAS: You heard the motion. Do I hear a second?

7

8

MS. GARZA: Second.

9

MR. THOMAS: It's been moved and seconded.

10

Discussion?
John?

11

MR. LITTLEFIELD: Thank you, Mr. Chairman, the language of this motion is -- there are six paragraphs. The first five paragraphs -- mimic the language that was recommended by staff with one exception -- and the staff language in the first sentence was you may only harvest coho and the proposed substitute language says you may take coho salmon, and that was to coincide with existing language that we had in Unit 3A, 3B, and 3C, which was a concern and that addresses that concern. Also, by adopting this language, it removes the Federally qualified subsistence users from the discussion, and it also has the support of staff. The last paragraph that I added after discussions was -- I'll read it as follows: The Federal inseason manager may modify these limits upward or downward as required. And the intent of that was to mimic Paragraph 3 of our original allowing each individual group to determine their own designee and make sure that there was a means legally for the inseason manager to do that. Because at the present time they cannot do that. And a reminder, we are only talking about page 1 of 2.

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MR. THOMAS: Okay. I was reminded that we still have public testimony

1 on this proposal, as well. So, before we
2 get into any action on the Council, we need
3 to finish our public testimony.

4 That being the case, Martha
5 Donohue.

6 MS. DONOHUE: Thank you,
7 Mr. Chairman, and Council. My name is
8 Martha Donohue. I own the Glacier Bear
9 Lodge here in Yakutat. Out of respect of my
10 Elders, my Tlingit name is Guyaash (ph.),
11 Beaver House.

12 My concern for this proposal was
13 the wording, the blanket wording that
14 covered the Southeast Alaska area. I
15 apologize, I wasn't here for earlier
16 discussion or comment, but I understand that
17 this is a blanket coverage for all of
18 Southeast Alaska, including Yakutat for
19 taking coho salmon from freshwater
20 drainages. I guess I would like to be made
21 clear that this would eliminate sport
22 fishing in the Situk River. If that's the
23 case, I think that this blanket proposal is
24 inappropriate for Yakutat, and would like to
25 see the wording changed to a more specific
area as the original proposal was worded for
a certain district in the Sitka area.

We do not have a shortage of coho
salmon here in Yakutat, and we have not been
denied subsistence use on the Situk River.
The only -- my only wish would be that the
48-hour rule be eliminated. We are not
allowed to fish subsistence within 48 hours
before or after commercial opening. I think
that we should be able to fish subsistence
at all times for coho salmon.

I don't know in which process
we -- if I have to go through State process.
I'm not familiar with that procedure, but I
do wish that Yakutat not to be included in
this blanket proposal for eliminating any
other fishery besides subsistence in the
freshwater.

Thank you.

MR. THOMAS: Thank you. Any
questions?

Dolly?

1 MS. GARZA: So, it's my
2 understanding in the substitute proposal
3 language, that is not an issue.
4 John?

5 MR. LITTLEFIELD: If I can
6 respond to your two concerns, the substitute
7 language, I believe, will address those two
8 specifically. This would not eliminate the
9 sport fishing season, and the 48-hour rule
10 is a State permit. This merely establishes
11 a subsistence fishery areawide, Southeast
12 wide -- I think your concerns are addressed.

13 MR. CLARK: Mr. Chairman, perhaps
14 staff could clarify something that would
15 streamline discussion.
16 Cal?

17 MR. CASIPIT: Yes, Mr. Chair,
18 Regional Advisory Council, as the Council
19 may be aware, this Council has authority
20 over two fisheries management areas, one is
21 the Yakutat area, the other is the
22 Southeastern Alaska area. The Yakutat area
23 regulations start on 52 in the public
24 regulations group, the Southeastern area
25 starts on page 56 of the regulation book.
The way this proposal is written, that the
coho -- the proposed subsistence coho
fisheries would be for the Southeastern
Alaska area and does not change anything in
Yakutat. In fact, in the Yakutat
regulation, there is no prohibition against
subsistence coho fisheries in the Federal
regulations.

MR. THOMAS: Thank you.

MR. CASIPIT: Or on the State as
well. The State issues coho subsistence
permits in the Yakutat area.

MS. DONOHUE: Thank you very much
for your clarification. Does Federal
subsistence rules then, override -- if you
have a Federally issued permit, does that
mean you can subsistence fish at any time on
the Situk River or is the 48-hour rule still
in effect?

1

MR. THOMAS: Marty?

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MR. MYERS: Marty Meyers from the U.S. Forest Service law enforcement. I think the 48-hour, defined as Federal -- not Federal waters, which is in the lagoon area. That's how far the 48-hour rule is concerned, as far as the river itself, it's not an issue.

6

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MR. THOMAS: Is there any further public comment that comes before us on this proposal 35?

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Seeing none, hearing none, we're back to Council deliberation and action.

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MS. GARZA: I guess, Cal, Marty, I need a little more clarification on that. Let me ask the question first. So, the language or the proposed language is specific to Southeast only. It excludes Yakutat. In Yakutat, we have currently a State subsistence coho fishery which is for net only, five fish. We are also recommending that there be a coho subsistence rod and reel fishery within the Yakutat area rivers. I know of those two. Is there anything more regarding subsistence coho fishing in the Yakutat area?

MR. MYERS: Marty Myers, Forest Service law enforcement. I have to clarify, the regulation produced a 48 hours under -- in dealing with commercial salmon fishing.

Again, that -- I believe that regulation has been taken from the State regulation and still applies to the lagoon area, below the Situk and Ahrnklin Rivers, according to the maps that were handed out yesterday, day before yesterday, that is excluded and not within Federal jurisdiction anyway. And I don't believe the State subsistence -- I don't believe the State restrictions apply in the freshwater area above the lines drawn on the Federal subsistence maps jurisdiction areas.

And the other part of the question, according to regs, there's no limits established for coho salmon for

1 Yakutat.

2 MS. GARZA: Okay. So, if we have
3 a Yakutat commercial trawler who has been
4 out fishing and he comes in, then he can go
5 to the Situk with his net and get coho or
6 take a rod and reel and get coho two hours
7 from when he's landed his commercial boat,
8 as long as it's in river and not beyond this
9 magic line somewhere down at the delta?

10 MR. MYERS: I would believe so --
11 yeah, I'll leave it at that, yeah.

12 MS. GARZA: Is that the way ADF&G
13 or whoever enforces this reads it?

14 MR. JOHNSON: Bob Johnson,
15 Department of Fish & Game, Yakutat. Mr.
16 Chair, Ms. Garza, the way the subsistence --
17 the coho subsistence permits are issued here
18 for the State, people come by the office
19 once a year and get a permit that's good for
20 all species of salmon, and they tell us how
21 many that they need for the household, and
22 we fill in that number. If they need more,
23 they can always come back and modify that
24 number. If they get more or they need more,
25 if they fill out that permit, then we'll
issue another permit. And generally
speaking -- I'd have to look at the language
and the law, but I believe that the 48-hour
rule has applied even in freshwater, and
if -- when the commercial fisheries manager,
for example, when we get later in the
season, we have our escapement goals, and
commercial fishing goes 24 hours a day,
seven days a week, then there's a provision
made for 6:00 in the morning on Saturdays
until I believe 6:00 in the evening on
Saturdays for subsistence fishing.

But it's generally been
understood or it's the perception within
town that the 48-hour rule does not apply in
freshwater and I do not believe that there
have been -- I cannot think of an instance
in the last 20 years where we've run into
anybody who has been fishing within that 48
hours, either in the estuary or up in the
river, so I don't know how that would be

1 handled by protection.

2 MR. THOMAS: Thank you.
3 Mike?

4 MR. DOUVILLE: I have a question
5 of the proposer, I guess is this -- are we
6 dealing with this modified piece of paper
7 that John -- is this what we're dealing with
8 now with this motion?

9 MR. LITTLEFIELD: That's correct.

10 MR. DOUVILLE: Mr. Chairman,
11 would it be proper at this time to offer an
12 amendment to it?

13 I'd like to amend this motion to
14 exclude the areas 3A, 3B, and 3C because
15 they have an established coho fishery there
16 with its own bag limits.

17 MS. WILSON: Could you repeat it,
18 3A, 3B, 3C?

19 MS. GARZA: Second the amendment.

20 MR. THOMAS: You heard the motion
21 to amend and second.

22 Is there any discussion?

23 MS. GARZA: Mr. Chairman?

24 MR. THOMAS: Dolly?

25 MS. GARZA: If the maker of the
26 amendment agrees, where I stuck it is at the
27 very beginning, it would be excluding 3A,
28 3B, 3C, you may take coho salmon at
29 Southeast waters, blah, blah, blah.

30 MR. DOUVILLE: It doesn't matter
31 where it's inserted as long as this proposal
32 does not effect an already established coho
33 fishery at 3A, B, or C and its bag limits.
34 We're happy with what we have there. We
35 don't need to modify with this and don't
36 want to.

37 MR. THOMAS: John?

1 MR. LITTLEFIELD: Mr. Chair, the
2 intent of -- intent as 35 as proposed
3 substitute language was to establish a
4 Southeast wide coho fishery. I agree with
5 Mike's comment that 3A, 3B, and 3C should
6 establish their own fishery as they see fit.
7 They already have done that, and I believe
8 when we get to Proposal 38 I will certainly
9 be in favor of that. There are multiple
10 proposals coming up that deal with specific
11 areas, and they can be adopted or not
12 adopted as the wishes of that community.
13 So, this would not preclude in 38 making a
14 motion that the existing limits apply as
15 stated. Nothing in this motion would
16 override the wishes of the local people.

17 MR. THOMAS: Any further
18 discussion on the amendment?
19 Are you ready for the question?
20 Dolly?

21 MS. GARZA: Mr. Chairman, I would
22 speak in favor of the amendment to exclude
23 3A, 3B, and 3C considering that we have
24 dealt with these areas in the past, a
25 subsistence coho fishery exists.

26 MR. THOMAS: Further discussion?
27 John?

28 MR. LITTLEFIELD: I have a
29 question for staff. Seeing as this is a
30 Southeastwide proposal, if you see any
31 problems with this in the direction that
32 we're trying to get to make sure that 3A,
33 3B, and 3C are protected as the wishes of
34 that community -- if they could explain the
35 conflict or lack of.

36 MR. CASIPIT: Let me make sure I
37 have this right.

38 Okay. The existing Federal
39 regulation for 3A, 3B, and 3C is a daily
40 harvest limit of 20 fish per household.
41 That's the existing Federal regulation.

42 What 35 -- you all know what that
43 35 does, and that has a daily harvest limit
44 of 20 coho salmon per household with an
45 annual limit of 40, so, this Proposal 35 is

1 a little more generous than the existing
2 Federal regulation for 3A, 3B, and 3C.

3 MR. DOUVILLE: Mr. Chairman?

4 MR. THOMAS: Mike?

5 MR. DOUVILLE: Are you sure
6 you're looking at the right data? It's my
7 understanding now as 3A, B, and C are -- we
8 can harvest 20 per day --

9 MR. CASIPIT: You're right. I'm
10 sorry. The 38 -- I'm sorry, Proposal 38
11 proposes that the daily limit be changed to
12 an annual limit. I'm sorry, you're right.
13 The existing Federal regulation is 20 fish
14 daily limit, no annual limit. Proposal 38,
15 FP02-38 and FP02-39 requests that that limit
16 be changed from a daily to an annual harvest
17 limit, 38 is -- says that the harvest limit
18 ought to be -- the annual harvest limit
19 ought to be 20. 39 says the annual harvest
20 limit ought to be 25. So, you're right, 38
21 and 39 would be less generous than 35, but
22 the existing Federal regulation is only a
23 daily harvest limit. There is no annual
24 limit on 3A, 3B, and 3C.

25 MR. DOUVILLE: Well, I didn't
26 want to confuse 38 and 39 with anything
27 else. We'll deal with those when we come to
28 them. Like I'll state again, with this
29 amendment, we are happy with our bag limit
30 and the established fishery we have there
31 now and there is no need to include it in 35
32 as it is more restrictive. It just doesn't
33 belong there. We're happy with it now, and
34 the motion is to exclude it from 35.

35 MR. THOMAS: Further discussion
36 on 35?

37 John? -- on the amendment?

38 MR. LITTLEFIELD: Mr. Chair, the
39 amendment would effectively exclude the last
40 paragraph of 35 that the Federal inseason
41 manager may modify these limits upward or
42 downward, that would be excluded. Under 38
43 I would like staff again, if we vote down

1 Proposals 38 and 39, if they are voted
2 down --

2

3 MR. THOMAS: We're still talking
4 with the amendment.

5 MR. LITTLEFIELD: That's what I'm
6 talking about. The amendment is to include
7 the areas of 3A, 3B, 3C. If those are voted
8 down, I want to know what the effect of 3A,
9 3B, 3C would be.

10 MR. THOMAS: Then another motion
11 would be appropriate.

11

12 MR. LITTLEFIELD: I would state,
13 I believe if we vote down 38 and 39 there is
14 no effect on those areas, there is no annual
15 limit to the existing -- and the existing
16 regulation would stand.

17

18 MR. THOMAS: We're getting
19 redundant in our comments, and that is not a
20 need. Our one need is to move on or we will
21 be here until spring breakup, and is there
22 any new discussion on this amendment?

23

Dolly?

24 MS. GARZA: It is confusing and I
25 guess I just want to say that if the members
26 from 3A, 3B, 3C are requesting that their
27 areas be excluded from Proposal 35, then we
28 as a Council should honor that. And if the
29 changes are minimal either way and it
30 doesn't matter, maybe it washes out, it
31 matters to the Council members who -- from
32 that region, if that is a request, we should
33 honor it. So I'm speaking in favor of the
34 amendment.

35 MR. THOMAS: Further discussion
36 on the amendment? Something we haven't
37 heard before?

38

MS. WILSON: Question.

39

MR. THOMAS: Question has been
called.

40

All those in favor of the
amendment, signify by saying "aye."

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COUNCIL MEMBERS: Aye.

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MR. THOMAS: Those opposed?
You -- okay. The motion carries.
So, now 35 has been amended to
delete 3A, B, and C.

So, what's the wishes of the
Council with regards to the proposal that
stands?

MS. GARZA: Call for the
question.

MR. THOMAS: Question has been
called.

All those in favor of Proposal 35
as amended, say "aye."

COUNCIL MEMBERS: Aye.

MR. THOMAS: Those opposed, same
sign.
Motion carries.

MR. LITTLEFIELD: Mr. Chair?

MR. THOMAS: John. There was
page 2 of 2 to do with 35, and my intent is
to bring them up as a SERAC annual report,
it's an information only.

MR. MYERS: Mr. Chairman?

MR. THOMAS: Marty?

MR. MYERS: Mr. Chairman, Marty
Meyers from Forest Service law enforcement.
I want to clarify what I said earlier,
concerns Yakutat. The regulations do state
this issue about not taking salmon period
before or after opening, salmon net fishing
season, and I think particular regulation or
section is significant when it applies to
where most of the net fishing occurs, which
is in the lagoon area. And if the Federal
waters were headland to headland, it's out
to the outside of the lagoon. I think this
particular regulation would be significant
and important.

1 But on -- I think on the other
2 hand, if the Federal waters are at the
3 mouths of the rivers on the outer edges of
4 the lagoon, then this particular regulation
5 may not be that significant and probably
6 should be reconsidered at a later date. I
7 just want to make that clear.

8 Thank you.

9
10 MR. THOMAS: Thank you. Those
11 are options that we always consider and act
12 on as we recognize the need to do so.

13 Thank you.

14 Okay. I'm trying to get my
15 agenda in line here somehow.

16 So, we're done with 35 and that
17 takes us on to 36, 37?

18
19 MR. LITTLEFIELD: Mr. Chairman --
20 okay, we're on Proposal 24. Somebody want
21 to introduce that?

22 MR. VAN ALLEN: Mr. Chairman,
23 Council, Ben Van Alen, Forest Service in
24 Juneau. On 24 -- 24 is like Proposal 35 in
25 that it asks to restrict the harvest of coho
on Federal lands to Federally qualified
subsistence users, and it also established
the Federal subsistence permit harvest
limits, harvest methods, season dates for
harvesting of coho. The part of it that's
unique compared to 24 is simply that it's
referring to specific areas of Southeast
Alaska. Being Sections 4B and 4C, District
14 is icy straight northern Chichagof,
northern areas; and the other aspect of this
proposal that's different from what you've
read in No. 35 is that the proponent
suggests a stepped harvest approach; and in
other words, if a particular stream has an
estimated five-year average escapement of
greater than 1,000 coho salmon then the
daily harvest limit will be 20 coho and the
season limit, the annual limit will be --
for the household will be 40 coho. If in
the streams, in that area, if the estimated
five-year average escapement level is
between 500 and 1,000 coho, then the
annual -- the annual limit, the daily limit
will be 10 and the household seasonal limit

1 will be 20. And if a stream has between 300
2 and 500 coho average escapement, then the
3 daily limit would be 6 and the annual
4 household limit will be 12.

5 And furthermore, if the stream
6 has an average escapement that's less than
7 300 coho, there would be no allowable
8 permitted subsistence fishing in that
9 stream.

10 I really like that concept. In
11 other words, there's more fish, you catch
12 more. If its run is larger, you catch more.
13 There is a staff concern regarding the
14 information base that's available for making
15 those assessments, categorizing each stream
16 into the large, the medium, the small or the
17 quite small categories. It can be done, but
18 it wouldn't necessarily be a very
19 qualitative approach. It would be rather
20 subjective given assessments of the size of
21 the stream and what little we could put
22 together with historical harvests or
23 escapement estimates. And as Eric Veach
24 mentioned yesterday, the waters of the Park
25 or National Preserve are not included in
this, Section 14B.

Thank you.

MS. GARZA: Any questions of
staff?

ADF&G?

MR. BROOKOVER: Madam Chair,
members of the Council, Tom Brookover with
Department of Fish & Game. Our comments on
this proposal are identical to our comments
on Proposal 35.

MS. GARZA: Okay. The ADF&G
comments to 35 was like a million years ago.
If you could summarize again.

MR. BROOKOVER: Madam Chair, we
basically concur with the Federal staff
conclusion to oppose closure to non-Federal
use. We believe that abundance is currently
high and there are known, enough known
conservation concerns with the species in
the area. We're neutral with regard to
implementing subsistence fishery for coho

1 under Federal regulations. We also have
2 four other points. Would you like me to
3 reiterate those?

4 We agree that the Federal staff
5 comments related to the potential risk of
6 overfishing individual small runs of coho
7 salmon exist. If subsistence fishing effort
8 is concentrated on smaller stocks, it
9 results in additional harvest. The risk of
10 overharvest is increased. We agree with the
11 Federal staff comments related to the need
12 of a well- designed and user supported
13 permit system. If permit information
14 indicates certain systems are subject to
15 consistently high subsistence harvest and
16 effort, State and Federal biologists would
17 know where to focus additional stock
18 assessment efforts and fishery restrictions
19 as necessary.

20 We do have concerns regarding
21 year-around season for subsistence coho
22 fisheries should the modified language be
23 adopted. The state imposes defined fishing
24 for sockeye, and chum salmon, for -- in the
25 Hasselborg River. Those limits are in place
to prevent by-catch of nontargetted species
and in some cases to allow protections for
segments of the runs to meet spawning
escapement needs.

By allowing fishing for coho
salmon when adults are not present, the
proposed year-round season provides an
unnecessary opportunity for incidental
harvest of other species. We also stated
that changes to permit -- the permit system
should be deferred pending findings from the
three Federally funded projects now in
place.

That concludes our comments.
Thank you.

MS. GARZA: So, specific to this
proposal, did you have any comments on the
proposed increasing bag limit with
increasing stock size? It was an increase
as an average escapement increase, correct?

MR. BROOKOVER: Madam Chair, we
haven't formally discussed that in length
between discussions. Speaking from my role

1 as the regional management coordinator in
2 Southeast Alaska, I think that would be
3 difficult to do because the programs aren't
4 in place to do it, specifically for
5 individual streams. That would be the
6 extent of my comment at this time. To do
7 that as outlined in the proposal would carry
8 a high cost that we can't afford at this
9 time.

10 MS. GARZA: Any questions for
11 ADF&G?
12 Are there other agency reports?
13 Are there Tribal reports?

14 MR. BELTON: Thank you, Madam
15 Chair. David Belton, Hoonah Indian
16 Association. I think one of the main
17 purposes of these proposals is taking place
18 in the discussion, the acknowledging the
19 need for additional study to be done.
20 Hoonah/Indian Association accepts the
21 revised language that has been suggested in
22 these conversations, and to make one point,
23 we accept a modified proposed regulation
24 except we would like to request one
25 exception in the reading, "You may only
harvest coho salmon in Southeast Alaska
waters under Federal jurisdiction." We
would like to change "only harvest" to just
the word "take."

17 MS. GARZA: We passed 35 as
18 amended?

19 MR. LITTLEFIELD: Madam Chair,
20 that's my understanding. I would like to
21 make it clear that when we discuss further
22 proposals where they used the words "only
23 harvest" that we replace them with the word
24 "take." That is the current language in 3A,
25 3B, 3C. If that's clear I think we can
assume that you can cross out "only harvest"
and put the word "take" everywhere you see
it.

24 MS. GARZA: So, then, Dave, are
25 you suggesting that the Council substitute
the proposed substitute language for the
language that is under how the new

1 regulation should read that Hoonah Indian
2 Association submitted?

3 MR. BELTON: Yes.

4 MS. GARZA: Is there any other
5 comments on Proposal 24?
6 John?

7 MR. LITTLEFIELD: A question of
8 staff. We added the words: Did it have to
9 do with the inseason manager to allow these?
10 There were several proposals including this
11 I would like as the word "take" is
12 substituted from "only harvest." I would
13 like to clarify the position of staff is
14 that the inseason manager can do these in --
15 this as well as all the following coho
16 proposals.

17 MS. GARZA: John, as a seconder
18 of the amendment that we made, it's
19 understanding that we passed everything on
20 this first page, so putting excluding 3A,
21 3B, 3C aside, we said you may take coho,
22 blah, blah, blah all the way and added that
23 last paragraph, that is what I seconded.
24 So, anything that's on here is what we
25 submitted as substitute language that
26 passed.

27 And so when I asked you if you
28 are accepting this as substitute language
29 for your proposal, it's this page, excluding
30 the 3A, 3B, 3C. This is now for 14B, 14C,
31 correct?

32 MR. BELTON: Correct.

33 MS. GARZA: Correct, John?

34 MR. LITTLEFIELD: Yes, I just
35 wanted to clarify that he is speaking for
36 the Hoonah Indian Association, and that's
37 their proposal. That's my intent. I just
38 want to make clear that that's what's
39 happening here.

40 MR. DOUVILLE: So I have a
41 question. This proposal also affects
42 Sections 3A, B, and C because it asks for

1 different harvest limits and so on.

2 MS. GARZA: So, then in accepting
3 it, the change we would make is you may take
4 coho salmon in 14B, 14C, under Federal
5 jurisdiction under the terms, blah, blah,
6 blah. So, instead of in all Southeast
7 waters, it would be specific to 14B, 14C.

8 MR. LITTLEFIELD: Madam Chair, it
9 was my understanding the Hoonah Indian
10 Association is going to accept the
11 substitute language that we passed, and so I
12 just want to make it clear that we're not
13 talking 14A or whatever, that they've
14 accepted the language that we passed in 35
15 which automatically excludes them because
16 they're not 3, it's part of that language
17 that they are willing to accept.

18 MS. GARZA: So, then, the
19 proposed language you're accepting says
20 excluding 3A, 3B, 3C, you may take coho
21 salmon in Southeast Alaska waters under
22 Federal jurisdiction -- the whole rest of
23 the page?

24 MR. BELTON: Correct.

25 MS. GARZA: Is there a motion
from the Council?

MR. DOUVILLE: So, then, this
proposal excludes as 35 did, those 3A, B,
and C as bag limits?

MS. GARZA: (Nods head.)

MR. DOUVILLE: Thank you.

MS. GARZA: So, is there a motion
to substitute the proposed substitute
language for 35 to proposal 24?

MR. LITTLEFIELD: Madam Chair, so
moved.

MR. CLARK: We haven't got
through public comments yet on this
proposal.

1

MS. GARZA: You were Tribal
comments. Was there any public comments?

2

3

MR. CLARK: There are three
written public comments.

4

The first one is from Thomas M.
Gemmell, executive director of United
Fishermen of Alaska, who says: Federal
Subsistence Board lacks jurisdiction in
marine waters listed in the proposal. These
proposals unnecessarily restrict subsistence
users and would be contrary to 16 USC 3125.

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The second public comment is
Kathy Hansen, executive director of
Southeast Alaska Fishermen's Alliance. They
write in opposition. These proposals are
asking the Federal Subsistence Board to
restrict harvest of other users in areas
where they do not have the jurisdiction of
the 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
over-escapement 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 fishery industry. Many
subsistence fishermen are also commercial
fishermen dependent upon the economics of
the commercial industry that would be
damaged by the complete prohibition against
the harvest of coho salmon.

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The third is Southeast Alaska
Seiners who write: Several proposals seek
to extend Federal jurisdiction to marine
waters in Southeast Alaska or call for
closure of nonsubsistence fisheries. SEAS
believes that both of these types of
proposals raise serious concerns about the
proper administration of the Title VIII of
ANILCA.

21

22

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25

That concludes the written public
comments, Madam Chair.

1

MS. GARZA: I would say several of those concerns are moot concerning the substitute language.

2

3

Okay. We have no green cards in for further public comment, we have received written comment. Is there a motion from the Council?

4

5

Mr. Littlefield?

6

MR. LITTLEFIELD: Madam Chair, for FP02-24, I would like to make a motion that we substitute the language used in Proposal 35.

7

8

MR. MARTIN: Second that motion.

9

10

MS. GARZA: It's been moved and seconded for Proposal 24, we -- we substituted the proposed substitute language which begins: Excluding 3A, 3B, 3C, you may take coho salmon in Southeast Alaska waters under Federal jurisdiction, blah, blah, blah all the way down to the Federal inseason manager may modify these limits upward or downward as required.

11

12

13

14

That is the motion before us.
Is there further discussion?

15

16

MR. LITTLEFIELD: Question.

17

MS. GARZA: Question has been called for.

18

All in favor of the substitute language from Proposal 35 to Proposal 24, signify by saying "aye."

19

20

COUNCIL MEMBERS: Aye?

21

MS. GARZA: All those opposed, "nay."

22

The motion passes.

23

The next proposal on the list is Proposal 25. What is the position of this motion?

24

Mr. Littlefield?

25

MR. LITTLEFIELD: Madam Chair, I would suggest that we defer 25 until after discussion of the remaining coho proposals

1 while our minds are on coho.

2 MS. GARZA: We'll skip over 25,
3 and move to 26. Request closure of district
4 to non-Federally qualified users and
5 establish harvest regulations.

6 Staff?

7 MR. VAN ALLEN: Madam Chair,
8 Council, this is Ben Van Alen, Forest
9 Service biologist, Juneau.

10 On 26 is essentially the same
11 wording exactly as 24. The only difference
12 is the area 26 is referring to District 13,
13 while 24 referred to two sections in
14 District 14. And on 26, just like as with
15 24, both those areas fall under the
16 regulation that the Board just considered
17 for 35, the areawide one, so I just want to
18 reiterate that, that it's included within
19 that area of 35 all of Southeast Alaska, so
20 now we're just looking at two parts of it.

21 And what I want to do different
22 in this presentation right now is simply to
23 state the staff's position for the record.
24 I should have done that for 24, too. And
25 basically, the staff is recommending
opposing the closure to non-Federal users.
We do recommend the establishment of a
Federal coho subsistence fishery that
involved Federal permits and harvest
reporting requirement. We support not
having a closed season, but propose that
only the retention of sockeye and trout that
are incidentally gaffed or speared be
allowed. We support the household harvest
limits of 20 a day; 40 a year. We support
the use of dipnets, spears, gaffs, as well
as rod and reel. We support the bait from
15th of September -- we also support the use
of bait the 15th of September to 15th
November, and we also support the funding
for stock assessment and management support
as needed.

26 Thank you.

27 MS. GARZA: Are there any
28 questions of staff?

29 ADF&G comments?

1 MR. BROOKOVER: Thank you, Madam
2 Chair, members of the Council. Tom
3 Brookover with the Department of Fish &
4 Game. Our comments with the proposal are
5 the same as they were for Proposal 35. We
6 concur with the Federal staff conclusions to
7 oppose closure to non-Federally qualified
8 users. Abundance for coho is currently high
9 in District 13, no known conservation
10 concerns to this species in the region.
11 State is neutral with regard to implementing
12 subsistence fishery for coho.

13 Madam Chair?

14 MS. GARZA: Any questions for
15 ADF&G?

16 Are there any reports from other
17 agencies?

18 Are there any Tribal reports
19 regarding this proposal?

20 Are there any public comments
21 regarding this proposal?

22 MR. CLARK: Madam Chair, there
23 are three written public comments. They are
24 identical to the one from the previous
25 proposal. All in opposition. One from
United Fishermen of Alaska; Southeast Alaska
Fishermen's Alliance; one from Southeast
Alaska Seiners.

26 MS. GARZA: We have heard those
27 comments. They are at the end of the
28 staff -- at the end of this packet.

29 So we have Proposal 26 to
30 consider. Is there a motion?

31 MR. LITTLEFIELD: Madam Chair?

32 MS. GARZA: Mr. Littlefield?

33 MR. LITTLEFIELD: I move that we
34 table FP02-26.

35 MS. GARZA: Is there a second?

36 MR. THOMAS: Second.

37 MS. GARZA: It's been moved and
38 seconded to table FP02-26.

1 Motions to table are
2 nondebatable. All in favor, signify by
3 saying "aye."

4 COUNCIL MEMBERS: Aye.

5 MS. GARZA: Opposed?
6 26 is tabled.
7 Mr. Littlefield, anything else?

8 MR. LITTLEFIELD: Madam Chair,
9 after checking with the proposers of the
10 sockeye and coho salmon proposals and in the
11 interest of speeding this meeting along so
12 we're not here on Sunday, I believe we could
13 defer or table 27, 28, 30, 31, 32 because
14 the discussion is basically going to be the
15 same if we take up the staff
16 recommendations. So, I think we could save
17 some time here if we would just defer and
18 table those.

19 MS. GARZA: Could you list them
20 again, please?

21 MR. LITTLEFIELD: 27, 28, 30, 31,
22 32, 33.

23 MS. GARZA: Okay, hearing no
24 objections, they are tabled.

25 Mr. Littlefield, did you intend
26 to bring them back during this meeting?

27 MR. LITTLEFIELD: No. They will
28 be on the table until we take them off by
29 some action.

30 MS. GARZA: So, we have -- we
31 will not take action on 25. We have tabled
32 26, 27, 28. We took action on 29. We will
33 table 30, 31, 32, and 33. This is correct?
34 Five-minute recess.

35 (Break.)

36 MS. GARZA: See, if I was
37 chairing this meeting the whole time, we
38 would have been through all these proposals.

39 We have a request to switch
40 proposal 34 with 36.

41 Charlie --

1 Staff.

2 So Proposal 36 in our packet
3 starts on page 187.

4 MR. CASIPIT: Thank you,
5 Ms. Chair. My name is Cal Casipit. I'm the
6 subsistence fisheries biologist in the
7 regional office for the Forest Service.
8 Proposal FP02-36 was submitted by Mr. Bruce
9 Eagle of Wrangell. He accepts, all Federal
10 waters -- with the exception of Baranof
11 Lake, Florence Lake, Hasselborg Lake, and
12 Mirror Lake, Virginia Lake, and Wilson Lake
13 until it -- that it be closed for
14 non-subsistence until it can be proven that
15 sport harvest would not create a biological
16 crisis in the fish populations when coupled
17 with a 10 dolly and 6 trout limit for
18 Federally recognized subsistence users in
19 all of SE Alaska.

20 Last year, December 2000, the
21 Board passed a regulation that allows the
22 harvest of ten Dolly Varden of any size and
23 six cutthroat and rainbow trout combination
24 with a slot size limit of 11 to 22 inches
25 for Baranof Lake, Florence Lake, Hasselborg
26 Lake and River, Mirror Lake, Virginia Lake
27 and Wilson Lake. In all other waters except
28 for those six systems that I just mentioned,
29 the Dolly Varden, cutthroat, and rainbow
30 trout limits will be the same as found in
31 the Alaska State sport fishing regulations
32 for those species.

33 This proposal would add a change
34 in those regulations by inserting the
35 following: All Federal waters in Southeast
36 Alaska are closed to the taking of Dolly
37 Varden, cutthroat, and rainbow trout except
38 by Federally qualified subsistence users
39 with the exceptions of, again, those six
40 lakes, Baranof Lake, Florence Lake,
41 Hasselborg Lake and River, Mirror Lake,
42 Virginia Lake, and Wilson lake.

43 A little on the biological
44 background. We have some limited
45 information on those species and the
46 population estimates for them in various
47 water- sheds throughout Southeast Alaska
48 that appears on page 192 of your book.

49 For harvest history, historically
50 there has been a pattern of year-round

1 harvest in many communities throughout
2 Southeast Alaska for Dolly Varden. The
3 pattern has been less than year-round but
has extended as early as January, as late as
September.

4 In the 1987 harvest survey
5 conducted by Tongass resource use, the truck
6 study back in 1987, they found that 33
7 percent of all rural house- holds had a
8 member that harvested trout that year.

9 The effect of this proposal would
10 be to -- would be that all non-Federally
11 qualified subsistence users would be
12 prohibited from taking Dolly Varden,
13 cutthroat, and rainbow trout in the
14 freshwater of Southeast Alaska except for
15 those six listed streams or watersheds. Our
16 preliminary staff conclusion is to oppose
17 this proposal and our justification that any
18 contract Section 815 allows for taking of
19 fish for nonsubsistence uses only when
20 necessary for the healthy conservation of
21 fish, public safety, or continued
22 subsistence uses of such populations.
23 Supporting this proposal is an unnecessary
24 restriction on non-Federally qualified
25 subsistence users without substantial
evidence and there is no evidence that
federally qualified subsistence users are
not getting the cutthroat, Dolly Varden, and
trout resources they need under existing
regulations. There is no evidence that a
conservation concern exists as well with the
State's conservative sport regulations for
those species.

That's my comments, and I would
be happy to answer any questions.

20 MS. GARZA: Are there questions
21 for Cal?

22 Cal, in the literature cited I
23 guess the one concern I had was several of
24 these documents are quite old, but I
25 guess -- but the sport fish data is current?

MR. CASIPIT: The regional
harvest and catch information for cutthroat,
rainbow, and Dolly Varden appears on page
193. We have '96 through '99 harvest and
catches for each of the three species.

1 Excuse me. I should probably
2 explain that a little bit. The catch column
3 refers to fish caught; harvest refers to
4 those that are harvested. The difference, I
5 guess, there would be released fish.

6 MS. GARZA: So, then, in 1996, we
7 had 41,000 cutthroat trout that were caught
8 and then released?

9 MR. CASIPIT: Yeah, roughly.

10 MS. GARZA: And is the catch-and-
11 release a legal requirement or an option?

12 MR. CASIPIT: It's a little of
13 both. If the fish caught aren't within that
14 slot limit that I mentioned under the --
15 that 11 to 22 inches, if the fish aren't
16 within that -- within those 11 to 22 inches,
17 they have to be released under State
18 regulations. Under ours, too, I guess for
19 subsistence.

20 MS. GARZA: Mr. Littlefield?

21 MR. LITTLEFIELD: Thank you,
22 Madam Chair. Cal, I had one question.
23 Given that all of these waters or at least
24 most of them are under the jurisdiction of
25 the ANILCA at this time, and we've kind of
26 been moving at establishing these Federal
27 permits, what would be the effect of adding
28 that to the existing permit that we have? I
29 don't want to take a position, but how much
30 work would it be for staff to do that if
31 there was a Federal permit, if we were just
32 to add Dolly Varden trout to the existing
33 permit?

34 MR. CASIPIT: We've already done
35 that for the six systems listed. That was
36 passed by the Board last year. It would
37 seem to me that it wouldn't be too difficult
38 to add other waters if we needed to, as we
39 needed.

40 MS. GARZA: Are there any other
41 questions of staff?
42 Tom?

1

MR. BROOKOVER: Madam Chair,
members of the Board, my name is Tom
Brookover. I'm the regional management
coordinator for the sport fish division
Southeast.

4

We support the staff position to
oppose this proposal. We agree that if it
is adopted it would result in unnecessary
restriction on non-Federally qualified use.
And we -- at this time, we have no
conservation concerns with trout and char
populations in Southeast Alaska.

7

I have provided and I believe you
have copies of a paper that we compiled
entitled "Regulatory History and Stock
Status of Trout and Steelhead in Southeast
Alaska."

10

In consultation between us, our
staff and Federal staff, prior to the
Regional Council meeting, we felt that we
would compile what we had for background
information on the stock status and the
management -- as it may be of interest to
the Council. Essentially, during the --

14

MS. GARZA: So, it looks like
this (indicating).

15

I think we got it two days ago.

16

MR. BROOKOVER: Madam Chair,
members of the Council. It's designed in
two sections, one for cutthroat trout, one
for steelhead. The section of cutthroat
trout I believe pertains to this issue. And
it outlines the stock status of the species
as well as the regulatory history in the
sport fishing that dealt with the concern.
We experienced during late 1980 and early
1990s some concern for the health of trout
populations region-wide, and our concerns
stem largely from a decline in trend in the
harvest of cutthroat trout regionwide in the
sport fishery.

23

We also had some field
observations by staff and we had reports of
reduced abundance by general members of the
public and by sport fishing guides as well
throughout the region.

25

Together those factors indicated

1 a region-wide decline in abundance of
2 cutthroat trout and we felt that they were
3 due at least in part to harvest levels at
4 that time, which may have been unsustainable
5 for a number of stocks.

6 Recent indicators of abundance
7 that we have that is presented in the
8 Federal staff analysis and further in this
9 paper suggests that the management action we
10 implemented in 1994 effectively stemmed that
11 declining trend. Our assessment of the
12 stock status on the regionwide basis of
13 cutthroat is now -- the trout is now stable
14 or increasing. There are several graphs
15 behind the text on page 6 that depict the
16 harvest of cutthroat trout in the Alaska
17 sport fishery. And Figure 1 depicts the
18 freshwater fishing effort in terms of number
19 of anglers and number of days in Figure 2.
20 If you look at Figure 2, you'll see
21 essentially the number of anglers regionwide
22 that fish in freshwater that has increased
23 somewhat between 1984 and 1989 and then
24 stabilized since about 1989. And 1984 is as
25 far back as the information we have on a
number of anglers goes. If you look at the
number of days fished, we actually have
estimates of the days fished back to 1977
and that trend is essentially increasing.

So, as far as use in the sport
fishery, the trends -- that we have is that
the -- is that the number of anglers may be
staying steady, but they were going fishing
more often each year.

The indications of stock status
we have are specific to three projects that
we have operated. One is on Turner Lake.
One is on Baranof Lake near Sitka and Auke
Creek in Juneau. And the abundance of those
stocks is portrayed in Figure 3 or 4. Those
present a stable abundance. Those are the
three long-term projects that we have that
assess specific stock abundance.

The best regionwide indication of
abundance is the catch in the sport fishery.
And that's portrayed as Figure 5 and you'll
see that in 1990 and 1993, the catch was
relatively high. It was upwards of 50,000
to 70,000 cutthroat trout in those years.
After 1993, the catch went down and I think

1 if we had the information prior to '90, what
2 we would see would have been a continuing
3 decline in catch. We don't have the
4 information. That's just based on the
5 report that we had and the observations that
6 we had and the decline in harvest.

7 Since 1994 when the Board of
8 Fisheries took management action in the
9 fishery and implemented the current
10 regulations, what we see in the catch is a
11 stable or increasing trend. The paper
12 outlines the management action that was
13 implemented in 1994. It was substantial in
14 the sport fishery. It entailed a specific
15 reduction in bag limit and implemented size
16 limits as well as the restriction during the
17 ten months of the year. That was a special
18 management action referenced in this paper.
19 We also have had several other instances of
20 management action taken towards cutthroat
21 and rainbow trout in the region. For
22 example, higher lakes have more restrictive
23 regulations. This is to portray the stocks
24 as we see it with respect to the management
25 action we took in 1994.

MS. GARZA: Any questions for
ADF&G?

MR. STOKES: Madam Chair?

MS. GARZA: Yes.

MR. STOKES: Mr. Bruce Eagle is
in our presence. Perhaps he would like to
say something about this proposal.

MS. GARZA: We'll get to him.

So, then, the mode that ADF&G is
going along is that basically stocks are
considered healthy because the harvest is
still there, and except for a few lakes
there's no new monitoring to say that this
population is at this level?

MR. BROOKOVER: Madam Chair,
members of the Council, I would say that's
correct except that the harvest has been
substantially reduced since 1994. The catch
is stable or increasing. The catch to us is

1 a better indication of abundance than the
2 actual harvest. The catch has been stable
3 or increasing since 1994. As far as the
4 projects that we have, the three projects
5 that I mention, Turner Lake, Baranof Lake,
6 and Auke Creek are the three long-term
7 projects we have on a single stock. We also
8 have other stock assessment projects, but
9 they're not operated on a long-term basis.
10 They may be to estimate in one lake one year
11 or another lake one year, with the
12 possibility that we would cycle through some
13 of those estimates in the future and compare
14 abundance efforts down the road. That's
15 another part of our program. For our
16 long-term monitoring stocks, the one that
17 can give us an indication of what our stock
18 assessments are doing, the ones at Baranof,
19 Turner, and Auke are the only ones we have
20 where trout numbers are trending higher.

21 MS. GARZA: Harvest has gone
22 down, that's actually catch-and-release.
23 Catch, which is what you take home, has
24 increased?

25 MR. BROOKOVER: Madam Chair,
26 harvest is what we would take home. Catch
27 is what you catch and includes harvest.

28 MS. GARZA: So what happened
29 between the two again? I'm totally mixed
30 up.

31 MR. BROOKOVER: What was actually
32 taken home decreased substantially. Since
33 1994, the catch has gone up.

34 MS. GARZA: So, could you also
35 draw from that that we're harvesting so many
36 but the bigger ones that we have nothing
37 left but small ones that have to be thrown
38 back?

39 MR. BROOKOVER: I don't think so
40 because since 1994 the harvest has been
41 relatively stable. I guess I would say that
42 may be the case -- well particularly if
43 harvest was continuing to go down and
44 maybe -- it may also be the case if catch is

1 going down, that may also indicate a
2 declining stock.

3 MS. GARZA: John?

4 MR. LITTLEFIELD: Thank you,
5 Madam Chair.

6 Question for Mr. Brookover on
7 page 195, under ADF&G comments. I'm not
8 speaking one way or another for this. It's
9 just a question I have for you. The first
10 sentence in the last paragraph says: The
11 state is neutral with regard to in -- the
12 state is neutral with regard to increasing
13 subsistence opportunity for trout where
14 necessary to meet subsistence needs and
15 where a harvestable surplus exists.

16 I want to know how this can offer
17 the subsistence priority even in state law,
18 with subsistence having the higher priority?

19 MR. BROOKOVER: This assumes on
20 our part, we may be incorrect. Cal can
21 correct me if I'm wrong, that subsistence
22 use can occur on systems regionwide,
23 essentially under the same existing
24 regulations that allow sport fishing, at two
25 fish per day. Last year the Council --
excuse me, the Federal Subsistence Board
allowed additional subsistence harvest with
increased bag limits in six systems in the
region.

But it's our assessment that
allowing increased bag limits on other
systems would result in declines of
abundance and sustainability problems in
individual lakes.

Our point with the last paragraph
is that where we know there's a harvestable
surplus, increased bag limits may very well
be warranted and we would support that
increase to provide for subsistence
opportunity as long as the harvestable
surplus existed.

24 MS. GARZA: Are there other
25 agency comments?

Any Tribal comments?
We have one public comment for

1 Proposal 36.

2 Bruce Eagle?

3 MR. EAGLE: Madam Chair, members
4 of the Council, my name is Bruce Eagle. I
5 live at mile 9.5, Wrangell, Alaska.

6 The reason that I brought this
7 proposal back to the Board this year, last
8 year I said -- submitted one for customary
9 and traditional findings in an increased bag
10 limit for subsistence trout. The resulting
11 regulations that came from your decision, we
12 had no customary and traditional findings,
13 but the only place that we were allowed an
14 additional number of trout was in six lakes
15 that have been studied almost to death by
16 the Department. The reason I'm back here
17 now is because the six lakes that they gave
18 us do not reflect the way we harvest trout
19 in Wrangell or the rest of Southeast. We do
20 our trout fishing not at those lakes, beaver
21 ponds other small systems, up the Stikine
22 River, various sloughs, the list goes on and
23 on and on. What I felt is that as a
24 subsistence user, if you want me to be able
25 to harvest an increased number of trout I
should be able to do that over my
subsistence area. I should be able to
harvest it where I want to. It's because
that's where my opportunity's at. A lot of
these lakes -- even Virginia Lake for me, I
have to walk up the trail or take an
airplane over there. Whereas when I'm deer
hunting, I might be on an island and there's
a beaver pond and I'll take my trout. I
just felt that last year when we were
allowed an increase in subsistence and then
to deny it in the vast majority of Southeast
Alaska, but to still allow a two-fish sports
limit showed that there was fish available
and if there wasn't for me, there wasn't an
increased limit for me then the sport
fishery should be curtailed. My feeling is
that it's not up to the subsistence user to
prove that there's enough resource for him
to harvest, but for the sport fishermen to
prove that there's enough resource available
for both of us.

Thank you.

1 MS. GARZA: Thank you, Mr. Eagle.
Any questions of Mr. Eagle?
2 John?

3 MR. LITTLEFIELD: I have a
question. When we take this up in
4 deliberations, when we're going to act as a
Board on this, we've been instruct --
5 instructed several times to especially look
at this rationale for recommendation, and
6 I'm sure you were here for some of the
previous discussion on why we changed
7 Proposal 35 and maybe you could go through
these and give us some alternatives of what
8 is acceptable, maybe a bag limit you suggest
or what meet your needs is what I'm trying
9 to ask you.

10 MR. EAGLE: Madam Chair, John. I
think one of the things that we need to look
11 at is there are definitely areas throughout
all Southeast where there aren't a lot of
12 trout and there's very, very little use.
I'd like to see us identify those areas. We
13 may not go to six trout, but we might go to
four, and look at that over time. You're
14 going to see almost immediately that there's
a downtrend in your catch and harvest. And
15 quite frankly, like most people, we'll move
out into an area where the trout are going
16 down. I think -- one part of my proposal is
to make sure that my subsistence needs are
17 met, that that area is opened automatically
to sport fishing. I think that's very
18 critical. I don't want to, you know,
penalize somebody else as long as our needs
19 are met. I think this applies to most of
the small villages in Southeast.

20 MR. LITTLEFIELD: Follow-up is
21 that in some areas you're saying right now
that you're unable to meet your needs and I
22 know there are some areas where they have a
lot of abundance, but you're saying right
23 now that there are some of your needs cannot
be made under the given -- under the State
24 subsistence permit?

25 MR. EAGLE: That's because the
idea is to spread out usage of this

1 resource, and to me it's not so much a
2 food-gathering resource as a social
3 resource. It's something that happens a lot
4 with kids. You look at this -- the salmon
5 fishery in our office, there are a lot more
6 kids going out fishing, salmon fishing or
7 trout fishing. What I'm after is the
8 ability to spread out, utilize some of the
9 resources on all of the islands. For
10 instance, on the I land we live on, we have
11 one lake that has extremely small trout, 35
12 miles round-trip from town, 3 quarters of a
13 mile boardwalk down to that lake. That's
14 the only special lake we have. Everything
15 else is two fish. We have the same
16 regulations on the rest of the island as the
17 sport fishermen has, and I just don't feel
18 that's right.

19
20 MR. LITTLEFIELD: The last part I
21 asked you is if there was some substitute
22 language or there was language that you
23 proposed is something that we struggled with
24 on closures to all users, because there are
25 some systems we just can't do that. In
26 other words, so an areawide deal is hard for
27 us to come up with. Is there something that
28 you could recommend to us that we could
29 refer this or take it up later? Is there
30 something you could recommend?

31 MR. EAGLE: Madam Chair, John, I
32 think what we could do is start to look at
33 experimental areas. Certain areas, large
34 areas around the various towns and villages
35 that these regulations apply to. And let's
36 see if we have an adverse impact. It's
37 taken 12 years or almost 12 years now to get
38 to this point of trying to get back to
39 having a trout fishery in the villages, and
40 I would like -- you know, another 12 years,
41 that's fine. My primary concern is the
42 resource, but it's also let's go slow and on
43 this idea of having special areas might be
44 appropriate.

45 MS. GARZA: Any other questions?
46 Thank you Mr. Eagle.
47 Is there any other public comment
48 for Proposal 36?

1 MR. CLARK: Madam Chair?

2 MS. GARZA: Fred, written?

3 MR. CLARK: This was one written
4 public comment, opposition from United
5 Fishermen of Alaska. They write that no
6 evidence that subsistence users are not
7 getting what they need. This proposal would
8 unnecessarily restrict nonsubsistence users
9 and would be contrary to 16USC 3125.

Thank you, Madam Chair.

7

8 MS. GARZA: Thank you Fred.
9 That's it for public comment.

10 The proposal is before the
11 Council.

12 John, I'm sorry.

10

11 MR. LITTLEFIELD: Five minutes.

11

12 MS. GARZA: Oh, five-minute
13 recess.

13

(Break.)

14

15 MS. GARZA: We're on Proposal 36
16 and ready for Council deliberation. We
17 had -- we were trying to figure out if we
18 were -- could come up with alternative
19 language and have we done so.

Mr. Littlefield?

17

18 MR. LITTLEFIELD: Madam Chair, I
19 would like to offer substitute language for
20 FP20-36, trout and the substitute language
21 would be identical to that in 35, except you
22 would substitute for coho the word "trout"
23 and only the -- in only the first paragraph.
24 And I will read it: You may take trout in
25 Southeast Alaska waters under Federal
jurisdiction under the terms of a Federal
subsistence fishing permit.

That's my motion.

23

24 MS. WILSON: Madam Chairman, I
25 second that motion.

25

MS. GARZA: Motion has been made
and seconded by -- made by John, seconded by

1 Marilyn.

2 So, at the previous meeting where
3 we discussed trout and we created only the C
4 and T, but not the mechanism, is that why
5 you're bringing this forward, John?

6 MR. LITTLEFIELD: Madam Chair,
7 that this may be clarified by staff, as I
8 read through 36 it references Alaska
9 Department of Fish & Game subsistence
10 permits. This was very similar to the Glenn
11 Israelson's where he came to us that he had
12 a problem with the State permits, wouldn't
13 allow him to use rod and reel, so if we were
14 under the State permit, then all of those
15 things apply, and we may still have them
16 apply, but this is just to establish the
17 terms of a Federal permit because these
18 waters are in -- as far as I know, all of
19 them are in Federal waters.

20 MS. GARZA: The motion has been
21 made and seconded. Is there any further
22 discussion from the Council?

23 Is it okay with the maker of the
24 motion? It is okay with Bruce Eagle?
25 Mr. Martin?

MR. MARTIN: Madam Chair, call
for the question.

MS. GARZA: Question has been
called on Proposal FP02-36 that a substitute
language be submitted by is fairly identical
to Proposal 35. Mr. Littlefield, I need
clarification. Are you speaking only to the
first paragraph or that's the only thing
that has to be changed, but the rest of the
page holds?

MR. LITTLEFIELD: Madam Chair, my
intent was to only apply the first
paragraph. The remaining language does not
apply to my motion. Paragraph one only.

So, then, the only thing we are
voting on is substitute language for
Proposal 36 which reads: You may take trout
in Southeast Alaska waters under Federal
jurisdiction under the terms of a Federal
subsistence fishing permit, period.

1 MR. THOMAS: Question.

2 MS. GARZA: Question has been
3 called for the third time. All in favor of
4 the motion, signify by saying "aye."

5 COUNCIL MEMBERS: Aye.

6 MS. GARZA: Opposed?
7 Motion carries.

8 Thank you very much.

9 We had jumped over 34, and we
10 need to move back to it -- actually we
11 jumped over it because one person who had
12 submitted a green slip that he's not here,
13 the other person who submitted a green
14 slip -- David Bedford. Does anybody know of
15 his whereabouts? Is he still in town?

16 MR. CLARK: Madam Chair, since
17 you've accommodated everybody else, could I
18 ask for a clarification about the motion
19 that was just made? And passed?

20 Was it the intention of the
21 Council to include steelhead trout in that
22 regulation from -- on Proposal 36?

23 MS. GARZA: Could you repeat?
24 Bill coughed.

25 MR. CLARK: Was it the intention
of the council to include steelhead trout in
the regulation recommendation that you just
made under Proposal 36? Under your
definition of trout.

MS. GARZA: Mike?

MR. DOUVILLE: Thanks, Madam
Chair. I think we have a subsistence
fishery for steelhead, only thing it mirrors
the State regs on as to bag limit and size.
Am I correct?

MR. THOMAS: For lack of
response, my interpretation would be that
this motion didn't include steelhead.

MR. CLARK: It did not?

1 MR. THOMAS: Did not. Will not,
2 has not.

3 MR. LITTLEFIELD: Mr. Chair, and
4 Fred, I consider a steelhead a salmon and it
5 was not my intent to include it there. I
6 don't know what the others did, but that
7 wasn't what I thought.

8 MS. GARZA: The maker of the
9 motion is also nodding that it did not
10 include steelhead.

11 MR. EAGLE: Not steelhead.

12 MS. GARZA: It's as proposed
13 regulation, Dolly Varden, cutthroat, and
14 rainbow.

15 MR. CLARK: The reason I needed
16 the clarification is because there's a
17 Federal definition that in trout we include
18 steelhead. That let me know -- now that we
19 know it's not included, it can be modified
20 to that it excludes steelhead.

21 MR. THOMAS: Not necessarily. If
22 we don't have it -- if we don't have it in
23 our language here, and is it going to apply
24 to Federal regs, then have the Federal regs
25 considered that a trout and it's not
26 mentioned specifically here, that shouldn't
27 change -- that shouldn't change any
28 reference to it. The trout is a trout is a
29 trout, except for John, it's a salmon to
30 him. John is a little bit weird anyway.

31 (Laughter.)

32 MR. CLARK: It will be all right,
33 just as long the definition of trout in the
34 motion doesn't include steelhead. That's
35 fine.

36 MR. THOMAS: Madam Chair, if
37 that's the case and we want to avoid any
38 confusion and it doesn't have any negative
39 effect on the intent of the motion, I would
40 think that we would agree to leave the
41 Federal definition intact, which was

1 included.

2 MS. GARZA: Mr. Maker of the
3 motion of 36, and Ms. Secorder of the motion
4 of 36, trout and char, if you leave it as it
5 is and we do not define it here then it
6 generally will include steelhead, which is
7 by definition a trout.

8 MS. WILSON: Madam Chair?

9 MS. GARZA: Marilyn?

10 MS. WILSON: All the material I
11 read lists steelhead trout separately along
12 with trout, and Dolly Varden and so forth.
13 So, it seems to be a trout all unto itself.
14 I think we should clarify this motion.

15 MS. GARZA: Okay. So, in the
16 proposal and the staff analysis and ADF&G
17 analysis and all comments received nothing
18 referred to steelhead trout, so I think that
19 was the intent of the original proposal that
20 should be where we stay.

21 Is that okay?

22 MS. WILSON: Sounds good.

23 MR. LITTLEFIELD: Madam Chair, I
24 agree. The intent of my motion was to
25 address the concerns and the maker talked
about trout and Dolly Varden, and that was
my intent. We do not have public comment on
limits, take, methods means. I did not
bring those up specifically, because we did
not have them on the record.

MS. GARZA: Got that, Fred?

Okay. We did postpone Proposal
34, and I will leave it off the table now
and keep going and see if Dave comes back.

20 So, we are moving on to 37? It
21 is withdrawn. Any comment on that?

22 MR. LITTLEFIELD: Madam Chair?

23 MS. GARZA: Mr. Littlefield?

24 MR. LITTLEFIELD: I think we

1 defer this until the discussion on the last
2 coho proposal, 38 and 39. I'd like to take
those up at this time.

3 MS. GARZA: We have deferred 34,
4 37, and we are now on Proposal 38 and 39. I
5 think they're here, so we are taking them
together.

6 Cal.

7 MR. CASIPIT: Thank you,
8 Ms. Chair. Regional Advisory Council. My
9 name is Cal Casipit. I'm the subsistence
10 staff biologist for the Forest Service in
11 the Juneau office. We have combined FP02-38
12 and FP02-39 because they are very similar.
13 They're asking for changes in the -- they're
14 requesting the change for coho in -- asking
15 for a change in the Federal coho season in
16 3A, 3B, and 3C. What they would like is the
daily harvest limit to be changed to a
season harvest limit. For 38, the
proponent, Mr. Thomas Briggs of Craig,
wishes that the 20 fish per day daily limit
be changed to a 20-fish annual limit; and
39, the Craig Community Association requests
that the Federal subsistence harvest limit
for coho salmon in sub-districts 3A, 3B, and
C be changed from 20 fish per household
daily harvest limit to a season harvest
limit of 25 fish per household.

17 My staff analysis begins on page
201 of your book, and it's fairly short.

18 Again, like I said, the existing
19 Federal regulation there is for 3A, 3B, and
20 3C is a 20-fish per household daily limit.
There is no annual limit allowable. Gear is
spears, dipnet, and rod and reel. We also
have a provision for bait from September 15
through November 15.

21 Basically, the effect of this
22 proposal would to be reduce the number of
23 coho salmon that Federally qualified
24 subsistence users could take for subsistence
25 purposes on an annual basis for those three
sections, 3A, 3B, and 3C. For comparison
purposes, a family of four sport anglers
could harvest up to 24 coho salmon per day
in those same areas under state sport
fishing regulations.

1 With this -- with Proposal 38, a
2 household would be limited to harvest 20
3 coho salmon for the entire season and for 39
4 a household limit would be limited to
5 harvesting only 25 coho salmon for the
6 entire season.

7 Our staff preliminary conclusion
8 is to support this with modification.
9 Basically, we would put in the daily and
10 annual harvest -- the daily and annual
11 household limit that appear in fisheries
12 proposal 02-35. We would also add that you
13 may not retain incidentally caught trout or
14 other salmon unless taken by gaff or spear.
15 So, basically, our proposed regulation
16 basically reads the same as exactly the same
17 as 35 for 3A, 3B, and 3C. Our justification
18 is by accepting either of the proposals --
19 by accepting either of the proposals we
20 would be unnecessarily restricting
21 subsistence users. Coho salmon stocks are
22 healthy on Prince of Wales Island and
23 inseason management authority is in place to
24 respond to conservation concerns from the
25 public and users inseason. This proposed
regulation, again, is consistent with the
staff recommendations for FP02-35 which is
the -- which is a regional coho salmon
proposal. I notice it says FP01. It should
be FP02-35.

16 I'll be happy to answer any
17 questions.

18 MS. GARZA: Are there questions
19 for staff?

20 I have a question, then, Cal.
21 Under the preliminary conclusion which
22 starts on page 202, the support with
23 modification, you made your modification.
24 It's that there is an annual household
25 harvest limit of 40, and yet when I read in
the biological background it says that also
there's no conservation concern for coho on
Prince of Wales. So, why is there a need
for an annual household harvest limit?

24 MR. CASIPIT: The staff wanted to
25 be consistent with all the coho proposals
that were -- that were out there. So, we
wanted to be consistent with regionwide 35.

1
2 MS. GARZA: So, considering that
3 wasn't done with the proposals from 35 in
4 the other ones, then that's no longer
5 necessary because it wouldn't be consistent
6 with --

7 MS. WILSON: Can't hear you?
8 I didn't hear what you said.

9 MS. GARZA: The reason for the
10 annual household harvest limit at 40 was
11 submitted by staff to be consistent with the
12 proposed regulations in Proposal 35 and
13 several other coho proposals. However, that
14 language was pulled from Proposal 35 and
15 those other proposals so it's no longer
16 necessary in here because it would -- it's
17 consistent with nothing now. So it's moot.
18 Is there an ADF&G report?

19 MR. BROOKOVER: Madam Chair,
20 members of the Council, Tom Brookover with
21 Department of Fish & Game. We have a brief
22 comment. Basically, we're neutral in
23 regards to both of the proposals. We do
24 support the staff position, and at this
25 point, that's about it.

MS. GARZA: Are there other
agency reports?

Are there any Tribal reports?
Are there any green sheets that
someone turned in for public testimony that
I did not get because I do not have any
public testimony sheets for Proposal 38 or
Proposal 39?

Okay. We've made it through --
is there written testimony?

MR. CLARK: Yes, Madam Chair
there are three written public comments,
very short. Page 204, all in support.
First one is from Nancy Hillstrand of Homer.
She writes in support that annual harvest
limits are a critical tool to prevent
overexploitation.

The second is from United
Fishermen of Alaska. They support the
annual harvest limits as a tool to help

1 ensure good management.

2 And then for those, both were for
3 Proposal FP2002-38; and then the final one
4 is for FP2002-39. United Fishermen of
5 Alaska writes in support. They support the
6 annual harvest limits as a tool to help
7 again to ensure good management.

8 That concludes the written public
9 comments.

10 MS. GARZA: We are ready for
11 Council deliberation and action?

12 MS. WILSON: Madam Chairman?

13 MS. GARZA: Mike and then
14 Marilyn?

15 MR. DOUVILLE: Thank you, Madam
16 Chairman. These two proposals are asking to
17 put a smaller limit than what we have now
18 which is 20 per day. Seems like a high
19 limit, but reality maybe the issue would
20 like six subsistence permits this area.
21 Perhaps a lot of people didn't know you
22 could go do that. I'm not sure. However,
23 there's no biological reason to change it to
24 a lower limit. I didn't see anybody getting
25 that -- I didn't think you had any numbers
to say that this put a strain on any stock
anywhere.

So, until I saw some need to
change it, I believe it should remain the
same. These proposals are a result of the
hatchery staff and some local concerned
people crying wolf because any fishery ever
took place, and these proposals were put in
place before anyone ever dipnetted or did
any fishing in any system in 3A, B, or C.
So, as far as I'm concerned, they're
uncalled for.

Thank you.

MS. GARZA: Marilyn?

MS. WILSON: Madam Chair, is it
in order to make a motion? To accept -- I
make a motion to accept Proposal 38 and --
38, FP02-38.

1 MS. GARZA: Is there a second?

2 MR. THOMAS: Move to adopt 38?
3 Second.

4 MS. GARZA: Is there any reason
5 Marilyn, why you didn't lump them since they
6 are together?

7 MS. WILSON: On page 197.

8 MS. GARZA: We have a motion
9 before us to support FP whatever, whatever
10 38.

11 MR. THOMAS: Madam Chairman, I
12 have an amendment.

13 MS. GARZA: Bill to modify no
14 limit, some strike -- to strike where the
15 daily annual harvest limit, continue that --
16 continue that line to include limit 23 per
17 household.

18 So, it would read: You may take
19 coho salmon in subdistricts 3A, B, and C,
20 only under the terms of a Federal
21 subsistence fishing permit. No closed
22 season, only spears, dip nets, rod and reel
23 may be used only from September 15th through
24 November 15th.

25 So, this would essentially strike
out an entire sentence where it says, the
daily annual harvest limit. That would be
all struck from the word "the" to household.

I so move.

MS. WILSON: Madam Chair, I
second it.

MS. GARZA: Just a point of
clarification. Bill, basically what you've
intended it to do is what it is exactly if
we voted the proposal down?

MR. THOMAS: Yes.

MS. GARZA: What page are you on,
Bill?

MR. THOMAS: I can withdraw my

1 amendment.

2 MS. GARZA: Will the second
3 withdraw their amendment, motion --

4 MS. WILSON: Yeah, I withdraw.

5 MS. GARZA: We have Proposal 38
6 as written before us.

7 MR. THOMAS: Question.

8 MS. GARZA: Okay. So, if you
9 vote in favor of this motion, then you will,
10 in fact, limit -- potentially limit the
11 harvest of coho by subsistence users in an
12 area where staff and biologists have clearly
13 identified that there is no conservation
14 need.

15 So, I intend to speak against
16 this motion because there is no conservation
17 need at this time.

18 MR. LITTLEFIELD: Madam Chair?

19 MS. GARZA: John?

20 MR. LITTLEFIELD: I'm also going
21 to vote against this motion, but I would
22 like it clear for the record that we passed
23 a Southeastwide and those things that are
24 not in conflict, I would like to have them
25 apply. In other words, it says only spears,
dip net, and rod and reel in this existing
regulation. If someone is doing it with a
gaff, I want assurances that nobody is going
to be busting him. In other words, we allow
gaffs. It's just a housekeeping. I just
want to make sure that nobody is going to be
busting these people for using a gaff.

26 MR. THOMAS: Madam Chair?

27 MS. GARZA: Bill?

28 MR. THOMAS: I never thought that
29 was a point to consider, but I realize now
30 that it is, because I don't know how a gaff
31 is -- how is a spear defined? How would I
32 recognize the spear if I saw one?

1

MR. CLARK: Mr. Chairman, believe it or not there's actually a definition in the Federal regulations. Shall I read it to you?

3

4

MR. THOMAS: Read it to me.

5

MR. CLARK: Spear means a shaft with a shaft -- with a sharp point or forklike implement in which is used to thrust through the water to impale fish which is operated by hand. Does that mean the fish is operated by hand?

6

7

8

MR. THOMAS: That's a contrast from what I grew up, as my version of a spear. My version of a spear was a small tree about 15 feet long with a bent hook on the end facing the direction of the throw that was designed in a sheath and a tether so that when you struck your fish that would come out and still be in the stick. Sometimes we would tie a line to the spear so we can retrieve it without drowning. So I don't know how that could be considered a gaff -- how is a gaff defined?

10

11

12

13

14

15

MR. CLARK: It has a hook on the end. Mr. Chairman, there is no definition in the Federal regs, but my understanding of gaff is it's a long pole with a hook on the end, some you reach --

16

17

18

MR. THOMAS: They come in different lengths. I got a long pole about that long, and I got that one for king salmon.

19

20

MS. GARZA: I need to ask a question of Marty for clarification. What we're looking at is the proposed regs on page 197 and the preliminary conclusion on page 203. We don't like the 40 part, and the impression I'm getting, if we can we want to include gaff. Is gaff otherwise in Federal subsistence opportunity gear types? We were supposed to whiz through these, you guys.

21

22

23

24

25

MR. THOMAS: Madam Chair?

1

MS. GARZA: Mr. Thomas?

2

3

MR. THOMAS: We tabled -- we just reached a compliance. We're in total compliance with the law from any State or Federal agency with regards to harvesting a stream. So we don't need any further debate.

4

5

6

MR. MYERS: Marty Myers, Forest Service law enforcement. There is no mention in the methods or means for taking fish with a gaff, but I'm not sure that if you restrict that proposal or in your proposal to actually include that as an approved gear type. If that was in the case and added to the Board, I'm sure it would be in the means of taking fish.

7

8

9

10

MR. LITTLEFIELD: Madam Chair?

11

12

MS. GARZA: Mr. Littlefield?

13

14

15

16

MR. LITTLEFIELD: I believe we're probably going to vote this down, therefore, if we vote it down how do we get the gaffs in there. I would propose the maker consider the page -- strike out that annual word. And we'll get where we want to be.

17

18

MR. DOUVILLE: Madam Chairman, I don't think this gaff/spear issue is a major one. Both are similar implements and there's no problem.

19

20

21

MR. THOMAS: I'm happy.

MS. GARZA: The read on this side, the way the gaff you use when you take coho it's a spear.

22

23

MR. THOMAS: Table A over here made a substitute in gear uses. We substituted the gaff for the .22-long rifle.

24

25

MS. GARZA: Point of order. Okay. So we have before us FP02-38. Are there any amendments or substitutions to it?

1

MR. MARTIN: Madam Chair, call
for the question?

2

3

MS. GARZA: Question has been
called. If you vote in favor of it, you're
anti-subsistence.

4

5

All in favor, signify by saying
"aye."

6

All opposed?

7

COUNCIL MEMBERS: Aye.

8

MS. GARZA: Motion fails.
Proposal FP02-39, put it on the table so we
can vote it down, please?

9

10

MS. PHILLIPS: I move to adopt
FP02-39.

11

MR. MARTIN: Second.

12

MS. GARZA: It's been moved and
seconded.

13

Discussion on FP02-39.
Question?

14

15

MR. THOMAS: Question has been
called.

16

MS. GARZA: All in favor, signify
by saying "aye."

17

Opposed?

18

COUNCIL MEMBERS: Aye.
Motion fails.

19

20

MS. GARZA: Mr. Littlefield, it
was my understanding that you want to defer
37 until after 38 and 39?

21

22

MR. LITTLEFIELD: 25 and 37 could
be considered in order, I believe would be
the best way to take care of it.

23

24

MS. GARZA: We have before us
FP02-25. Does anybody out here know if Dave
Bedford is coming back or does anybody know
how to contact him at a hotel or wherever
he's staying? Otherwise, he may miss the

25

1 opportunity to testify on Proposal 34.

2 A SPEAKER: I don't believe he's
3 coming back today.

4 MS. GARZA: Do you know if he's
5 leaving town?

6 A SPEAKER: He said he wouldn't
7 be here after 9:00 o'clock tomorrow.

8 Also for housekeeping, it's my
9 understanding that there will be no dinner
10 here tonight. We're on our own. There was
11 an ANBANS meeting scheduled here at 7:00
12 that has been cancelled, so we can meet here
13 until the sun rises tomorrow morning if they
14 need. We know there are people who intend
15 to catch the 11:00 o'clock flight tonight.
16 If we're not on schedule and you need to
17 make a presentation, please let me know or
18 let Bill know that so you have an
19 opportunity to make the presentation before
20 you hop on the jet. It's also my
21 understanding that we will be hearing from
22 Yakutat. We missed more of a formal welcome
23 and we hope to receive that tomorrow, and so
24 that's ongoing for tomorrow.

25 MR. CLARK: Before I begin on
these two proposals, a couple of things.
First this -- both of these proposals which
were submitted by John Littlefield on the
Council were sent in. They were included in
the public proposal book that went out for
review and they were subsequently
administratively withdrawn by the staff of
the Federal Subsistence Board. I had
started on the analysis prior to that time,
and worked with Mr. Littlefield with both
State and Federal staff in developing a
draft analysis, which I call an author's
review or presenter's review. When the
staff of the Federal Subsistence Board
withdrew those, I was instructed not to work
on the analysis anymore. So, what you have
before you, since the Council wanted to
bring these up, is really a draft analysis.
That means that there is much room for
improvement. There are not a lot of details
that could otherwise be in the analyses.

1 There is much information from people,
2 especially in the Sitka area and other
3 communities around Southeast that would
4 benefit from the analysis.

5 So, that being said, that's the
6 product that we have to work with today.

7 MR. THOMAS: We certainly
8 appreciate that, and we also recognize and
9 appreciate your response to the
10 administrative advice you received regarding
11 this, although it is in total conflict with
12 the intent of the design of this Council.
13 And that being the reason, if it's the only
14 way for us to make a point of process, then
15 this is what we're going to do.

16 So, I assure -- John talked to me
17 about it and I told him that we were going
18 to handle it like a full-blown proposal. So
19 we'll do what we can with what we got.

20 Thank you.

21 MR. CLARK: Thank you, Mr.
22 Chairman. I think the Council knows me well
23 enough by know that the reason I'm so bald
24 is because I flip my hat around so often.
25 Right now I have my hat on as the regional
anthropologist for the Council for Southeast
Alaska.

I want to direct your attention
to -- first to the map that I distributed
along with the draft analysis.

As I get started, what that map
is, the first one is the Sitka customary and
traditional use areas as defined in the
Federal regulations. I worked with the
Forest Service GIS staff to develop a
graphic representation of the verbiage
that's in the Federal regulations in hope
that also it would be easier to follow in
that graphic form as we go through.

Has everybody found it now?

We'll start with Proposal 25.

Proposal 25 was submitted by John
Littlefield. It requests three things:
First is a clarification of the area to
which the C and T applies. The second is an
expansion of the range of the species, and
the third is a restriction on the
conservation. You may want to kind of

1 consider those three things separately as we
2 go through.

3 The proposal also indicates a
4 desire to consolidate the species identified
5 in the State and Federal regulations as
6 having been customarily and traditionally
7 used by the Sitka residents.

8 The proposal says that the
9 current regulation does not accurately
10 reflect the rural residents of the Sitka
11 area. Specifically, it states that
12 residents of the Sitka Air Station Coast
13 Guard Base should not be considered rural
14 residents for the purposes of the Federal
15 subsistence program.

16 What you see on the map is -- is
17 a graphic representation of the existing
18 regulation on page 1.

19 Let's talk first about the area
20 to which the proposal applies. The current
21 customary and traditional area applies --
22 let me just go through this map with you --
23 the colored areas, the larger color areas
24 refer to the fishing districts, the
25 sections, fishing sections in which the C
and T applies for Sitka. The hatched area,
or those areas of those sections that are
included within the C and T. The bright red
part, that refers to the definition of where
the people reside. So, the people who
reside in that red-shaped area are eligible
under this C and T to fish under the Federal
regulations in the freshwater portions
adjacent to those hatched areas.

18 Okay? And generally, that
19 applies fairly closely to what you find in
20 the -- at the graphic literature and other
21 types of reports, and in talking with people
22 in Sitka, for instance, the Goldschmidt and
23 Haas report, which is on page 3, which shows
24 all of the customary and traditional use on
25 page 4, which illustrates the customary and
26 traditional use areas of the aboriginal
27 inhabitants of the Sitka area.

28 The Sitka territory extends the
29 full length of the Pacific coast of
30 Chichagof and Baranof Islands from Point
31 Urey in the north to Cape Ommaney. It
32 includes all the myriad islands lying off
33 the coast. It extends inward up Peril

1 Strait between Chichagof and Baranof Islands
2 into Hoonah Sound as far as Patterson Bay.
3 That's on page 2.

4 Let's talk about the species.
5 The current Federal C and T includes salmon,
6 Dolly Varden, char, trout, all species of
7 trout, which would include steelhead, smelt,
8 and hooligan. The proposal is to add
9 herring spawn, bottom fish, and halibut.
10 It's clear from a number of different
11 sources that the people residing in Sitka,
12 both Native and non-Native, have utilized
13 all of those species.

14 It's also important to note that
15 herring is famous, as you know, for its
16 herring and herring spawn harvests as well
17 as the bounty of halibut and other bottom
18 fish.

19 This was actually reflected in
20 the State customary and traditional use
21 determinations for these species in the
22 Sitka area.

23 The proposal did not include,
24 however, the full range of marine species
25 that are used by the people at Sitka. The
26 people to be included or excluded in the
27 proposal, the current customary and
28 traditional use determination includes this
29 kind of long description, residents of the
30 City and Borough of Sitka and drainages that
31 empty into Section 13B north of the latitude
32 of Dorothy Narrows.

33 And, again, that's the graph
34 represented by the red on the map here.

35 I want to note that the provision
36 in the proposal for including the islands is
37 redundant since the current C and T also
38 recognizes all residents within the City and
39 Borough of Sitka, which are between Dorothy
40 Narrows and the Northern boundary of Section
41 13B. That includes all of the islands in
42 Sitka Sound as well as most of Kruzof
43 Island.

44 The proposal states removing the
45 Sitka Air Station Coast Guard Base residents
46 from the subsistence eligibility pool will
47 reduce the amount of participants. The
48 characteristic of the Coast Guard is there,
49 is that they're about 190 active duty
50 military and civilian personnel, about 40 to

1 54 percent of whom live on the base itself.
2 Housing is provided by the Coast Guard on
3 the base too which includes 60 family units
4 occupied by families from two to seven
5 people and 26 rooms for unaccompanied
6 personnel. So, about 75 percent live on the
7 base, but this figure varies a little bit
8 from year to year. So, there is a somewhat
9 transient population. They come for a
10 while. Some of them stay for a year, three
11 years, they move on. Some of them go
12 elsewhere in Alaska. Occasionally, some
13 come back to Sitka, so they do multiple --
14 think stay in Sitka multiple times.

15 There are some comparable sub-
16 populations in Sitka including, for
17 instance, the Mt. Edgecumbe High School.
18 There are students from rural communities
19 around the State that come to Mt. Edgecumbe.
20 15 students at Mt. Edgecumbe this last year
21 were from Sitka itself.

22 And the situation is very similar
23 for the Sheldon Jackson College. People
24 come, they go, sometimes they come back.

25 For all the customary and
traditional use analyses that we do within
the Federal subsistence program, we go
through a series of eight factors for
determining customary and traditional use.
I'll just go through those quickly.

26 The first is a long-term
27 consistent pattern of use excluding
28 interruptions beyond the control of the
29 community or area. And as you can see on
30 page 8 and 9 that there are examples both
31 historically and currently of people
32 exercising long-term consistent patterns of
33 use of all of these species in the Sitka
34 area.

35 There's a pattern of use
recurring in specific seasons for many
years.

36 If you look on page 10 and 11,
37 Table 1, it's kind of a summary on the first
38 line, all resources, all fish and salmon, so
39 the average pounds for all these sources is
40 407.26 average pounds or 145.05 pounds per
41 capita.

42 Fish comprise a fairly
43 substantial element of that. I should point

1 out that there are different study years
2 too. That's why they're shaded differently
3 in the table.

4 Let's look at 1987, for instance,
5 for all fish it was 81.82 per capita pounds;
6 salmon was 38 and a half pounds of that,
7 non-salmon was almost as much. It was 43.32
8 pounds.

9 Then the rest of the table kind
10 of breaks that down into smaller and smaller
11 amounts to give you some idea of how many --
12 of what kind of species were taken and used
13 by the residents of the Sitka.

14 And the picture is that it
15 essentially is all these species.

16 No. 3 is a pattern of use
17 consisting of methods and means of harvest
18 which are characterized by efficiency and
19 economy of effort and cost, conditioned by
20 local characteristics. This is kind of a
21 fun part because you get to go back and look
22 at the historical uses and uses before
23 contact and how things have changed over
24 time. So what I did is I looked at the
25 methods and means that were used for bottom
fish and for herring and cod and other
species. And essentially documents that
there was really a wide variety of these
methods and means that were used in the
past, many of which are currently still
being used gathering herring eggs on
branches and from kelp and fishing for
halibut. It's just -- you know, it's a
continuation of past methods and means up to
the present.

19 The fourth is the consistent
20 harvest and use of fish or wildlife as
21 related to past methods and means of taking,
22 near, or reasonably accessible from
23 community or area.

24 So, there have been some changes
25 in where people have taken resources, but
not a great deal, and a lot of that has to
do with the types of technologies like motor
boats and things that allow people to go in
some cases more easily further away. But
the traditional use areas are still very
consistent in the Sitka area, and as I'm
sure you'll hear -- hear, especially for
herring, but for halibut and bottomfish as

1 well.

2 For instance, most fishing for
3 herring and herring reoccurs in Sitka Sound
4 usually within ten miles of town and often
5 right along the city's shoreline, and that's
6 been consistent for a very long time.

7 The fifth factor is a means of
8 handling, preparing, preserving, and storing
9 fish or wildlife which has been
10 traditionally used by past generations,
11 including consideration of alterations of
12 past practices due to recent technological
13 advances, where appropriate.

14 The main point here is that as in
15 the past, currently most boat only fish and
16 halibut, they continue to be used fresh or
17 fresh frozen in Southeast communities;
18 sablefish and cod are still smoked and some
19 Sitka residents dry and smoke halibut.

20 The amount of detail that could
21 be put into this section -- we can go into
22 volumes about this stuff, but I guess the
23 main point is that for bottomfish, for
24 herring, for cod, for all these things, it
25 still continues -- and seaweed too. Seaweed
and especially roe on kelp, and branches.

26 The sixth factor is a pattern of
27 use which includes the handing down of
28 knowledge of fishing and hunting skills,
29 values, and lore from generation to
30 generation.

31 The people in Sitka still engage
32 in their traditional activities. Much of
33 this is passed down from relatives, from
34 uncles, from aunts, people who come in from
35 out of town have the opportunity to learn
36 from residents who have been there for a
37 long time.

38 So, I guess the essence of this
39 is that the people of Sitka still do engage
40 in a variety of activities that assure the
41 intergenerational value of skills, of
42 fishing and hunting and this applies very
43 well to the species that are referred to in
44 this proposal.

45 7th -- seventh factor, a pattern
46 of use in which the harvest is shared or
47 distributed within a definable community of
48 persons.

Sitka is famous for its central

1 role in providing a variety of resources to
2 people in other communities, especially it's
3 supply of herring roe; and, again, this
4 could be documented for all these species.

5 The eighth factor is a pattern of
6 use which relates to a reliance upon a wide
7 diversity of fish & wildlife resources of
8 the area and which provides substantial
9 cultural, economic, social, and nutritional
10 elements to the community or area.

11 Marine fish were the mainstay of
12 the economies in Southeast Alaska being an
13 historic contact. Tlingit people of Sitka
14 are people of water, use marine resources a
15 lot. Bottomfish and the other fishes
16 continue to be a component of the wide range
17 of resources used in most communities,
18 including salmon, deer, and shellfish.

19 For instance, in 1987 in Sitka,
20 halibut, rockfish, cod, and flatfish
21 comprised 71 percent of mean household
22 pounds harvested of finfish other than
23 salmon. Harvest of all finfish besides
24 salmon was 25 percent of all average
25 household harvest.

If you look at Figure 1 spread
across page 16 and 17, you can see that
there's really a broad variety of species
that are harvested. If you look at the one
on 17, just go through the list of herring,
herring roe, and different kinds of herring
roe on seaweed, hemlock, branches, bass, sea
bass, cod, black rockfish, on and on. It's
a big variety that are taken. This is kind
of continued in Figure 2 where you can see
that -- it doesn't show up very well because
it's not in color. It's hard to see which
ones are what. The big chunks are salmon,
non-salmon fish, land mammals, and marine
mammals.

The preliminary staff conclusion
on this was to modify the proposal to extend
the customary and traditional use area to
include all of District 13, but only for
those species identified in the current C
and Ts. The recommendation is to not
separate out the residents of the Coast
Guard Base, that they can be re-evaluated as
part of the rural determination, or if
needed, as part of the 804 process, ANILCA

1 804.

2 So, that would mean that the
3 proposed regulation should read as on page
4 18: District 13: Salmon, Dolly Varden,
5 trout, smelt, and eulachon -- residents of
6 the City and Borough of Sitka in drainages
7 which empty into section 13B north of the
8 latitude of Dorothy Narrows.

9 I'll just walk through the
10 justification by area, by species, and by
11 resident. The customary and traditional use
12 area residents of Sitka should reflect both
13 the historic and contemporary extent of
14 those uses, which includes both the Native
15 and non-Native harvest patterns. This area
16 extends essentially throughout Sections 13A,
17 13B, and 13C. The historic patterns are
18 well documented in publications such as the
19 Goldschmidt and Haas Report, and the more
20 contemporary uses are documented in oral
21 testimony in the household survey data.

22 As to the species, the fact that
23 residents of Sitka use halibut, herring,
24 herring spawn, and bottomfish is well
25 established through publications and
studies, as well as by the State of Alaska
Board of Fisheries findings. The Federal
Subsistence Program does not, however, have
jurisdiction in the waters in which these
species are caught in Southeast Alaska.
Having these species in the customary and
traditional use would still not provide an
opportunity to harvest them. It's only the
customary and use determination. To include
those species in the customary and
traditional use determination could lead to
some confusion.

26 On the residents, the
27 justification is the residents of Sitka
28 Coast Guard Base are, generally, a transient
29 population, with most individual families
30 staying in Sitka only a few years. Some of
31 these people return to Sitka for additional
32 periods of duty, but many do not. However
33 the transient nature of this sub-population
34 is echoed in other sub-populations in Sitka,
35 including the students whose intend Mt.
Edgecumbe High School and Sheldon Jackson
College. It is appropriate to consider all
residents of Sitka as a whole for purposes

1 of the customary and traditional use
2 determinations. Should finer distinctions
3 need to be made, it can be done under the
4 provisions of Section 804 of ANILCA and/or
5 the pending revision of the rural/nonrural
6 determinations.

7 That concludes the presentation.

8 MR. THOMAS: Thank you, Fred.
9 I think that was pretty
10 impressive for the limitations and
11 interruptions you had in putting that
12 together. I see eyebrows and antennas and
13 everything moving around here, so -- Antenna
14 No. 1, John?

15 MR. LITTLEFIELD: Thank you,
16 Mr. Chair, and Fred. I wanted to ask the
17 question having to do with the handouts that
18 also were given out yesterday as well as
19 today. The two handouts for two of many,
20 many rivers in this area were for Nakwasina
21 and Katlian River. These are the ones I'm
22 referring to. They were distributed
23 yesterday and the two systems that are shown
24 there immediately within the spawning area
25 of Sitka and not speaking to Federal
jurisdiction, whether it extends one way or
another. I'm just looking at the line that
is proposed, you know which lines those are,
obviously. Do you know if any herring spawn
is in those areas? Are you familiar with
that?

MR. CLARK: I'm not personally
familiar with those, John, however, you've
told me that they do.

MR. LITTLEFIELD: Is the
Nakwasina and Katlian River, which the two
lines were drawn across?

There was another handout which
was distributed out today which was made by
a young man in Sitka which I thought were
very interesting. I think -- were under the
tutelage of -- the young man is Ryan
Robidou. He said these might do you some
good.

What these do attempt to
delineate -- this is not all the years for

1 which we have data -- over the years,
2 graphically illustrated in color where the
3 herring spawn in Sitka Sound is, and I want
4 to call your attention to the Katlian Bay
5 which is immediately north of Sitka on the
6 same longitude, Katlian Bay, and you'll see
7 that there's a -- I don't know what color
8 that is, kind of a yellow or something going
9 around there, and that is a herring spawn
10 area, and those are all on the people, and
11 they are all within this line.

12 And if you were to go a little
13 bit farther north, just below where you see
14 Annahootz Mountain, immediately to the left
15 of that where you see a mile from that bay;
16 that is the Nakwasina map that you have
17 before you. Those areas are also a spawning
18 area, so I just want to make sure that as
19 you look through these things, look at them
20 as there is some area right now where
21 herring spawn, and I would also note that
22 from personal experience the area of
23 Nakwasina River shown as well as Katlian
24 have halibut in them and certainly
25 bottomfish. So these species, not speaking
to the extension of Federal jurisdiction,
only C and T determinations certainly exist
within Federal -- current Federal
jurisdiction. If you have any comments on
that.

16 MR. CLARK: The only comment I
17 have, John, is I have not consulted with
18 staff on that particular issue about how
19 that would affect the outcome of this
20 proposal.

21 I would suggest that the Council,
22 if -- you know, if you think that as John
23 says, the species do occur within Federal
24 jurisdiction, then in your actions that you
25 take, that your actions could certainly
reflect that.

22 MR. THOMAS: Questions?
23 Marilyn?

24 MS. WILSON: Yeah, I have one on
25 page 17. It's a chart on harvest in Sitka.
I just want to know what per capita pounds
means. Is that pounds per family, pounds --

1

MR. CLARK: Per capita means per person. So it's per person.

2

3

MR. THOMAS: Any questions?
Floyd?

4

5

MR. KOOKESH: On page 18 you talk about extending customary and traditional use areas. I know that this proposal hasn't been sent to us until this meeting. What I'm kind of getting a little concerned about here is we haven't had the opportunity, I think it would seem to me that Angoon and Hoonah would like to look at these proposals a little longer.

6

7

8

9

10

MR. CLARK: One thing that I neglected to mention was that it's already in the works. There's a complete reevaluation of the customary and traditional use determinations for Southeast Alaska that's outside of these two proposals, that it's going to be done for the next regulatory round in 2003 regulations round, and that is -- that will be full-blown; look at all of the customary and traditional uses.

11

12

13

14

15

So, you will be getting that, and it will look again at the Sitka area and in more detail at the Sitka area as well as the rest of Southeast Alaska.

16

17

18

MR. THOMAS: How is that going to occur?

19

20

21

22

23

24

MR. CLARK: We have already started on the analysis. We've contracted with the Alaska Department of Fish & Game division of subsistence to start compiling with all the different data sources, the information by which the analysis can be put together. As the next proposal period is open, the Federal staff or anybody on Council, anybody else is welcome to do this too, to put in a proposal to reevaluate all of the customary and traditional use determinations.

25

MR. THOMAS: What would happen to

1 the exercise we did for about three days in
2 a row?

3 MR. CLARK: That was wildlife,
4 Mr. Chairman. This is for fish.

5 MR. THOMAS: Thank you.
6 John?

7 MR. LITTLEFIELD: Thank you,
8 Mr. Chairman. In any of the studies that
9 you've done so far in C and T throughout the
10 Southeast area, are you aware of instances
11 where different areas have overlapping C and
12 T areas? In other words, is this line just
13 a rigid line or absolutely no one goes past
14 that in one area, and no one goes past this?

15 MR. CLARK: It's vertically very
16 permeable as the traditional -- the Sitka
17 and Hoonah areas -- they have a shared area
18 around Yakobi Island, toward the map there.
19 That's illustrated quite well on page 3 in
20 the analysis. It's kind of an overlap
21 there.

22 Actually, page 4 shows it better.
23 There is the Chookaneidi and Kiks Adi areas
24 on Yakobi Island and down through on Baranof
25 that overlaps with the Hoonah Territory, and
26 this is just -- that's from the Goldschmidt
27 and Haas Report, which is not the only
28 source. It's just a good handy one that has
29 some maps in it, but in talking with people
30 in Sitka, people in Hoonah, it also tells me
31 that there's overlap there. There are many
32 areas like has been traditional where people
33 would traditionally go into other areas, but
34 they would ask permission to do so, still
35 within a traditional use area.

36 MS. GARZA: On that point also,
37 when we did game there were many instances
38 where we had C and T from four communities
39 that weren't even physically adjacent that
40 had customary and traditional use of the
41 game resource in another area. John? Fred,
42 then John?

43 MR. CLARK: Madam Chair, that's
44 correct, and if you look at some of the

1 other maps that deal with the Federal
2 regulations, you can see, for instance,
3 Angoon goes up into -- what is it, 13C,
4 Angoon's area, so there will be some overlap
5 between Sitka and Angoon there. There will
6 be overlap between Hoonah and Sitka and on
7 down the line.

8 MR. LITTLEFIELD: Madam Chair?

9 MS. GARZA: Mr. Littlefield?

10 MR. LITTLEFIELD: The point I'd
11 like to make clear is that one community's C
12 and T does not permit -- permit another
13 community to have the positive C and T, we
14 have communities in Southeast Alaska which
15 all the residents have positive C and T for
16 that area, not specifically just based by
17 community.

18 MS. GARZA: So, Mr. Kookesh, were
19 your concerns with C and T determination the
20 general Tribal boundaries?

21 MR. KOOKESH: That's correct.

22 MS. GARZA: Your concern was with
23 the general Tribal boundaries?

24 MR. KOOKESH: That's correct.

25 MR. MARTIN: Madam Chair?

MS. GARZA: Harold?

MR. MARTIN: I guess I'm a little
confused under your justification on your
species, having these species in the C and
Ts would still not provide the harvest.

MR. CLARK: Unless there's a
season harvest limit, there's still no
opportunity. Just by putting something in
the -- making the customary and traditional
use determination does not automatically
make a season. That's another regulation
that has to go in.

MS. GARZA: Fred, we will go

1 through the process on this. I want to know
2 in advance if there's written comments on
this?

3 MR. CLARK: There are no written
4 comments.

5 MR. LITTLEFIELD: Madam Chair?

6 MS. GARZA: John?

7 MR. LITTLEFIELD: I'd like to
8 note for the record that the Web site office
9 of subsistence management Web site, the last
10 time I accessed it still showed these as on
this meeting. So, the withdrawn notice was
only made available to us officially the day
we came here; is that correct?

11 MR. CLARK: Except for those of
12 you who received your booklet beforehand, I
13 believe that's correct.

14 I would like to correct something
15 that I had previously said about written
16 public comments. They're not included in
this package, and there may be some that
were received, but not included, and I was
not able to go through the public comment
pile and bring them forward. And I don't
trust my memory to say exactly what those
were. I don't think there were very many.

17 MS. GARZA: Thank you, Fred. Are
18 there any other questions of staff regarding
FP02-25?

19 MS. WILSON: Madam Chair? I'm
20 just wondering if all the communities, the
21 Tribes got a copy of this. It doesn't seem,
22 like you said, some of it -- goes into the
23 other areas, but I don't know if this is for
justification, but it seems like it should
be reviewed by the other Tribes this
Southeast. And I want to know if it was
sent to all these different Tribal people.

24 MS. GARZA: I think notices of
25 this meeting and the list of proposals have
been submitted to residents throughout
Southeast to ANBs, ANSs, to IRAs?

1

MR. CLARK: There's a very long list of people to whom the proposals are sent out to, and it includes Tribal governments and includes special interest groups, and ANB, grand camp is on the list. I don't think every camp, ANBS camp is on that list.

5

MS. GARZA: Harold, then John?

6

MR. MARTIN: Since they were withdrawn, did those go out to the communities?

8

MR. CLARK: The proposals went out in the proposal booklets? Is that your question?

10

MR. MARTIN: Yes.

11

MR. CLARK: Yes, they did go in. They went out to everyone that the other proposals were sent to.

13

MR. MARTIN: Including 35 and 37?

14

MR. CLARK: Yes.

15

MS. GARZA: John?

16

MR. LITTLEFIELD: We held at least one public meeting called by the Coast Guard addressing their concern, Sitka Tribe. I got calls from people on this proposal, as you all might expect and keep logs of them. There is adequate public notice of this. It's been on the Web page, the proposal booklets have been pulled out. I'm not trying to pull anything over anybody's eyes, anybody wanted to look at these, they've had ample opportunity to do this.

22

MS. GARZA: Fred?

23

MR. CLARK: Staff is right now looking for the withdrawal letters so we could go through that and let the Council know what the reason for the withdrawal was, just to make sure it was on record and

25

1 everybody was aware of it.

2 Madam Chairman, would it be
3 appropriate to address that point? The
4 first one addresses Proposal 25.

5 MS. GARZA: Dated?

6 MR. CLARK: Make sure it's the
7 right one. The letter is stamped August
8 31st, 2001, and I should preface this to let
9 the Council know that a letter was sent out
10 early but for some reason it didn't get to
11 John, so he wasn't even notified until quite
12 late -- was it faxed copy, wasn't it, John?

13 MR. LITTLEFIELD: Faxed copy on
14 September 13th, and shortly after that I
15 notified all members of the Council.

16 MR. CLARK: Thank you, John. So,
17 here's how it reads. August 31st, 2001.
18 Dear Mr. Littlefield, this letter is in
19 regard to a proposal you submitted
20 requesting revised customary and traditional
21 use determination for fish in District 13 of
22 the Southeast Alaska Fishery Management
23 area. You requested a customary and
24 traditional use determination for herring,
25 herring spawn, bottomfish, and halibut for
District 13. We have withdrawn this
proposal from consideration and are
returning it to you for the reason described
below.

The Federal Subsistence Program
is excluded by regulation 36 CFR 242.3(b)28
from the marine waters inside of the
external boundaries of the Tongass National
Forest. Upon close examination of your
proposal, we determined that there are no
areas of marine waters within the
jurisdiction of the Federal Subsistence
Management Program in the area of your use.
Therefore, the Board would not make
customary and traditional use determinations
for herring, herring spawn, bottomfish, and
halibut for that area. For your
information, we will be removing any
inappropriate references to such species in
the Southeastern Alaska area in the next
publication of our regulations.

1 restaurants are open until?

2 So the restaurants are open from
3 around 6:00 to hopefully 9:00. We can take
4 a break or we can try and get through. I
5 guess I would like an idea of how many
6 people in the audience need to present
7 before they get on a jet tomorrow at 11:00
8 northbound?

9 Was Doug McBride? Or FIS, I know
10 that, is he the only one?

11 The rest of you can hang out
12 until 5:30 tomorrow and we can dash out to
13 flight 69 to head to Juneau.

14 MS. GARZA: Fred?

15 MR. CLARK: There is only one C
16 and T determination in Federal regulations
17 for halibut, and it includes bottomfish as
18 well. It's for District 3, Section A.
19 Section 3A.

20 MS. WILSON: District 3, what?

21 MR. CLARK: District 3A.
22 It's for all residents of
23 Southeast Alaska area.

24 MS. GARZA: Where is 3A, Fred?

25 MR. CLARK: District 3A is
Hydaburg area.

MR. LITTLEFIELD: Madam Chair?

MS. GARZA: Mr. Littlefield?

MR. LITTLEFIELD: Thank you,
Madam Chair. And I'm speaking, again, to
these charts, the maps that were handed out
yesterday, and I'm telling you from personal
experience and we can document with very
substantial evidence, as well as the chart
that's in front of you, as well as the State
of Alaska's own harvest data, their maps,
their chart that also show all these areas.
Given that I believe we can substantially
show that the herring spawn in the areas
within the yellow lines, could you comment
on the position of what you think -- what

1 you think that letter would have been like
2 then?

3 MR. CLARK: All I -- I can only
4 speculate since I'm not speaking for the
5 Board, but I would think that it would --
6 they would have a hard time with halibut
7 anyways because of the differences in the
8 agencies that manage that. They're going to
9 have to work through that yet, because
10 halibut is managed through the halibut
11 Commission and on down through National
12 Marine Fishery Service, and it would tie
13 into the action that's coming forward now
14 from the Department of Commerce, National
15 Marine Fishery Service. The proposed
16 regulations for subsistence halibut that are
17 up or will be up for public review next
18 month in terms of herring spawn and rockfish
19 and bottomfish. In some ways it would seem
20 very logical to include those; but, that's
21 more a question for the legal staff and the
22 biologists to toss around.

23 MS. GARZA: Any other questions
24 of staff?

25 Okay.
26 Questions from ADF&G, report from
27 ADF&G? Are you prepared since it was
28 withdrawn?

29 MR. CLARK: I think we should go
30 through the whole process.

31 We will need to make one
32 allowance here, Dave Johnson needs to catch
33 a flight tonight and he needs to talk to us
34 about some FIS stuff. So, if somewhere in
35 this proposal process, if we're not done
36 with it, we will take a break for that.

37 Mike?

38 MR. TUREK: I'm Mike Turek with
39 the subsistence division, Fish & Game. We
40 learned of the withdrawals several weeks
41 ago, and stopped our review on these
42 proposals, and due to the complexity, we're
43 not prepared to comment at this time.

44 MS. GARZA: Questions for ADF&G.
45 Mr. Littlefield?

1
2 MR. LITTLEFIELD: When did you
3 first receive notice of Proposals 25, 23
4 which was presented earlier, 27?

5 MR. TUREK: Mr. Littlefield, I
6 couldn't give you the exact date, but it was
7 at least three weeks ago for the
8 withdrawals?

9 MR. LITTLEFIELD: That was not my
10 question. My question was: When did you
11 receive a proposal booklet or when did you
12 get the first notice that 23, which we have
13 already acted on, 25, and 27 were listed as
14 withdrawn on this agenda, when did you first
15 get -- know about these?

16 MR. TUREK: Mr. Littlefield,
17 Council, I can't give you the exact date
18 right now, but it was probably three weeks
19 ago. I received the book -- the big book
20 just shortly before coming to the meeting --
21 the proposal book? I received that a couple
22 days before coming to the meeting.

23 MR. LITTLEFIELD: You said you
24 quit looking at this three weeks ago, when
25 did you start looking at it?

MR. TUREK: Began reviewing these
proposals, probably in the springtime.

MR. LITTLEFIELD: And in that
time you don't have any comments; is that
correct?

MR. TUREK: Not at this time.

MS. GARZA: Are there other
agency reports?

Are there Tribal reports?

Yes, there is.

Mr. Widmark?

MR. WIDMARK: Thank you, Madam
Chair, Council members. For the record, my
name is Woody Widmark, Tribal Chair for
Sitka Tribe of Alaska. Under Tribal
comments, the Sitka Tribe of Alaska did meet

1 on a number of occasions, particularly in
2 July. I, for one, initiated a meeting with
3 Council, Mr. Littlefield, and Commander
4 Stanchion (ph.) who is the commander of the
5 Coast Guard. We did meet on July 5th,
6 Thursday, 5:00 o'clock at the main office of
7 Sitka Tribe to discuss this proposal. I did
8 not intend the meeting, but my understanding
9 is it went very well and Commander Stanchion
10 had a better understanding on the proposal
11 and the rural designation, et cetera. On
12 the timeline that we'll be discussing, the
13 Council did meet on July 10th, 10:00 a.m.
14 regarding the proposal and acted on it.

15 There was a -- the letter
16 followed the week of the 16th, 15th of July
17 and that was sent to Mr. Clark on this. I
18 couldn't tell you if there was missed or
19 not, Madam Chair, Council. In hindsight, I
20 don't have that letter with me. But I --
21 for the record, that we did meet twice,
22 Council with Mr. Littlefield, Mr. Stanchion,
23 Council voted on it, and voted, and a letter
24 was sent.

25 In the meantime, the Council
staff had been active and do have a meeting
set up with the State Board of Fish on the
agenda change request that's coming up in
January.

That's all I have.
Madam Chair?

MS. GARZA: John?

MR. LITTLEFIELD: Madam Chair,
Mr. Chair, you mentioned meetings. You also
had numerous meetings, I think, weekly
almost on the herring issue because of its
importance. Mr. Turek as well as others,
Mr. Davidson were invited, the Tribes, all
of the ANCSA corporations were invited to
participate in this, and some of them showed
up. And during these meetings, it was my
recollection that the lawyer for the Sitka
Tribe laid out the administrative appeals,
the timelines, the dates of what the Tribe
intended to do, and this particular meeting
was a part of all of those that this was
merely an administrative step and everyone,
I believe has adequate notice. If you can

1 confirm or deny that, I guess.

2 MS. GARZA: So, Woody, although
3 you do not have the letters submitted
4 regarding Proposal 25, do you remember the
5 gist of it?

6 MR. WIDMARK: Madam Chair,
7 Council members, there is support of the C
8 and T determination. It's a great length of
9 discussing whether to include or not to
10 include the Coast Guard. I cannot give you
11 fully because I don't have that letter with
12 me, and with the meeting, but I'm sure it
13 might be too little too late because it's
14 closing time at the office, but I cannot at
15 this time.

16 MS. GARZA: Are you sitting there
17 for any reason, Fred?

18 MR. CLARK: No.
19 John?

20 MR. LITTLEFIELD: Thank you,
21 Madam Chair, Mr. Chair, the point I was
22 trying to make is this proposal has been
23 well publicized, Commissioner Rue is on the
24 invitation list to discuss the herring
25 issues in Sitka Sound and I don't want to
26 leave the impression to the Council that no
27 one knows about this, including the State.

28 MS. GARZA: I think we got that
29 point, John.

30 Are there any comments for draft
31 staff analysis, Proposal FP02-25 from the
32 public?

33 If you submitted a green card for
34 it, I can't find it so you have to raise
35 your hand so I can shuffle it out.

36 There's no request for public
37 comment.
38 Fred?

39 MR. CLARK: I just wanted to let
40 the Council know I went through my files to
41 see if I had any written public comments in
42 the stuff that I brought, and I was unable
43 to locate any.

1
2 MS. GARZA: So, we have FP02-25,
3 herring, herring spawn, bottomfish, and
4 halibut. Request a revision of customary
5 and traditional use determination for
6 District 13 before us.

7 MR. LITTLEFIELD: Madam Chair,
8 I'll refer to page 1 of the draft staff
9 analysis, FP02-25. I move that we adopt the
10 third paragraph from the bottom, under
11 proposed regulations with the exception of
12 the last sentence after Dorothy Narrows,
13 comma. I would like to strike: "Except
14 those residing on the Sitka Coast Guard Air
15 Station Base" from my motion.

16 MR. STOKES: I'll second that
17 motion.

18 MS. GARZA: So it has been moved
19 by Mr. Littlefield and seconded by
20 Mr. Stokes that we adopt proposed regulation
21 as written on page 3 -- page 1 of the staff
22 analysis, the second paragraph from the
23 bottom, proposed regulation, District 13
24 Section 13A, Section 13B, Section 13C south
25 of the latitude of Point Urey and north of
the latitude of Cape Ommaney -- salmon,
Dolly Varden, trout, smelt, herring, herring
spawn, bottomfish, halibut, and eulachon --
Residents of the City and Borough of Sitka
including islands and in drainages which
empty into Section 13B north of latitude of
Dorothy Narrows.

Under discussion,
Mr. Littlefield.

MR. LITTLEFIELD: Madam Chair,
when the materials in support of Proposal 25
and 37 were presented for extending the
authority, we touched on some of this the
other day, and I would like to attach to
whatever we do with this proposal the form,
the booklet that Sitka Tribe would -- I'd
like to consider them as part of the record.

Speaking to the four concerns
that are on the board up here, the
conservation concerns in this particular
issue are moot. We are not talking about

1 restrictions on anyone, we're not talking
2 about establishing limits. What we're doing
3 here is a C and T determination for that
4 area.

5 Second is the subsistence
6 opportunity. There are waters in my
7 estimation as proved by the four charts that
8 show the area of Sitka where herring spawn,
9 and there are waters which are currently
10 within the yellow line of Federal
11 jurisdiction in which all of these
12 specialties are there.

13 Staff has made a very good C and
14 T determination, and I don't think that can
15 be doubted.

16 The kinds and quality of
17 information are numerous to support this
18 proposal.

19 Any restrictions on
20 nonsubsistence users? There are no
21 restrictions on nonsubsistence users in this
22 proposal.

23 And, therefore, I support this.

24 MS. GARZA: Thank you,
25 Mr. Littlefield. I will also be voting in
26 favor of the proposal and for almost the
27 exact same reasons. I think that the
28 information submitted by the STA attorney
29 gives us an argument to say that Federal
30 jurisdiction should be extended and it
31 should include these areas and there is
32 certainly C and T, if not defined by any
33 law, there is C and T as defined by our
34 traditional Native law. And in terms of
35 process, if this helps Sitka Tribe create
36 the trail that they need to keep going
37 through any administrative route, I think we
38 should take action on it, and if it's going
39 to be voted down or deferred or whatever,
40 that should be done by the Federal
41 Subsistence Board; not by this Council.

42 Thank you.

43 MR. THOMAS: Madam Chair, I
44 resent that because we don't give us a
45 chance to authority, that we got here.

46 I'm happy to hear the discussion
47 on this proposal. I was -- I was really
48 upset when I heard about any withdrawal that

1 occurred because when people submit
2 proposals to be considered, the process says
3 that they come to this Council for
4 consideration. And if they're going to find
5 out that these proposals are going to get
6 short-circuited someplace in the system, the
7 quality and the quantity of our proposals
8 are going to take a hit much to the
9 detriment of what we're trying to do with
10 good subsistence management. So, I would
11 vote for this proposal as well.

12 MS. WILSON: Madam Chair?

13 MS. GARZA: Marilyn?

14 MS. WILSON: Call for the
15 question.

16 MS. GARZA: Question has been
17 called.

18 The motion we are speaking to is
19 the proposed regulation as written on the
20 bottom of page 1 of the draft staff analysis
21 FP02-25. It reads as it is in there
22 excluding the last portion of the last
23 sentence that says: Except those residing
24 on the Sitka Coast Guard Air Station Base.

25 That portion of the sentence
would not be included in this proposal.

Question has been called.

MS. PHILLIPS: Madam Chairman?

MS. GARZA: Patricia?

MS. PHILLIPS: If I have more
comment, can the question be set aside until
I say it? Is that proper if I have
something more to add?

MS. GARZA: Call for the question
means are there questions, if you still have
comment.

MS. PHILLIPS: I, too am going to
support the C and T status. If you folks
can recall that the five Tribes submitted, I
believe it was an intervention into a
lawsuit to the Forest Service. I believe it

1 was on Tongass revisions, and the five
2 Tribes in that paperwork that the Council at
3 that time each of us received a copy of
4 outlined their customary and traditional use
5 area. Customary and traditional use areas.
6 I read that document, and I believe it
7 was -- whether it was our intention or
whether it was a wish, we wanted to
recognize those use areas of the five
Tribes. And this is a beginning to
recognizing those areas. And I applaud the
Sitka Tribe of Alaska for stepping forward
first.

I also want to recognize that the
sea otter -- Sea Otter Commission, I
believe, recognizes the sea otter hunter
area goes all the way up to Point Urey, but
I do not want this to stall any other
communities' attempt to recognize their own
C and T use. For the Lisianski Inlet,
Lisianski Straits area, I see more Hoonah
boats in there than I do Sitka boats, but I
am not disputing Sitka's C and T use areas.
I have a 30-year history in the Pelican area
and I would say that Pelican's customary and
traditional areas go to Point Urey down to
Klokachef. I do not want to hinder in the
future years our ability to request C and T
for those use areas.

MS. GARZA: Thank you, Patricia,
and it is clearly not the intent of this
proposal nor has it ever been the intent of
this Council that if one community has C and
T for a given area that all -- any other
community would be excluded. So that is no
way the intent of this proposal.

We can have one area, as an
example, Sitka with discussions with Sitka
Tribe, Kake and Angoon may come in and say
we have C and T in Sitka Sound because we've
been coming for a couple of hundred of
years, proper protocol is they would meet
with the trial. If it came before us, I
would vote for it, because they have been
meeting for a couple hundred years.

That's my example.
Okay. Mary?

MS. RUDOLPH: I just wanted to

1 emphasize that most of the boats are gone
2 from Hoonah now. Some of the boats that
3 have the Hoonah sign on them are usually
4 guys from the Lower 48. This is why I'm
5 concerned about this -- this type of
6 proposal because we are having to try to
7 balance back -- bounce back from what was
8 years ago, into the future.

9 MS. GARZA: So the intent of
10 these proposals is to expand the range of
11 the C and T, establish a C and T, as
12 mentioned earlier. Although, it does
13 delineate some Tribal boundaries. We are
14 not endorsing those maps. We understand
15 those boundaries are set between Tribes and
16 that was given to us as information.

17 Call for the question on the
18 motion.

19 MS. WILSON: Question.

20 MS. GARZA: Question has been
21 called. All in favor of the motion, signify
22 by saying "aye."

23 COUNCIL MEMBERS: Aye.

24 MS. GARZA: Opposed?
25 Motion passes.

Before we move on to the counter
motion, I'm going to ask Dave Johnson if he
is ready since he is leaving tonight.

MR. JOHNSON: Madam Chair,
Council, Roadkill Johnson, Forest Service.

Madam Chair, thank you for
adjusting your schedule and agenda. The
Council has a lot of difficult issues yet to
deal with and I appreciate having a few
minutes of the Council's time. Earlier in
the deliberations here the Council, I forget
who it was, brought up a point regarding
restoration rehab and perhaps the need for a
workshop. I would add to that that in
addition to restoration and rehab
enhancement, there's still enhancement
opportunities. It's a different program
with different funding, and I would
encourage the Council to consider taking

1 action to have a Council member work with me
2 and the other members of the Southeast team
3 to set up a workshop, and that the Council
4 would work with us to set that agenda as to
5 what specific areas, geographic areas on the
6 Tongass that you may be aware of that have
7 enhancement needs or enhancement
8 opportunities, as well as restoration rehab
9 opportunities.

10 And I would not exclude that to
11 just National Forest lands because our
12 responsibilities in the Forest Service also
13 pertain to rural communities and through the
14 government-to-government relations we also
15 have other funds available for other
16 programs that your respective organizations
17 may be able to tap into.

18 So, I would be glad to work with
19 you on that.

20 You will hear later from Doug
21 McBride and perhaps other staff on the FIS
22 program with respect to this current fiscal
23 year. I wanted to give you just a brief
24 update on the moneys available through the
25 Forest Service. I can't speak to the
Department of Interior agencies because I
don't work for the Department of Interior.

Forest Service budget that has
been tentatively allocated is approximately
1.5 million that will come to the Tongass.
Now, in addition to that, that's just for
the administrative aspects of the program.

There is \$2 million statewide,
identified specifically for FIS projects
that you've already heard about so far.
There are posters around the room. I'm sure
Doug will expand on that as well as perhaps
Cal or Fred.

I'd like to emphasize to this
Council that it was the Council's action and
the Council's participation that resulted in
many of the projects that have been funded
and in the actual selection process was in
no small part due to your active involvement
in that selection process. And I would just
encourage you to continue to remain a part
of that, both in a very broad general way
with respect to issues that are important to
the Council, as well as site-specific
project needs.

1 And, again, I'm not going to
2 reiterate what those projects have been.
3 You will hear more about those later.

4 Lastly, to change the tone just
5 slightly, as most of you know, Fred Clark is
6 going to be leaving us. I hoped there would
7 be an opportunity for me to make some
8 comments later with respect to the Forest.
9 I can tell you that you've also heard from
10 three of the new fishery biologists,
11 subsistence biologists -- one person you
12 haven't heard from is Jeff Reeves -- Jeff,
13 would you stand and introduce yourself to
14 the Council. I'd like you to know that Jeff
15 is in Craig. He has the South Tongass zone,
16 and if you have questions or issues relating
17 to specific fishery subsistence issues
18 anywhere on Saxman, Metlakatla area, Jeff
19 would be the foreign contact.

20 MS. WILSON: Stand up, Jeff.

21 Lastly, I wanted to let the
22 Council know that with Mr. Clark leaving, I
23 have discussed with Wini Kessler and Ken
24 Thompson and my boss that until Fred leaves
25 and after he leaves my priority will be to
26 assist the Council in whatever ways that I
27 can until the Forest Service fills that
28 position. And I think all of you -- you
29 know my number, you know my name, and you
30 know how to get ahold of me. So, I would
31 encourage you to work with the four local
32 biologists, Robert Larson, Jeff Reeves,
33 Terry Suminski and Ben Van Alen. I would
34 encourage you to do that. If something is
35 not happening someplace where you think it
36 should be happening that relates to
37 subsistence on the Tongass, get in touch
38 with me. I will be out of the country for
39 about four weeks and will not be back until
40 December 4th, but that will be about the
41 time that the Federal Subsistence Board
42 meeting will be convening and about the time
43 I'm anticipating that Fred will be leaving.

44 That concludes my comments.
45 Chairman, Council.

46 MR. STOKES: Mr. Chairman, Dave,
47 I submitted a proposal for rehabilitation
48 for Wrangell, and I was suggested by several

1 different ones to hand-carry it to our
2 district ranger, and this is what I've done,
3 since then they've got a different district
4 ranger, and that proposal seems to be lost
5 in the shuffle. I've been kind of given the
6 run-around. How do I go about --

7 MR. JOHNSON: Bob Larson will
8 take care of that for you.
9 Right, Bob?
10 Next question.

11 MR. STOKES: I'm getting the
12 run-around again.

13 (Laughter.)

14 MR. JOHNSON: Dick, Bob Larson
15 will be getting in touch with you. Chip
16 Webber, I'll encourage you to check with the
17 district for the course of the next week or
18 so and see what the status of the proposal
19 is.

20 MR. STOKES: I know Robert has
21 read it. Some lady should be the one in
22 charge in Petersburg for it, but I've never
23 been talked to about it.

24 MR. JOHNSON: I'll personally do
25 some checking up for you, Dick.

MR. STOKES: It's been over a
year.

MR. JOHNSON: I'll check for you.

MS. GARZA: Dave, maybe one thing
you can do with all of the staff, if you can
send out a paper, the names, the phone
number, e-mail address, if we get questions,
we can tell them who to contact. There's a
Forest Service fishery biologist, but also
the new ADF&G subsistence people.

MR. MARTIN: Madam Chair?

MS. GARZA: Harold?

MR. MARTIN: Dave, you said there

1 was \$2 million. I didn't get what for?

2 MR. JOHNSON: I'm sorry, I didn't
3 catch that, Harold.

4 MR. MARTIN: You said there was
5 \$2 million available for something.

6 MR. JOHNSON: The \$2 million is
7 the amount of money that has come to the
8 Forest Service for the FY -- fiscal year
9 2002, FIS projects which includes TEK
10 projects, which includes harvest and
11 escapement studies.

12 Again, you'll be hearing more on
13 update. You've already heard some
14 information about that, but that's the
15 amount of funding for the Forest Service.
16 Now that does include the Chugach which
17 includes the Southcentral region. However,
18 there's not a proportion of moneys dedicated
19 to either forests. There's \$2 million on
20 the table and the best projects with the
21 most merit and the most input from Council
22 and others that will drive the process. So,
23 that's why I prefaced my comments, the
24 projects you're seeing in front of you today
25 to a large degree was in no small part a
result of the involvement of this Council.

MS. GARZA: So, just do you
think, if we ever give you a chance, you'll
be talking to us about that.

We'll hear about it again,
Harold.

Mike?

MR. DOUVILLE: Thank you Dolly.
I just have a question on -- is there a time
line that you need proposals or that such
thing in order to -- is there -- how is it
structured?

MR. JOHNSON: Again, I don't want
to get into the details, Mike, it may look
like I'm trying to play the bureaucrat, Doug
McBride is the FIS person and also Cal have
been involved in the nuts and bolts of that
process. And you'll hear more about it
before this Council adjourns.

1

MS. GARZA: Mike, it's listed as Item 10. If we ever get off proposals, it's the first thing we hear. Doug needs to get to the 11:00 o'clock flight. If we get through proposals, we'll hear from him tonight or tomorrow morning.

2

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MR. JOHNSON: Thanks for being able to hear from the Council and thanks to Yakutat for hosting the Council meeting. Thank you.

6

7

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MS. GARZA: One thing that you said -- you said was Fred Clark leaving?

9

MR. JOHNSON: Yes, Madam Chair.

10

MS. GARZA: I don't think Council took action on that.

11

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MR. JOHNSON: I think that is correct.

13

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MR. THOMAS: Bill, Patty got a pile of goodies for Mr. Clark from the Council. That's a token of thank you for being as -- as supportive and a representative and being a part of this Council, being part of the people we have to respond to, and we just had to give you a token of something for saying thank you for all you've done as our coordinator. We're grateful to have you as our coordinator.

(Applause.)

19

20

MR. STOKES: Did you have our officer check that for anthrax?

21

22

23

MR. CLARK: I did not have the law enforcement check this for anthrax, but thank you very much. This stuff looks really familiar except for this. Maybe I should check this for anthrax.

24

25

I'm just overwhelmed. That's really great. I appreciate you people so much, and I will have more to say later, but I don't want to say it right now.

Thank you.

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MR. THOMAS: Madam Chair?

Okay.

I have a request, I don't know that I'll be -- my duration is going to be as good as the rest of you this evening, but I do want to be here for the last two proposals, so if you get to the point, that I'm not here, I would request that you have -- defer them until tomorrow morning.

MS. GARZA: Okay. So, Fred, Dave wanted to do that before we had to leave. We'll get back to gushy comments before you leave, okay?

MR. CLARK: Back --
Precisely what I have in mind.

MS. GARZA: We have before FP-34 we understand there's a request to withdraw. Mr. Lorrigan?

MR. LORRIGAN: Madam Chair, Council, thank you. As proponent to this proposal and in the interest of cooperative partnership with Fish & Game, the Forest Service would like to withdraw this proposal because at the time the proposal was written, it was not a weir on Salmon Lake. Since that time, there's now a means to do very active inseason management, and we'd like to give that an opportunity, I guess we'd defer this proposal to rest with those that -- that would table it.

MS. GARZA: So, Mr. Lorrigan, by deferring it, are you deferring it to time immemorial or do you wish the Council to look at this on its next Council on fish?

MR. LORRIGAN: I guess we're deferring it for now.

MS. GARZA: So, Proposal 34 is deferred? Hearing no objection.

Okay. So you want to speak to Proposal 34, Jack -- okay. You're deferred.

David Bedford, you had listed a number of proposals you were to speak to,

1 27, 28, 31, 32, 33, 34, all of which have
2 been withdrawn or deferred. So I have not
3 ignored you.

4 Okay. Rolling along with the
5 proposals, rolling along with the proposals,
6 we are on to Proposal 40, is that correct?

7 MS. GARZA: 37 and then 40.
8 John?

9 MR. LITTLEFIELD: Whatever you
10 want to do, Madam Chair.

11 MS. GARZA: My notes here is that
12 we finished Proposal 25 and the next one
13 down is 34, it was deferred. The next one
14 down is 37, and all I had is that you had
15 deferred it until after 38 and 39, we have
16 addressed, so we are on 37.

17 (Break.)

18 MS. GARZA: Every time we get
19 into Bill, he talks and talks and talks.
20 We're going to break at 6:30. Hopefully,
21 we'll be done with proposals by then, start
22 tomorrow morning with Doug McBride. On the
23 agenda, we have on the agenda, her and --
24 they are going to do a presentation on a
25 survey that they are conducting in Yakutat.
The survey will go on to other areas. As a
Council, we need to know how that survey is
going.

They thought it would fit in with
the earlier agency reports and it didn't fit
in. We will accommodate her tomorrow
morning.

We have before us, FP02-37.
Mr. Littlefield.

MR. LITTLEFIELD: I wish to
withdraw FP02-37 from consideration from
this meeting.

MS. GARZA: Are there any
objections?

MR. CLARK: Yeah.

25

1 MS. GARZA: FP002-37 is
2 withdrawn.

3 Next proposal. FP02-40.
4 Steelhead harvest limits on Prince of Wales
5 Island.

6 We have officially made it to the
7 second page of the agenda.

8 I made an error, and everything
9 that's being withdrawn, and deferred and
10 tabled and moved, we had intended to cover
11 30 and 30 was not at the request of the
12 Sitka Tribe. It's a Kake one. And we had
13 pulled it out because Mike wanted to testify
14 before he left, and that didn't happen, and
15 somehow we left it out. We will come back
16 to 30 after 40.

17 MR. CASIPIT: Thank you, Madam
18 Chair, members of the Regional Advisory
19 Council. My name is Cal Casipit. I'm the
20 regional fisheries biologist in Juneau for
21 the Forest Service.

22 Proposal 40 requests changes to
23 the Federal subsistence steelhead harvest
24 that was put in place in December 2000 by
25 the Federal Subsistence Board on Prince of
Wales Island. The proponent is proposing --
the proposed regulation appears on page 205
as proposed regulation. You may take
steelhead trout on Prince of Wales Island
only under terms of the Federal subsistence
fishing permit. The annual harvest limit is
one fish per week, 24 inches or larger. You
may use only a dip net or rod and reel with
artificial lure or fly. You may use bait.

The proponent is concerned that
the existing Federal subsistence steelhead
regulation is too restrictive to Federally
qualified subsistence users. The Craig
Community Association is concerned that
existing regulation is basically the same as
a sport fishing regulation for steelhead on
Prince of Wales Island, which does not
provide for a meaningful subsistence
priority for Federally qualified subsistence
users. I have a map on page 208 that shows
the extent of Federal public lands and
waters. Basically, all the freshwater
within the Interior bounds of all navigable
waters within the experience boundaries of

1 Tongass excluding marine waters. A little
2 on regulatory harvest, prior to this Federal
3 subsistence fishery being created, last
4 December, all steelhead harvest had occurred
5 on the State of Alaska sport fish
6 regulations and incidentally caught in
7 commercial salmon fisheries. The current
8 Federal subsistence steelhead fishery is: 2
9 fish per year, annual limit 36 inches or
10 greater using a dip net or rod and reel gear
11 with no bait. During the 2001 Federal
12 Subsistence Fisheries regulatory cycle, the
13 Board created a Federal subsistence fishery
14 for steelhead on Prince of Wales. It was
15 FP01-23.

16 A little of the biological
17 background. Southeast Alaska has 331
18 identified steelhead populations with most
19 believed to contain 200 or fewer spawning
20 adults. The Forest Service has monitored
21 steelhead escapements in six treatments on
22 Southern Prince of Wales Island in '94,
23 following implementation of the new harvest
24 restrictions put in place by the State of
25 Board of fish in 1994.

1 I just want to talk a little bit
2 about stock status of steelhead on Prince of
3 Wales Island. Actually, the harvest of
4 steelhead on Prince of Wales Island. Annual
5 steelhead harvests had been about 100,000
6 fish -- 100 fish harvest for the entire
7 Southeast Alaska.

8 What's on the screen there is a
9 sample of almost 10,000 steelhead from
10 Southeast Alaska. You can see -- okay, it's
11 on page 211. What I have on the screen and
12 what's on the page there are basically the
13 same thing. It's a summary of the length
14 composition for like I said almost 10,000
15 steelhead. These samples come from the
16 Karta River on Prince of Wales, Peterson
17 Creek, Sitkoh Creek on Chatham Straits,
18 Situk and Ward Creek, Ketchikan.

19 So, just a little bit of
20 interpretation on that chart basically --
21 for instance, if you look at the length size
22 for 36 inches, and you read over the edge
23 there, basic or to the middle of the page,
24 basically 5 percent of the populations of
25 steelhead -- 5 percent of these 10,000 fish

1 were 36 inches, and if you read over to the
2 cumulative column, all the way on the end,
3 the way I interpret that would be for fish
4 steelhead greater than 36 inches, 8 percent
5 of the population of steelhead are greater
6 than 36 inches. So, basically, under the
7 existing Federal subsistence regulation and
8 under the State sport fishing regulations on
9 Prince of Wales roughly only 8 percent of
10 the steelhead are available for harvest
11 under the regulatory regime.

12 The effect of this proposal would
13 be to liberalize the Federal subsistence
14 steelhead limits on Prince of Wales Island,
15 24-inch-minimum size level; basically, again
16 going over to that table on 211, if you look
17 at 24 inches, basically, only 1 percent of
18 the population is in the cumulative -- it
19 says 100, but -- almost nearly 100 percent
20 of the steelhead populations are greater
21 than 24 inches, so by having a minimum size
22 limit of 24 inches, almost 100 percent of
23 the populations of steelhead would be
24 subject to harvest, would be in the harvest
25 regime.

Basically, by accepting this
proposal the 24-inch-size limit, harvest of
steelhead on Prince of Wales Island will
increase by accepting this proposal as
written; also, allowing the use of bait
would cause conservation concerns because of
increased mortality of undersized
bait-caught steelhead. There is a
conservation concern with allowing this
increased harvest without escapement harvest
information. As you know -- as you may
know, a project to provide some additional
assessment of steelhead on Prince of Wales
Island was submitted to the FIS, Fisheries
Information Service program that numbers
01-124. However, it was not recommended for
funding based on advice -- based on the
recommendation of this Council to the Board
last year.

So, that stock -- that assessment
project was not undertaken.

If we are -- if we do want to
increase harvest opportunity, we probably
need to do additional stock assessment
projects to track the harvest and to track

1 the status of the populations on Prince of
2 Wales. Our preliminary conclusion is to
3 oppose the proposal by allowing this
4 increased harvest opportunities for
5 steelhead on Prince of Wales as requested by
6 the proponent would cause conservation
7 concerns to small populations of steelhead,
8 very limited surplus and are easily
9 overfished.

10 At this point, what I wanted to
11 do was show you some information, some
12 additional information that I was not able
13 to get into the staff analysis before the
14 publication deadline for the book.

15 We got some late information from
16 Alaska Department of Fish & Game, and what I
17 wanted to do now was show you some of those
18 charts.

19 MS. WILSON: You need to shut the
20 light off. We can't see it.

21 MS. GARZA: I'll wake you guys up
22 when it's time to vote.

23 MR. CASIPIT: You have the charts
24 in front of you, the handouts that I passed
25 out. They're in front of you. The first
26 page again, is that same chart that's in
27 your staff analysis.

28 Okay. This chart that I have up
29 on the screen now is the second chart in
30 your package. It's basically a
31 representation of the numbers on that first
32 chart. So, if you look at that, it's a very
33 nice bell-shaped graph of the
34 distribution -- basically, the number of
35 individuals in that 10,000 fish sample bill
36 length class. So, it's a classic
37 bell-shaped curve of distribution of
38 lengths.

39 Figure two of that same package,
40 the third page, basically -- displays the
41 cumulative percentage of these fish by size
42 class. Reading from the left to the right,
43 basically all steelhead, 100 percent of all
44 steelhead are greater than 20 inches. In
45 fact, you don't start dropping off until you
46 get about to 26, 27 inches when the
47 population starts coming down. So you can

1 almost look like, you know, you're looking
2 at 24 to 25-inch steelhead basically most of
3 the populations are exceeding the 24 to
4 25-inch size classes. That's basically the
5 same data that's on page 1, but it's in a
6 cumulative style.

7 Figure 3 shows the eggs that they
8 carry by -- most of the Council knows,
9 bigger fish makes bigger eggs, that's a
10 graph representation of that.

11 The fourth figure, Figure 34,
12 now, this is where the rubber hits the road.
13 This is basically a combination of looking
14 at the numbers of individuals by size class
15 and the number of eggs; so, basically, you
16 can look at that as reproduction potential.
17 Again, it's a fairly nice bell-shaped curve,
18 basically what that says is most of the
19 reproductive potential for these populations
20 lie between 29 inches and 36 inches.

21 So, when the Council deliberates,
22 this may -- I'm going to leave this up here
23 for the Council to look at through your
24 deliberations. I don't want to tell you
25 what the potential limit may be, but this is
something you probably want to look at in
terms of what kinds of or what types of
limits you may want to consider.

Staff -- most of this information
wasn't available to staff until after the
staff analysis was published and put in the
book.

So, again, let's -- you know, if
you take a look at this Figure 4 here, I see
a way to maybe not go as far as having a
minimum size 24-inch limit and anything
about 24 inches can be kept. But perhaps
there is a -- there is a compromise
somewhere in between where we can allow some
increased harvest without really taking out
a large -- a large part of the reproductive
potential of these populations.

For instance, it may be
reasonable to consider a reverse slot limit.
That is, fish below a certain length and
fish above a certain length so that you
maintain the majority of the reproductive
potential of the populations.

With that, I will close my
comments and be happy to answer any

1 questions. I'm sure sport fishery will have
2 something to say about this as well.

3 MR. THOMAS: Madam Chair?

4 MS. GARZA: Mr. Thomas?

5 MR. THOMAS: What's the pro- --
6 reproduction potential?

7 MR. CASIPIT: That's basically
8 number of individuals with -- think of that
9 graph as number of eggs that would be put in
10 the gravel in any one year. And the numbers
11 below the 20, 21, 22, that's the length of
12 the steelhead.

13 Right now with a minimum size
14 limit of 36 inches, which is the Federal
15 regulation and the State sport fishing
16 regulation, basically, only everything over
17 36 inches would be available for harvest or
18 could be harvested. You're looking at,
19 according to the figures here, you're
20 looking at 6 percent of the reproductive
21 potential exists above 36 inches.

22 And that the majority of the
23 reproductive potential lays from, say, 20
24 inches to 36 inches.

25 MS. PHILLIPS: What is the
average age peak potential of steelhead?

MR. CASIPIT: This doesn't have
age on it, this has length?

MS. PHILLIPS: I know.

MR. CASIPIT: I don't have that
information in front of me as far as age.
What I can tell you is that the most
reproductive potential in terms of one size
class would be 33 inches.

MS. GARZA: Marilyn?

MS. WILSON: Cal, this mention of
how much fish we can catch by regulating --
I mean, regulating the catch of the fish and
yet making sure that they spawn, now, if I
was one of the regulators, I would say you

1 can catch a fish up to 30 inches and
2 anything above that is not allowable until
3 you get to about 35. But where are the
4 egg -- all the eggs are in the fish that are
5 30 inches -- 31, 32, 33, and 34. That's
6 where all the -- most of the eggs are.

7 So, just have the fishermen throw
8 back these bigger ones with all the eggs, is
9 that what you meant?

10 MR. CASIPIT: Thank you, Madam
11 Chair, Ms. Wilson. You're looking at Figure
12 4 when you're asking that question, Figure
13 4?

14 Okay. That represents
15 reproductive potential, amount of eggs and
16 all the steelhead of that length class. So,
17 it's not any one steelhead. It's out of
18 that 10,000 -- almost 10,000 fish sampled
19 it's estimated that there's that much
20 reproductive potential in that size class,
21 almost 10,000 fish.

22 So, you're heading down the
23 right -- you're understanding is pretty
24 close to what it is.

25 MS. WILSON: Okay. What I meant
26 was not just one fish, but to regulate, now,
27 the existing regulation you said the State
28 of Alaska has everybody -- the limit is 36
29 inches?

30 MR. CASIPIT: Yes, 36 inches or
31 greater, and that is the Federal Subsistence
32 Regulation on Prince of Wales as well. So,
33 basically, if you're harvesting fish, 36
34 inches or greater, there is a potential of
35 taking out 10, 12, 11 -- 11 percent of the
36 reproductive potential of the population.

37 MS. WILSON: Okay. That's good.

38 MS. GARZA: Cal, I'm not sure if
39 we'll get the information from you or
40 perhaps ADF&G staff, but I would like to
41 know what the catch-and-release of steelhead
42 is on Prince of Wales so I can compare
43 subsistence to what I would consider
44 nonsubsistence harvest, and also if we have
45 a large catch-and- release, the estimated

1 mortality of those fish.

2 MR. CASIPIT: I'm sure that Tom
3 can speak to that as well. I'm trying to
4 find the place in here where we talk about
5 catch and harvest.

6 Page 212 at the top, we talk
7 about basically the prohibition of bait
8 greatly reduced the mortality from
9 catch-and-release fishing. Forest Service
10 fisheries crews have not encountered a
11 steelhead mortality known to be caused by
12 fishing pressure in a stream other than --
13 it has averaged 320 -- this is
14 Southeastwide.

15 On Prince of Wales Island -- this
16 is from sport fish harvest surveys, mailout
17 surveys, estimated harvest range from zero
18 in '96 to 136 in '94, and since 19 --
19 steelhead harvest in '98 on Prince of Wales
20 was reported only from the Klawock,
21 basically, because harvest of hatchery fish
22 is allowed there, the Thorne and Karta
23 Rivers.

24 So, basically, from the sport
25 fish harvest information that we know about,
26 you know, it's fairly small amount of actual
27 harvest of steelhead, and I can't find the
28 catch rates here. I thought I had it in
29 here.

30 MS. GARZA: So, let's kind of
31 move into ADF&G report, because I think we
32 may get some of those answers, and then the
33 questions can be to both.

34 Tom?

35 MR. BROOKOVER: Thank you Madam
36 Chair, members of the Council, Tom Brookover
37 with Department of Fish & Game. I guess
38 quickly to answer the Chair's question on
39 the catch in Prince of Wales, on Prince of
40 Wales in the last several years we've seen
41 harvests, number of fish taken home,
42 basically less than 50 fish. The catch,
43 number of steelhead caught, whether they're
44 released or whether they're taken home,
45 including both, ranges from somewhat less
46 than 1,000 and probably low hundreds in 1995
47 up to close to 4,000 in 2000.

1 So, total number caught has been
2 increasing in the past five, six years and
3 is now in the range of about 4,000 compared
4 to a harvest of less than 50.

5 As far as our comments on the
6 proposal, we support the staff position in
7 the analysis and we agree that the adoption
8 of the proposal would cause stock declines,
9 possibly sustainability problems with some
10 steelhead stocks. Recent catch and
11 assessment data that I've given you in the
12 handout mentioned under our discussion on
13 Proposal 36 basically indicate that the
14 action we took in the early 1990s, very
15 similar to the action taken for cutthroat
16 trout effectively stand and reverse the
17 declining trend in regionwide steelhead
18 abundance, and our feeling is that adoption
19 of the regulations that affect an increased
20 harvest will risk another general decline in
21 abundance and may likely cause conservation
22 problems with specific stocks.

23 Madam Chair?

24 MS. GARZA: Okay. I was trying
25 to read this and listen at the same time.
So, the harvest is about 50 a year, but the
catch is about 4,000?

 MR. BROOKOVER: Madam Chair,
that's correct.

 MR. LITTLEFIELD: Madam Chair?

 MS. GARZA: Mr. Littlefield?

 MR. LITTLEFIELD: Of those 4,000
fish that are caught and released, what
proportion of them are from subsistence
fisheries, and taken home to eat and what
proportion are from other fisheries like the
sport?

 MR. BROOKOVER: Madam Chair,
Mr. Littlefield, those would include any
fish listed on the statewide harvest survey
questionnaire which gets mailed out to
households that have purchased a sport
fishing license. As far as the number
harvested taken home, I wouldn't be able to

1 discern any better for you as far as what is
2 subsistence fish and what a sport fish.

2

MR. STOKES: Madam Chair?

3

MS. GARZA: Dick and then Cal.

4

5 MR. STOKES: Does this take in
6 consideration hook and release? Are you
7 counting those? I know we go out and we
8 catch a lot of and we never take any home.
9 We just release them.

7

8 MR. BROOKOVER: Madam Chair,
9 Mr. Stokes, yes, the number caught includes
10 the number released as well as the number
11 taken home.

10

MR. STOKES: Thank you.

11

MS. GARZA: That other 4 -- of
12 that 4,000, 50 you're taking home.

12

13 MR. BROOKOVER: Madam Chair,
14 approximately, there's an upward, 2,000 to
15 4,000 roughly is higher than the catch five
16 years ago that's less than 1,000. And in
17 harvests generally within the last five
18 years ranged somewhere less than 50,
19 fluctuated, but somewhere less than 50
20 throughout the last five years.

17

MS. GARZA: Cal, and then Mike?

18

19 MR. CASIPIT: I just wanted to
20 remind the Council that the subsistence
21 opportunity for steelhead on Prince of Wales
22 has only been in effect for this fishing
23 season. And we haven't got any permit
24 returns back from the permits that have been
25 issued, so we don't know what subsistence
26 harvests might be or has been for the year
27 2001.

23

MS. GARZA: Thank you, Cal.
24 Mike?

24

25 MR. DOUVILLE: Thank you, Dolly.
26 You've answered one of my questions. That's
27 what I was going to ask is what's the

1 portion of subsistence effort as opposed to
2 sport effort when it comes to 4,000 number?

3 MS. GARZA: Patricia?

4 MS. PHILLIPS: You know the age
5 of a 32-inch steelhead?

6 MR. BROOKOVER: Madam Chair,
7 Ms. Phillips, no, we don't. And the reason
8 we don't is that steelhead are difficult to
9 age. Generally for other salmon species,
10 they're relatively easy to age. Salmon come
11 back, they spawn, they die. Steelhead as
12 you know, are comprised of single year
13 spawners, but repeat spawners in any given
14 year there will be a number of steelhead
15 that return in a stream, but smaller numbers
16 that have come back, spawned in the year
17 prior and have gone out to sea again and
18 then come back. And in one of the problems
19 we have, or the reasons we can't go any
20 further with the stock assessment on
21 steelhead such as developing escapement
22 goals and determining harvestable surplus is
23 because of the problem that we have with
24 age, that we've been working on and we've
25 started a pilot tagging project to get fish
returning, and match up the scales --
known-age. And match up the scales, and
evaluate whether we have traditional age.
So, no, I can't tell you.

MS. GARZA: Mike?

MR. DOUVILLE: Thank you, Madam
Chair. Okay. Now, I've heard stories of
steelhead returning, so how -- interesting
questions for you. I've caught a lot of
steelhead in my life, real steelhead
fisherman and those fish when they get so
big, they're up there spawning, they turn
into like you've seen sockeyes turn red,
they absorb these scales and this happens,
you see steelhead do the same thing, almost
all of them that are spawners will do this,
and you're telling me that they reverse this
process after they spawn and turn bright
again when -- whatever they do, they turn
bright and grow brand new scales sort of

1 like the phoenix? I never seen that, nor
2 has anybody caught -- we don't catch these
3 steelhead that are turned after spawning out
4 in the ocean anywhere, we too catch nice
5 bright ones all the time. We never see one
6 what I would think and I'm a fishermen, been
7 that way all my life, I never seen evidence
8 of what you say they come back and spawn
9 again.

10 MR. BROOKOVER: Madam Chair,
11 Mr. Douville, yes, there are repeat
12 spawners, and I've seen what you've seen,
13 particularly even here on the Situk, we see
14 what we think are fall fish looking very
15 dark in the spring. We also see fish going
16 out that look bright, we think a lot of the
17 difference is spring time and fall time, we
18 don't know. There is evidence of repeat
19 spawning, repeat spawning through tagging
20 program, so target. One of the things we're
21 trying to determine through the pilot
22 program we've got now is the incident of
23 repeat spawning. We think it's -- you know,
24 there are many fewer returning spawners than
25 first-time spawners. The trade-off is
26 they're more than likely larger fish with
27 more eggs and contributed, you know, more
28 relatively to the population -- not more
29 than first-time spawner, but fish to fish,
30 they most likely carry more eggs than the
31 first-time spawner.

32 MR. DOUVILLE: I've read books by
33 people who have studied the steelhead. They
34 call the fish, they call them celts or
35 something. They may return to the ocean,
36 but nobody knows how many of those fish
37 make -- might return and spawn again. So
38 where is your evidence, physical or
39 otherwise that they do this? Where is
40 evidence anywhere? I'd like to have it
41 presented, somewhere, pictures or some
42 physical proof that this happens. Because
43 probably like to know on a personal level
44 too?

45 MR. BROOKOVER: Madam Chair,
46 Mr. Douville, I don't have the specific
47 programs with me. I believe he has some

1 tagging evidence within the State, but I'm
2 not sure, but I can do my best to get it for
3 you.

3 MR. STOKES: Madam Chair?

4 MS. GARZA: Go ahead, Dick.

5 MR. STOKES: I don't believe the
6 Department of Fish & Game is getting a true
7 picture of the amount of fish that's caught
8 and the amount of steelhead, because the
9 gillnetters, they catch many of them every
10 day, but they aren't allowed to bring them
11 into top, so they throw them overboard, and
12 they're dead, and the seiners, seine boats
13 come in and they don't know what they've got
14 in there most the time, and they're just
15 right on the board. And I know because I've
16 gotten three or four steelhead from the
17 canneries that would unload them. So, I
18 would -- I wish there was some way that they
19 could count these or let the gillnetters
20 keep them, bring them in and use them for
21 subsistence, because that's a lot of fish
22 going to waste and there's several hundred
23 throughout the summer.

15 MR. BROOKOVER: Madam Chair,
16 Mr. Stokes, we recognize there's some
17 incidental harvest during commercial
18 fishery, and it's my understanding.
19 Mr. Kelly could correct me if I'm wrong, but
20 it's my understanding a number of years ago
21 there was a essentially nonretention
22 regulations put into place where at least
23 some of the commercial fisheries had
24 nonretention of steelhead. Prior to that,
25 there was a reporting requirement, as I
understand it, and there were fish reported.
So it was recognized that there are some
there who don't have -- like you say.

22 MR. STOKES: What would it take
23 to get a regulation to allow the commercial
24 fishermen to retain the steelhead that's
25 caught and let the people have them?

25 MS. GARZA: That would be the
Board of Fish?

1
2 MS. COLE: Madam Chair,
3 Mr. Stokes, my name is Scott Kelley. I'm
4 with the commercial fisheries regional
5 management coordinator in Southeast. To
6 specifically address your question,
7 Mr. Stokes, the regulations in Southeast
8 Alaska do allow retention of steelhead in
9 purse and gillnet fisheries, but they may
10 not be sold. If that regulation -- that is
11 a Board of Fish regulation. If there was a
12 desire to change that regulation, it would
13 have to go before Alaska Board of Fishery.

14 MR. STOKES: That a regulation
15 now? Can they retain them and bring them
16 in?

17 MR. KELLEY: Madam Chair,
18 Mr. Stokes, yes, it is, sir.

19 MR. STOKES: Well, general
20 fisherman doesn't know this, and they still
21 discard them.

22 MR. KELLEY: There are -- just to
23 make it clear, they may retain them, but
24 they may not sell them. As you well know,
25 as you've indicated the commercial fishermen
do retain these fish and use them for their
own personal use or often times they do get
landed accidentally at the canneries.
Canneries can't buy them, but they do come
across the dock.

Madam Chair?

MR. STOKES: Madam Chair, I would
like to see the Department of Fish & Game
put it in the paper then and advertise it,
because the general public doesn't know this
and the general fisherman doesn't know it.

MR. KELLEY: Madam Chair,
Mr. Stokes, it is in the commercial fishery
regulations. I can give you the citation if
you'd like. It's in our management plans.
Madam Chair?

MR. STOKES: I still think they
should be a public notice, then. The

1 fishermen get their regulations but they're
2 not posted to the general public and they
3 don't know this. I would like to see it
4 advertised.

5 MS. GARZA: Okay. We need to
6 wrap that up. So, Mr. Kelly, is that a
7 recent change? I mean, is there a reason
8 why commercial fishermen that they're not
9 supposed to have them?

10 MR. KELLEY: Madam Chair, it's
11 been on the books for a long time -- if you
12 can bear with me, I can give you the date
13 the regulation was implemented.

14 MS. GARZA: While you're looking
15 for that, can you take your finger off.
16 Were you going to answer about tagging and
17 release or return of steelhead?

18 MR. CHADWICK: Bob Chadwick,
19 Alaska Department of Fish & Game sport fish,
20 Sitka. I'd like to maybe add a little
21 information for Mr. Douville. We do wish
22 Bob Johnson was here. He's been in charge
23 of a tagging study at the Situk weir and
24 asked where they use unique tags, numbered
25 tags and put them on fish, and they've had
return spawners and then fish in excess of
ten years old. They've had repeat spawner,
fish that have spawned, come back to sea and
come back, they have evidence of that. We
can provide you with a report. The age --
one of the older fish was in excess of 10
years old. That was a repeat spawner.

MS. GARZA: I don't think you
heard Patricia. Did you say one was a
ten-year-old?

MR. CHADWICK: I don't have the
exact age, but I know it was in excess of
ten years. We can get that data for you.
Sorry we don't have it with us.

MS. GARZA: So, yes, if we could
get that information from Mr. Johnson, that
would be wonderful. I guess if we -- if
he's here tomorrow, maybe we can ask him if

1 those that were tagged were the actual dark
2 colored fish.

3 Mr. Kelley, do you have the date
4 on that regulation?

5 MR. KELLEY: Madam Chair,
6 Mr. Stokes, yes, ma'am, the regulation was
7 in effect in May 23rd, 1994, but Mr. Stokes,
8 to address your specific question, I would
9 be more than happy to put that regulation or
10 a reference to that regulation in our purse
11 seine management plans and gillnet
12 management plans if you think that would be
13 helpful.

14 Madam Chair?

15 MR. STOKES: Thank you.

16 MS. GARZA: Mr. Littlefield, and
17 then Marilyn?

18 MR. LITTLEFIELD: I'd like to get
19 the numbers again, the year 1,000 to 4,000
20 that you mentioned earlier.

21 MR. BROOKOVER: Madam Chair,
22 Mr. Littlefield, in 1995, the catch total
23 caught, including those taken home and those
24 released, was in the order of magnitude of
25 about, I would say -- I'm looking at a
graph, I apologize. I can't tell you the
actual number, we're talking about 5 to 700
for catch on Prince of Wales Islands.

And that essentially increased
steadily through the year 2000 when it was
very close to 4,000. For that same time
period, the actual harvest on Prince of
Wales Island, number of fish taken home
varied between probably a few fish and 50.

MS. GARZA: Mr. Littlefield?

MR. LITTLEFIELD: Looking at the
number of registered charter vessels in
Southeast Alaska by port and I see that from
in those years, it over doubled, and I'm
wondering if there's any evidence of
chartering on the waters, what records you
have of that, whether any of that increase
can be attributed to basically doubling the

1 effort which is 6 persons per boat. I know
2 that doesn't apply on the beach, but any
correlation?

3 MR. BROOKOVER: Madam Chair,
4 Mr. Littlefield, what I have, John, excuse
me -- Mr. Littlefield, in front of me, a
5 graph that shows a distribution of
freshwater fishing evidence by guided and
6 nonguided and it's for the region as a
whole, but essentially in the year 2000, 9
7 percent of the freshwater fishing days
occurred by guided anglers. The vast
8 majority of that was nonresident of that 9
percent, was nonresident.

9 In 1996, which I don't have in
front of me, but I was just looking at
10 earlier today, it's within a percent. The
guided effort was within a percent,
11 somewhere between 7 and 9 percent in
freshwater.

12 MS. GARZA: Mike and then John?

13 MR. DOUVILLE: Thank you, Madam
Chair. I'd like to make a couple points
14 here, one is they implemented these
regulations in '94 -- in '93, '94, we were
15 still catching a lot of steelhead. I was
fishing then. There was no shortage of
16 steelhead. This all comes from them
counting fish in the Karta and then
17 somewhere up here. Then they said the whole
system everywhere is in danger, and it's
18 totally wrong. They couldn't count the fish
in most of those streams. In the Thorne
19 River, you could catch a dozen on a proper
day. They said there was no fishing there.
20 How could they count those when the water is
brown anyway? You can't see those fish.

21 The figures you are producing for
'95 are really low because you took the
22 local fishermen out of the fishery by taking
away the bait and also you took away the
23 size, you just wiped out the local fishery
totally. Nobody participated after that.
24 So, the building numbers that you're seeing
from there on up until today is almost -- I
25 don't know this for sure, but I would bet
that comes mostly from guided sport

1 fishermen and so on, because it doesn't come
2 from local fishermen that used to fish there
3 for most of these subsistence before that.
4 That's why those numbers are looking so
5 good, like since we implemented this in '94,
6 this is climbing up. You took the local
7 boys right out of that fishery in '94.

Thank you.

5

MS. GARZA: Mr. Littlefield?

6

MR. LITTLEFIELD: Thank you,
7 Madam Chair, Mike touched on some of the
8 things I was going to speak about, but I
9 would like to note that in researching other
10 species of fish, king salmon, halibut,
11 others, I've noted over the years that it's
12 felt relatively constant, take by the locals
13 varies a little bit, not like this, but what
14 you're seeing is an ever-increasing take by
15 the guided sport fish, and I think that this
16 may have something to do with this.

12

MR. DOUVILLE: Madam Chair?

13

MS. GARZA: Mr. Douville?

14

MR. DOUVILLE: I'd like to touch
15 on something else here. A lot of study was
16 done on fish mortality during the troubling
17 times of king salmon and stuff with the
18 trawl fishery. And a lot of money was spent
19 to determine how many fish actually died
20 from being hooked, and it was finally
21 determined to be around 18 percent. I
22 realize that the mortality is probably less
23 than that for a sport fishery, because we do
24 try and take care of the fish, I do the
25 same. But you still have mortality. Let's
say even if it was about half of that, and
you hooked 4,000 fish, that's 400 fish a
year that could be used by subsistence
users.

23

MR. BROOKOVER: Madam Chair,
24 Mr. Douville, as far as the mortality, there
25 had been studies conducted on steelhead to
assess the mortality rate. Of course, the
mortality rate is going to be directly
related to the type of gear used and how

1 it's used, and a number of things, but
2 generally -- and we've looked at this
3 in-house informally, and most of the studies
4 that we know of generally put the mortality
5 estimate with the use of bait at around 10
6 percent or a little higher. You mentioned
7 18, that's pretty close. I don't doubt
8 that.

9 Without bait, it's dropped
10 significantly. Most of the study that also
11 we have and have access show about 2 to 3
12 percent. So, I don't argue with you that
13 there's mortality. And that's the best
14 information we have. We've looked into it
15 and that's our best assessment based on
16 what's been done. There's been very little
17 done in Alaska. Most of that is in the
18 Pacific Northwest.

19 MS. GARZA: So I need to --

20 MR. DOUVILLE: I don't know how
21 your study work done, it was interesting to
22 do when you get that, well -- figures, how
23 many you think you hooked were bleeders and
24 so on on your sports surveys or what. But
25 I'd be interested -- I fly fish too, so --
and I know that you can gill hook them that
way too, I've done it.

MR. BROOKOVER: Madam Chair,
Mr. Douville, most of those were studies
conducted by holding fish afterwards for a
period of time. I don't have them with me,
but I'd be glad to get that to you.

MS. GARZA: Okay. Go ahead -- we
need to move on this and the impression I'm
getting is that we need to somehow provide
the opportunities to these subsistence users
while still keeping in mind that steelhead
are not large populations in the
tributaries, creeks, rivers in which they
reside. And I guess in looking at the
proposed regulation I'm trying to think if
we can word it in a way that had the impact
of one of the impacts of the Proposal 35
where we can authorize either an increase in
the number of fish or the decrease in the
size of the fish given the health of a stock

1 in a tributary. So, it becomes some
2 inseason management.

3 I agree with all of the concern
4 from the Council that basically with the
5 changes that have been made either through
6 State or Federal processes that we've
7 eliminated local food fish or steelhead and
8 have made it an absolute sport activity and
9 that should not be the activity that this
10 Council is supporting.

11 Mike?

12 MR. DOUVILLE: Thank you, Dolly.
13 There is one other thing I'd like to
14 mention, you know, since we're discussing
15 it, but the limits or guidelines before '94
16 were really liberal. You could catch one
17 fish a day every day of the year. In
18 Klawock you could catch two a day if one
19 of -- those were really liberal. Three
20 people could go from your household and
21 catch three a day. You can catch 20 fish.
22 This proposal is only per household. It's
23 only one fish per household for week is all
24 you're asking for. It's a really small
25 number compared to what was happening in
pre-'94 and in pre'94 we had a subsistence
fishery that did not estimate the fish. I
disagree with you trying to make people
think that these are an endangered species,
they're not. We ate these fish for many
years before '94.

16 MR. BROOKOVER: Madam Chair,
17 Mr. Douville, it's true, and we've outlined
18 the regulations that -- I think we had
19 outlined the regulations that were in effect
20 in 1994. The reason that the steelhead
21 concern developed was similar to cutthroat
22 trout. A little bit different. Cutthroat
23 trout are very susceptible to declines for a
24 number of reasons. Steelhead -- steelhead
25 are -- steel- head -- the harvest of
steelhead we're increasing substantially in
1980s, for the periods where there were an
excess of 5,000 fish taken. During that
period of time, there were several years
of -- 600 fish were taken out of the Clark,
those kind of -- Karta, those kind of
harvests generated the concern that we had.

1 The changes in the sport fishing regulations
2 were also substantial. We expected a 92
3 percent production in harvests based on the
4 change that we made, and if you look at the
5 harvests after the restrictions were made
6 versus the harvests before the restrictions
7 were made, that's about the effect it had.
8 It reduced harvest by that amount. A lot of
9 that is attributable to size limits alone.
10 As Cal showed roughly 8 percent of steelhead
11 in Southeast, based on the samples we've
12 seen, is based on the steelhead in place.
13 Like I said it did have a drastic on --
14 drastic increase. We're seeing it now. And
15 we're --

16 MS. GARZA: Mr. Thomas and
17 Mr. Douville?

18 MR. THOMAS: Madam Chair, I think
19 we're spending a lot of time in an area
20 where we don't need to spend a lot of time,
21 our charge in Title VIII to provide a
22 subsistence opportunity. When you provide
23 that opportunity, you don't put on
24 restrictions and make things difficult for
25 the person trying to go out and get some
26 food to eat. That's not what we're here
27 for.

28 We're here to make it so that
29 they can go out and use that resource. If
30 there is a -- if there is a conservation
31 concern, then we need to take a look at
32 other user groups.

33 Subsistence fishing in Southeast
34 has never been responsible for the decline
35 of any population. So, that's what we need
36 to do.

37 We can't spend all this time
38 considering something that we're not going
39 to support it anyway.

40 Thank you.

41 MS. GARZA: Mr. Douville, are you
42 almost done?

43 MR. DOUVILLE: Yes, I just have a
44 comment about your Karta River, 600 fish
45 take, that wasn't Prince of Wales Island
46 residents, because the people I know that

1 subsist in Hydaburg and Craig never go into
2 the Karta River. That's Ketchikan sport
 fishing that are responsible for that.

3 MS. GARZA: So we need to move on
4 proposal. We have had staff and ADF&G. Are
5 there any other agency reports on the
 proposal?

6 Are there any Tribal reports on
 the proposal?

7 I do not have any green cards in
8 front of me for public comment. Is there
9 someone who intended to submit a comment
 card?

10 Okay. We have the proposal
11 before us for deliberation and action.
12 What is the wish of the Council?

13 MR. THOMAS: Madam Chair, I move
14 to adopt.

15 MS. WILSON: Madam Chair, I
16 second.

17 MS. GARZA: Moved by Mr. Thomas
18 and seconded by Mrs. Wilson to adopt the
19 revised regulations, FP02-40 which would
20 read 13, (iv). You may take Steelhead trout
21 on Prince of Wales Island only under the
22 terms of a Federal subsistence fishing
23 permit. The annual harvest limit is one
24 fish per week, 24 inches or larger. You may
25 use only a dip net or rod and reel with an
 artificial lure or fly. You may use bait.

 That is the proposal before us.

 MR. THOMAS: I'd like to offer an
 amendment.

 MS. GARZA: Mr. Thomas?

 MR. THOMAS: Madam Chairman, I
 would like to amend by removing the limit of
 two and the 36-inch or larger, strike that
 whole annual harvest.

 I'm looking at the existing
 Federal regulation.

 MS. GARZA: The proposed
 regulation is on page 205.

1

MR. THOMAS: Okay. On page 207, paragraph that begins in the bold, where it says extent of Federal public lands and water, that paragraph there.

2

3

4

MS. GARZA: So the proposal was initially for the draft regulation as outlined on page 205 proposed regulation, Mr. Thomas. What are you doing with whatever you're doing on page 207?

5

6

7

Okay. Under the proposed regulation on 205, we scratch the sentence that says: The annual harvest limit and 36 to 24 inches or larger, strike that.

8

9

And with regards to gear, I guess, that's okay in place.

10

But, we can't treat subsistence fishery like a more relaxed needs fishery. We can't do that.

11

So, in order to make it a realistic subsistence regulation, I offer an amendment, Madam Chair.

12

13

Was there a second to the amendment?

14

MS. WILSON: I second that amendment, Madam Chair.

15

16

MS. GARZA: So, then, the proposed regulation would read: You may take steelhead from Prince of Wales Island only under the terms of a Federal subsistence fishing permit. You may use only a dip net or a rod and reel with an artificial lure or fly. You may use bait.

17

18

19

Is that the intent of your amendment?

20

That is the amendment before us. I will speak against the amendment from the proposal submitted by Craig Community Association the impression I get that they are still quite concerned about the stocks there. They are not trying to take large amounts, they want one fish per week, they just want a smaller size. That, I can live with.

21

22

23

24

Mr. Littlefield?

25

MR. LITTLEFIELD: I will speak

1 against the amendment to adopt the amendment
2 we would not have any -- we would have a
3 fishery in which they could not participate.
4 There would be no -- there would be no limit
5 at all specified, so basically we would just
6 be saying you can do it, but we haven't
7 provided any limits. I think it would
8 effectively defeat what the proponents have
9 asked for. I would be voting against.

10 MS. GARZA: Mr. Clark?

11 MR. CLARK: I just wanted to
12 offer a point of clarification in case
13 people get confused. The proposed
14 regulation as it's written on page 205 is
15 slightly different than the one on 207. I
16 realize that you're working from the one on
17 page 207, but I want to make sure that you
18 know that the word "annual" in the sentence
19 that was in the amendment is present on 205,
20 and it doesn't make much sense in that
21 context on 205. It says: The annual
22 harvest limit is blah, blah, blah, and then
23 on 207, it says the harvest limit is blah,
24 blah, blah.

25 So there's a difference in those
26 two.

27 The one on 207 is correct.

28 MS. GARZA: So, the current
29 regulation, does that refer to an annual
30 harvest limit of two fish? 36 inches or
31 more?

32 So, the word "annual" is in the
33 existing regulation. If we want to change
34 to one fish per week, then it would require
35 eliminating the word "annual".

36 Mike, then John?

37 MR. DOUVILLE: Thank you, Madam
38 Chair, the proposal is -- misunderstanding
39 on 207 in that paragraph, says you may take
40 steelhead trout on Prince of Wales Islands
41 only under the terms of a Federal
42 subsistence fishing permit. The harvest is
43 one fish per week 24 inches or larger, and
44 you may use dip net, rod and reel with
45 artificial lure or fly. You may use bait.

46 That's what the proposal is.

1 This other stuff in here kind of confuses
2 things in these little lines in there. They
3 shouldn't even be in there.

3 MS. GARZA: I think the intent
4 here is if they're trying to change the
5 existing regulation, the existing regulation
6 has the word "annual" in there. Cal, is
7 that in the Federal subsistence regulations?

6 MR. CASIPIT: Yeah, the current
7 Federal subsistence regulation appears under
8 the heading the existing Federal subsistence
9 regulation is: That goes 13, 14 you may
10 take steelhead trout on Prince of Wales
11 Islands -- you may only use a dipnet or rod
12 or reel. You may not use bait.

13 The proponent requests -- the
14 proponents X is under the proposed Federal
15 subsistence regulation would read, 13B,
16 that's how Mr. Douville had read it. It's
17 style guide correction from office of
18 subsistence management that you show how the
19 proposed regulation is different from the
20 existing Federal regulations. That's why
21 you see the crossouts and the bolds to show
22 you where the specific changes are. That
23 shows on page 207.

15 MS. GARZA: Okay. So, if we're
16 working on 207, what was inadvertently left
17 off on the proposed change is a
18 strike-through annual, under style guide?

18 MR. CASIPIT: In fact, what you
19 see on 205 where it says "annual," the
20 annual should be struck out on page 205.
21 Annual should be struck out.

20 MS. GARZA: The style guide of
21 striking through a word is so we would know
22 what is being eliminated in the proposed
23 regulations and in the proposed regulations
24 on page 207 the word that is missing in the
25 second sentence is "annual" struck through?

24 MR. CASIPIT: Correct.

25 MS. GARZA: So, we have a motion
for amendment to strike that whole second

1 sentence.

Mr. Littlefield?

2

3 MR. LITTLEFIELD: Madam Chair,
4 I'm going to vote against the amendment. I
5 was on page 207. I will say there are three
6 pages here that are all different, and that
7 is very confusing. I just happen to be
8 reading page 207, and that's where I stayed.
9 So, this is my intent and in how I
10 interpret. My interpretation I believe is
11 still valid. If we were to strike that
12 sentence, the second sentence, you would
13 eliminate the ability to take a fish at all.

8

MS. GARZA: Okay.

9

10 MS. WILSON: Call for the
11 question.

11

12 MS. GARZA: The amendment is to
13 strike that second sentence in proposed
14 Federal subsistence regulation on page 207,
15 should read the harvest limit is one fish
16 per week, 24 inches or larger.

13

14 All in favor of the amendment
15 which would strike that sentence, say "aye."

14

15

MR. THOMAS: Aye.

16

MS. GARZA: Opposed, "aye"?

17

COUNCIL MEMBERS: Aye.

18

MR. LITTLEFIELD: Question.

19

20 MS. GARZA: We have before us the
21 full proposed Federal subsistence regulation
22 on page 207. It would read. 13(iv), you
23 may take steelhead trout on Prince of Wales
24 Island only under the terms of a Federal
25 subsistence fishing permit. The harvest
26 limit is one fish per week, 24 inches or
27 larger. You may use only a dip net or rod
28 and reel with artificial lure or fly. You
29 may use bait.

24

30 Question has been called on this
31 proposal.

25

32 All in favor, signify by saying,
33 "aye."

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COUNCIL MEMBERS: Aye.

MS. GARZA: Opposed?
Aye.

We have finished with Proposal
40.

I need a break. I don't know if
we can go to dinner, come back, or call it
for the morning and at the morning we will
be much more efficient.

Okay.

Can we meet at 8:00, Mr. Thomas?

MR. THOMAS: 8:00 o'clock, be
done by noon?

MS. GARZA: I'm going to call it
for 8:00 and that means we'll be here by
8:30 and we'll roll at 8:30. So recess
until then.

(Southeast Federal Subsistence
Regional Advisory Council adjourned at 6:40
p.m.)

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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 18th day of October,
2001.

Sandra M. Mierop, CRR, RPR, CSR

