SOUTHEAST ALASKA FEDERAL SUBSISTENCE REGIONAL COUNCIL MEETING

VOLUME II

Westmark Shee Atika
Sitka, Alaska
March 23, 2001
8:30 o'clock a.m.

COUNCIL MEMBERS PRESENT:

William Thomas, Chairman
Lonnie Anderson
Bert Adams
Dolly Garza
Floyd Kookesh
Butch Laiti
John Littlefield
Patricia Phillips
Richard Stokes
Marilyn Wilson
Fred Clark, Regional Coordinator
CHAIRMAN THOMAS:  Good morning everybody, it's good to see everybody back. Those of you that didn't make it to the fundraiser last night, the food wasn't so good but we sure missed your company.

(Laughter)

CHAIRMAN THOMAS:  The food was excellent and they did a good job down there and I want to thank -- who put that on last night, ANB?

MR. LITTLEFIELD:  Mr. Chairman, it was ANB.

MR. CLARK:  ANB.

CHAIRMAN THOMAS:  Good job. Now, yesterday when we finished up there was some desires to do some follow-up work with regards to a resolution that we want to bring forth today and I'm not sure if it's ready at this time or not. If it's not we can give it more time and do something different. Dolly, were you able to muster anything up? Is this it here?

MS. GARZA:  Is that it?

MR. CLARK:  This is something from Mr. Pate.

MS. GARZA:  Yeah, it's being distributed. Jude drafted something. The king of ling drafted something for us.

(Pause)

CHAIRMAN THOMAS:  Resolution. My vice chair didn't answer me, were you able to get anything done with that Dolly or would this have some contributing information for what you want to do?

MS. GARZA:  Yes, Mr. Chairman. At the end of the day yesterday we voted to not support Proposal 4, and the two follow-up things that I was hoping to discuss was, one, to send somebody to the Board of Game meeting this fall so that as the Southeast Subsistence Advisory Council we could testify to change State regulations to allow for hunting from boats for ungulates since we hunt from boats for seals and sea otters and sea lions and we

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50 hunt from boats in every other part of the state. And I'm
not sure it that would take action or if we can just simply
direct the Chairman to make sure that happens.

CHAIRMAN THOMAS: I'd be glad to take
direction but normally when we can make reference to
Council action on this, it seems to have a little better
justification than just a verbal direction. So the Chair
would entertain a motion to petition OSM for funding to
have a representative from this Council to attend the Board
of Game meeting in Kotzebue. Who so moves?

MR. ANDERSON: So moved.

CHAIRMAN THOMAS: Who so seconds?

MS. GARZA: Second.

CHAIRMAN THOMAS: Discussion.

MS. WILSON: Question.

CHAIRMAN THOMAS: Question's been called.
All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed say no.

(No no votes)

CHAIRMAN THOMAS: Okay, that motion
carries. Thank you, Dolly.

MS. GARZA: Okay, Mr. Chairman, the other
thing was to look at the existing regulations and I would
ask that we ask Jude Pate to come forward and explain this
draft.

CHAIRMAN THOMAS: Say again, please?

MS. GARZA: Have Jude Pate come up and
explain this draft that was distributed.

CHAIRMAN THOMAS: Yes. Mr. Pate, if you
would, please.

MR. PATE: Thank you, Mr. Chairman and
Board members, Staff. Together with your legal Counsel, I
have some language presented for you. The first section
50 outlines the, at least, four provisions of existing
regulations that are relevant to your decision on this.

First and perhaps most important, is the applicability and scope and exclusion from marine waters from the scope -- at least as far as it is in the Tongass, that's the first one, (b)(28). The next one is marine waters defines up to the mean high tide line. The next one is the definition of take or taking. Then finally is the specific regulation allowing hunting deer from a boat, or ungulates.

The proposed language -- would be proposed for additional language is under Section II. And the proposed additions are in italics. Currently I believe the regulation reads, you may take ungulates from a boat. Then there would be a proposed additional sentence that says; This provision shall extend to marine water as an exception to the exclusion stated in 36 CFR 242.3(b)(28). And then the regulation would continue on, unchanged.

And I have four separate points of discussion that I think might be important for the Board to consider, that's on the second page.

CHAIRMAN THOMAS: Would you repeat that last comment again, Jude?

MR. PATE: Mr. Chairman, I believe there are at least -- at least four separate points of discussion that the Board should consider when discussing this proposal. The first one, if I -- would you like me to go over them now, what I think those points are?

CHAIRMAN THOMAS: Sure.

MR. PATE: The first one would be to make clear, as you did, I believe, in your previous meetings that you intend the use of the word, take, in this provision to refer to where the animal is standing and not from where the hunter was shooting.

The second would be to document that evidence and testimony was presented to you that the regulation to allow hunting deer from a boat is necessary to prevent interference with the Native way of life and cultural identity. I believe that was presented most strongly by Mr. Herman Kitka. I'm not sure that his comments and testimony made it into the record because he was standing over here and he wasn't at the microphone; if
50 I remember correctly.
REPORTER: I got it.

MR. PATE: The third point would be.....

CHAIRMAN THOMAS: Salena, did you get it?

REPORTER: I got it.

CHAIRMAN THOMAS: She's got it.

MR. PATE: Pardon me?

CHAIRMAN THOMAS: She's got it.

MR. PATE: Okay.

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MR. STOKES: special.....

MR. PATE: The third point would be to document that evidence and testimony was presented that the regulation to allow hunting deer from a boat is necessary to prevent the loss of an important means of acquiring subsistence food.

And then I believe there is some discussion, or at least, you should be informed that I believe that you have three legal foundations for jurisdiction to extend this far. The first is concurrent and as I explained yesterday, if a deer is standing on Federal land, there's a Federal interest in when that deer is killed or taken by hunting that invokes a Federal interest. A person has reached into the Federal cookie jar and has its hand on Federal lands taking a Federal deer, even if that person is standing or on a boat on State waters, there's both a Federal and a State interest and therefore both the State and the Federal governments have jurisdiction or shared authority and the Federal government may extend its jurisdiction to protect or allow the hunting of that deer.

The second basis for jurisdiction is exclusive. You may know that the original boundaries of the Tongass as defined by the map with the original withdraw extend miles into marine waters. That's currently the subject of litigation. I recognize that and it's undecided but it's a possible basis of jurisdiction.

And the final basis of jurisdiction is extraterritorial. That in order to protect customary and
50 traditional hunting and fishing, that this regulation
extends to the extent necessary off into marine waters and that it's necessary to protect a Federal right.

CHAIRMAN THOMAS: Appreciate you taking the time to give us something for reference. That makes it a lot easier to work with.

MR. PATE: Thank you, Mr. Chairman. I'd like to credit Mr. Ustasiewski, we discussed it at some length, and so to the extent that this is well thought, I think he deserves some credit, too, thank you.

CHAIRMAN THOMAS: Well, we'll give him some, yeah.

(Laughter)

CHAIRMAN THOMAS: It's the intent of this Council to work with this community via their representative on the Council from Sitka which is Mr. Littlefield. And we do that in every case. And it will be a regional item of discussion because we're designed to be a regional voice. So this is one of the best examples I've seen of a community giving this Council the pulse of what they live and give us the opportunity to take this message for consideration at the Federal Subsistence Board level. Oh, by the way we're a Council, we're not a Board, but we're all flattered by the reference.

We do have two members of the Board in attendance. And their interaction has been so good it's hard to pick them out of the bunch. They used to wear a flashing name tag, you know, they don't do that anymore. And I have to say that I really appreciate how this proposal was dealt with yesterday. The proposal itself and the intent, I was able to recognize from the people that presented the proposal, I agreed with the dialogue and everything that occurred following it, I appreciate the representation of the maker of the proposal and it remains to be seen how this is going to be dealt with at the Board level. In any case, I don't think whatever happens at the Board level will have any impact on their decision on whether or not they'll be able to sponsor a member of this Council to the Board of Game meeting in Kotzebue.

I don't know how much better we can represent a proposal than what we've done so far.

Any questions of Mr. Jude -- Mr. Pate?
you Mr. Jude or Mr. Pate, either way just call me mister,
Mr. Pate: Just not late for dinner.

Chairman Thomas: Okay, thank you. Mark Jacobs.

Mr. Jacobs: Thank you, Mr. Chairman. It's always amusing to me the fair chase which relates to taking game from the boat. It also amuses me when I see an ad of telescope sites with the cross-hairs placed on good meat.

(Laughter)

Mr. Jacobs: Do you call that fair chase? That's a target that bloodshots the meat.

Chairman Thomas: They don't want to ruin the head.

Mr. Jacobs: I am speaking in favor of allowing us to take meat, venison from the boat. I believe I explained yesterday that.

Chairman Thomas: Salena got it.

Mr. Jacobs: I'm one of those that has to use proxy hunters today because of my physical condition. You might not detect it now but, you know, I have almost a total loss in hearing. I have lack of ability to walk any distance, especially climbing a hill. So I prefer to take my own meat and that meat will be a good shot, not bloodshot. I'm sure that a lot of our people feel that way.

Now fair chase comes into the question of shooting from a boat. I think I make sure when I shoot a deer that I take it by the neck or by the head and then I bleed it and I pack it. But now days I don't have the abilities so I speak in favor of this proposed regulation, that we may use and take deer from the boat. I do agree that a bear should not be shot from a boat because a wounded bear becomes a dangerous animal if you don't follow it and finish him off. We have no wolves in this area, nor wolverine, so this is out of the question for me to say I have any opinions on that part of it. But I think it's a good proposal for other areas and I think that this is
50 supplying something to eat for my family. It's not trophy
hunting. Trophy hunters, I'm sure do not want to spoil the
neck or the head.

For this reason I have some bitter
contentions on some of these regulations that injects into
the regulation to take in a non-wasteful manner. We are
not the wasteful people. Take a look at this sac roe
fishing that's going on now, for every hundred herring,
they take only 10 that's useable. The rest is discarded,
this is wanton and waste, and I want you to know that. And
I think you have a resolution coming through the Central
Council Convention that is authored here in Sitka appealing
to the Federal Subsistence Board. I did write them
something on this. It was sent back to me from the Alaska
Department of Fish and Wildlife that this must go through
the State government and then that would mean it would go
in the wastebasket. I know that it's ineffective when we
follow that procedure. So I say that I think they -- I
think the -- I had a memory loss. I'm talking about bag
limit.

I think the bag limit is okay, because I
use what I take and right now I have never exceeded the bag
limit. For Sitka it has been six deer as a rural area.
And we fought tooth and nail for Sitka's rural designation.
And I'm sure that question will be coming up, too, but you
want us to stay on one subject so we can talk about that
later.

Thank you.

CHAIRMAN THOMAS: Thank you, Mark. Mark,
the Council voted to support shooting boats -- shooting
boats from a deer.

MR. JACOBS: Shooting boats from a deer?

CHAIRMAN THOMAS: Yeah.

(Laughter)

CHAIRMAN THOMAS: We voted in favor.

MR. JACOBS: Did I say that or did you say
it?

CHAIRMAN THOMAS: No, I did. I did.

(Laughter)
CHAIRMAN THOMAS: But the Council is on your side.

MR. JACOBS: Yeah. Yeah, I think shooting from a boat and I think the distance comes into play. I don't think a long distance shot is any good, unless a person is a real marksman. And from a moving boat or weather conditions, I don't think pot shots is any good. But I think that should not deprive us of -- people like myself from taking deer from a boat.

Thank you.

CHAIRMAN THOMAS: Thank you.

MS. GARZA: Mr. Chair.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: Mr. Chairman, I like the language that was proposed by the two attorneys as well as the accompanying justification. But I'm not sure if we can propose this language since I'm not sure if it would have to be submitted as a proposal and then it would be out of cycle, so I would ask for clarification first?

But if that is the case then what I would propose is that, we, as a Council, support the proposed language as well as the justification and ask the Chairman to take it to the Board meeting, the Federal Subsistence Board meeting with our intent that this issue be resolved to the benefit of customary and traditional users not to -- not to a level that will reduce their take.

CHAIRMAN THOMAS: Okay, what's the wishes of the Council?

MS. GARZA: Well, first I was hoping to get clarification from either Fred or Dave.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: It seems that the Council could submit this along with what the Federal Board has already submitted to the Board of Game, this could be an amendment or an addition to the proposal that's already going to the Board of Game, so it could be an accompaniment, suggestion,
50 to be included with that.
MR. ANDERSON: That would be the proper procedure.

MS. GARZA: So Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: Relative to Proposal 4, I would move that we support the amended language listed on the first page, Item No. 2 in italics; This provision shall extend to marine waters as an exception to the exclusion stated in 36 CFR 242.3(b)(28).

MR. ANDERSON: Second.

CHAIRMAN THOMAS: Okay, you heard the motion and the second. Discussion.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: If the motion passes then I would hope, although we cannot direct you that you would use the next page, the discussion, the four points as part of your basis for presenting to the Federal Subsistence Board.

CHAIRMAN THOMAS: What I would do is have enough of these reproduced to furnish the Board a copy so that they can make reference to it in their deliberations.

Okay, do I hear a call for the question?

MR. LITTLEFIELD: Question.

MR. KOOKESH: Question.

CHAIRMAN THOMAS: Question's been called for. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed.

(NO opposing votes)

CHAIRMAN THOMAS: The motion carries.
MR. CLARK: Mr. Chairman.
CHAIRMAN THOMAS: Fred.

MR. CLARK: If the Council also has the opportunity at this point to adopt the language to the Federal Subsistence Board as well as to the Board of Game. I think the way you just did it in reference, particularly to the proposal that's already going to the Board of Game; is that correct?

CHAIRMAN THOMAS: (Nods affirmatively)

MR. CLARK: But you can also make a proposal or a motion using the same language to go to the Federal Subsistence Board that would be an accompaniment to the motion that you made yesterday in rejection of Proposal No. 4.

CHAIRMAN THOMAS: So we've already taken appropriate Council action.

MR. CLARK: You've taken appropriate Council action but you could either make another motion or amend your previous action to include this language in your motion to the Federal Subsistence Board.

MS. GARZA: Mr. Chairman, that was what I thought we did.

MR. CLARK: Okay.

MS. GARZA: I wasn't speaking to the Board of Game, I was speaking to the Federal Subsistence Board. So we have some confusion here.

MR. CLARK: Okay.

MS. GARZA: We could remedy it by saying both Boards.

CHAIRMAN THOMAS: Our coordinator will guide us through the proposal process on this and make sure that we don't fall through the ice.

MR. CLARK: Right. In any case it will go to the Federal Subsistence Board, even if you leave it as it is.

CHAIRMAN THOMAS: So there.
MS. GARZA: Okay.
CHAIRMAN THOMAS: Jim.

MR. USTASIEWSKI: Thank you, Mr. Chair. I'd like to offer a few comments. But first I'd like to note for the record that I'm not wearing a suit or tie today at the council's request.

CHAIRMAN THOMAS: And Jude took his tie off.

MR. USTASIEWSKI: Yes, he did. Jim Ustasiewski for the US Department of Agriculture. Mr. Pate gave me more credit than is due. I did talk with him about the proposal, the change to the regulation and I think it is a good start, I'll take credit -- or I'll accept credit for the good ideas. We don't necessarily agree with everything about the proposal, but like I say, I think it's a good start. Some of the discussion on the second page, I think I may not be able to go as far as some of the statements there but I will take credit for the good ideas since that's been offered and then later, perhaps I can distance myself from the ones that may not prove to be the best.

(Laughter)

CHAIRMAN THOMAS: I think we'll be able to make better determinations following the Board meeting.

MR. USTASIEWSKI: Right. Right. As I say, I think this is a very good start at preemption of any inconsistent State law. If for some reason the State Board of Game fails to amend the State regulations to allow shooting from boats, I think this language, certainly on its face purports to conflict with that; it specifically allows for shooting from boats on marine waters and, therefore, would be in conflict with State law and should preempt State law. The question that would come up with the regulation would be, whether it's authorized under ANILCA and I think this, again, is a good start at accomplishing ANILCA's purposes of providing a subsistence priority for a resource that's located on the public lands, even if perhaps the boats from where the hunters are shooting are not on public lands, the resource is on public lands and this activity then allows for reasonable access to the resource that's on public lands.

As Mr. Pate pointed out, the marine waters themselves are within the boundary of the Tongass National
Forest and so perhaps in that sense, we're not really going
outside of the Forest by regulating shooting from marine waters, we are still within the boundaries of the Tongass and so perhaps the sort of strict law that applies to going beyond the National Forest boundary may not apply. Perhaps we can authorize this activity, the Board could authorize this activity or the Secretary could authorize this activity if necessary on the basis that it's necessary to accomplish the purposes of Title VII in ANILCA. 

I think it is wise and I've been following the conversation about the proposal yesterday as well as today about the subsistence nature of shooting from a boat, the customary and traditional nature of shooting from a boat and the importance of that, and I think the record does support that now. I think it would help to the extent, the Council can develop the record to show that this activity is reasonably necessary to accomplishing the subsistence purpose of ANILCA, that without being able to shoot from a boat on marine waters, we may not be able to get the deer, there may be certain times of the year when, because of snowfalls, the deer are only present on the beach, on the beach fringe or there maybe be times of shortage, an opportunity slips away from a hunter, if they have to go ashore that they may not be able to get a deer that year. I think the more record, information the Council can develop like that the stronger this proposal will be.

So as I say, I think it's a good start, while Jude and I may not agree 100 percent, I think when you find two lawyers agreeing 100 percent, something is probably wrong so it's probably healthy for us to have some level of disagreement and I think this is a good proposal for the Council to consider.

CHAIRMAN THOMAS: Thank you. Normally, once we dispose of an action item like we did yesterday we don't discuss it anymore beyond that at our meeting. The only reason we're discussing it now is to put together the best supporting follow-up with this and we really appreciate your guys efforts in doing so. And thank you much for your comments.

MR. USTASIEWSKI: Thank you.

CHAIRMAN THOMAS: I just have to share with you that, you know, most people my age and some younger, grew up taking deer from a boat, like we're discussing now. Nobody ever thought that this would reach the Oval office
50 in doing so. In the summertime whether you were -- if you
were a fisherman of any kind and we had fresh meat all
summer, we didn't care if it had horns, you know, we got it
from the beach. If it looked like it would fit in the stew
pot, we got it. And we didn't think that would reach the
Oval office, but here we are and so far none of us can see
the point. So I just thought I'd off that to you as some
biology from the community.

Thank you.

Anything else. Dolly.

Ms. Garza: Mr. Chairman, I know that we
have disposed of Proposal No. 4, but I did talk to Fred
yesterday about the reoccurrence of this proposal of
eliminating the antlerless deer hunt on Prince of Wales and
one action that I would like to follow through on is that
we need to come up with a two-page flyer that we can get to
the Fish and Game Advisory Councils, the IRA, to the
Islander explaining why we can't support that proposal so
that people on that island understand that it is our
commitment to maximize the opportunity for customary and
traditional hunters, otherwise, I think we're going to keep
getting this proposal every two years.

Chairman Thomas: I think it's a good idea.
I don't think it will deter the proponents of that idea,
but it's a good idea. So is that something we can take up
now or -- Fred.

Mr. Clark: Mr. Chairman, we can certainly
put something like that together working with Dolly and
Dave Johnson and everybody else -- anybody who wants to be
a part of it, we can do that.

I would also mention that we have -- when
we do send -- back to the shooting deer from boat thing for
just a moment, we'll have a really good record in the
transcripts of the discussions and the testimony today and
we will -- if it's the wish of the Council, we'll make sure
that that is appended to anything that goes to the Board of
Game as well. You know, that's the stuff that they should
really be reading.

Ms. Phillips: Do we need a motion?

Chairman Thomas: I need to see some more
nods.
MS. PHILLIPS: Mr. Chairman, I move that we
1 submit the public record on Proposal 4 to the Board of
2 Game.

3 MS. GARZA: Second.

4 CHAIRMAN THOMAS: Moved and seconded.

5 Discussion.

6 MR. ANDERSON: Call for the question.

7 CHAIRMAN THOMAS: Question's been called.

8 All those in favor say aye.

9 IN UNISON: Aye.

10 CHAIRMAN THOMAS: Motion is carried. Next.

11 Now, yesterday there was some mention of
12 people that would like time to address the Council and the
13 audience and if we don't provide the time at this time we
14 can take time now to schedule that during the course of the
15 day. So I think, Judy, you mentioned something that you
16 would like to -- would you like to do that now?

17 MS. GOTTLIEB: Thank you, Mr. Chairman.

18 The topic I was going to bring up has to do with the
19 fisheries monitoring studies and a proposal on the East
20 Alsek, so it's certainly up to you. If you'd rather do it
21 during the discussion on fisheries or during the National
22 Park Service agency report; it's up to you.

23 CHAIRMAN THOMAS: Okay, I think that's what
24 we'll do, we'll take that as it shows up on the agenda.

25 MS. GOTTLIEB: Okay, thank you.

26 CHAIRMAN THOMAS: Thank you.

27 MR. CLARK: Mr. Chairman.

28 CHAIRMAN THOMAS: Fred.

29 MR. CLARK: I neglected to announce that if
30 anybody is having a hard time hearing, I have these fancy
31 little remote gizmos, it's like a little FM radio that you
32 can use in assisting in hearing. If anybody wants one,
33 just come up and I will give it to you.

34 CHAIRMAN THOMAS: If Mark heard you he
50 would have went for it.
(Laughter)

CHAIRMAN THOMAS: Offer Mark that.

MR. CLARK: Thank you, Mr. Chairman, I'll do that.

CHAIRMAN THOMAS: Yeah, offer him that and that will improve his participation, then he'll be on the same day we are, shooting boats from a deer.

(Laughter)

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: We have two more proposals.

CHAIRMAN THOMAS: Excuse me.

MS. GARZA: We have two more proposals.

CHAIRMAN THOMAS: Okay.

MS. GARZA: (In Native) Mr. Chairman, I would move that we support Proposal No. 5, change the season for hunting and trapping wolves.

MR. LITTLEFIELD: Second.

CHAIRMAN THOMAS: Moved and second that we adopt Proposal 5. Discussion.

MS. GARZA: Call for the question.

CHAIRMAN THOMAS: Question's been called. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed, say no.

(No no votes)

CHAIRMAN THOMAS: Okay.

MS. GARZA: Mr. Chairman.
MS. GARZA: I would move that we support Proposal 6.

CHAIRMAN THOMAS: You hear the motion, second.

MS. GARZA: Change the season for trapping marten, mink and weasel.

MS. PHILLIPS: Second.

CHAIRMAN THOMAS: It's been moved and seconded. Discussion.

MS. GARZA: Under -- well, we kind of skipped all the six steps in the last one but there wasn't much comment there. Under Proposal 6 there are ADF&G comments Fred.

CHAIRMAN THOMAS: Thank you, Dolly, that's correct.

MS. GARZA: Fred, Page 50.

CHAIRMAN THOMAS: And we didn't even bother with the analysis from the lead analysts. I apologized yesterday but I'm not going to do it two days in a row. Would the lead analyst care to do that, after we've passed them? The heck with you.

MR. JOHNSON: On Proposal 5, I think you did fine, Mr. Chair and Council.

CHAIRMAN THOMAS: Thank you. Does anybody else want to humiliate the Chair? Okay. Now, on 6 we didn't go so far. How about the lead analyst, introduction, same old, same old?

(Pause)

CHAIRMAN THOMAS: Okay, were there any comments? I didn't get any request for public comments on 5 or 6. Is there any agencies that would like to comment on them?

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.
MR. CLARK: Did you want the introduction
of proposal and analysis by the analyst for Proposal 6?

CHAIRMAN THOMAS: Sure.

MR. JOHNSON: The proposal was submitted by Patty Phillips from Pelican. It would basically bring the mink, marten and weasel trapping regulations in alignment in Unit 4 with the State regulations. Currently trappers are confused between the two sets of regulations between State and Federal. Basically the Staff supported the recommendation or the proposal but with the following modifications. Because there's a -- in terms of Chichagof Island, there is a portion of the island that has more trapping activity than the other portion because of the roaded area. And you have before you there, the proposed changes.

CHAIRMAN THOMAS: Okay. There was a motion to adopt.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: I would like to ask the maker of the proposal what she thinks of the ADF&G suggestions?

MS. PHILLIPS: I'm agreeable to it.

CHAIRMAN THOMAS: Thank you.

MS. GARZA: So how do we incorporate that into the proposal?

CHAIRMAN THOMAS: I was getting instruction, would you repeat that again?

MS. GARZA: So we voted to support the proposal but it is modified by -- suggested that it's modified by ADF&G and that is supported by the maker of the proposal, Ms. Phillips and so I'm wondering how we incorporate, do we have to amend the main motion or do we just support it as modified?

CHAIRMAN THOMAS: You would support the Staff recommendation. Staff offered -- if that's what you desire, yes.

MS. GARZA: So the intent is we would
50 support the proposal as modified with the Staff recommendation.
CHAIRMAN THOMAS: Is that acceptable?

MS. PHILLIPS: Yes.

CHAIRMAN THOMAS: Is there a motion then?

MS. GARZA: That was it.

CHAIRMAN THOMAS: And there was a second.

Discussion.

MR. ANDERSON: Call for the question.

CHAIRMAN THOMAS: Question's been called for. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Motion passes. And that is the extent of the proposals that I have. Mark.

MR. JACOBS: I'd like to ask for reconsideration on this, the Chichagof Island. I had some remarks on it.

CHAIRMAN THOMAS: Which is that, Mark?

MR. JACOBS: I'd like to remark on that, right now you were talking about trapping?

CHAIRMAN THOMAS: Yeah.

MR. JACOBS: I'd like to remark on that.

CHAIRMAN THOMAS: Okay, then we need a.....

MR. JACOBS: The Board will have to reconsider.

CHAIRMAN THOMAS: We need a motion to reconsider if we're going to do that.

MR. ANDERSON: Mr. Chairman, I make the motion that we reconsider.

MR. KOOKESH: Second.

CHAIRMAN THOMAS: It's been moved and second to reconsider. Mark. All in favor say aye.
MR. JACOBS: I'd like to talk a little bit on these marten and the restriction of and seasonal take of marten. I want this Board to know that marten has been imported on Chichagof Island. It has had adverse effect on the grouse and ptarmigan. It just so happens that the squirrels that also have been imported have taken -- easing off a little bit on the pressure on grouse and ptarmigan. Marten is a good hunter and they can chase down just about any prey that they want. This has been a change in the ABC group, that marten is increasing a great amount and is very easy to trap marten. You can take a sardine can and nail it on a tree and put a trap under it, you don't even have to cover it and you can catch that marten. That might be the reason that there might be some restriction on marten. But I want you to know that it has hurt other types of hunting, that's grouse and ptarmigan, that is being cleaned up by the population of marten.

Thank you.

CHAIRMAN THOMAS: Thank you, Mark. Okay, I heard no request for a change in action so our action will remain as is. Okay, the vice chair will assume the Chair at this time.

MS. GARZA: Call for a five minute recess.

CHAIRMAN THOMAS: She declares a five minute recess right off the bat.

(Off record)

(On record)

CHAIRMAN GARZA: Council application process.

MR. CLARK: Cal will cover that.

MR. CASIPIT: I just wanted to talk a little bit about the process. We had 20 applications for membership to the Council this year. All the sitting Council members that are up for this year resubmitted their applications. We do have a team of Federal people calling the applicants and calling the references, doing
50 interviews. Right now we are meeting to finalize our
recommendation as scheduled for mid-April, and we don't expect any problems as far as getting our recommendation to the Board on time and that. So we're working on it and for those members who are up for renomination this year, you should have gotten a call or soon will be getting a call from one of our interviewers.

I'd be happy to answer any questions.

CHAIRMAN GARZA: Okay. So the point we need to make, even though the application process is closed is to remind the public that seats are not actually designated and anybody can apply from any community in any year. And we need to, as Council members make sure the public knows that.

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Fred.

MR. CLARK: I would also add to that, if I may, that it's really important that even though you have a -- you know who the Council members are in your communities or if you have a Council member in the general area where you reside, and you think they're doing a great job and you want to keep them on, it's still really, really important for everybody to try to get other people to apply for membership so we have back up people. Occasionally, people have to leave the Council for one reason or another and the selection can be made from the list of applicants to replace that person if somebody leaves. If there's nobody applying from that area, then they can't make that selection, so it's very important to do that.

It's also important that people know that the Council members, while they bring individual expertise and knowledge of specific areas, very strongly to the Council, their representation is for the entire region and not only their communities or their subregion of the region. They make decisions that affect the entire region and they're there to represent the entire region.

Thank you, Madame Chairman.

CHAIRMAN GARZA: So are there any questions on the application process from the Council? Ida.

MS. HILDEBRAND: Thank you, Madame Chair.

Ida Hildebrand, BIA Staff Committee member. I would just
50 like Fred to state on the record when the application
window opens and when it closes and where applications should be submitted. Thank you.

CHAIRMAN GARZA: Cal.

MS. WILSON: Madame Chair.

CHAIRMAN GARZA: Marilyn.

MS. WILSON: I had a question on the application. What agencies does it go to, I know the ANB gets a copy and we get a copy, but who else gets an application form?

CHAIRMAN GARZA: Cal, do you have an idea of who all gets the application and the announcement?

MR. CASIPIT: There's public news releases that go out to all the newspapers in the state, as well as the application periods and the applications are posted on the Subsistence Management web site, there's a fair amount of publicity put out as far as when the open periods are and where the applications are being mailed to. I'm trying to find that right now in your Regional Council booklet.

MR. CLARK: I think it might suffice for now, while Cal is still looking for particular dates to note then the application period for this year is closed. So who we have are it for this year. I'd also add that I get many, many calls every year on my 1-800 number from people who are interested in the process or interested in obtaining an application form so I often either mail out or fax out those applications to people throughout the region and also reference the web site where those can be obtained.

CHAIRMAN GARZA: Okay, while Cal's looking for that we can go onto the next item, the Regional Council's annual report. Okay, Cal.

MR. CASIPIT: I would refer Council members to Page 28 of their Council manuals, the green book, subject No. 10 there. The recruitment process usually starts the first week of January, that's when applications can begin to be submitted and then it talks about the panel of agency field staff members who conduct the interviews and conducts interviews with the references and the applicants, and then the application period, this year, anyway, closed at the end of February. So there's about a
50 two month period in January and February where people can
apply for membership.

CHAIRMAN GARZA: Okay. Next item, annual report. Fred.

MR. CLARK: Madame Chairman, in ANILCA, Section 805 it lays out the formation of the Council and the Council's responsibilities and one of those includes the preparation of an annual report to the Secretary and a list of things that the report shall contain. And the Council has, every year submitted a report. They have taken a number of different forms. And the way that we've handled that in the past is usually there's an ad hoc committee from the Council who comes up with the -- who takes ideas from the Council in general and puts those into a format that then is developed into the report. It's up to the Council how you would like to develop that report or what kind of -- how it should look and what information it should contain.

So it's up to the Council to decide how they want to do that.

CHAIRMAN GARZA: And what kind of time line are we looking at Fred?

MR. CLARK: There are no set dates.

CHAIRMAN GARZA: Okay. What is the wish of the Council?

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Fred.

MR. CLARK: I would also -- even though there are no set dates, there is kind of a general time line that the Board likes to have those things in. It's usually reviewed over the winter and then take it up by the Board in the spring.

Thank you.

CHAIRMAN GARZA: So are we one year off since winter's almost over?

MR. CLARK: No, I think I was just confused, that's all.
CHAIRMAN GARZA: Okay. So we should do it
MR. CLARK: Yeah, now is the time to do it.

CHAIRMAN GARZA: So maybe as a Council, right now, we can think of ideas that should be in the annual report, things that have bugged you or that we're not addressing properly. On occasion, we should also thank the Board for actions that they have taken since we tend to be one of the more critical annual report writers around.

One of the points that I put down on the annual report that should be there is the whole issue of hunting from a boat. I think we need to write something in there.

MR. ANDERSON: Madame Chairman. I would think allocations of subsistence fishing should be stated in there. Take for instance, Kake, we go about 30 miles to get 10 fish and it's cost prohibitive for people that do not have jobs and things of that nature, so the allocations should be increased there.

CHAIRMAN GARZA: Okay. So part of the issue there is that when we took over Federal fish we basically mimicked State regulations and your feeling is that those need to be changed to reflect the needs?

MR. ANDERSON: That's correct.

CHAIRMAN GARZA: Okay. So Dick were you happy with the proposals that we passed for your area after Hydaburg?

MR. STOKES: Yes, I am.

CHAIRMAN GARZA: So were we generally happy with the proposals that passed from Hydaburg and went to the Federal Subsistence Board?

MS. PHILLIPS: Madame Chair.

MR. LAITI: Madame Chair.

MS. PHILLIPS: Go ahead, Butch.

MR. LAITI: I don't know if this is the proper place, but on Page 30, Proposal 4, paragraph three.....
CHAIRMAN GARZA: Is this from the minutes?

MR. LAITI: Right. I still wanted Cal to -- he was supposed to draw up maps showing the Federal jurisdiction and I'd like to find out where he's at on that.

CHAIRMAN GARZA: Cal.

MR. CASIPIT: We do have maps drawn and they are still at the Department of Justice. We've been trying to get them out of them for several months now. You know, I guess there's really no excuse why they haven't been published yet but it has to do with the conflicting definition of marine waters that's in the final rule. And we -- in fact, it's been alluded to before by Mr. Littlefield that there's two definitions there. There's a line drawn across the stream mouth at high tide or from headland to headland as the rivers or other waters enter the sea. That is causing some problems with our legal folks and like I said they're still at DOJ. Perhaps Jim Ustasiewski could give us an update on where those are. I know he's been talking with Department of Justice attorneys for awhile.

CHAIRMAN GARZA: Jim.

MR. USTASIEWSKI: Madame Chair. Thank you, Cal.

(Laughter)

MR. USTASIEWSKI: I'm not sure what I can say. I guess the issue that we have, is as Cal mentioned, stems from the definition in the regulations. If you apply that definition in Southeast Alaska, you would draw the maps, the line one way, I think a fairly expansive way, but as I understand it the intent of that definition relates to the Katie John case, which I hope to be able to give the Council an update about later today. The intent of the Federal Subsistence Program with respect to fishing in navigable waters was to address areas where the Federal government holds a reserved water right. And those areas may be less inclusive -- may be less broad than the way the definition would be applied. So I'm not sure we can hang it all on the Department of Justice, I think there's an issue in our regulations about how to draw these lines. That if we draw them according to the principle in the Katie John case, we would draw them in one location, if we
draw them just simply looking at the definition of marine
waters, the line would be in a different place, it'd be farther out to sea -- or more inclusive of what we might call marine waters or mixed salt and fresh water. So there definitely is an issue there that needs to get resolved. It needs to be clear to the subsistence user where they can fish and where they can't. I think we're trying to be careful about where we draw that line so we don't have to draw it a second time.

Thank you, Madame Chair.

CHAIRMAN GARZA: So perhaps this is something that we could also put in our annual report is, which definition we think should be supported and that would be the more expansive one. If everyone's weighing in and debating on it, then it's something that this Council should make a decision on or a position on and take it as far as we can.

John.

MR. LITTLEFIELD: Madame Chair, and Jim. Isn't there also a Solicitor General's opinion that that jurisdiction goes 60 miles out so I don't know if I'd want to weigh in on either one of those because we many be limiting ourselves.

CHAIRMAN GARZA: But we could put in the annual report that we support the most expansive definition to allow for customary and traditional uses of fishery resources that we have used for millennium. We'll go for 60 miles.

MR. KOOKESH: Madame Chair.

CHAIRMAN GARZA: Floyd.

MR. KOOKESH: I've only been on this Council since last October and one of the problems I've always viewed from becoming a new Council member that there had never been a process for orientation and I note that we are talking about the annual report to the Secretary and I know that you have a very valid concern. I think in order for me to understand the process I had to -- I've given Lonnie the document that I have on Section 805(d) 1, 2, 3 and 4, and to -- I guess what I'm getting at is you're calling for us to do an annual report and this is a process where we're trying to learn and I'd like to believe that the annual report will contain all this information that's
50 written in here which calls for -- it's an identification
of current and anticipated subsistence uses of fish and
wildlife populations and also the evaluation of current and
anticipated subsistence needs. Is that -- are we going to
address all that kind of material? Because you know, I'm
not really up to speed on the annual report process either?

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Fred.

MR. CLARK: I think you should be on the
committee that writes the annual report then. I think --
no, just kidding -- what I can do, if it would be
beneficial is assemble the last several annual reports into
a package and send those out for people to look at for a
model for the type of thing that's been done in the past by
the Council. And then we can have a teleconference -- set
up a teleconference or individuals can call me to walk
through the process. But essentially it all is right there
in Section D, 1, 2, 3 and 4, those are the things that the
Council has considered in the past annual reports.
Sometimes it's more detailed in one area or another. And
the items that kind of get checked off as a laundry list,
as it were, of issues that the Council wants to address can
fit into those categories in a number of ways.

So it's kind of a -- it starts out as a
brainstorming and then it becomes more focused as you go
through and developing the annual report. So what Dolly
was looking for, I believe, is just kind of an issue
develop, you know, idea-developing thing where you just
develop things that might go into the report and then that
eventually works into the format of the report.

MR. KOOKESH: Yeah, because it's my
understanding that since there was a Federal takeover most
of us or about half of us are brand new on this Council and
we are still in this role of finding our comfort zone, and
I think that compiling all the annual reports and giving us
that opportunity to crash course that section, one of many
sections in this document, I think would be helpful to all
of us. Because I'd like to be able to believe that when I
reference this I'll know what kind of document is going out
there.

CHAIRMAN GARZA: So maybe including also
with that, would be the four areas that should be addressed
so that Council members can look at it and say, okay, this
is my concern relative to this item since we don't all flip
50 open ANILCA to 805(d) or whatever it is.
MR. CLARK: Right. I even have a little sheet I can copy for folks on that. Essentially, do you want me to just go through the four of them?

CHAIRMAN GARZA: Sure.

MR. CLARK: First is an identification of current and anticipated subsistence uses of fish and wildlife populations within the region. So it's current and anticipated subsistence uses, identify those. And then evaluate current and anticipated subsistence needs for fish and wildlife populations within the region. It's pretty similar between those two things, identification and evaluation. The third is a recommended strategy for the management of fish and wildlife populations within the region to accommodate subsistence uses and needs. Recommendations concerning policies, standards, guidelines and regulations to implement the strategy.

So you identify the uses and the resources, you evaluate kind of the status of those uses and resources, recommend a strategy and then recommend the policies, standards and guidelines to accomplish that strategy. And that's the ideal.

These annual reports are done very differently in different regions across the state. And this Council has done it very differently from year to year to year. I think that the last time we did it, the Council was interested in following the four step guideline. Just addressing each of these points individually in the report. But we'll have other chances to address this, too. We could even -- it doesn't have to be finalized before the fall meeting, we can finalize the report at the fall meeting. So before the meeting starts even, in Yakutat, if that's where the Council still wants to have their meeting, we could get together and do an in-person crash course or do a review of the annual report. You know, kind of a separate deal from in-Council session. That might be just what you're looking for, Floyd.

MR. KOOKESH: Well, I understand from Lonnie that this was done before. And as a new member, a new Council member, all I'm trying to do is follow that Title VIII, based on what's in front of me because I don't have any orientation other than the document -- the wording that Chairman Thomas told us was to read Title VIII, he always placed very strong emphasis on that and I'm trying to take advantage of that opportunity every chance I get.
50 between being the Mayor and doing this job.
CHAIRMAN GARZA: Okay, so to try and move this along then, we'll ask Fred to send copies of our last annual reports to all Council members, along with his one-pager of what kind of content we'd like to see in the annual report and, if possible, to pull together a teleconference sometime before our fall meeting to get an idea of what the concerns are from the Council members with the intent to wrap it up at our fall meeting. Is that okay?

(Council members nod affirmatively)

MS. PHILLIPS: Madame Chairman.

CHAIRMAN GARZA: Patricia.

MS. PHILLIPS: I'd like, if possible, to include in the annual report a recommendation to establish a protocol between the State and the Federal, like an MOU, to deal with conflicting State and Federal regulations.

CHAIRMAN GARZA: It's my understanding that there is an MOU between State and Federal. I think we're basically not a part of it. It's the Federal Subsistence Board.

MS. PHILLIPS: What I mean is like the shooting from a boat, we have a conflicting State reg versus Federal reg, and that some sort of protocol needs to be established to bring them in alignment.

CHAIRMAN GARZA: Then maybe what we're looking at is more along the lines of ad hoc committees because there is an MOU.

MS. PHILLIPS: Right.

CHAIRMAN GARZA: And so that's probably what they'd tell us, but perhaps based on issues, we can request a working committee between Regional Advisory Council members and whoever is relevant in the State to sit down and try and hack something out. Because I think if we don't make it specific to us then it will just be somewhere above us.

MS. PHILLIPS: I see.

CHAIRMAN GARZA: Does that sound right?
MS. PHILLIPS: Sounds good to me.
CHAIRMAN GARZA: Mark, did you have something to say?

MR. JACOBS: Plenty.

CHAIRMAN GARZA: Okay. We're trying to stick to an agenda, so this is on the annual report.

MR. JACOBS: This is on your annual report.

CHAIRMAN GARZA: Okay, for her, please state your name, because she transcribes everything, for Teresa.

MS. JACOBS: Mark Jacobs, Jr., Sitka Alaska, member of the Central Council. I've been on the tribal government for 32 years and never lost an election in that area. I've been directly involved in Native affairs. The Tlinget-Haida is a result of a land claims suit that was a trespass suit, we claimed all the lands and waterways but there's adverse possessions that came and now you're talking about the conflict of regulations and other things. But I say that when a regulation is made adverse to the Native right, I still say that regulations and statutes must come from the law, and not regulations -- not law coming from the regulations. I think that's a doctrine to remember that.

The law must be the forefront. As indigenous people, we have sovereign rights. Recently we had it with the state of Alaska, an MOU, Memorandum of Understanding. 1878 United States Congress outlawed treaties. What is an MOU? It's just another name for a treaty. And now these departments that are struggling with Native rights are coming up with memorandums of agreements. The recent meeting we had in Anchorage with the Attorney General, State of Alaska, pushing an MOU with government to government relationship was placing himself and State of Alaska as paramount law. On this point I'd like to say that the aboriginal inherent rights of sovereignty is the law. The rest of it is populated to Alaska that petitioned the United States Congress for statehood. When Congress acted on that particular petition, any territory that is admitted to the Union is required to place in its constitution wording that is recognizing the inherent right of indigenous people in that area where the state is granted statehood. You'll find that in Article 12, Section 12. You can walk across the street to the legislative office and get your copies of the state constitution. It
50 says forever, claim any right or title or any land that is
in control of the Federal government, including fishing
that is owned by the Indian Eskimo and Aleut. And now
we're struggling with the regulations and interpretations
and definitions. We went through this process of
interpretation of the language. First it was subsistence,
then it was rural and then other things come in.

And I want you to know that state of Alaska
has lost every lawsuit in higher courts. And now this
Katie John case is appealed to the United States court for
review. I want you to know that's a danger thing for the
Indian people. I think I'm one of the very few Indian
people that has come before the United States Supreme Court
on the issues of Indian rights. The Supreme Court it says,
do not take your problems to the Supreme Court, you're
agenda is with the United States Congress, the Supreme
Court is the end of the road for your rights. And Sandra
O'Connor says, no, it's not the end of your rights. If
this detrimental ruling comes from the United States
Congress by a White man or non-Native, then you have a
right to challenge it. You go to the United States
Congress to change it.

Now, there's a lot of things now that's
going on here. We've bent over backwards, MOU's is one of
those things that comes to mind, that we're already down on
our back and yet the opposition wants us to lay down
further than laying on our backs. This has happened so
many times. Challenging on some issue. It gets so
ridiculous at times. Head counts for rural area. All
these different things that took place. Now, we've won
these all cases all the way through and I think we can keep
winning.

Thank you.

CHAIRMAN GARZA: Thank you, Mark. Okay, so
we need to move on to Tab E, Office of Subsistence
Management presentations. We have eight subjects, from
customary trade to travel voucher process.

MR. LaPLANT: Madame Chair, my name is Dan
LaPlant with the Office Subsistence Management. And I was
prepared to give the Office of Subsistence Management
report this morning as part of a team but the other half of
my team hasn't arrived yet, he's scheduled to come in on
the flight this morning. So I can proceed with the half
that I'm prepared to deliver and you could have him give
his later on, we would appreciate that.
If you look under Tab E there are.....

MS. WILSON: Madame Chairman, what's his name?

CHAIRMAN GARZA: Your name.

MR. LaPLANT: Madame Chair and member Marilyn Wilson, my name is Dan LaPlant with the Office of Subsistence Management. There are eight items under Tab E, customary trade being the first one and I will speak to the customary trade issue and then I will also move on down the list and speak to you about the statewide rural development determination process and then the in-season delegation to field managers in 2001. And I'll also speak to you a bit about the Council members participation in the MOA protocol development. Mr. Doug McBride will address the other issues when he arrives.

Under customary trade, just a small report there. The customary trade committee is just getting under way. They've established -- or scheduled their first meeting to take place on April 24th and 25th in Anchorage. Each Council has one member that will be on that customary trade committee and I'm not sure who on this Council that is. But the Chairman has nominated one Council member from this Council to participate on that committee, so there's a total of 21 members on the committee, again, with 10 Council members being part of that 21. Mr. Pete Probasco from our office is the Chairman of the committee and the committee will begin on April 24th and 25th by reviewing historical data that they have available to them and other information. So there's no progress to report at this time, just that they've agreed on a date to begin and hopefully they'll have a successful effort in front of them.

CHAIRMAN GARZA: Just as a point, I was appointed to the C&T committee, however I will miss the first meeting so Bill has agreed to go for me, it's scheduled for April and Forest Service is having a conference during that same week that I can't miss.

MR. LaPLANT: Thank you. I know they've had difficulty identifying a starting meeting and it's difficult to get that many people together so that's one of the reasons they're running behind scheduled or the time period they anticipated getting moving forward on.
The next item is statewide rural
development process. Last summer the Board directed the Staff to contract with a third party to develop a methodology for making statewide rural determinations using the 2000 census information and that information, as you know, is just coming out now.

CHAIRMAN GARZA: You jumped to item 5 then?

MR. LaPLANT: Yes, Madame Chair I did.

CHAIRMAN GARZA: Okay.

MR. LaPLANT: The other items will be covered by Mr. McBride when he arrives.

CHAIRMAN GARZA: Okay.

MR. LaPLANT: Yes, this is under Item 5. The contract that will be developed -- under development, excuse me, throughout the next couple months and we hope to have the contract in place this summer and as soon as it's awarded, approximately six months later we're expecting to have a draft methodology presented by the contractor to us. The Councils are going to be participating in the process and will have opportunities to comment and make recommendations on the methodology and to comment on proposed rural/non-rural designations that results from this methodology in the following schedule.

First of all, there are three Council members that sit with the Board when the Board is briefed on the statewide rural determination process and therefore, they're able to monitor the progress, they're able to raise concerns and offer comments at that time. So there has been three Council members who have been sitting with the Board since this issue was being discussed.

Secondly, during the winter and spring of 2002 at the Council meetings, the Councils will have the opportunity to comment and make recommendations on the proposed methodology for making a rural and non-rural determination. So by next winter we'll have this draft methodology in front of us and it will be brought to the Councils for your input. And then in the fall of 2002, at the Council meetings, we anticipate having the proposed rural/non-rural determinations that are a result of the use of that methodology, we'll have that available for the Councils to review and comment on as well. So there's three opportunities there for Council involvement.
The next item is Item No. 6, in-season delegation to field managers in 2001 and beyond.

CHAIRMAN GARZA: Just a minute.

MR. LaPLANT: Yes.

CHAIRMAN GARZA: Okay. Were there any questions on Item 5, rural determination process?

MS. PHILLIPS: Madame Chair.

CHAIRMAN THOMAS: Patricia.

MS. PHILLIPS: Have you hired the contractor for the rural determinations?

MR. LaPLANT: No we have not. We expect that to happen within the next few months.

MS. PHILLIPS: Is that a bid process or how are you going to determine who the contractor will be?

MR. LaPLANT: Yes. Once the contract is developed an RFP will be out and organizations will have an opportunity to bid on it.

CHAIRMAN GARZA: John.

MR. LITTLEFIELD: When is the final rural expected on this after the fall 2000 [sic] meeting, when would the determinations be published?

MR. LaPLANT: Well, I believe that it's going to be up to the Board, but the schedule there is that the methodology will -- the rule that adopts the methodology will take place shortly after and then it will begin to be implemented so that we'll be able to apply that methodology and have some draft information for the Council to look at in the fall of 2002. So I guess by that schedule we would anticipate it being in the Federal Register sometime in the summer -- spring/summer of 2002.

MR. LITTLEFIELD: As I read the regs, any determinations that are made would take five years before they were implemented; is that correct?

MR. LaPLANT: Madame Chair. The way I understand it is any decisions that are made that remove
50 the rural status from any area, it would be a five year
process for that change to take place from rural to non-
rural. I believe any change that brings a community into
rural status would take place immediately.

MR. CLARK: Madame Chairman.

CHAIRMAN GARZA: Fred.

MR. CLARK: I think Patty's question had
two parts. Was the last part, how is the selection of the
contractor going to be made, is that part of your question?

MS. PHILLIPS: I would think so.

MR. CLARK: I think so. There's kind of a
technical review committee that was put together to develop
the request for proposal. My understanding is that those
people will play some role in evaluating the people who are
applying for the contract but that the actual decision will
probably be made by the Federal Subsistence Board; is that
correct?

MR. LaPLANT: Yes, that's correct. There
is a technical review committee that's made up of some
anthropologists and other Staff members from the various
Federal agencies. But the final decision, yes, will be
made by the Federal Subsistence Board.

CHAIRMAN THOMAS: Okay. And then -- okay,
John.

MR. LITTLEFIELD: One more question is,
what are the opportunities for public comment? I know we
have three times that we will see this, what will the
opportunities be for the public and also affected
municipalities to comment on the methodology?

MR. LaPLANT: Madame Chair, member
Littlefield. The public comment period, of course, -- one
of the opportunities for public comment is through the
Regional Councils. So at Council meetings like this in the
spring and fall, the public will have the opportunity to
express their concerns to the Council and then the Council
can carry that message to the Board. The other
opportunities for the public to comment is when the
regulations get published in the Federal Register. There
would be a period of time there, probably 60 days when the
public will have an opportunity to express their comment
directly to the Board.
MR. JACOBS: Thank you, Madame Chairman. This rural status has always been a great interest. Please state your name again.

MR. JACOBS: Mark Jacobs, Jr., Sitka, Alaska. 77 years old, an expert in Indian law as compared to White man's law. I want to say that what the state of Alaska has been using to determine rural status, at first they told me that head count was what was going to establish rural status, they said 2,500 would be the cutoff of that status as a tribe. Sitka at that time at 8,300 people and we had a fight on our hands to keep Sitka rural. I took part in the Alyeska Fish and Game meeting that was to determine rural and urban. It was advertised for Anchorage, I arrived there at 1600 to my tribe and I'm not a person that comes by Indian time. The lobby was full of Fish and Game people, there were three buses that were going to move to Alyeska, I was able to board one of the buses to travel to this point. But what had happened was the public notice that this was going to be in Anchorage was not working. A lot of the Native people that came from rural areas, outlying areas, at the cost of over a thousand dollars, probably cost more than myself, was left behind and did not take part in this particular determination of what rural is.

We were successful in keeping all of Southeastern Alaska as rural because we have no outlets and highways, except in Haines at that particular time which is fed by the ferry system. Now, they told me that census will be used to determine what rural is, and I was worried about Sitka. They said it would be cutoff at 2,500, so my response was that along the Arctic Coast you'll find Eskimo villages with approximately 2,500 people, it's very possible you'll find one that has exactly 2,500; is it rural or is it urban? Well, the law says it would be rural. Then a young lady delivers a baby the next few days, is it still rural? No. The law says it's urban now because we have 2,501. Then a few days later an elder dies, does it go back to rural? I said how ridiculous can you get to deny me of my dry fish. A head count, you cannot use because it's a violation of the census laws. I think there's determinations of what rural is. Sitka is rural. You can't drive to Sitka by car, you have to paddle
50 there or whatever, no, I'm going to stay in this fight
until I lay down, that Sitka will remain rural and the population will have no effect on it.

We started a petition in Sitka and over 700 non-Natives that signed our petition that they use the resources to pickle fish, to ice fish, to dry fish and make kippered salmon. All these different kinds of uses that are used by Sitka's local people. So we had support of non-Native people to keep Sitka rural. And believe me, I think we'll keep it rural, and I want your help.

Thank you.

CHAIRMAN GARZA: I certainly can't speak for every person on the Council, but I would hope it's our intent to keep Sitka rural and I hope that we would expand our efforts to try and meet the needs of Juneau and Ketchikan Natives who still are customary and traditional users. We also have residents in Douglas who would like to have the rural status and we need to, as a Council, work on this process so that we can help our relatives in different communities. So it made me think of one question for ADF&G subsistence, is that, will there be subsistence data for Sitka, Ketchikan, Juneau and Douglas regarding their uses of subsistence resources? Where's Mike.

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Okay, go ahead, Bob.

MR. CLARK: I'll yield to Bob, but we do not have a representative from Alaska Department of Fish and Game, Division of Subsistence at the meeting.

CHAIRMAN GARZA: Bob.

MR. SCHROEDER: Madame Chair. There will be updated information for some of the communities. There will not be updated information of the same format that you're used to for Juneau, Douglas and Ketchikan. So Sitka will be in good shape in terms of data, probably not as good data for Juneau, Douglas and Ketchikan.

CHAIRMAN GARZA: Tell Salena your name.


REPORTER: Thanks.
CHAIRMAN GARZA: So is there a process that we can support or direction that we should give that might help Juneau, Ketchikan and Douglas in terms of getting that kind of data if they intend to go forward with establishing themselves as a rural community? It's a process that Juneau has brought to us several times and it was brought to us from Douglas. Ketchikan feels like they don't have any hope but I think that there possibly is hope. Ida.

MS. HILDEBRAND: Thank you, Madame Chair. Ida Hildebrand, BIA Staff Committee member. As Dan was explaining, the process is just being developed. There has been a statement of work developed that whoever seeks to do this work will bid for and in that review whoever gets the bid would have to review the current regulations which still apply, 2,500 or less assumed, presumed rural; 2,500 to 7,000 can be either rural or non-rural; 7,000 and above are presumed non-rural. And these are presumptions that are rebuttal. Therefore, those communities can present evidence or can present testimony stating they are still rural.

In the meantime, directly to your question, if you have these concerns, I would suggest that you write to the Office of Subsistence Management to the attention of the panel that's developing the methodology.

CHAIRMAN GARZA: Okay, so I've got that down, Ida, thank you. Your next item.

MR. LaPLANT: I just want to reemphasize, the Council will have an opportunity to comment on the draft methodology in next winter's meeting. So, you know, this process is just beginning so there's several opportunities for the Council to be involved.

The next item is in-season fisheries management delegation to field unit managers. During the February 26th meeting of the Federal Subsistence Board, they expanded delegation for in-season fisheries management to selected field managers for the 2001 season. As you may know last year the Board delegated time and area decision-making to some selected field unit managers and it was just time and area designation authority only. This authority that they've been given will enable the managers to make decisions regarding gear, permits, harvest and possession limits. The intent is to provide Federal managers with authorities equivalent to that which the State fisheries biologists have when they issue emergency orders. And this
50 way Federal managers will be able to have the flexibility
to be able to respond as quickly as the State has in making fishery management decisions during the season, and the purpose, of course, is to protect the subsistence priority.

Federal managers are expected to maintain close communications with the Board whenever in-season actions are being considered to assure the Board that ANILCA mandates are being followed. The Board is also concerned that subsistence users and Councils know that their relationship is in no way diminished by this delegation. Should anyone feel that it's necessary to challenge any decision by an in-season manager, the special action process is available and it would bring this issue to the direct attention of the Board. So we're looking forward to this special authority for in-season managers, as I said, to protect the subsistence priority this summer and enable them to respond quickly to situations that change throughout the summer.

Any questions on this issue?

CHAIRMAN GARZA: John.

MR. LITTLEFIELD: In the Hydaburg meeting, Dan, we had several people who presented -- or had problems with the in-season management there, is that an attempt to make sure that the managers can intercede in State operations; is that what this is?

MR. LaPLANT: The way I understand it is, last year they didn't have as much authority as the State managers had so they weren't able to respond as quickly as the State managers could respond so they weren't able to look out for -- and maybe Cal or Dave have some more pertinent information to that question.

CHAIRMAN GARZA: Go ahead, Dave.

MR. JOHNSON: Specifically to last year in Hydaburg, the issue dealt with saltwater and my understanding is that under the current interpretation we still do not have in-season management authority for saltwater. So unless the concern is with respect to fresh water in-season management decisions, in-season managers still will not have that authority. Is that correct?

MR. LaPLANT: Right. These regulations don't pertain to marine waters, correct.
CHAIRMAN GARZA: So when we first started
managing games there were several instances where there
were needs for in-season changes for moose hunting in the
Wrangell area, I can't remember what else, but I know that
Council members, at least some Council members were
contacted regarding that to make sure that we understood
what was happening and that we could support that change.
So what you're saying is that something like that process
will continue with fish?

MR. LaPLANT: Madame Chair, the process
with fish is intended to be able to respond much quicker,
you know, things happen a lot faster with fish runs
throughout the season. So the authority our field people
have had in the past through the special action process has
been a bit cumbersome. It will continue to be used with
wildlife management and we'll continue to do our best with
that but it's much more necessary to have an ability to
respond quicker with fisheries management, and this in-
season management just pertains to fisheries management.

CHAIRMAN GARZA: John and then Cal.

MR. LITTLEFIELD: Thank you, Madame Chair.
Dan, will there be any ability of the in-season managers,
say in this area, to respond to something that happened
last year, which was opening up Red Fish Bay and I'm sure
you're aware of that, there was a court case on that, if we
see something like that happening, what is the ability of
the in-season manager to take action in that case?

MR. LaPLANT: Well, I can -- the in-season
management authority that they've been given deals with
gear, permits, harvest and possession limits, so if we can
solve the problem by modifying those -- or making those
changes, the in-season managers will have that authority.
I'm not real familiar with the situation you're describing
so I don't know if that answers your question or not, but
it is giving them the gear permits, harvest and possession
and also before they had the time and area decision-making
authorities so that will continue as well.

CHAIRMAN THOMAS: Okay, Cal.

MR. CASIPIT: Thank you, Madame Chair.
First I'd like to -- I wanted to more directly address your
question, Dolly, about the level involvement of Council
members in the in-season management process. There is
requirements for the delegated in-season managers to
consult with Regional Council members regarding any in-
50 season actions that they may take. That's right in the
delegation letters and it's expected of the in-season managers that they do consult with Regional Council members if they're anticipating any in-season actions.

To answer Mr. Littlefield's question more directly on Red Fish Bay, the illegal fishing activity that occurred, to my understanding occurred in marine waters, you know, for the Federal Subsistence Program to intervene in that situation would have required extra-territorial jurisdiction under the regulations as they are right now. So as far as what happened at Red Fish Bay, there would be very little that an in-season manager could do about that situation, unfortunately.

Thank you.

CHAIRMAN GARZA: Dave.

MR. JOHNSON: Madame Chair, we've already had a situation this year, as you may be aware, in Ketchikan on the Unik River, where the Regional Council, through the Chair Bill Thomas, Jerry Ingersoll, District Ranger, Federal law enforcement as well as State ADF&G biologists, Commfish biologists and Forest Service biologists actually were all involved in a collaborative process to monitor that subsistence harvest that occurred there. I think it's an excellent example of how information can be gathered, how people can work together. There was customary trade occurring with the hooligan as I understand it, and basically the in-season manager, Jerry Ingersoll was working, I think that's the process -- I would defer to Mr. Thomas for his comments on how he thought that process worked, but -- so in that regard there will be a meeting April 12th in Anchorage for the in-season managers that will further define these roles and relationships.

Something that is not totally clear is the memorandum of understanding with the State where the steps that need to occur in how emergency closures as Dan alluded to, some of these decisions need to be made fairly quickly. I understand yesterday there was only a 15 minute opening on the hooligan fishery so in terms of who to contact and when, I think some of that will be some of the questions that will probably occur on the April 12th meeting.

CHAIRMAN GARZA: The Unik fishery is something I think we need to talk about when we talk about Council proposals, because I think there needs to be
50 further refining. In terms of in-season management
changes, I understand that consultation with Council members may be difficult if you need to close a fishery quickly for conservation purposes or open it because there's an abundance of resources, but we still need a process to let the Council members know so we know what is going on.

But I think that John's issue, more generally, needs to be discussed and perhaps we could -- this is something we could put in the annual report, is what do we do in instances where non-subsistence uses affect the conservation of subsistence resources because that was the whole issue with Red Fish Bay, is that, we could have potentially wiped out a whole year class with an illegal activity. Is that it John?

MR. LITTLEFIELD: That's correct, Madame Chair. My estimates that I was able to gather was approximately 38,000 or so of the highest 40,000 fish escapement that have been at that -- in that area were taken legally or illegally and my concerns for the in-season managers are that they -- if the fishing is allowed in there, that's a bay area, where it goes into a -- Red Fish Bay is like a fjord, what you would call a fjord, and once the fish go in there, they basically do not back out of that area. By allowing the State to fish in there on a resource that is heavily used and they have the potential to wipe that run out, we have to have some means of input. I don't know how it is or how this Council can direct that, but to be hamstrung by just saying, we can't do anything, jeopardizes the whole resource for us. And I want to see us talk about this and how we can get this resolved so we can work with the State to protect these areas.

Thank you, Madame Chair.

CHAIRMAN GARZA: Thank you, John.

MS. PHILLIPS: Madame Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: Can you explain this special action process in a little more detail?

MR. LaPLANT: Yes. The special action process is a process that we've had in place since the beginning of the Federal Subsistence Program. It allows the Board to receive information and make decisions on
50 seasons, harvest limits and so on in between -- or I
should say out of cycle or in between their normal decision-making processes, so that when special situations come up, emergencies and so on they can be addressed. Normally addressed by -- in emergency situations, the Staff preparing a Staff analysis, coordinating with the Council, making a recommendation for the Board and the Board taking action. That process is a bit cumbersome at times because it requires that communications and especially in the summer when people are out and about and are not easy to get ahold of. So sometimes even an emergency situation, it may take several days, a week, to get a final decision made. So that's the process that's been in place and that's what has been used in the past. This is the intent of this in-season management authority, is to be able to streamline that decision-making process and be able to allow the managers to make those in-season decisions to prevent situations like John was talking about.

We don't want to short cut the involvement of the Councils in this, we want to continue to have that Council input and that's certainly not the intent of the in-season management authority, it's to be able to provide those with the authority to respond so that they can protect the subsistence priorities.

CHAIRMAN GARZA: Thank you.

MR. CLARK: Madame Chairman.

CHAIRMAN GARZA: Fred.

MR. CLARK: Madame Chairman, I'd just like to clarify that in both of these types of out of cycle management techniques that the in-season management and special actions, that not the entire Council gets involved, usually it's the Council Chair and/or vice chair and the Council members who are in the affected area or have knowledge of the affected area. And with the in-season management, there may be times when the Council is not contacted because if it has to happen really rapidly but every attempt will be made whenever possible to do so. But again, it's not the whole Council for every decision at that point.

CHAIRMAN GARZA: Okay, next item.

MR. LaPLANT: The next item is Item No. 7 on your list, it's Council member participation in the MOA protocol development. As you may know the MOA that we have
50 with the Department of Fish and Game, five protocols are
identified. They are the regulatory coordination member identified in the MOA. We haven't moved very far with that yet, but that's on the horizon. There's also a protocol identified for fish and wildlife management planning. One for information management, and that one is quite a ways along. Another protocol for the amounts needed for subsistence. And then the in-season management protocol which is what we have -- we might want to call it a pilot protocol for the Yukon River in-season management and that one is pretty far along.

So as far as the Council participation in these protocols or in the development of these protocols, there's one Council member on each one of these protocol committees. Back in February, February 6th and 7th at our meeting in Anchorage when Fisheries Information Service projects were discussed the Council Chairs got together and they identified two Council members statewide to participate in each one of these protocol teams. So again, I don't have the names on each one of these protocol teams and I don't know how many Southeast Council members might be involved in these. But statewide there are two Council members on each one of these protocols, and we're ready to move forward.

We've had some problems, as you probably have heard, with our agreement with the State in their participation in the protocols and the latest word I have on Wednesday, Tom Boyd and the Fish and Game Department had gotten together and had come to an agreement on the funding issues and I think they're ready to proceed. So hopefully our next protocol meeting is scheduled for sometime in April and I think that will continue and I think we'll be back on course again.

CHAIRMAN GARZA: So have any of you guys been appointed to any of these committees? We'll have to talk to Bill about that. Okay, let's take a five minute recess.

(Off record)

(On record)

CHAIRMAN GARZA: We have a lot left on the agenda and we're running overtime and we got a party tonight at the Tribal House at 6:30.
MR. LITTLEFIELD: Lunch today, too at
11:30.

CHAIRMAN GARZA: We do have lunch today, too, the dancers are doing a fundraiser, do you know what they're serving John?

MR. LITTLEFIELD: Fish, again.

CHAIRMAN GARZA: Fish again, yum, yum.

MR. ANDERSON: How about fish eggs?

CHAIRMAN GARZA: Their spawn. Okay, we still have quite a bit do to and we are running overtime.

MR. JACOBS: Never mind the overtime, let's take care of business.

CHAIRMAN GARZA: That's what I'm trying to do, Mark.

MR. JACOBS: Take care of it.

CHAIRMAN GARZA: Okay. So under the Office of Subsistence Management presentations, did we have someone who was doing the travel voucher or is that the guy who is coming in?

MR. CLARK: Madame Chairman.

CHAIRMAN GARZA: Fred.

MR. CLARK: The Office of Subsistence Management wanted me to put this on the agenda. They did not provide any additional materials or anything or any briefing for me on what should be presented so I can just use this opportunity to remind the Council to return those yellow sheets as soon as you're done traveling so you can get your reimbursement as quickly as possible.

CHAIRMAN GARZA: Okay. So this is a reminder to the Council members, we need to fill out those yellow forms when we're done, submit them and that's about it.

MR. CLARK: That's about it.

CHAIRMAN GARZA: Okay.
MR. CLARK: I would also add, kind of in
terms of staffing, the Office of Subsistence Management has hired additional people to help out on travel so hopefully some of the snafoos that have happened won't reoccur. I think that they got some real good Staff now and I'm optimistic that things will get ironed out in the near future.

CHAIRMAN GARZA: Yeah, I don't think I've had my travel cleared up for my last two trips.

Okay, so under Office of Subsistence Management presentation, Carl Jack said that he could report on at least one of those items. Carl.

MR. JACK: Thank you, Madame Chairman. I will report on 9(d)(4), process to contract for resource monitoring projects. So you can find it, it's in Tab E.

CHAIRMAN GARZA: Please identify yourself for the transcript.

MR. JACK: The name is Carl Jack, Native Liaison, Office of Subsistence Management.

CHAIRMAN GARZA: Thank you.

MR. JACK: You will find in Tab A, the first one is a transmittal letter signed by Mitch Demientieff. This is the letter that went to the tribes on about February the 13th. Following that is a proposed partnerships in fisheries monitoring, a proposed RFP. This project started less.....

CHAIRMAN GARZA: Carl.

MR. JACK: Excuse me.

CHAIRMAN GARZA: We have some Council members who are still looking for that page.

MS. WILSON: It's not under Tab A.

CHAIRMAN GARZA: Tab E.

MR. JACK: Tab E, yeah.

CHAIRMAN GARZA: So it's after the proposals. You got it Patricia?
MS. PHILLIPS: Okay.
CHAIRMAN GARZA: Marilyn.

MS. WILSON: Okay.

MS. PHILLIPS: Got it.

CHAIRMAN GARZA: Okay, go ahead.

MR. JACK: Okay. The reason why this program was started was there were requests from the Alaska Native organizations last year at the beginning when the Federal government assumed fisheries subsistence management. There were concerns from the Alaska Native community for lack of tribal involvement in the way the fishery investigation plans were developed. Meetings with AFN, AITC and RuralCAp were conducted on or about December of '99 followed in January meetings. There were subsequent meetings in Washington, D.C., involving the staff of OSM and DOI personnel.

The program was developed whereby the Office of Subsistence Management would be able to enter into agreements with Alaska Native organizations or tribes or tribal organizations, for them to allow to hire biologists and social scientists where these people will be able to help the fisheries monitoring program in getting information on fish stock status and trends. And also it would allow the tribes and tribal organizations to develop their capacity in fish monitoring by having these people on board. So that's basically what the program is about.

With respect to the time frame, the process has started already. As I mentioned earlier, the proposed RFP was mailed out to the tribes, tribal organizations on about February 15th. Prior to that we had organizing meetings with the Alaska statewide Native organizations as to how best to conduct tribal consultation. And the RFP method was selected -- were agreed to by the parties involved. And the time frames -- approximate time frames will be as follows: Review by the tribes and tribal organizations from February to March 15th. And we have received a number of comments on the proposed RFPs already and we will start reviewing those on Monday. Sixty days after that, probably on about -- the RFP will be issued, put out to the streets so that the tribes and tribal organizations will be able to develop proposals for these positions that I mentioned. Sixty days after that will be allowed for the proposals to be developed and submitted to OSM and another 45 days will be allowed where by the Board
50 will be able to review and select the -- make selections on
the proposals. So roughly the time frame will put us
towards the end of September, whereby, hopefully, the
contracts or the agreements would be in place by that time.

How these agreements will be done will be
through 809 agreements. But it's important to understand
that the amounts that will be used to fund these projects
will be deducted from the fisheries monitoring projects.
So that's basically how this program will be conducted.
The comment period on the proposed RFP, again, has passed
and we will be reviewing the comments. We did receive one
substantial comment whereby the people in Bristol Bay
wanted to be detached from the Aleutians and Kodiak, mainly
because of what happened at the last Board of Fish meeting.

Thank you.

CHAIRMAN GARZA: So, Carl, on the letter
from Mitch speaking to the nine field positions within
Alaska, so those nine field positions will go to tribal
organizations throughout Alaska?

MR. JACK: That's correct. I think by the
-- there will be constraints. The nine, or perhaps now
we're talking about seven, mainly because some of the
agencies are experiencing fiscal constraints. There are
six geographic areas that were proposed, Seward Peninsula,
Kotzebue, Arctic, that's one. The YK is stand-alone. The
Yukon area is stand-alone. The Kuskokwim is stand-alone.
Bristol Bay, Aleutian, Kodiak area was proposed but as I
said earlier, we had strong comments from Bristol Bay to be
detached. And Southeast and Copper Center and the North --
the Gulf of Alaska is considered as one area.

CHAIRMAN GARZA: So if there's potentially
seven positions and six regions, then Southeast Chugach
would get one position and it would go to one tribe within
Southeast Chugach region?

MR. JACK: Now, possibly there's -- there's
a possibility and I'm saying this, that the Federal agency
that -- the Forest Service is experiencing funding
constraints and we have had very strong comments from the
other regions that because Forest Service funding
constraints and their inability to participate or putting
money towards this that they would not like to be penalized
for that. So.....

CHAIRMAN GARZA: John.
MR. LITTLEFIELD: Thank you, Madame Chair. Carl, I generally would be in favor of this but when you said the dollars were going to be deducted from our fisheries monitoring programs, that raised a red flag with me. We had to struggle in our February meeting to allocate all these funds among all the projects and we had many projects that had merit. The Forest Service already had a reduction in funding. So I'm kind of concerned about this money. I think one of the things we asked was that additional money be asked for from the government to fund these and I'd like to find out if that has been done, and also if you could give me an idea of how much these nine positions would cost and what it would cost the Southeast region?

Thank you.

MR. JACK: When numbers were worked out per position and as I understand it, entering into cooperative agreements or contracts, is a little costlier than Federal higher. So when the numbers were crunched, I think the estimate was $125 [sic] per person and when you multiply that by nine or 10 it will put you over a million dollars, so those are the rough figures that the agencies -- that OSM is using as a guide.

It is my understanding that the Forest Service, through their internal process is requesting more funds since, I believe, that they didn't get all of the funds that they requested in 2001 or 2.

CHAIRMAN GARZA: John.

MR. LITTLEFIELD: One of the questions that I had, of that million, 125, how much would be apportioned to the Southeast Region?

MR. JACK: Right now, you know, if OSM follows the request from the other regions, then there's likelihood that Southeast would be excluded from this program since it's our understanding that the Forest Service is experiencing funding difficulties. That's a possibility. I'm not saying that it will but that's a possibility.

CHAIRMAN GARZA: Okay. So what could likely happen is if there is a fishery person for Southeast through Forest Service that it would likely be hired into the Forest Service and not into the tribe, that the money
50 would go to the Forest Service; is that what you mean?
MR. JACK: I think that....

MS. KESSLER: Madame Chair, I'd like to maybe offer some clarification about this, thank you.

CHAIRMAN GARZA: Please state your name for Salena.

MS. KESSLER: This is Wini Kessler with the Forest Service in Juneau.

The basic source of our difficulty here from the Forest Service standpoint is that we are severely underfunded from what we really require to carry out our subsistence programs and obligations. We get a single appropriation for subsistence and for the current year that appropriation was 55 percent of what we truly required. So this creates a lot of difficulty for us to meet the many obligations that we have for subsistence, which includes everything from law enforcement to supporting this Council to our basic infrastructure that we have for subsistence and so on. We place a lot of emphasis on project work so that we can help develop the information needed to manage the resources and provide for the subsistence use. So we tried very, very hard in the current year to put as much money as we possibly could towards the projects to go into the fisheries information system.

We are faced now with this situation of the partnership position had been put forward, of course, it'd be a very desirable thing to support these positions but the reality is we simply have no place where we could pull those funds out except from the project monies and in our view this would be a very huge impact on the program, on the project and on the program, on the ability to gather the data that we need. So we simply can't offer up support for those positions unless it were to come out of the fisheries information pot. And we seek your advice and counsel on this. It's a very difficult decision and we -- any insights you can offer us out of this dilemma we appreciate.

But there isn't a fisheries position in the Forest Service that we're talking about. That's not even on the table. These two positions are clearly intended for the partnership position and, simply, the case is the only money we have to offer them up would come out of the project money. And we are talking about trying harder than ever before to remedy this continual year to year shortfall
50 of funding but there's nothing we can do about the current
year. We received our allocation and there's nothing that we could do in this year to get more money. All we can do is try to work in the future towards presenting the importance of this program more clearly and seek to acquire funding at the level that's truly required.

MS. WILSON: Madame Chair.

CHAIRMAN GARZA: Marilyn.

MS. WILSON: Yes, Wini, is it possible for us, as individuals or as a Council to write letters to our Congressman and see if we can get our Forest Service funding so we could fund our subsistence partnership monitoring?

MS. KESSLER: Yes. That's probably our most promising way to raise the attention and understanding level in Washington, D.C., is for the users themselves, for the communities of users, for the Council to help communicate the importance of this and also help communicate the consequences of when we're not sufficiently funded. And any help that can be offered up in that respect we'd much appreciate.

MS. WILSON: Madame Chair.

CHAIRMAN GARZA: Marilyn.

MS. WILSON: I could foresee that our tribal councils, our traditional councils, our ANB, ANS and everybody that's hit by this shortfall, that we could be doing this letter writing to our Congressman. Thank you.

MS. KESSLER: Thank you.

CHAIRMAN GARZA: Okay, but we are looking for direction from the Council on whether or not we would support a position at the cost of reducing the amount of money that would go towards the monitoring projects.

John.

MR. LITTLEFIELD: Madame Chair, as I stated before, I believe this is a valuable program, however, I would like to go on the record as opposing the support of this program if it takes money out of Southeast subsistence fisheries monitoring projects.
CHAIRMAN GARZA: Any other Council members
have any other positions?

MS. WILSON: Madame Chair.

CHAIRMAN GARZA: Marilyn.

MS. WILSON: From what I understand, only one possibly from Southeast will be on this and when you say, one, I'm not sure I understand if that's one tribal entity or one representative that will be working with the monitoring, could you explain that?

MR. JACK: Madame Chairman, Marilyn. I think the number of positions, and this is my personal opinion, I think the number of positions will kind of steer the organization -- I mean the steer the position to an organization that have kind of like regionwide standing. One that will work with most of the tribes within the region rather than a single tribe that would work on its own interest. I think that's the direction that these agreements -- or the way the person will work or carry out his responsibility, would be for the benefit of a number of villages within the geographic area.

CHAIRMAN GARZA: Okay. I would also like to on record that I agree with John. I think that if we have limited money that we should maximize the amount of money that goes towards the fishery monitoring projects because we do have a number of tribes, as well as community organization efforts that are applying for these monitoring projects and that's part of their capacity building and it brings the research and the monitoring to the communities where I think they can be far more effective. And so I would really support leaving that money for monitoring projects, because 125k could fund several projects in Southeast.

Floyd.

MR. KOOKESH: Yes, I happen to believe that the partnership program is valuable because of the tribal involvement, but I believe because it came after our approval of the projects, I believe that I have to agree with Dolly and John, that as valuable as that partnership can be, I believe that we should stick with the program, the projects, and the decision we already made in February.

MS. PHILLIPS: Madame Chair.
CHAIRMAN GARZA: Patty.
Within each project, whatever group is going to be doing the resource monitoring is notified within Southeast Alaska that we prefer the funding to go directly to the monitoring program, but within that program if they could -- to their ability identify or try to reach these project development community outreach education training -- if they within -- within the group that will be doing the resource monitoring, if they could try to reach these goals to the extent possible, themselves, and I think that's what you were trying to say and you probably said it a lot better than I did. But that in the future, in future years of selecting resource monitoring programs, if you can identify and select the group that can encompass those goals into their RFP, then they would be more likely to be selected.

CHAIRMAN GARZA: I think the other arguments is also supporting, that maximizing the money to the monitoring programs is that we already have more RFPs than we have money. And so there are a number of organizations who figured out how to develop these proposals and for those who don't, they just track down Cal and they track down Fred and they track down Dave and there seems to be support within Southeast to develop these proposals or there seems to be the knowledge within the tribes to develop these proposals because we're getting them. And so unless there's any objection, I would say that the voice from the Council would be that we support maximizing the amount of dollars that go to fishery monitoring projects. Okay?

(Council nods affirmatively)

MS. PHILLIPS: Yes.


MS. KESSLER: Okay, perfect, thank you.

CHAIRMAN GARZA: Thank you. So we do not have the other subsistence guy -- oh, we do, okay.

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Fred.

MR. CLARK: While Doug's getting settled in there, I just wanted to note that I was mistakenly under the assumption that OSM was going to be providing
50 information in the Council notebooks that would accompany
their oral briefs and for some of those it did not occur so
I apologize for not making sure that happened because I
know it's always beneficial to have some reading materials,

at least some bullet items to key into during these
presentations. We'll try to be better about making that
happen in the future.

MR. KOOKESH: Mr. Clark, I thought that was
part of our learning curve, that we'd sit here and wing it.

(Laughter)

MR. CLARK: Part of your orientation.

MR. McBRIDE: Yes, Madame Chair, my name is
Doug McBride, I'm with the Office of Subsistence
Management, the Fisheries Information Service Shop. I'm
here today to give you a briefing really on three items,
the 2001 program, as approved by the Federal Subsistence
Board. Then we'll talk about updating the issues and
information needs. And then finally, at least, what we
have received for the 2002 program. And also in fairness
to Fred, I appreciate him trying to take some of the blame
here, but some of the information that we're passing out
here -- not what I just passed out, but I've got another
handout when we get to 2002, is stuff that has only come in
in the last week or so so there was just no way to get some
of this information in the book.

The handout that I just gave you is the
2001 subsistence fisheries resources monitoring program, as
approved by the Federal Subsistence Board February 26th.
And I'll just very briefly go through this with you and
then open it up for questions. There really will be no
surprises in here.

We discussed this program at length back at
the meeting in January and what was approved by the Federal
Subsistence Board is exactly what your recommendation was
for the program. Going to the handout, the first two pages
are really just some basic information. The first page is
just the number of projects by data type and by region that
were approved by the Federal Subsistence Board. The second
page gives a monetary break down by region and data type.
But I think what I'd like to do is focus on the third page
which is titled Table 1, and this is the Southeast
Subsistence Fisheries Monitoring Program as approved. The
top part of that table is entitled stock, status and
trends. There are six projects that were approved, these
50 are the same six salmon projects that we spend most of the
day discussing in Anchorage back in Anchorage. A total in fiscal year 2001, a total of $834,800 are going to be spent in Southeast on these programs. You can see that all the programs go beyond a single year, many of them go out to the full three years that were authorized when we did the request for proposals for 2001. And like I said, all of these programs are really by and large escapement monitoring programs. They have some harvest monitoring components in them but again, we discussed these, I think in quite a bit of detail back in January. The bottom part of the table are the harvest monitoring and TEK projects. There are a total of four of them, they total $197,400. These are all the submissions that we had advanced for investigation plan. Again, this is exactly what we discussed back in January. In total, a little over a million dollars, 1,332,200 is what this package cost in FY-01 and this is what we're going forward with.

And basically what has been going on in a big way, I don't know if Cal has discussed this with you but certainly on Cal's part down here and then up in Anchorage, through the Department of Interior, that the priority has been to contract or write the cooperative agreements to get this program out the door and out into the hands of the various cooperators.

So with that, Madame Chairman, I'll quit my presentation of the Fiscal Year 2001 program and ask if you have questions or comments.

CHAIRMAN GARZA: So when does this fiscal year start?

MR. McBRIDE: Dolly, we're in it right now. The Federal fiscal year starts October 1, so basically as -- I mean all of these projects are slated to start this summer, if you will. So like I say, that's why the priority has been as soon as the Board met, to cut the contracts, cut the cooperative agreements, whatever the funding instruments are and get the money out to the contractors so that they can hire people, buy gear, you know, doing whatever they're doing.

CHAIRMAN GARZA: Okay. So these were all proposals that we looked at at the Anchorage meeting, so this is mostly information so we'll go on to 2002.

MR. McBRIDE: I think before I go into the 2002 and maybe while I'm talking about this, Cal, you could
50 just start passing those around.
What I'd like to do now is very quickly go to the Tab E in your book and after -- it's right after the partnership program that you just finished discussing, there's a page here titled, the Fisheries Resources Monitoring Program, Issues and Information Needs, and there's some information that was in there and then on the flip side of that page is a form that looks like this. And basically what this is all about is we're asking for your input to update the issues and information needs that we've been working from. We didn't publish the entire issues and information -- I'm sorry.

CHAIRMAN GARZA: Okay, let's just make sure that the Council is all to that page. So the very back of Tab E, which is right in front of Tab F; is everyone there? You got it Bert?

MR. ADAMS: (Nods affirmatively)

CHAIRMAN GARZA: Okay, Marilyn, it's just towards the end of that?

MS. WILSON: Yep.

CHAIRMAN GARZA: Okay. Okay, so we're on the page that has priority one, two, three, are blank pages, go ahead.

MR. McBRIDE: Thank you. What we're asking for is for the Councils, any updated issues and information needs that you see as funding priorities. What we're working off of, again, we didn't publish this in its entirety -- well, we didn't publish this in the notebook, but I mean we talked about this in January, there's an issues and information needs document and it has issues and information needs as identified by each of the Regional Councils for the various regions of the state. And this is what we've been working from to try to prioritize proposal submissions that we've gotten. So what we're asking here is if you have anything that's updated to what's here or what we discussed at the January meeting, if you would simply fill this form out and, Madame Chairman, what we're asking then that this go through the Chair so we can get a cohesive, comprehensive statement from the Advisory Council, if you have anything updated from what you provided us already.

And the reason why this is going to be important, I'm going to go through in a minute, because
What you're going to see is we've got way more proposals,
way, way more proposals than we have money to fund them
with and that's what we'll go through in just a second.

CHAIRMAN GARZA: John.

MR. LITTLEFIELD: Question, Doug, at the
last meeting that we had in Anchorage, SERAC went on record
of how they prioritize things, are these in that latest
document or are you operating on the Douglas document?

MR. McBRIEDE: I'm not sure what you mean by
the Douglas document, but I mean what we're basically
operating off of is where we were in January, which is
really very similar to what was in here. I mean clearly
the priorities in here were TEK projects and salmon
escapement projects and you reiterated that in January.
And so that's what we're working off of.

CHAIRMAN GARZA: Okay. As I had mentioned
in the January meeting, several of the Council members were
not on the Council when the Douglas document was developed
and so I'm not sure if there are Council members who would
like to have a copy of that list and so I'm not sure if we
could make copies during lunch and then get them out to the
Council so that we could look at this is what we've
supported and do we want to change that, and have Bill
submit something from the Southeast region.

So we'll copy that over lunch?

MR. CLARK: (Nods affirmatively)

CHAIRMAN GARZA: Okay.

MR. McBRIEDE: The other thing, I didn't sit
through all the Regional Councils by a long shot, but
certainly the ones that I did, I think this Regional
Council certainly articulated their funding priorities in a
much clearer fashion than I think a lot of the others have,
at least, that I'm aware of. So like I say, this is an
opportunity to update those priorities if you choose to do
so.

CHAIRMAN GARZA: Okay.

MR. McBRIEDE: So with that, I'll go to the
other handout that we just handed out and what this is, is
this is basically a look at what we're going to have to
spend for the 2002 starts, and then the proposals that we
50 have received. And just a word about the process, we've
actually launched two programs, if you will, this program, the fisheries program really started in Fiscal Year 2000 and there was a small -- relatively small program that was initiated. There are programs in Southeast, I didn't bring you a handout on those, again, we discussed those in January and did a quick update on those. There are several projects that were underway starting in 2000 and all of the Southeast projects are basically on track as they were originally designed. Then the full amount of funding came to us in Fiscal Year 2001, that's what we discussed in January and that's what we just finished discussing here and that's what was approved by the Federal Subsistence Board on February 26th. There's an accounting thing that you just got to pay attention to, in that, the 2000 program has several years of components so you kind of keep track of those, and then you have this bigger 2001 program that will start this year and it will have three years of components and now what we're talking about is then money that would be available for 2002 that would start a year from now, a year from this summer and it would have several years of components.

The first page of what I just handed out is simply a look at what we're anticipating what we'll have to spend for the program in 2002. So if you go to the first page of that handout, the top part of the page is entitled Table I, Distribution Guidelines by Percent, and all this is is the basic percentage funding formula that we started with, that the program started with that gives a framework, if you will, to look at distributing available funds by region and by data type. As we discussed in January there is nothing hard and fast about this but we need a starting place so the people have some idea how the money is likely to be spent.

So then once you have a frame work for dividing the money then you have to ask yourself, how much money is available and that's what the bottom part of the first page is, Table 2 and it's entitled Distribution Guidelines by Projected Funding Level, assuming two million dollars. Right now our best guess as to how much money will be available statewide for the Subsistence Fisheries Resource Monitoring Program for new starts in 2002, so that's in excess to what we talked about here, for new starts in 2002, is about two million dollars. So if you take those percentages above and apply that to two million dollars, that's what these numbers are in the bottom part of this table. And as you can see for Southeast, if you just go clear over to the total line, there's going to be
about $468,000, close to a half million dollars available
for new work in 2002. So that's obviously less than the
2001 program, but the way our funding is working is we're
getting a set amount of funding, that's what we're
anticipating and we've obligated a fair amount of the money
from the 2001 program, if you go back to this table, in
total, we've obligated about $700,000 out of the little
over a million dollars available for Southeast so what that
leaves is almost $500,000 for new work in 2002.

So that's the amount of money that's
available for 2002.

If you go to the second page and I'll
apologize right now for the small type, but all the second
page is doing is just putting on the -- or just trying to
summarize what we have received for project proposals for
new work in 2002. And if you just simply go to the very
bottom right-hand corner of the lower part of the table,
we'll just get right to the bottom line, statewide, we had
two million dollars available to spend, we've received
$13,573,000 worth of proposals, so you can see we've got a
truckload of proposals and maybe a small pickup load full
of -- or a trunkload full of money to spend on it.

If you go to the line for Southeast, so if
you just simply go two lines up and go all the way over to
the right, what we have on the table is 26 proposals
totaling about two million, almost 300,000 and again, we
have about a half million dollars to spend. So we've got
roughly five times -- we've roughly got five times the
proposals that we can afford to spend.

So that kind of goes back to.....

CHAIRMAN GARZA: For Southeast?

MR. McBRIE: For Southeast, correct.

That's why I kind of go back to this issues and information
needs, the narrower, the more focused you can provide your
recommendations on funding priorities the more effective
that will be because we're going to need them. Like I
said, we've got a work on the table and about $500,000 to
spend on it.

I'll end my presentation on that here and
ask for questions.

CHAIRMAN GARZA: So what will be the time
line for considering the 2002 proposals?
MR. McBRIDE: Okay, thank you. The time line for that, we sent out a request for proposals about Thanksgiving of last year, the deadline for funding proposals was February 15th, so that's what this is a summary of, everything received by February 15th. I also need to add that anything that was not funded in 2001 for which we had an investigation plan is also included in this. So this summary here includes new proposals that we got and old investigation plan that we didn't fund in 2002. What we told everybody is they would be considered for 2002. So that's the entire program that's being considered.

What will happen is over the course of about the next month, Staff will screen through the proposals and the investigation plans that we have and in about a month, probably about mid-April, third week of April, the technical review committee will meet and they will take this 13 million dollars worth of proposals and all the investigation plans and narrow that down to a set of proposals that we're going to invite investigators to develop new investigation plans for. Those investigation plans will be due probably about mid- to late summer. By the end of the summer the FIS Staff will take those new investigation plans, we'll package those up into a new draft fisheries resources monitoring program and then that will be brought to the Regional Councils at your fall meeting and we'll go through those just the way we did in January. And then after that, next winter, then whatever package comes out of there will be brought to the Federal Subsistence Board for their approval for funding and then for actually implementing those programs a year from now.

CHAIRMAN GARZA: So then in terms of that process, then you would like to have this issues and information needs, the three priorities submitted by the end of this meeting since we would not meet again until the fall?

MR. McBRIDE: The sooner you can get those to us the better, the more effective that would be. Again, in the absence of any new information we would certainly work off of what we discussed in January, which I summarized earlier. So if you have other funding issues or different perspective on funding issues than that, then the sooner we could get that the better. If you get it to us by the end of the meeting, that would be great or if you wanted to discuss it further and send them either to me or through the Council coordinator at your earliest
50 convenience that would be helpful.
CHAIRMAN GARZA: So we did refine what we
had done in Douglas at the Anchorage meeting. Is that
written up somewhere Fred?

MR. CLARK: Yeah, there were notes that
Dave Johnson took as part of that meeting. And those -- we
haven't been able to go through those and finalize those
yet but I can dig those out from those notes, I'm sure.

CHAIRMAN GARZA: Because it seems like the
issues and needs that we developed at the Douglas meeting
were done relatively quickly and the impression I got in
looking at the proposals that were submitted at the
Anchorage meeting and considered, that those issues and
needs were broad enough to encompass more than what we
considered our high priorities and so that was why we
further refined it as a Council. And we may need to look
at those further refined points in order to list them as
priorities. Because if I remember right, some of those
cut-throat trout things fit under our Douglas priority
list. Go ahead.

MR. McBRIDE: Dolly, I mean you certainly
looked at trout, but I mean there was -- like I say, your
Council, certainly in my mind articulated the funding
priorities, you know, very clearly. And the priorities I
remember were, you know, from top to bottom were basically
TEK, salmon, particularly sockeye salmon, escapement work
and then you moved down to trout work and those kinds of
things. So you know, I agree with Fred, I'm sure those are
written and can be retrieved.

MR. LITTLEFIELD: Madame Chair, that's my
recollection, too. But I believe at the top of the list
was Southeast projects. I think the Council was clear that
they wanted to fund Southeast-related projects first as
opposed to statewide projects given the limited amount of
funding and then TEK and partnership projects and then
salmon like you said. I believe that's correct.

CHAIRMAN GARZA: Floyd.

MR. KOOKESH: I noticed that on the first
document you gave us you have -- you've broken it into
stock status and trends and then also into harvest
monitoring and then into TEK. Is it possible that when you
do the Southeast one, that the percentage, like you have
7.9 percent on your second table -- excuse me, Table 1 on
your second document, is it possible because I'm very
50 curious about TEK, I'd like to see how much the percentage
is. Instead of having it two, I'd like to see how much we
spend on TEK all the time. Is there a reason or.....

MR. McBRIDE: Floyd, those categories were
pulled together before I ever showed up on the scene. But
I think we can break those out if you'd like to see those
to the extent that we can. A lot of times the -- a lot of
the -- at least -- I mostly deal with the stock status and
trends projects but I think a lot of the TEK projects had
to do with trying to assess harvest and putting harvest
estimates into context from a historical perspective and
that kind of stuff. And I think that's why they're linked
together like that, because they really do deal with -- a
lot of times with trying to make sense of harvest
information, not always, but a lot of the time. But to the
extent that we can break those apart in the submissions,
we'll certainly try to do that.

MR. KOOKESH: Thank you.

MR. CLARK: Madame Chair.

CHAIRMAN GARZA: Fred.

MR. CLARK: Mr. Littlefield has pointed out
that if your question refers to 2001 funding, how much was
spent for TEK projects in 2001, he points out that it's 20
percent.

MR. KOOKESH: Thank you. I just noticed
that when he gave us this Table 1 that I saw the TEK and
harvest monitoring were 7.9 percent and I happen to view
them as separate. Thanks.

MR. McBRIDE: The percentages -- you're
looking at these percentages obviously and you're exactly
right, and those percentages are done, you know, across the
entire state. They total 100 percent for the state. But I
mean basically the way this funding frame work was
envisioned, you have however much money is available for a
region and then basically what they did was they put two-
thirds of the money in the stock status and trends and one-
third in the harvest monitoring and TEK. So in general
that was the funding frame work as it was original
envisioned. However much money is available to spend in
Southeast then it would be a two-thirds, one-third split.
And then again, certainly, as Tom Boyd and Peggy Fox
explained that back in January, that's just a starting
point, it kind of frames the discussion and it gives you a
50 starting point so you know what your targets are likely to
MR. KOOKESH: Thank you.

CHAIRMAN GARZA: Cal.

MR. CASIPIT: Yeah, Madame Chair, I just wanted to reiterate what Doug said, that that two-thirds, one-third split is merely a guideline. If the Council feels that there should be more money being put into harvest monitoring and TEK, you know, that can be your recommendation when the program comes to you next fall to review, so it's just a guideline, it's not a hard and fast rule.

MR. LITTLEFIELD: Madame Chair, I would like to see the Council address this at this meeting. Because given our directions last time and what we struggled with in Anchorage, the technical review committee came to us based upon their perception and we, of course, tore up everything. I would not like that to happen again and the last directions we gave you rating TEK projects number 1, all of the money available, 468,000 is surpassed by the total number of harvest monitoring and TEK projects. So obviously we're going to have to do some prioritizing so I would like to somewhere before this meeting is done set aside some time after we get the January recommendations so that we can give the technical review committee some direction so that we don't enter into this in the fall time again, so that they know where we're standing on this.

CHAIRMAN GARZA: Will we be able to get that over lunch?

MR. CLARK: (Nods negatively)

CHAIRMAN GARZA: Dave went and jumped on Flight 62?

MR. CLARK: Right. He went and jumped on Flight 62 and I don't have those notes here, I didn't bring them. It's in electronic form and I don't have that with me.

CHAIRMAN GARZA: Over lunch we can get copies from the Douglas list of issues and needs and we'll just have to recreate what we did in Anchorage and I think we can do that based on collective memories. And I agree with you, John, that we do need to do it so that we give
50 better direction considering the increased number of
proposals and the limited number of dollars and I think it would be helpful all around.

Anything else?

MR. McBRIDE: No, ma'am. I'll be here the rest of the day and tomorrow.

CHAIRMAN GARZA: So did we cover all items under Tab 9d?

MR. CLARK: Yes.

CHAIRMAN GARZA: We've got 10 to noon, and we've got Gaja-Keen people who are waiting to fundraise so we could go to lunch early and come back at 1:00. I would suggest that we stick to the basically one hour lunch because do have a lot to do this afternoon. So we will recess until 1:00 o'clock.

(Off record)

(On record)

CHAIRMAN THOMAS: You guys been on recess every since I've been gone?

MR. ANDERSON: Yes, we didn't even miss you either.

CHAIRMAN THOMAS: Uh-huh.

MR. KOOKESH: Dolly said break as soon as you left.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: We made it through Items 9d, reports from Office of Subsistence Management presentations.

CHAIRMAN THOMAS: Okay.

MS. GARZA: What we had ended with was looking at a request to reprioritize our -- how we would like to see the fishing monitoring projects funded. We had talked about the -- what we had done at the Douglas
meeting, however, a number of the Council members are new
since that Douglas meeting so we asked for a copy of that
document and I can see that it was distributed to the
Council members so this is the paper for it. And we
thought that there was a need to do it even at the
Anchorage meeting when we, as a Council, had different
priorities of what we thought should be funded compared to
what the Staff had recommended funding for the fisheries
monitoring projects. It did come to my attention that we
discussed quite a bit of this without realizing that some
of our Council members were not at the Anchorage January
meeting so we should have done a bit more of our homework
in getting the history out on it. Patricia was not there
and I'm not sure if there were other Council members that
were not there.

CHAIRMAN THOMAS: Lonnie wasn't there.

MS. GARZA: You weren't there either, Lonnie?

MR. ANDERSON: (Nods negatively)

MS. GARZA: Okay. So I think the concern
is that the issues and information needs that we pulled
together at the Douglas meeting were, from my memory,
pulled together rather quickly and I think are fairly broad
and so when we looked at the proposals that were considered
for funding at the January meeting, what the Council
thought should be funded was different than what the Staff
recommended be funded. I don't think it caused real
division between the two groups, if you would call us two
groups, but if we re-prioritize and get a better feel for
what we would like to have funded it may decrease that kind
of tension in future funding rounds.

CHAIRMAN THOMAS: Sure. That's a good
point. The reason that it was as broad as it was in
Douglas is because it was another area that was new to all
of us. And when we make mistakes we want it to be broad
but when we correct it we want them to be narrow. So was
Mr. McBride going to walk us through this or what did you
guys -- help me out here.

MS. GARZA: Mr. Chairman, if you look at
the issues and information needs, Southeast is actually on
the very last page so you could just flip to the back. IT
is broken down into those three subject areas, stock status
and trends, subsistence harvest monitoring and traditional
ecological knowledge. And I think Mr. McBride would walk
50 us through it but I think we could manage on our own.
CHAIRMAN THOMAS: Okay, well, the heck with Mr. McBride then.

MS. GARZA: Pardon?

CHAIRMAN THOMAS: We'll do without Mr. McBride.


Mr. Chairman, it seemed like one of the -- in the paragraph above it it says the Council recommended four types of project categories to the Federal Subsistence Program for FY-2001 subsistence fishery monitoring. In priority order they are regulation review, sockeye and coho salmon stock status, traditional knowledge and harvest monitoring. So I guess the first question is do we still support those four things and is that the order we wish to keep them in.


MR. LITTLEFIELD: Mr. Chair, during our winter meeting in Anchorage we had taken the position that all four of these project categories were still important and they were looked at at that time where money was not a problem. What happened in Anchorage was the reduction in money which is still ongoing. Looking at the list that was presented this year, we're going to get stuck with that again. So I believe that we should go back to what we decided in Anchorage and as near as I can figure in Anchorage we took the position that when money was short Southeast projects would take priority over statewide projects as just a general policy statement. And then as I remember it, traditional knowledge and harvest monitoring which is shown as three and four on Page 16 were actually projects that we thought should have been rated as priority one. And our priority two projects were sockeye salmon and coho stock status. The regulation review, those projects which were driven in Anchorage by things that we did on --
we asked for steelhead weirs and stuff like that and they
were going to have -- those were regulatory actions and I think they all disappeared in Anchorage.

But I think what we did in Anchorage is still viable. We also made a statement in Anchorage that we were very strongly in support of projects that had partnerships with tribes and other organizations and I still think that -- and for me, personally, that is how I feel. We did not fund any projects that were sole sourced to the Alaska Department of Fish and Game. That's my recollection and if we have to make a motion to bring those up, I would do that, but that's my recollections and how I feel today.

CHAIRMAN THOMAS: That's a good recollection and a good expression of it and I thank you for that. Anybody else have any besides Bert. Bert.

MR. ADAMS: Mr. Chairman, that's my recollection, too.

CHAIRMAN THOMAS: Okay.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly, did you have other feelings about that?

MS. GARZA: Well, I think the other additional point that we made was under stock status and trends, that our focus was sockeye and coho and I don't think that was apparent before because we did get proposals for species other than the salmon that were important to our customary and traditional uses and so I think that needs to be clarified. But I think we're getting Fred to try and summarize our comments, either from now or from what we discussed in Anchorage, and we need to make sure that Lonnie and Patricia have a feel for what we had talked about then.

CHAIRMAN THOMAS: Fred. Thank you, Dolly.

MR. CLARK: What I have so far is that when money is short, fund Southeast projects first and that means fund Southeast before funding statewide projects; is that right?

(Council nods affirmatively)

MR. CLARK: The first, but kind of an
50 overriding policy -- okay, second, in the order of
importance would be TEK and harvest monitoring as the number 1 priority.

(Council nods affirmatively)

MR. CLARK: Number 2 [sic], would be funding salmon projects. Now, did you have a priority for types of salmon or just salmon in general?

CHAIRMAN THOMAS: Well, predominately sockeye and coho wasn't it?

(Council nods affirmatively)

CHAIRMAN THOMAS: If we have to prioritize them, what would it be, sockeye one, coho two or vice versa?

MR. CLARK: I just put them down as sockeye and coho, should we put other?

CHAIRMAN THOMAS: No.

MR. CLARK: Just leave those two?

CHAIRMAN THOMAS: Uh-huh.

MR. CLARK: And then the third priority is.....

MS. GARZA: I think what John had said was projects that.....

MR. LITTLEFIELD: Partnership dealings.

MS. GARZA: Yep.

MR. CLARK: Partnership positions or.....

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Mr. Chairman, on partnershiping, I think we rated projects much higher that had -- that showed partnershiping with tribes or other organizations rather than using the ADF&G as the sole source. In other words there were some projects where the ADF&G was the only participant and those were consistently rated lower in my recollection.
CHAIRMAN THOMAS: Thank you. Doug.
MR. McBRIDE: Mr. Chairman, just to clarify when Staff goes through these projects and I mean there's a lot of Staff that goes through them, I mean FIS Staff goes through them they give recommendations to the technical review committee, that goes up to the Staff Committee and then it comes to the Regional Councils, we have criteria by which we judge those projects. And one of the criteria -- I mean there's four major ones and one of them is what we term capacity building and partnerships, so if it has that aspect to the project then it is looked on much more favorably and gets a higher ranking or whatever. And a lot of those projects, I mean I learned some stuff when we met in January and what we were focused on was the content of the project and then we were listing the primary, you know the primary contractor if you will. I mean there were a lot of -- almost every one of those projects, whether it was an ADF&G project or a Forest Service project or a project primarily being conducted by a tribal IRA, almost every one of those projects had some kind of what we would call partnership or capacity building built into it. So that's something we're looking for, I think all the contractors are well aware of that and that's something that we judge real highly.

CHAIRMAN THOMAS: Thank you.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: From the list, from the issues and information from the 2000 meeting under stock status and trends, we have some specific stocks or lakes that we have mentioned and to that I would like to add Karta Lake.

CHAIRMAN THOMAS: Okay.

MS. GARZA: The Kassan, the Kassan people are quite concerned about the sockeye in that lake.

CHAIRMAN THOMAS: Okay.

MS. GARZA: And we may have other communities that would like to list other lakes since we do have different Council members on this Council now, and so we may have forgotten some areas. And so I'm not sure if we have everything from the Kake area or from Angoon area or from Yakutat area that we should have listed.
CHAIRMAN THOMAS: Do we have a copy of what
MS. GARZA: Yeah, it's on that last page. So it was Klawock, Haaktaheen, Fall and Gut, Sitka Sound, Hetta Lake.

CHAIRMAN THOMAS: Right, where's the Haaktaheen.

MS. PHILLIPS: Up by Pelican on the outside.

CHAIRMAN THOMAS: Okay. So far we've added Karta Lake to that -- when will this be cast in granite? I'm speaking in terms if somebody right now can't think of a system that hasn't been included on here, that perhaps should be considered, how late can that be submitted? Doug.

MR. McBRIDE: Mr. Chairman. The deadline for submitting proposals has come and gone, that was February 15th. But as an updated document and we'll be doing another request for proposals next year, I mean if there's something that's rising to the top in terms of priorities, that would be helpful. Also if you added -- if you added something on here and we had a proposal that dealt with that, I mean I don't have the complete list of the 2. something million dollars worth of proposals here with me, but I mean that would be helpful also.

CHAIRMAN THOMAS: Okay, thank you. John.

MR. LITTLEFIELD: Mr. Chairman, I have a question for Doug, and that's on Page 16 under the stock status. Of those systems that are listed there, how many of them do we have ADF&G data on that's fairly good or accurate right now and how many are basically no information on, escapement data?

MR. CASIPIT: Mr. Chairman.

CHAIRMAN THOMAS: Cal.

MR. CASIPIT: For most of those systems listed there, we have work scheduled on most of those already. Historical productivity of Situk and Mountain Lakes, and historical productivity of sockeye systems, those were basically paleolimnology knowledge studies that were proposed back in the Year 2000 and....
CHAIRMAN THOMAS: They were what?

MR. CASIPIT: I'm sorry, paleolimnology, what they basically do is take a core sample of lake bottoms and then based on looking at the microchemistry of the lakes -- the chemistry of the cores be able to determine what escapements might have been before commercial exploitation. So you would get an idea of sockeye....

CHAIRMAN THOMAS: (Whistles)

MR. CASIPIT: .....production, you know, way back in time before we -- before.....

CHAIRMAN THOMAS: Since time and memorial?

MR. CASIPIT: .....before the commercial industry started on them.

CHAIRMAN THOMAS: Well, I'm glad you explained that because I didn't have a clue, it sounds very impressive and I am impressed.

MR. CASIPIT: But for Klawock, Haaktakeen, Falls and Gut Lake, Sitka Sound coho stock assessments, I'm not sure I think that was the Salmon Lake project, I'm not sure, Hetta Lake, we're doing the TEK work at East Alsek River this year. So quite a few of those actual projects have already been picked up by the FIS program.

CHAIRMAN THOMAS: Okay. I don't know if that responded to John's question or not, did it John?

MR. LITTLEFIELD: Well, what I was trying to get at, Mr. Chairman, was, I think as the technical review committee looks at some of these projects, some that have no information at all might be more important than those systems in which we have some information already or some that we can rely on to, you know, base our historical data on. So I just thought it was something that I'd like them to look at.


MR. ADAMS: Thank you, Mr. Chairman. I'd just like to kind of elaborate a little bit more on this historical productivity thing, I don't know what the term is that you used was, it was something that I never heard
50 of before. But anyhow, the way that I understand that that
works, Mr. Chairman, is that, when these little fishes spawn and they go out into the rivers, down the rivers and out into the ocean, what they'll do is they'll pick up, while they're out in the ocean, this thing called N-15, nitrogen-15, and they'll grow up, you know, on the ocean and then they're going to come back into the rivers in which they were born and they'll spawn and then they're going to die. Their bodies are going to deteriorate into the bottom of the lake or the systems in which they died. And the thing that's going to be left is this nitrogen-15 and it will build on top of one another, and so scientists believe that if you got a system on how to get down into the bottom of those lakes and streams and so forth, it's just like learning how -- I mean counting the rings in a tree and they can tell, you know, how many salmon spawned, you know, during the year -- during those particular years and so forth.

CHAIRMAN THOMAS: Thank you. Man I feel.....

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Wait a minute, I'm just bulging with knowledge right now. Dolly.

MS. GARZA: I have a few more things I would like to add. Under stock status and trends, I think we need to look at the Unik River, hooligan?

CHAIRMAN THOMAS: Unik.

MS. GARZA: Unik. Under subsistence harvest patterns, traditional ecological knowledge, I think we need to add urban, because as we look at our 10 year review of rural/urban designations, if we have urban communities that would like to be reconsidered as rural, it would be nice if they had the opportunity to do the research to find out what the needs of those communities are.

CHAIRMAN THOMAS: I don't hear no objection and Fred's marking it down, I think those are good ideas. In fact, you know, I feel so knowledgeable now, I can redesignate communities that aren't eligible now to make them eligible.

MS. GARZA: That's what we want.
(Laughter)
CHAIRMAN THOMAS: Okay. Anything else we need to do with this particular.....

MS. PHILLIPS: Chairman Thomas.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: The Hoonah Ranger District contacted me, Chuck Parsley, and asked me of all the river systems, salmon systems in our area which was the most important and I told him that they were all important but that Haaktahen had the most activity as far as people going in and getting sockeye. But you know, we have a number of sockeye and coho systems in our area that aren't reflected in the study and as far as I know have zero data associated to them.

So I just wanted to state that because John brought that up, you know, of these listed, which has data and which doesn't?

CHAIRMAN THOMAS: Okay. But from my understanding, what we don't offer this cycle we'll have the opportunity again and again. And I think that's great because it will give us a chance to get a sense of priority and a sense of sensitivity of those systems.

MR. STOKES: Mr. Chairman.

CHAIRMAN THOMAS: Richard.

MR. STOKES: I know we're going to have some work done down in the Wrangell area, namely Virginia lake, Luck Lake and Salmon, but I was just wondering whether that was included on here. Bert can probably tell us what type of monitoring or what's going to happen down there. Bert, could you tell me what.....

MR. ADAMS: Which Bert?

MR. STOKES: Oh, that Bert there.

MR. LEWIS: Mr. Chairman, my name is Bert Lewis. I introduced myself yesterday, I'm a new hire with Alaska Fish and Game. I was talking with Dick about some of the monitoring that's going on. I'm working on Klawock, Hetta and then Salmon Bay, up by Wrangell has three lakes, Salmon Bay, Thoms and Luck Lake. I have copies of the proposals. There is some historic data available on most
50 of those systems. I think Thoms probably has the least
amount of data available, Klawock has pretty good long
history that's ongoing because of the hatchery operations
down there, Hetta Lake, the majority of the subsistence
there is from Hydaburg and there is some data available
from that which is mostly -- they operated a weir in the
past but most of the current data is from permit returns,
when people turn in their permits they say how many fish
they caught the year before and then they get their permit
for this year. And each of these lakes, the proposed work
includes -- the major thing that we're focusing on is
escapement estimation and developing an index, which
basically will do a mark recapture program which is a
standardized monitoring methodology, get an estimate of the
returning fish and we'll be able to extrapolate from that
so that in the future we'll go to just one section of the
spawning ground, count some fish and you won't have to
count all the fish and then from that subsample of the
spawning, we'll be able to monitor the runs, without having
someone there all the time on the clock counting the fish.

And then some of the other lakes we're also
monitoring some of the in-lake conditions and seeing where
there might be limitations in sockeye production. And I
have more detailed work plans if anyone's interested in
that that I could send to people on the Board.

CHAIRMAN THOMAS: Thank you. For a new
hire, you bring a lot of really good information. Are you
from the area at all?

MR. LEWIS: No, I moved here from Idaho in
February.

CHAIRMAN THOMAS: Really?

MR. LEWIS: Yes.

CHAIRMAN THOMAS: Well, I think you'll do a
good job.

MR. LEWIS: I've been working on sockeye
enhancement down on the Columbia River where they're in
much worse condition and I thought I'd come up here and
work where there's more fish.

CHAIRMAN THOMAS: Well, they can't even
generate electricity now, let alone sockeye.

(Laughter)
CHAIRMAN THOMAS: Well, thank you. Dick, did that answer your questions?

MR. STOKES: Yes.

CHAIRMAN THOMAS: Are you satisfied?

MR. STOKES: Yes.

CHAIRMAN THOMAS: Thank you very much. And you'll be around. A lot of times we don't have any questions at the moment but as we become more informed we'll probably have more curiosity. Thank you very much.

MR. LEWIS: Thank you.

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Mr. Chairman, I think all my questions are answered. I would just like to ask Staff, specifically, Doug, if they feel they have enough information from the Council on how to proceed on these projects.

CHAIRMAN THOMAS: Doug.

MR. McBRIDE: Mr. Chairman, John, yeah, absolutely.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: Mr. Chairman, in part, for my benefit because I did leave the Anchorage meeting early but also for Patricia and Lonnie, it seemed like when we had talked about the money that was available for funding, it was less than what we had thought it was, if we could go over what we thought the money was, what it is now, what happened to the money that disappeared and just sort of a general accounting of the monies that are for fisheries monitoring; that would be helpful for me and hopefully for those two.

CHAIRMAN THOMAS: Okay. I want the most knowledgeable, believable Staff person to run us through that. Cal.

MR. CASIPIT: Thank you, Mr. Chairman. I
50 don't know how believable I'll be but I'll give it a shot.
In the past the Forest Service, we've always requested money through the chain for working the subsistence program, ever since the wildlife takeover in 1990. However, we have never been funded for our subsistence management responsibilities until we took over fisheries in '99 when we received three million dollars to manage the subsistence program. That request went in through our fisheries channels when we took over for fisheries. We asked for three million dollars to handle the fisheries job, what we got was three million dollars to handle the entire job. The entire subsistence management job.

For 2001, it was much the same pattern. We received five and a half million dollars for the subsistence management program for the Alaska region of the Forest Service, our request was 10 million to handle both fisheries and wildlife. What we wended up with was 55 percent of what we asked for.

And through all of this, there was, you know, some communication glitches or whatever, but for awhile -- for what happened is that the interagency program was figuring that we were going to be able to contribute a lot more money to monitoring projects, fish monitoring projects when in fact we really couldn't because we had, you know, the wildlife program to attend to, we had the operations of this Council to attend to, we had high priority wildlife information needs that we had to attend to so you know, we just didn't have the amount of funding that we needed to dedicate the full amount that we had figured that we were going to have when we first took over the program, and that relates to some of the discussions this morning about the partnership positions and some of that.

That our needs for the subsistence program in USDA Forest Service has never been recognized, you know, higher up the chain. And in fact, our request for 2002, in our agency request we requested the full 10 million dollars for 2002 to handle our program, Office of Management and Budget didn't even support that. They only supported a five and a half million dollar program which really underfunds what needs to be done.

I don't know if I did very good at that but.....
MR. CASIPIT: ....maybe Wini could add to
CHAIRMAN THOMAS: .....well -- I think for budget information and that kind of thing, would you give them the two figures we're working with -- the amount that we anticipated and the amount that we realized?

MR. CASIPIT: We had anticipated a 3.15 million dollar program for monitoring for both forests, Tongass and Chugach, what we ended up with was a little over two million.

CHAIRMAN THOMAS: And probably most of that's damage control.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: So we received the 3.1 million but only two million is being used for fishery monitoring projects?

MR. CASIPIT: Actually it's a little over two million we're dedicating to monitoring this year. And that's Forest Service wide, that's both the Chugach and the Tongass, together.

That 3.15 million dollars to fish monitoring was assuming a 10 million dollar program. And that 3.15 would be a minimum figure for a 10 million dollar program.

CHAIRMAN THOMAS: Thank you. So now you guys are as informed as we are. And this was some of the things we wrestled with in Anchorage at the time because we didn't have very much time to adjust our thought process when we realized we didn't have that anticipated amount of money to work with. So through it all I think we did okay. Help me out, Council, anything else we need to do? So does this satisfy that line item on the agenda? Okay, thank you. Thank you, Staff, for the good help on that. Okay, now what's our next agenda item?

MR. CLARK: Mr. Chairman, we're at 9e.

CHAIRMAN THOMAS: 9e, thank you.
MR. CLARK: Agency and tribal reports
unless OSM Staff has anything more?

MR. McBRIEDE: No.

MR. CLARK: Okay. Okay, OSM Staff is done so that brings us to agency and tribal reports. The first one under that is USDA Forest Service, and I know that Bob Schroeder has something that he'd like to present.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: Excuse me, Mr. Chairman, before we get to that, I would like to request informally or perhaps formally, that we had looked at the paperwork from Jude Pate regarding hunting from a boat and we supported that language and we supported the justification and it was brought to my attention that it might go forward better as a resolution form.

CHAIRMAN THOMAS: Okay.

MS. GARZA: To the full Federal Subsistence Board so I would like to suggest that we take that justification and work with it. And I can do it, work with Jude or work with -- Ida, has volunteered to develop that into a resolution that the Chairman would take to the Federal Subsistence Board meeting.

CHAIRMAN THOMAS: Okay. I will yield and support the choice of the Council so that's what we'll do.

MS. GARZA: Thank you, Mr. Chairman.

CHAIRMAN THOMAS: Thank you, Dolly. Fred, would you help me out and lead us through 9e as we go along?

MR. CLARK: Sure, I'd be happy to.

CHAIRMAN THOMAS: Thank you.

MR. CLARK: I've had a request from Bob Schroeder to give the Council an update on some of the work that the Forest Science Lab has been doing, so at this time I'd like to bring Bob up.

CHAIRMAN THOMAS: Bob.
MR. SCHROEDER: Mr. Chairman, members of the Council. It always feels really good to be before you one more time, and I'm remembering that this is an anniversary meeting and I don't think anyone announced that, I think it was 10 years ago that the Regional Council first met in Sitka in Centennial Hall. I'm not sure whether that was spring or another time.

CHAIRMAN THOMAS: I think it was fall.

MR. SCHROEDER: Maybe it was fall.

CHAIRMAN THOMAS: Yeah.

MR. ANDERSON: Fall.

CHAIRMAN THOMAS: Yeah.

MR. SCHROEDER: I thought I'd just let you know a little bit where we are on a couple of subsistence areas that we're working on through the Forest Sciences Lab. These really follow on your previous discussion of the projects that you were talking about at your Douglas meeting and the priorities that you set at that time. And what I heard at that time is that you had a high priority on TEK projects and on subsistence harvest monitoring projects and also that there was a real high priority to work as closely as possible with tribal government entities.

CHAIRMAN THOMAS: Bob.

MR. SCHROEDER: Yes.

CHAIRMAN THOMAS: For my benefit if nobody else's, would you just really briefly tell us what your position is now and what your goals and ambitions of your office are?

MR. SCHROEDER: I want to be famous Bill.

CHAIRMAN THOMAS: Not that brief.

(Laughter)

MR. SCHROEDER: Okay, Bill, I'm working at the Juneau Forestry Sciences Lab, which is a part of the Pacific Northwest Research Station and so it's a separate
50 entity from the Tongass National Forest and the regional
office. So my other Forest Service colleagues work either
with the region or some people work -- Dave Johnson works
for the Forest. The mission of the Pacific Northwest
Research Station, very broadly, is to do research on --
scientific research on various topics that would affect
Forest management and basically sees things in a more long-
term perspective than just exactly what's going to happen
next year. So the station has quite a few biological
scientists on board who study things in addition to fish
and wildlife, they do hydrology, and soils and as you'd
expect, since it's Forest Service, a lot of how do trees
grow research. And so I'm there for about two and a half
years now and will probably be continuing to do that for
quite a while, I'm set up for the next two years. My duty
assignments there include subsistence, which is a large
part of my work. I also do work on tourism -- I'll say
subsistence includes the TEK. I also do research on
tourism and other survey research on other topics in
Southeast Alaska.

CHAIRMAN THOMAS: Okay, thank you.

MR. SCHROEDER: So that's where I'm at. I
really feel the subsistence work is continuing on working
with the Council, particularly on these projects. The
first set of projects I'll talk about will be the
subsistence harvest assessments and I really think that
this very successful effort in Southeast Alaska is due an
awful lot to the consistent support of the Council, going
back, oh, probably five or six years, back when the State
was a little reluctant to support projects to find out what
people did in communities and to provide updated data, and
the Council weighed in at very important times in that
history.

At the present time Forest Service is
taking the lead in funding those projects, and these are
projects to update subsistence data. The basic data that
you need if you're going to make management suggestions by
undertaking harvest assessment surveys in Southeast Alaska
communities. This is, I think the fifth year of this
project, a certain number of communities are done each
year. A great deal of the work has been done under
contract with Forest Service by my colleagues at Division
of Subsistence, unfortunately they were unable to be here
today to talk about their work. This last year they did
work in Saxman, Petersburg and Wrangell.

Something new, since change creates
50 opportunity has been the project in Yakutat, which was
directly contracted with the Yakutat tribe. So hopefully a
wave of the future will be that since tribal capability of
doing research and being involved in resource management
decisions has increased so astoundingly in recent years,
that tribes will increasingly take on their own work and be
involved, not only in data collection but in analysis and
right up to the presentation. So if we're still doing this
in five or 10 years, I would hope that a good deal of the
presenters would be tribal council staff who present the
work that they've accomplished in cooperation with Federal
and State colleagues.

So we have the subsistence harvest
assessment project is getting close to being -- this round
of harvest assessments is getting close to being done. And
the work that remains, there are two pieces of work. One
is there's still some communities where harvest assessment
surveys need to take place, these include Tenakee Springs,
Pelican, Elfin Cove, Gustavas, Port Alexander, Hyder and
perhaps Metlakatla. Metlakatla may do their own work
because they have Indian country. That work in these
remaining communities would probably take place next year.
We simply don't have the capability at this moment to
undertake it this year. The other piece of work on that
project that needs to take place is it's time to do a major
write up. So you've already seen a fair amount of the
quantitative data at various times when it comes up in your
deliberations over proposals, it's time to write up what
will serve as a reference document on this whole project so
you'll have -- you or anyone who's interested in how much,
how many critters people take in Southeast, we'll have a
good reference document. And also we want to do a good
comparison and analysis because what we found in looking
back, comparing this recent data with data from an earlier
time, from the '80s, is that subsistence in all our study
communities is really consistent over this time period. So
what we're seeing in either the year 2000 or whenever we
did the surveys is very much the same as the same
subsistence patterns we say in 1987 and in earlier work.
And I, frankly, was surprised because there's been so much
change in Southeast, economic change, people moving around,
very significant impacts from logging. Some how or
another, and the mystery -- some parts of it area a mystery
to me, the subsistence harvest levels and the participation
stays pretty much the same. Just by anecdote, I was real
worried in one community, there had been a very large
corporation distribution in the year we were looking at
subsistence harvest and I thought, oh, my God, everyone's
going to be eating steaks and going to Hawaii, which was
50 true, but the subsistence harvest levels for that place,
even though they had this big spike in income, actually
got up a big. So it didn't decrease simply because people
had a lot of money in their pocket.

So this is really interesting information
that I'm planning to work on a good deal in this coming
year. I've got a Council request. Fortunately I'm not
requesting money, and I'm not requesting a letter of
support but I'm requesting that two or three Council
members could be identified to interact with me as we plan
out how we write this up and what directions we take. And
I see this as being a cooperative effort where at different
points, I, and the other people who are doing the write up
and are getting paid to do that, would touch in and get
your opinions on if we're on the right track, if we need
different corrections of when we come up with things that
are just unusual, you all might have some ideas. So that's
a request to the Council.

The second set of projects has to do with
the TEK projects. About two and a half years ago, just
after I started this job, a colleague of mine from the
University of Alaska-Fairbanks did sort of a pilot study in
Southeast, where he went around and was looking at possible
TEK topics that would be good to research, that might fit
in with what could flow through the Forest Sciences Lab.
And what he came out with was perhaps not surprising to you
all, but that the best and most relevant topic appeared to
be research that would look at traditional Tlingit
territory. And that move -- the idea for that project was
discussed quite a bit last year in January, February and
March, leading up to your Douglas meeting as being an
identified TEK project that it appeared quite a few tribes
were interested in and I was interested in it from a
scientific point of view.

Very briefly and you'll know I'll go on
forever, Mr. Chairman, so you can cut my mike off at any
time. But very briefly, we have this amazing situation in
Southeast Alaska where the tribes in Southeast are living
in their ancestral territories using the same land and
resources that they were using at the time that the
Russians came here. And if you think about it, we may
assume that this is just the way the state of the world is
but most Native American groups or for that matter, most
aboriginal groups have been separated from their land and
resources in the Colonial area. So on the one hand we have
the existing tribes are in the locations that they were in
200 years ago or 500 years ago or a thousand years ago,
50 maybe 10,000 years ago; this is really an amazing
situation.

CHAIRMAN THOMAS: Since time and memorial.

MR. SCHROEDER: We also have some pretty good ethnographic records where elders in the '40s and before sat down and were willing to share their knowledge and information about tribal territories and clan houses and place names and other things so we have a pretty good idea of where people from Angoon originated or where people from Kake originally had their camps. The goal of the current research is to document what territory means at this present time. Is this still a live concept for people or is it just something that is of historical interest that you'd read about when you look in Emmans or Fredrika DellLaguna's work (ph). I, of course, think that it is just from my -- from what people have graciously told me and from what I see going to communities, that the facts of clan territory and origin and houses are extremely important. So this project aims to provide an up-to-date documentation of these things. And again, this is a project which is contracted directly to tribes. The first three years work is targeting Angoon, Hoonah and Kake and then some time over the next months we'll be deciding which next three communities can be added in.


MR. SCHROEDER: Yes, Bill.

CHAIRMAN THOMAS: You know, I really -- that was the best report I've heard you give in -- since time and memorial.

(Laughter)

CHAIRMAN THOMAS: And it verified much of what the audience has known and has tried to convey over the last, at least 10 years since we got more intimately involved as communities in this process. And so I think the information that we just got from you was really a breath of fresh air. We feel like we're somewhat on target. And we've always felt that but this kind of confirms it. And we appreciate that, but I don't know how much time to anticipate that other presenters are going to need so thank you so much.

MS. GARZA: Mr. Chairman.
CHAIRMAN THOMAS: Dolly.
Ms. Garza: A couple things. One, I'd like to be on your committee. Two, is of the historic data that was done on subsistence uses, is there information for Juneau, Douglas or Ketchikan?

Mr. Schroeder: Mr. Chairman, Dolly. Things are thinner for those communities. So, yes, there's some material.....

Ms. Garza: Okay.

Mr. Schroeder: .....but it isn't as rich as it is for the smaller places.

Ms. Garza: Okay. So if KIC or T&H or Douglas Indian Association would like to pursue getting additional material, who would they contact to try and figure out how to do grants and how to go forward?

Mr. Schroeder: I think it would be good for that to proceed sometime at an appropriate time as a Council discussion and then also you know, to talk, probably before that time with me and we could do some brainstorming and see what would work there.

Ms. Garza: Okay.

Mr. Schroeder: The current project should continue for at least one more year and then it's at the whims of Federal funding. But I would imagine that if we're successful in the first communities, that there would be an impetus, if the information's useful, to continue with the project until all tribes in Southeast have the opportunity to participate.

Ms. Garza: So if there is an opportunity to expand it to include our urban communities, then we could work with you to find that support?

Mr. Schroeder: Yes, that would be -- it would go through the proposal process and we'd simply add those tribes on as being other tribes that were contacted and where they would fall in the sequence is yet to be determined. Because the maximum that we're able to initiate in any one year is about three, which is fairly ambitious.

Ms. Garza: The final comment has to do with basketry. And I hadn't thought about it before, but
50 in your position with these Forestry guys, one of the big
issues that the Tlinget weavers, the contemporary weavers face is finding adequate material. I mean if you look at the historic baskets they were beautiful and they were quite plentiful. There were many basket weavers and many baskets that were woven and yet, now, there are very few places where people know to go get roots. I mean it's Yakutat, it's Juneau airport or down to Canada on Hydagli (ph), so it would be interesting to somehow pull together a meeting between basket weavers and Forestry people and talk about what kinds of areas are needed for basket weaving and then for material gathering and to figure out whether or not there are places that we are missing that Forestry people might be able to help us find.

MR. SCHROEDER: I think that would be really interesting. Probably talking to soils people would be part of that because I've heard from different weavers that I've talked to that certain soil types make for good spruce roots, sandy soils, especially.

CHAIRMAN THOMAS: Did you give us a number of Council people you'd like to work with?

MR. SCHROEDER: Mr. Chairman, I think it would be good if you could identify three people who really like to work hard.

CHAIRMAN THOMAS: Okay, John Littlefield's the second one. Bert. There they are. Bert, John and Dolly.

MR. SCHROEDER: Thanks, very much, Mr. Chairman.

CHAIRMAN THOMAS: Thank you. Bert, do you resign?

MR. ADAMS: Yeah.

CHAIRMAN THOMAS: Go ahead.

(Laughter)

MR. ADAMS: Just a matter of information on the subsistence harvest survey that's being taken -- doing in Yakutat as we speak, as Bob mentioned, you know, it was a contract between his organization and the tribe. And we hired two anthropology degreed tribal members who are working on that project as we speak. And we're gearing
50 these up, you know, for future TEK projects up as well. So
I thought maybe that might be a matter of information, we are getting more and more of our people involved in these projects and I think that's great.

CHAIRMAN THOMAS: Good. Thank you. Thank you. Thank you, thank you, thank you. Ida.

MS. HILDEBRAND: Thank you, Mr. Chairman.

Ida Hildebrand, BIA Staff Committee member. I just wanted to state on the record that Mr. Schroeder said it was a mystery to him how subsistence users, although they had more income, still harvests the same amount of subsistence and still use subsistence, so for the record and for Mr. Schroeder's benefit, I'd like to state that in my opinion it is because subsistence use in Alaska's indigenous people is part of the culture, is part of the belief system, it's part of the spiritual system, it is our culture.

CHAIRMAN THOMAS: Thank you. I think Bob knew that, he just likes to play possum once in awhile. He doesn't fool me anymore.

MR. KOOKESH: He wanted money.

CHAIRMAN THOMAS: He wanted money. He's got a big paying job.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: He's not a Native Liaison. A Native Liaison will never be reach, but Schroeder will be rich.

(Laughter)

CHAIRMAN THOMAS: Fred.

MR. CLARK: The next person on the docket is one of them ore flexible people in his profession and you've already seen that happen, Jim Ustasiewski is going to give us a very brief update on legal things -- things legal.

CHAIRMAN THOMAS: Thank you, Jim, that was really good.

(Laughter)
CHAIRMAN THOMAS: No, come on up, Jim.
MR. USTASIEWSKI: I haven't been called flexible in about 10 years I think.

MS. WILSON: How do you spell his last name?

MR. USTASIEWSKI: Jim Ustasiewski, spelled just like it sounds.

(Laughter)

MR. USTASIEWSKI: I'll give you a business card. I'm not sure whether I can remember how to spell it right off the -- right at the moment.

CHAIRMAN THOMAS: I saw Jude Pate and Johnny Cockran walking back there so.....

MR. USTASIEWSKI: Uh-huh.

(Laughter)

MR. USTASIEWSKI: I'd like to, Mr. Chair, give you an update on subsistence litigation in Federal court. In particular, starting with the Katie John case which was the subject of an oral argument in late December before the Ninth Circuit Court of Appeals. The Ninth Circuit judges, it was what they call an on bonk panel of Ninth Circuit judges, a Latin term meaning full panel, and in this case actually it was about half of the judges -- 11 judges of the Ninth Circuit hearing this appeal by the state of Alaska. You'll remember, of course, about five years ago, six years ago, the state of Alaska appealed the case to the Ninth Circuit, the Katie John case and we got a favorable decision from the Ninth Circuit that led to the Federal Subsistence Board and this Regional Advisory Council and other Regional Advisory Councils managing the subsistence fishing in navigable waters. But after a final decision was entered in that case after years of the State Legislature wrestling with the constitutional amendment, the case became final and the state of Alaska appealed yet again, this time they have an audience before 11 judges, 11 different judges of the Ninth Circuit as opposed to the three that they previously had. As I say, there was an oral argument just before Christmas and I was able to attend that and the argument, I think, went pretty well for the Federal government. It's kind of like how they were talking about the Bush versus Gore case, you know, you don't want to draw too much from the judge's questions, you
50 never really can tell if their question is revealing how
they think about the case or whether they're just playing devil's advocate. But I would say there were a lot of hard questions of the State, there were hard questions of the Federal representatives as well, hard questions of the Katie John attorneys but I felt that we had done a pretty good job in answering those.

And the State really narrowed its case down to a principle of law called the Clear Statement Doctrine, which states basically that in order for the Federal government to preempt State law, we had some discussion about that earlier with respect to deer hunting from marine waters, in order for the Federal government to preempt a traditional area of State's regulation, the Federal government has to state it clearly that that's what they're doing. And as I said, the State narrowed its argument just down to that one principle of law saying that we didn't do that, Congress didn't do that in Title VIII of ANILCA. We think we have a fairly good case on that because ANILCA specifically preempts state law, state contrary law on subsistence, and further it specifically says that public lands includes waters. The issue in this case being, does it include navigable waters? Our argument is waters includes navigable and non-navigable waters, so Congress clearly stated that intended to allow for the subsistence priority in navigable waters.

So we had the argument in December, the case is under review by these 11 judges. Ordinarily we use six months as a rough estimate of how long it takes to get a decision from the Ninth Circuit once a case has been argued and with the on bonk panel, the 11 judges as opposed to just three, it could take longer than that but we're hopeful of a favorable decision this summer, perhaps in the fall. That's the Katie John status.

I should have mentioned from the outset that I'm looking off of a subsistence litigation write up that I did for the Hydaburg meeting that we had last fall and unfortunately I haven't been able to update it. I meant to do that before coming here so that you'd have it in your notebooks. I've been a little bit on the travel, we had a computer problem, I just wasn't able to get it updated but I think I'll -- I'll try to do that and get that to you through Fred so you can see what the new version of this is from the Hydaburg meeting.

CHAIRMAN THOMAS: When the State was focusing that Federal government didn't address the
50 traditional -- how did you phrase that, the
MR. USTASIEWSKI: The State's traditional power over hunting and fishing.

CHAIRMAN THOMAS: Did they define traditional?

MR. USTASIEWSKI: Well, the way the State sees it is traditional with respect to the Federal government that -- and this is the case that nationwide, state's generally regulate hunting and fishing within their state boundaries.

CHAIRMAN THOMAS: Uh-huh.

MR. USTASIEWSKI: But where you have reservations in the Lower 48 or treaties that provide for hunting and fishing rights, those are usually Federally managed, Federally-controlled rights and any contrary state law is preempted as a result. Then there have been recent Supreme Court cases that have addressed that. In 1999, the Millouxban of Chippewa took a case to the Supreme Court and won, arguing that the Federal treaty they had preempted contrary state -- state of Minnesota in that case, state law that precluded them from going off their reservation and hunting in their traditional -- their traditional areas.....

CHAIRMAN THOMAS: Right.

MR. USTASIEWSKI: And so the Indian tradition overcame the state tradition in that Supreme Court case.

CHAIRMAN THOMAS: Thank you.

MR. USTASIEWSKI: The next case I had on my outline is the Ninilchik Traditional Council, there's that word again, versus United States and....

CHAIRMAN THOMAS: Now, that traditional, is that defined the same way traditional was used in the context prior?

MR. USTASIEWSKI: You may need to ask the Ninilchik folks for that but I would assume so.

CHAIRMAN THOMAS: No, no, no, now, you're
50 taking it off the same document.
MR. USTASIEWSKI: I think they mean it as in an Indian way not the State way. But that's a case that got decided last fall and I think we've had some discussion about that. It's the case where the Ninilchik tribe argued that they weren't getting a subsistence priority for moose hunting on the Kenai and they saw the non-traditional urban hunters were being allowed to hunt moose on the Kenai and there were some restrictions to subsistence traditional hunting of moose on the Kenai and they argued that the Federal government should stop all non-rural hunting before it has any kind of restriction on the subsistence hunting. As I said, this case got decided last fall by the Ninth Circuit that essentially the obligation under Title VIII is to provide for some meaningful subsistence priority. There may be, the Ninth Circuit says, a situation where there's a restriction on subsistence as well as non-subsistence hunting without a total exclusion of non-subsistence hunting, that that would not necessarily run afoul of Title VIII. So they decided for the United States in that case against the tribe for Ninilchik, and said that there is a meaningful priority for subsistence because they allowed them to hunt two weeks earlier for moose. Actually the Federal government lost a part of that case, Unit 15(A), I think it is. The Office of Subsistence Management as I understand it, is going back now in the process of trying to provide a meaningful priority for subsistence in Unit 15(A) down on the Kenai.

CHAIRMAN THOMAS: Okay. They're all pretty much the same thing, so.....

MR. USTASIEWSKI: Uh-huh.

CHAIRMAN THOMAS: .....yeah, all the legal beagles here, we're losing them so, I think we'll move onto something different.

MR. USTASIEWSKI: Okay.

CHAIRMAN THOMAS: Thank you very much.

MR. USTASIEWSKI: Thank you.

CHAIRMAN THOMAS: Did Park Service already -- okay, Park Service.

MR. CLARK: Bill, you're usurping my power.
I'm Judy Gottlieb, Associate Regional Director for the National Park Service here in Alaska and member of the Federal Subsistence Board. I'm a 25 year resident of Alaska and have been privileged to visit most but not all of your communities and appreciate, again, your hospitality at the meeting here today. While the National Park Service does not have a lot of lands or waters in the areas that you usually discuss, as you know on the Board, I have to vote on areas even where we don't have lands, just as you, likewise, represent other communities besides the one that you hale from. And it's been very helpful to hear firsthand your discussions so that I'll know a little bit more about the issues when they come to me in May and your Chair always fills in any blanks that any of us might have as well.

Today I just wanted to speak with you briefly on one of the fisheries monitoring projects. Our Staff person wasn't able to make this meeting so I'm nominated to carry the word forward on this. But it really works well with the discussion you had before lunch as well as just after lunch on your priorities. And Council member Adams can certainly help me out on this, the one I wanted to particularly mention to you does have to do with sockeye salmon so that's amongst your priorities and certainly a has very good group of partners involved, including the Yakutat Tlinget Tribe, city and borough of Yakutat as well as the National Park Service. This is also complimentary to the TEK study that Bob mentioned to you that has been approved. This project was submitted as part of the 2002 group, so it's going to be under review and any support that the RAC can toss its way will certainly help in the priority setting.

This project is a fisheries research and monitoring project regarding East River sockeye, and this addresses a sockeye stock status. And the reason this is particularly needed is it's unique group of salmon in that they don't -- this sockeye don't rear in -- they don't rear in fresh water for a year or so like most but they migrate out to the ocean pretty quickly. It's also concern because of higher use and lower catches in recent years, in fact, the commercial fishery has been closed the last couple of years in that area. The other reason it's quite a concern is because of the anticipation that the Hubbard Glacier is
50 going to damn up Russell Fjord and we don't know exactly
how that's going to affect the Yakutat area but we'd like
to learn about the sockeye population before that happens.
So the kinds of products that would come out of this work
would be a bibliography and then a final report that would
summarize the existing, both physical and biological data,
relevant to the East River and the sockeye there.

So I just wanted to bring that to your
attention, and Mr. Chair, if Mr. Adams has anything to add
I'd certainly appreciate that as well.

CHAIRMAN THOMAS: Thank you. Bert.

MR. ADAMS: Thank you, Mr. Chairman. And
Judy, appreciate you bringing this forth at this time. As
she mentioned earlier, the TEK project, you know, is
already in the process of being funded, you heard about
that earlier. And this proposal is just a second step in
trying to find out what's happening in the Alsek River
system. So the project, you know, designed in about four
stages and this proposal here is just the second one that
we're going to try to push through. Next year we're going
to do the one that was identified in the previous
presentation in regards to stock assessment and things.

I kind of lost my train of thought here but
I promised Judy that I would try to fill in the blanks but
I think that this is a pretty important proposal and what
she presented this to us for was to get our support on it
so that it could have a pretty good chance in getting
passed in the Federal Subsistence Board.

CHAIRMAN THOMAS: So did you want to make
this an action item, Bert?

MR. ADAMS: Yes, and for that purpose, Mr.
Chairman, I move that we adopt this proposal.

CHAIRMAN THOMAS: Okay. There's a motion
on the floor, is there a second?

MS. WILSON: I second that Mr. Chairman.

CHAIRMAN THOMAS: It's been moved and
seconded to adopt this proposal to forward to the Board for
their consideration. Further discussion.

MR. ADAMS: Mr. Chairman, one of the -- you
know, Judy touched upon the fact that the Hubbard Glacier
50 is probably going to advance and close off at Gilbert
Point. It did that in 1986 and it was dammed almost all summer, it broke in October. But scientists are saying that this is going to happen again and when it does it's going to be a permanent closure. What this will do then is -- in the 1986 closure it was raising the Russell Fjord at a rate of about 12 to 18 inches a day from the run off from the glaciers and so forth. And it was just about ready to spill off into Situk Mountain Lakes and the Situk River. If that ever happens -- well, whenever the Hubbard Glacier closes off again, it's going to be permanent and eventually it will spill off and it will change the whole Situk River system. It will be no longer a fresh water system but a glacier system, which would take many, many years, we believe, you know to restore itself again, if ever.

So what's happening is that we're kind of looking ahead here because if that glacier closes off, damages the Situk River system more and more of our Yakutat people are going to be going back to the Dry Bay area, you know, to take care of their subsistence needs. And with the declining of the East Alsek River system, over the past few years, you know, we want to see -- find out what's causing it and see if we can start a restoration program so that those resources will be there when we need it.


MR. LITTLEFIELD: Mr. Chairman. Earlier we looked at Page 16, which was the Southeast Subsistence Fisheries Monitoring and Doug McBride walked us through some of this, we found out how much money we had available. This project is listed under stock status and trends, the last bullet item under number 1. I'm somewhat reluctant to support this, although, zero check fisheries on here are really interesting and I think we have to investigate them more as well as the chinooks that are zero checks, but I think what we're doing is preempting this. If we were to support this now we would not even have a technical review committee look at this and I think we're jumping the gun here. And I like this project, but I think we're jumping ahead of ourself by at least one meeting. And I think I'd like to see more information on this. We only have $468,000 available and if you look at these projects, subsistence harvest monitoring and TEK projects exceeded that. So we're going to be cutting somewhere and I would like to -- when I prioritize projects I would like to look at all of them so I would like to see this looked at in the fall.
MR. ADAMS: Mr. Chairman, thank you. And John, just for your information this will be reviewed by the technical people. I think what we're looking for right now is support from this body so that it will have an easier time getting through to the Federal Subsistence Board. Am I correct in that, Judy?

MS. GOTTLIEB: Mr. Chairman, I think both Bert and John are correct, that you will still have time to look at the proposals. The technical committee as well, of course, the Board puts a lot of weight on when the RAC does support something. But the technical committee will be reviewing this as well as all the other projects that are to be looked at for Southeast and no final decision will be made until after the fall.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: I agree with John. You know, although we support this I don’t think we should take action now until we do see the full package because we need to see what other proposals have been submitted by what tribes and say, okay, this is what we want to go forward with and if we, you know, face a situation where the needs are greater than what we have then we may have to prioritize again or we may have to just seek more funding. But we do have a process to follow and I think we need to follow that.

CHAIRMAN THOMAS: There's other action that the Council can offer, so what's the wishes of the Council under discussion? John.

MR. LITTLEFIELD: Mr. Chairman, I will make a move to table.

CHAIRMAN THOMAS: Move to table, is there a second?

MR. STOKES: I second.

CHAIRMAN THOMAS: Non-debatable. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed.
(No opposing votes)

CHAIRMAN THOMAS: Okay, this is tabled until the Council feels a little more comfortable in dealing with it. I would like to say that I like the way that this was put together. Who put it together, Bert?

MS. PHILLIPS: This is very well done.

CHAIRMAN THOMAS: Yeah.

MR. ADAMS: Mr. Chairman, the way that this proposal was put together was a consortium of a group of people from the community of Yakutat, which involved the National Park Service, US Forest Service, Yakutat Tlinget Tribe, Yakutat-Kwan, it was just a grassroots efforts of everyone who had a special interest in that system down there, they got together and they addressed it. We came out with four different proposals and we're going to try to get all four of them done, year after year after year. That's our plan, thank you.

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Mr. Chairman, I agree, this proposal is very well done. It has all of the things in it that I like to see, there's partnering. And I think if we weren't faced with a money crunch it would be a no-brainer. And I think that we need to make that clear to the Federal Subsistence Board, that these projects that are being presented to us, I think all have merit. Last year we had to cut projects that had merit and I think the underlying problem is we need more money and I think that should be made well aware to the Federal Subsistence Board and any others.

CHAIRMAN THOMAS: Okay, thank you. Thank you, Judy.

MS. GOTTLIEB: Thank you, Mr. Chairman.

CHAIRMAN THOMAS: Five minutes.

(Off record)

(On record)

CHAIRMAN THOMAS: Okay, we'll come back to order. So far we've heard from the Forest Service, the
50 Park Service, other tribes.
MR. CLARK: No.

CHAIRMAN THOMAS: No.

MR. CLARK: Mr. Chairman, Sitka Tribe is next up.

CHAIRMAN THOMAS: Sitka Tribe.

MR. HOPE: Thank you, Mr. Chairman and Committee. For the audio recording, my name is Gerry Hope, treasurer to the tribal council, Sitka Tribe of Alaska. And Jack will introduce himself, we're going to tag team the Sitka Tribe of Alaska report. First of all, I'd like to say thank you for the Council committee on your vote regarding Proposal No. 4, that was a critical vote and we see that, yet again, as something that the committee continues to demonstrate and that is the sensitivity and support and understanding -- intimate understanding about Alaska Natives and their existence in Southeast in the communities. You continue to hold your meetings where, as some people phrase, where the rubber meets the road, where the boat meets the ocean, whatever, the phraseology that you want to use, but obviously that makes a big difference, you don't stay in Juneau nor do you stay in D.C., or Anchorage, away from where people utilize their existence. And your vote on Proposal No. 4 demonstrated that clearly, once again, as I say a big thank you.

CHAIRMAN THOMAS: Gerry, can I interrupt you for just a second?

MR. HOPE: Yes.

CHAIRMAN THOMAS: While we appreciate the comment, we're not a race oriented advisory council, we're a population and area, so we look after the cultures of the Native and non-Native on an equal basis, just for the record.

MR. HOPE: And I appreciate that clarification. For the record, my compliments and my stroking of you still stands.

(Laughter)

MR. HOPE: A couple of other comments, in the report to you, Mr. Chairman, first of all, I don't have a written report so hopefully the record taking -- the
50 verbal report will be something that will stand in
I do want to say just a couple of general statements, first we do have a memorandum, the Sitka Tribe of Alaska has a MOU, memorandum of understanding with the Forest Service, I believe the Chatham area, and that's been long standing. The STA also has an MOU with the Sitka Park Service, that's been long standing. Those kinds of documents provide a real vital instrument, if you will, in having a continuing dialogue that is meaningful in developing a critical relationship in items on a year-round basis that are very important for us to try and get a grasp on how we're going to deal with the management of the land, resources, et cetera. While it's not a perfect world, at least, that provides us some sense of instrument where we can have a dialogue in this unperfect world.

The Kianee Commission (ph) is something that was established by the Sitka Tribe of Alaska. Some of you are familiar with that. While it's something that you're familiar with, it's something that we still feel that is important to sometimes state the obvious even in reports such as this. It's with the establishment of the elders and tribal citizens of STA that really make this an engine of perhaps opportunity that would advance some critical areas that are not fish, that are not animals, but yet are plants and therefore we feel this commission, with the elder's knowledge, we're able to bring forward into the future some critical knowledge and keep those in our target area as well as far as proper management of.

I'd like to also state that the Sitka Tribe participates annually in the, what is termed, Common Grounds Conference with the Forest Service. This year it's going to be hosted by the Angoon IRA and I understand that it's going to be, not in the spring this year but in the fall time, which would be the first week of October so we look forward to participating in that, of course, but more importantly being a part of the planning process of establishing what that is. I highlight that, not for the purposes of the IRA, necessarily, or of the Forest Service, but hopefully there will be some sense of report that we can get from your body, Mr. Chairman, that would be able to highlight some of the things that would be informational, that those tribes who attend it and usually there's very good participation level of tribes at that Common Grounds Conference, who, possibly may not be aware of the critical issues at that point in time that are -- that would be important for them to understand. And it seems to me just
50 by way of the meeting that you've had over the past day and
a half, there are real informational items that are very, very helpful.

And also would like to, by way of saying, thanks, to Ms. Garza for her making sure to bridge contacts between the Fish and Wildlife Service, Teresa Woods, specifically and our STA staff. I know that Mr. Lorrian would be able to provide probably some detail in terms of a report, regarding that, perhaps to the whole body if Ms. Garza has already informed about some of the detail.

And also regarding some of the information that is helpful, I'd like to say contacts sometimes becomes real critical, in that, Bob Schroeder was able to speak with me in terms of TEKs. Hopefully this kind of format will, in terms of vision, Mr. Chairman, we could look at how we can expand the relationship between your committee and tribes in Southeast. I put the ownership on myself, not necessarily anybody else, but as I was sitting here and thinking about the report, it struck me that there is some very, very good pieces of information and very informative staff through the different agencies and departments as well as your body, as the committee, that really generate a lot of information, and so a vision came across my forethought almost immediately, and what could that vision be? I know that there are some specific things and limitations of your committee, but still, I just -- maybe I'm one of those vision-type people, I don't put that on the table in this report as something that needs to be nailed down but, yet, put on the table and kept on the table to, perhaps, have others have fun with and then perhaps create what that vision might be in relationship between your committee and the tribes.

But with that, Mr. Chairman, completes, at least, for the moment, my portion of the tag-team report from STA, and I'll turn it over to Mr. Lorrian to have him properly introduce himself.

CHAIRMAN THOMAS: Would you explain, for the moment?

MR. HOPE: It is time and memorial.

(Laughter)

CHAIRMAN THOMAS: Jack.

MR. LORRIGAN: Thank you, Mr. Chairman and
50 Council. My name is Jack Lorrigan, I'm the biologist for
the Sitka Tribe. Just to touch on what Mr. Hope said about
the grant that Teresa Woods from the Fish and Wildlife
Service applied for in our behalf and we thank her very
much for that was a subsistence habitat survey around
Southeast Alaska and that money came from the Royal
Caribbean lawsuit, if I'm correct and it was probably on
the order of $50,000 to go to the communities around
Southeast and talk to the elders or subsistence from those
communities about habitat areas where they used to get
various things, and we're probably talking about the
intertidal environment where they got abalone and seaweed
and such.

Two more things, the Council helped
approved the two lake projects, and real briefly those are
Salmon Lake, which is at the head of Silver Bay out towards
past the pulp mill. The issue with those stocks is that
ENSERA has a chum fishery at Deep Inlet and there's concern
that the sockeye and coho returning back to Salmon Lake get
intercepted by the chum fishery so there's a four-way
partnership with the Fish and Game, ENSERA, Forest Service
and the Tribe to work cooperatively on that lake. It's a
very public project so we're anxious to get going on that.
We have a -- the Tribe will be responsible for the weir at
the lake so we'll be counting sockeyes and coho into the
lake and then retrieving the bodies and they're going to
put radio tags on some of the adults and try to find out
where they're spawning for that lake.

Klag Bay is at the other end on west Chichagof, above Slocum Arm. The issue there is that
Redoubt Necker Lakes in this Sitka Sound area are very
important sockeye producing systems and Klag Bay is third
in line for that and there's not that much information
about that system so the weir will be in place to determine
run strength and sustainability of subsistence and whatever
commercial fishery happens out front, if those fish are
intercepted. And so that's what we'll be doing, hopefully,
for the next three years.

And that's all I have.

CHAIRMAN THOMAS: Any questions from the Council?

MR. HOPE: Mr. Chairman, while I don't have
a question, at the moment I do want to say there was an
observation about the budget issue. It's obvious that
there is a budget that was anticipated, but the amount is
50 less than what was anticipated. This is one area that
perhaps the vision could come into play and expand on. We are in a position to talk with the Congressional Delegation and perhaps our voice would be not viewed as the same as your Councils and I'd like to go ahead and offer to work with your committee to gain information, as well as the different agencies and departments that work with your committee, in order to get some detailed information we can go to our Congressional Delegation armed with that kind of information and demonstrate the need to get the funding level where it should be. I offer that.

And then finally, Mr. Chairman, I know that there is a tribal citizen, if I could extend a request from you to also have three sentence statement from one of our tribal citizens as well?

CHAIRMAN THOMAS: By all means.

MR. HOPE: Mr. Ray Neilson.

MS. GARZA: Just a minute.

MR. HOPE: Oh, sure, sorry Mr. Chairman.

MS. GARZA: Ray Neilson's never made a three statement presentation.

(Laughter)

MS. GARZA: So one of the comments that I would like to make to you is that Sitka Tribe's biologist or subsistence person has always attended our meeting, Ray Neilson, Jack Lorrigan, Wade Martin, I think even Norm Coller, and this last year was the first time that we missed them. They did not go to the Hydaburg meeting. So although Sitka Tribe has, my understanding, has faced some financial difficulties, I would hope that Sitka Tribe Council realizes how important their presence is at our meetings because Sitka Tribe is really one of the forefronts of promoting subsistence and ensuring subsistence from the tribal perspective. You do a much better job than Tlinget-Haida, than KIC or any of the other smaller tribes, and so we want to thank you for that support you have and hope that the council will continue to support that.

CHAIRMAN THOMAS: Thank you, Dolly.

MR. HOPE: Mr. Chairman, I really will take
that comment to heart and make sure that that message is
advanced to the rest of the tribal council. Fortunately I sit in a position as treasurer to be the finance committee chair as well. So also with that there will be some positive weight gained on that comment.

CHAIRMAN THOMAS: Thank you. Well, maybe you can explain to us some of the budgetary perils you have. Were you responsible for those?

MR. HOPE: Absolutely not.

(Laughter)

MR. HOPE: However, the perils that are going, I can say I have a positive hand in letting those go. I'd like to call on Mr. Ray Neilson if it's possible.

MS. GARZA: Wait, I wasn't done with you.

MR. HOPE: Oh.

MS. GARZA: One more comment is that the support that we would receive from Sitka Tribe to increase the funding for fishery monitoring projects would be exceptional and perhaps we could get from the fishery people a list of which projects were not funded so we can use it as a demonstration of our unmet needs. And if you guys pull together some type of lobbying effort than other IRAs or communities may be willing to get behind and support that also. Because I think that is what we're going to need in the next couple of years, is a lot more money than what we've been allocated.

Thank you, Andy.

MR. HOPE: Mr. Chairman, if this were an ANB meeting I'd have to fine Sister Dolly for calling me Andy, but this is not an ANB meeting, so I don't have the liberty of fining.

(Laughter)

MR. HOPE: However, I really look forward to gaining that technical information because that would arm us to the point where we would have a greater sense of success.

MR. LITTLEFIELD: Mr. Chairman, Jerry --
Andy -- no, anyway, I know you well. Anyway, when you ask
for this information I think that we have Staff people that
can give that to you and make sure that you have all that.
However, it's not only fisheries related projects that are
being cut and I think we need to look at the broader
picture here and include those in your support, that the
funds, total funds are inadequate for running subsistence
and managing subsistence. The most visible thing to us is
cutting our projects, but the overall subsistence area is
not funded. So hopefully you could include those in your
comments, too.

Thank you.

MR. HOPE: Mr. Chairman, those are the
kinds of things I really welcome. And those would be
exceptionally helpful in working, I'd be glad to expand
that picture to the whole picture.

CHAIRMAN THOMAS: Okay, thank you. I want
to hear from Mr. Neilson. Oh, this is Mr. Neilson, well,
maybe I don't.

MR. NEILSON: Thank you, Mr. Chair,
Council, Staff. My name is Ray Neilson, Jr., I'm a member
of the Sitka Fish and Game Advisory Committee, subsistence
seat and I participate in ANB and Sitka Tribe's customary
and traditional committee. Over this past year the ANB
catched up with Sitka Tribe and we no longer use the word,
subsistence, customary and traditional, it was a wonderful
day. I'm sorry I missed yesterday's meeting but I was out
harvesting herring for tonight's meal.

MR. HOPE: Were you successful?

MR. NEILSON: Did real well. And I really
wanted to speak a lot on the deer but I guess we were well
represented. But I live a lifestyle of subsistence,
customary and traditional, trade, barter, sell, share and
give away, that's what I do, other than advocating.

But I've been shooting deer from a boat for
a long time, since my grandpa started taking me out. We
started by shooting seal. If you can shoot a little target
of a seal, I mean how could you miss a deer?

Now, a couple of points came up in my mind.
We go along the beach, anywhere you see a clam -- where
50 there's cockles, they live near fresh water, so if I come
along the beach and my skiff touches where that water's coming out, to me, that's Federal jurisdiction and I look at it that way. Now, if the State wants to arrest me, go right ahead, I'll put up a good fight for it.

And speaking on sockeye, that's the other important one for us. That bay was robbed, you know, just flat out robbery by the fishing vessel Ciyu (ph) and I was getting ready to go down there to harvest sockeye, those are big beautiful sockeye, it's such a long ways away, you had to really prepare, Red Fish Bay, I had a tow-down, we were going to camp out, can up the first days catch, next morning we'll bring them in fresh and get towed back. Of course, that didn't get to happen. And two weeks ago the trial came up and it lasted for seven days and I was there every minute, I wanted these guys to be hung. They were there and they robbed the bay right in front of other fishermen and unfortunately in front of a camera and that was their downfall. That's admissible evidence in any court of law. And while we were waiting for the verdict, boy, my heart was just pounding, I said, please don't let these guys go. So sentencing is supposed to be right now but it's been postponed until April 13th and then with the tribe, ANB, Native community and since I'm on the advisory committee I have to represent the non-Native community, too, so I guess we're going to go on the with State against fishing vessel Ciyu, but also some of us with a history, we can prove it, we're going to try to sign on a civil suit, too. Now, you're talking about loss of monies, well, that's a very important stream to us. It's within the parameters of Sitka Tribe's customary and traditional area but also it's (In Native) land, my clan, it's a very beautiful place, very beautiful fish. Now, STA had filed for monies to monitor it. Well, I think the reason to monitor is even more so now. The fish -- we won't know the results for another three years.

There's three waves of fish that come in there. First one comes in goes up. The second one that was wiped out, they're gone. There's a third run that comes in, too, but by then the subsistence season is over, August 15th, it doesn't matter. However, I have done it before, up there doing some other projects, they're so thick, you can catch them by hand. But if I would have went down there it would have cost me a lot of money for nothing. And fortunately those guys got caught, good for them and good for me and good for the community of Sitka. I would just like to see something happen to them and we'll know real soon.
And to me, you know, I want the Federal agencies to take a good look at this because it's going to affect us. We'll go down there and we'll have to go in early -- early in the month to harvest the sockeye and two or three years down the road, maybe four, it's not going to be good, and very unhappy. Now, Sitka Tribe, we're getting all set up for to do the monitoring and I would like to be part of that, too, but first of all we need the Feds to come up with the money so we can help monitor that place.

And I heard you folks talking about non-fish, non-food items, Kianee Commission, well, I've been involved in that since it started at the tribe. Very interesting field, you know, subsistence by-products. And we worked well, we had meetings in Juneau and Phyllis Woolwine worked very well with us and the Kianee Commission is set up real good. We're due to have a conference -- a Southeast Conference next week which has been postponed.

And for tonight, we're having fried herring by the Sitka Tribe's cooks, and I'm not a cook this time but you can have the herring, courtesy of the F/V KOKU QUEEN, Captain Leonard Skeek. Thank you.

CHAIRMAN THOMAS: Why aren't you cooking tonight?

MR. NEILSON: I'm right here. Well, I was out yesterday, too, harvesting.

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Thank you, Mr. Chair. Ray, I have a question about the sentencing of the vessel is apparently going to take place on April 13th, are any of the organizations that you are affiliated with, are you going to try to make a presentation to the judge on how important this stream was to subsistence users, maybe you or the tribe or some other organization you're on?

MR. NEILSON: Yeah, thank you, John. Well, during the trial I got to be good friends with the prosecutor, Mr. Patrick Gulifson (ph) and talked to him about my involvement in the case and important to me because of my history of going down there. I told him that we'll wait and see what happens and I told him, well, I'm with the ANB, Sitka Tribe and advisory committee and individual, so somewhere there would be all four of us, but personally, you know, if we could find a way in the law, of
course, I want to be part of that civil suit against them.
I mean it's a great damage they've done. If they could arrest us for one fish, those guys took out 50,000 pounds. So that's a lot of sockeye. And I want to be compensated somehow, whether part of the equipment, monies to go back into Sitka Tribe or the monitoring; something needs to be done.

CHAIRMAN THOMAS: Thank you, Ray. That's another good example of the position that the subsistence community around the state has been trying to convey to managers, that we're as good of law enforcers as anybody because we recognize when a species is in trouble or whether a system is in trouble and we will not tolerate and standby and watch it continue to happen in front of our eyes without doing something. And I'm glad that the record's going to reflect this action and thank you for sharing that with us. Maybe I'll go tonight after all.

(Laughter)

MR. HOPE: Mr. Chairman.

CHAIRMAN THOMAS: Do we have any hope?

MR. HOPE: Lots of hope, Mr. Chairman. While that would appear to complete STA's report, I'd like to state for the record that Mr. Neilson did stick to his three sentences, there was a lot of commas in there but he did stick to his three sentences.

(Laughter)

MR. HOPE: And also I'm really happy to report to you that while the herring did not spawn, we have no control over that, we do have fresh herring for you tonight.

CHAIRMAN THOMAS: Do they got eggs in them?

MR. HOPE: Thank you. Pardon me?

CHAIRMAN THOMAS: Do they got eggs in them?

MR. NEILSON: Most definitely.

CHAIRMAN THOMAS: All right.

MR. HOPE: Thank you very much.
CHAIRMAN THOMAS: Thank you, STA.
MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: Mr. Chairman, David Belton from Hoonah Indian Association would like to address the Council.

MR. BELTON: My name is David Belton and I'm a new hire with the Hoonah Indian Association. Mr. Chairman, I have just been hired in the position of director of cultural and natural resources, where I hope to encourage our individual tribal members to become more involved in the process and to join forces with many strong alliances that I'm seeing are available to them. Today, I bring regards from Mary Rudolph who I spoke with yesterday, she's sorry she couldn't be here.

I don't have anything formal to report. I wanted to introduce myself to the Council. I want the Council to know that we, of the Hoonah Indian Association, my bosses, the administration, wants to become more active in a process that they see is very important affecting issues that directly involve the people that I represent. And in speaking with individual members through a series that I've had recently, several issues have come to the forefront, several of them I've heard represented here today, so this, more than anything, is a part of my orientation and training and I'm very happy to be here.

Briefly, the main concerns concerning the subsistence issues that I'm hearing are concerns about increased competition with commercial/charter, sport operations that are coming into the area and it disturbs me when I hear about charter operations that are allowed to bring fishermen into areas that have been closed off to our subsistence users. It's my understanding from the legislation that I've been reading that subsistence has, in the past, always been given a priority and I know that that's an issue with the Council and, we, at the Hoonah Indian Association are also very concerned that subsistence be reestablished as a priority. And in our particular area, our areas of main concern are Port Frederick and Excursion Inlet. And it has to do with the availability of the stocks that are there. They seem to be much decreased from the past. And they would also like to see some additional species added to the subsistence species recognition list, primarily coho and chinook salmon.
And other than that, I want the Council to
I know that I will be working very hard to come up to speed on the issues that you deal with and I hope to strongly represent the people of the Hoonah Indian Association as I continue to understand more about their desires and their needs. I'm happy to be here today.

CHAIRMAN THOMAS: Thank you very much.

It's good to see you again. One thing I would like for you to take back is you've been able to witness a good demonstration of what a tribe can do when they work together. And so what needs to happen, in order to keep up, there's a bunch of publications out that have the Federal subsistence regulations on fish, Federal subsistence regulations on wildlife and these kinds of things and I think there's copies here available. The people in the community need to review those and see if they're happy with the regulations that mostly affect them. If they're unhappy with it, there's a proposal process and a time line I think listed in those publications on how to go about making it to suit the communities better than what it's doing now. And if it was changed last year that doesn't mean it can't be changed again to make it fit better. So I think that would be -- that would be community involvement and our job is to transport the findings of the community. We just digest them here and take them to the Federal Subsistence Board for their consideration.

So if you could do that, that'd be wonderful.

MR. BELTON: I'll take that message back with me. At the current time, this week, I'll preparing proposals that are due at the end of the month. We've held a series of meetings to come up with the issues that will be represented in those proposals. March 1st was my first day and I think the second day I was at work, I attended a meeting sponsored by the Forest Service where they introduced to me, for the first time, the opportunity to make proposals regarding the fresh water regulatory changes that we have still an opportunity to participate in. So I want the Council to know that we are actively putting those proposals together and hopefully in the future you'll see more involvement and participation by the people that are represented by the Hoonah Indian Association.

CHAIRMAN THOMAS: Good. Appreciate it. Good to see you again.
MR. BELTON: Thank you.
MR. LITTLEFIELD: Thank you, Mr. Chair. Welcome David. I'm glad to see you here. I was wondering if you could also do us one additional favor that you could take to the Hoonah Indian Association. You've heard several discussions, I've noticed you've been here on monetary problems, and the way to successfully get money is to have other organizations request that we fully fund whatever it takes to manage subsistence and fully fund the fisheries programs. And if you could do that and they felt like doing that, I would appreciate that.

And also I'd like to let you know that tomorrow, while it's not on our agenda here, is a day devoted to effective writing of fisheries proposals and you may well want to attend that, that's a public meeting, too. Thank you.

MR. BELTON: Yes, sir, I am aware of that and that's the other main reason why I'm here is to attend that proposal writing workshop that's being offered tomorrow.

CHAIRMAN THOMAS: You know, I saw him in Hoonah, he was manning the video camera, I thought sure he was from CNN. And if I knew he was a local yokel I wouldn't have postured so much. Thank you.

MR. BELTON: Thank you, Mr. Chairman.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: Mr. Chairman, the next section on the agency and tribal reports is from the Alaska Department of Fish and Game. Ben VanAlen is up. Hi.

MR. VanALLEN: Hello. My name is Ben VanAlen, I'm with the Alaska Department of Fish and Game. I'm with the Commercial Fisheries Division right now and I'm somewhat been asked to summarize some of the stock assessment programs that we've got. We've heard from a couple people, Bert, talked about some projects in the Ketchikan [sic] area and I'll try to kind of put a little overall look at the whole thing. What we have now is really a whole suite of lake projects that total 15
50 projects, 15 lake systems here in the region that are now
to be funded and they're all basically cooperative projects
with cooperators being the community associations from
Hydaburg, Klawock, Wrangell, Kake, Angoon, Sitka. So we've
got seven communities involved with this and then two main
agencies, Forest Service and Alaska Department of Fish and
Game.

There's over 200 sockeye producing systems
in the island/coastal area, Yakutat through Archipelago
here and this doesn't include the main transboundary rivers
and I've been involved with salmon stock assessment for a
bunch of years here in Southeast and it's sad to see us due
to funding limitations not being able to carry on a lot of
the stock assessment projects we've had, literally back in
the early '80s. Most of those have not continued literally
until right now. All of a sudden we now are basically able
to do what is, I would consider, the bare minimum as
stewards of the resource to monitor, number 1, is what the
annual escapements are doing in kind of a representative
selection of systems that are important producers of
sockeye, in particular, as well as important to the
subsistence users in various communities. So we went from,
like last year, just doing, we've had ongoing projects at
Hugh, Smith, McDonald near Ketchikan, Speel Lake has
started up again part of a hatchery monitoring thing, Auke
Creek been operated for many years, Chilkoot and Chilkat,
we've had weirs on those systems and then Situk. We've
also done some work at Falls Lake and Sitko. But of all
those, you know, 200 sockeye systems, those are the only
ones we've really had any, I would say, reliable stock
assessment information for which the monitor trends and
escapement, you know, of the stocks, you know, increasing,
decreasing, you know, what, if anything, is the status of
those runs.

But now this coming summer we'll have these
basically 15 systems on the island systems, mostly off the
mainland and I'll just -- let me see, and what I, in just
looking at here, Jan Conitz, who's here has compiled a
little summary of what we're doing and I'll make these
available. We'll have to make more copies. Jan also put
together that poster that we seen on the wall out there
that kind of gives a geographical reference to where these
systems are.

But basically, we've got a project
coordinating with Hydaburg at Hetta Lake, and that's
basically the index of sockeye escapement into Hetta Lake
and get an estimate of the subsistence harvest there. So
50 it's a combined harvest/monitoring, escapement/monitoring.
At Klawock, that's a one really full stock assessment project which goes all the way from complete operation of the weir -- looking at the fact there's limiting production in the lake through the lineology data. We'll be doing some smolt work there. We'll be doing some harvest monitoring there so that's a full package. And then we get to these systems, which I call the trilogy projects. With the community of Wrangell, we'll be doing indexing the escapement to Thoms, Luck and Salmon Bay systems.

So basically for the same prices we're putting into Klawock for kind of a weir project, we're now able to take that same amount of money, we hope, and index the escapement in three systems. So for Wrangell, that's Thoms, Luck and Salmon Bay. And then with Angoon, we're going to do Kanalku, Hasselborg and Sitko Lake. And then with Kake we'll do Gut Bay, Kook and Haaktaheen. So those projects, we hope to, at the end of this year, have a reliable index of escapement in there. We're not saying that we're going to estimate the total escapement, but we're designing a study or program that so if done in a consistent manner over time, each year, we'll be able to assess the trends and abundance. And in some cases we'll actually be probably able to come pretty close to an estimate of the total escapement.

And then the other two projects we're doing are Falls Lake and Klag Bay and also Virginia Lake and Salmon Lake. And those ones all involve weirs or camp, you know, project -- stationed there for the summer to estimate escapements going in this system through the summer. We'll be doing some harvest monitoring at some of those, too. And Virginia Lake's a fairly complete project, including an objective to count both the sockeye and the coho and the fishery contributions.

So that's basically the summary. So here we sit now with all these great plans, next year at this time, we'll hopefully be able to summarize our findings. And where we sit now with really very little reliable estimates of what those stocks are doing, what the status is of those stocks, we'll at least have some information to work from. I would hope that we'll kind of go into this funding of these kinds of projects as funding then for the foreseeable future. Certainly some might not work so well and others we might want to do, you know, certainly we've heard Karta and I support that, Red Fish is another great one. Maybe other work, including hooligan, I don't know, I'm just saying these are other things for us to compete
50 for the available funds. But you know, the real value is
in the long term monitoring of escapement, because that's what literally is the most important thing for all users, be it subsistence or others to maintain the habitat and maintain escapements and then the battle's, you know, there for allocating that resource, but at least it will be a healthy resource from which to allocate.

CHAIRMAN THOMAS: Well, thank you. I have a question that just now came to mind. With all the years of doing this it never occurred to me to ask, how do you folks determine thresholds in terms of health of stock with regards to fish? Maybe I'm not phrasing my question real good, but I don't know how to improve on it. Do you see what I'm saying?

MR. VanALEN: Yeah. And I think you've got a -- you know, it's the assessment of what is the health of this stock, what is the status of this stock. It's an art, clearly. And I'll just bring up one example then, and it's usually -- it's a template from which we're working from right now, and that being Sitko Lake. On the figure on the wall there, we'll see that the subsistence harvest at Sitko has shown quite a drop here since the mid-80s. And we haven't had any -- didn't have any program in there to index the escapement or survey the escapement. It's a very typical system, sockeye enter the lake and they're kind of not really visible anywhere until they get on the spawning grounds and sometimes that's a little later in the fall, we're actually talking late September, October and what not, and so we don't do much flying then. And frankly, for about four years there, I think we counted no fish one year and 100 one year, 200 in another, from other years where we had counts up to 2,000. So that raised a flag right -- it ought to have. Fortunately, we got together some money with various sources including help with the Forest Service and operated a weir there and it's accompanying marker capture. The estimate that year, I can't remember exactly what -- it was like escapement of about 14,000, and so to me, I went, oh, 'God, thank goodness, you know, at least, you know, given the size of the lake and what we observe on the spawning areas, you know, that seemed to be an adequate seeding of available habitat. And since that, we have actually gone in and done these exact same indexing studies that we're proposing with these other lakes at Sitko where we go in the spawning ground and then we mark fish on one day, examine them for marks on the next and we fly back, in this case, to Juneau or Sitka, and then we go back out another 10 or 14 days later and do it again, so we're getting an index of the escapement that's in the main
50 spawning area there. And our estimates from that work are
ranging between, you know, like 5,000 and 16,000 fish in
these last six years.

So, yeah, the run is variable, but it's at
least within a range that I think it'd give -- at least it
gives me some comfort that the health of that stock, or the
stock is not in crises or declining, let's say. So I feel
much -- I'm glad that we have that kind of study and that
we're funding similar ones. And, you know, at the same
time, you know, I've got questions on, let's say, Kook, you
know, we haven't actually been in there as a department, we
don't have any program in place to assess the escapement,
whether we think it's adequate or not, but now we will this
coming summer.

CHAIRMAN THOMAS: Thank you. John.

MR. LITTLEFIELD: Thank you, Mr. Chairman.
Ben, do you do any studies on the carrying capacity of
Sitko Lake, you mentioned the escapement, and the relative
health question asked. I think that's somewhat driven by
the carrying capacity of that lake, and have you -- in
these studies do you make a judgment of what the carrying
capacity of the various lake systems are?

MR. VanALEN: Yes, we will. Basically what
we'll be doing at some of these projects where we have full
work, that'd be in Klawock and Falls Lake and Salmon Lake
and Klag, we're going to be doing a little more work there
in those systems looking at water chemistry, zooplankton
work, perhaps smolt work in some of these. And that's all
additional information needed to estimate, again, the
factors limiting the production of sockeye. It is a
nutrient-based -- the carrying capacity of the lake.

There's that whole effort to estimate what
the carrying capacity of a lake is. Is, again, an evolving
science. There have been a number of models and we
actually use three of them at the present time to kind of
get a rough feeling of what that carrying capacity is. But
I'd have to say, frankly, that the proof is in the pudding,
what is the actual observed relationship between how many
fish we put in a system, escapement and what the resulting
production is. Whether it's production of smolt or adults,
I'm just saying, you know, what's that actual relationship.
And we are trying, in addition to those four that I
mentioned, with the full assessment, we're going to collect
as much of that information as we can. We're going to get
the four zooplankton samples for the season, we're going to
get water chemistry, we're going to get temperature
profiles, all this kind of baseline information that we'll need to work from to assess the carrying capacity. But I'd have to say, you know, it's going to be a little bit difficult right now just saying that this lake is under utilized or has available rearing capacity for a lot more fish. I don't know, that will be -- but let's say, here I am 10 years from now, we have had these projects in place and we've been monitoring the escapements and the terminal area abundance, that being the subsistence sport catch in that area and plus the escapement and we can put together an assessment of the spawner recruit relationship, and from that information it's informative as to what the status of your run is. Is it, you know, simply -- simply put, does it look like the more fish you put in there the larger the escapement, the larger the run, that the production is limited by the escapement? Or are you, hopefully, out of that zone, where you're production is dependent mostly on natural variations and survival. That we do have escapements, at least, high enough so that it's mostly other factors, non-escapement factors that are limiting production. And of course, the whole value of carcass dried nutrients is certainly there. And I think it's one of our work to put together a historical perspective on, it's -- I guess a historical harvest history, which I translate to as kind of a overharvest history. Where, you know, from the very first fishing that occurred in the region, we were overfishing stocks, individual stocks. You know, this would include Hetta, Auke Creek and all streams in between. And I actually think we're still rebuilding from that overfishing that began in the late 1800s.

CHAIRMAN THOMAS: Butch.

MR. LAITI: You mentioned Klawock Lake, you said you had a stock sockeye enhancement program going?

MR. VanALEN: Well, there is a sockeye enhancement program at Klawock Lake that is not part of our work necessarily, but it's where we'll be looking at the enhancement effort in recent years as well as historically. You know, timber harvest history, fishing history. All those, let me see, factors that could have an impact on the health of the natural runs.

MR. LAITI: Down there in Hydaburg last fall they were saying historic runs there were 200,000 a year, do you know what they are now?

MR. VanALEN: Let me see, yeah, right now,
50 we don't know what the actual commercial harvest is, say in
the District 4, seine fishery. For example, we could come up with some sort of a reasonable guesstimate of that. But what we've had is the subsistence harvest each of these recent years and it's on the figure outside. I think we'll see that it goes between six and 10,000 and probably the escapement is around that level, six to 10,000. So it's variable but appears to be steady at the present time.

The historical value that's -- you mentioned, as a point of reference of 200, 250,000 harvest around 1908 or so. It's hard to interpret that exactly. One thing I would say about that is that level of harvest clearly was not sustainable for one. So if we are -- it would be an unrealistic expectation for us to get back up to a harvest of that level.

MR. LAITI: That was just what the locals were saying down there.

MR. VanALEN: Right. And that was the harvest reported from the local cannery there. But looking with a good read for all of us, to read those early reports by Bean and Moser and what not, but they talk about within six years of a home cannery -- a cannery put on a home stream like Klawock, within six years the fish that are being canned come from out to -- streams 60 miles away from that cannery. Literally they -- through efforts of barriering and fishing right in the stream, they basically fished into those. Into the escapement dramatically and they had to go to adjacent streams to meet their case pack requirements which gives a total harvest of a probably a lot more than was really produced from that stream.

MR. LAITI: Okay. I was just wondering because they were saying recently it just declined so I was just wondering why the reason that was, commercial fishing then?

MR. VanALEN: Actually I don't believe that's the case. I believe when we put all the numbers together, we're going to see that we're actually -- there was a decline, certainly in the '70s, I think, but I think we're slowly building out of that. There's a lot of questions that should be before us, you know, one would be the benefits from the ongoing enhancement effort, might be one that's....

MR. LAITI: Thank you.
CHAIRMAN THOMAS: Floyd.
MR. KOOKESH: You mentioned that in Sitko Bay -- Sitko Lake, there, that there's a decline in subsistence harvesting in the '80s. Historically, I've been one of the people that always fished, subsisted there. Do you know why it declined -- there was a decline? I can give you my answer but I'll wait for yours.

MR. VanALEN: Well, that's a good way to put it. I don't know. All I know is that it's basically, here through the '90s, there's been a drop in reported subsistence catch from Sitko. And I don't know beyond that.

MR. KOOKESH: Do you believe it would be based on the quota of 10 per permit?

MR. VanALEN: That sounds like if that has been a reduction in X per permit, that certainly would have a limiting.....

MR. KOOKESH: Yeah. We tried to be very conservative when we subsisted there but every time we used our seines, we could hold five permits but our seines weren't designed just to catch 50 and no matter what we did we always felt like there was a violation occurring here. I believe a lot of people were affected by that, mentally, because every time we set our seine go, no matter how small it was it was just -- we had -- the numbers were more than just....

CHAIRMAN THOMAS: 10,000?

MR. JOHNSON: More than the -- well, I can't tell you.

CHAIRMAN THOMAS: Uh-huh, okay.

MR. KOOKESH: I don't want to -- I'm just curious.

CHAIRMAN THOMAS: OFFICER:

MR. KOOKESH: My other question is, the number is 10, is it still going to stay 10 or what were the numbers showing for Sitko Bay, is it showing it going up now or is that 10 ever going to change?

MR. VanALEN: I really can't answer that right now. I don't know. I guess, you know, the best way
50 to answer questions like that is to work from data. You
know, so if we show now -- if we take this information that we now have six years of escapement records to our local area management biologist who actually makes the call or maybe now, in cooperation with the Federal folks, just in this whole overall assessment, you know, they look at that and indications from our in-lake work is that that lake is -- you know, the run is fairly healthy and it could support an increase in subsistence bag limit, whatever, then that would be a wise decision made from good reliable data.

MR. KOOKESH: And I had one more question. I noticed in your discussion, I don't know if you mentioned, Kanalku, did you?

MR. VanALEN: Yeah, I should have. We have Kanalku, Hasselborg and Sitko projects being cooperated with Angoon.

MR. KOOKESH: Have they gotten off the ground yet?

MR. VanALEN: Yeah, we're just getting them up and running. There's very -- lots of things have been done to prepare for that. There's a lot of work between Angoon and the Department and the Forest Service to get these projects up and running for this summer.

MR. KOOKESH: My observation for Kanalku, it's an observation, it's not a question, is that, we've seen -- the community has stopped going to Basket Bay because of the crab pots that are all over the area and from the limit of 10 in Sitko and the community has basically put all its money into Kanalku or all its fishing, that's where it makes its effort, and we see the return as being very healthy and hopefully you'll give us that same report back.

MR. VanALEN: Yeah, I actually think that we'll be generally pleased with escapements in most systems, Kanalku, Hasselborg would be a good example where we don't really have any counts now, we're going to, I think, based on just, you know, some surveys done that I think we'll be in the comfort zone, in other words, that there isn't concern regarding the subsistence effort or the overall exploitation on those stocks.

CHAIRMAN THOMAS: Does your office have access to historical calculations with regard to estimated populations of different systems with regards to sockeye
50 going back 20 years? Do you know whether that's available?
MR. VanALEN: In some systems, yes.

CHAIRMAN THOMAS: The reason for my question, is because I'm of the impression from being around these systems all of my life, that for many times they were consistently strong and healthy. And I was just trying to get a feel for maybe within the 20 year period of when all this started to change and see if there was anything obvious that contributed to reducing the strength of those. I guess that was my curiosity.

MR. VanALEN: Uh-huh.

CHAIRMAN THOMAS: I hope it's not an unfair one.

MR. VanALEN: I think -- yeah, let me see, there's a couple different sides to it. What we have really is historical high abundances of sockeye in some areas throughout the region. This would belike our transboundary rivers and in Chilkat, you know, our escapements have been around 200,000 or more in recent years, since '93. And so I mean we have that and also actually around this area, Sitka, Necker Bay and Redoubt, not this last year but the year before, you know, had one of the higher escapements, 54,000 or something. And it appears that Redoubt is kind of rebuilding over time. We've got great escapement, it appears at Ford Arm Lake. And so it's a real mix. And like I say, I really think with some of those smaller systems, we're still in the mode of rebuilding overfishing, escapement bottleneck that was generated in the late 1800s.


MR. LITTLEFIELD: Thank you, Mr. Chairman. I have another question for Ben, and that's most of these projects that were mentioned were fisheries information monitoring projects that you talked about. And I was wondering if the State had, with the Governor's Fund money had funded any projects of a similar nature to these so we could get some additional monies other than Federal money?

MR. VANALEN: Let me see, I'm just thinking real quick, with the State Governor's Fund money or they call sustainable salmon funds, have funded now five essentially new or completely funded five coho stock assessment projects including Nocrocena (ph) here, and
50 Unik, Chickamin, and just a second, anyway, and some work
on the Taku River. So that's all kind of in the vein here. Here we have, right now, we have four and are developing five indicator stocks, there's over 2,000 coho producing streams in the region and we're indexing the escapement, actually managing for escapement in all those coho streams, via, you know, only five indicator stocks. And now we've got a few more. Now we'll have our first indicator stock on the west coast of Prince of Wales, for instance, even though we all know there's many coho streams there. So that's a real thumb's up for the Federal sustainable salmon funds money.

We'll also have some money to improve our escapement enumeration and assessment of the status of the Chilkat, Chilkoot sockeye, which is kind of great because the Federal money we were talking about in these projects can't be spent in the Lynn Canal area basically because that's not Federal lands so I'm really encouraged that we'll have improvements in our escapement monitoring and stock assessment projects out there for sockeye.

Other things that the Governor's Fund money which they announced just a couple of days ago that we'll have is to implement our treaty. It's a Pacific Salmon Treaty, things in the boundary and transboundary rivers. It's actually integral to this work. I mean we all want the same thing, we all want healthy runs. And for us to keep those runs healthy, it takes this international cooperation in the treaty for the transboundary rivers as well as the boundary are. So we are getting some new money to, I'd say, to improve our ability to manage for escapements that are well within, you know, the level that they ought to be. And that's going to include work on the Alsek River and Stikine River.

CHAIRMAN THOMAS: Butch.

MR. LAITI: I was just wondering why you mentioned Auke Creek; those are the safest sockeyes in the world.

MR. VanALEN: Yeah, Auke Creek is a good one, I just use it as an example. This is a classic example where people, you know, they basically cut some trees down and barriered the system, wiped out the escapement, it only took nine years for that run to basically be decimated. This is the early 1900s. And then right away, through Federal requirement, they built a hatchery right there. In 1910 there's a hatchery at Auke
50 Creek. And no evidence of that ever produced fish, but the
theory back then and almost to this day is, you know, man
can do better than mother nature in the terms of boosting
for survival and so I mean that's the effort there.

I'd argue that, you know, we're still
rebuilding, probably the production at Auke, or that it's
current production is much less than historical production,
even though, you're right, it hasn't been subjected to any
directed fishing for years.

CHAIRMAN THOMAS: Marilyn.

MS. WILSON: Mr. Chairman. Ben, up at
Chilkoot we have a weir and for many years now our people
have been wanting to get rid of it. And there was even a
meeting with somebody down at the tribal house saying that
we could write to the legislature to change it and get
another way of doing fish counts, but we've lost a lot of
sockeye. I mean our commercial fishermen can't even fish
in that area anymore. And they used to have the commercial
fishing right up to the mouth of the river and we never
liked that either but we couldn't say anything. And just
steadily, we've lost our fish. One time I was on the
committee for the -- State Fish and Game Committee, Upper
Lynn Canal, and I think I was complaining about the
fishermen fishing up to the mouth of the river, and the
biologist told me that they didn't want the lake to be
overstocked, and you know before anybody lived around there
there was a lot of fish. You know, the carrying capacity,
like in Hydaburg, lots of fish, enough for the bears and
eagles. And I think sometimes we forget about the eagles
and the bears plus our customary and traditional, the
commercial, the sport fishermen and the tourists, so that
area is pretty well compacted. I wanted to ask you, is
that true, can we get rid of the weir, through the
legislature?

MR. VanALEN: I'd imagine that'd be a good
place to go. I'd encourage us to, again, look at what our
objectives are, and that's literally to keep the
escapement, protect the escapement, avoid the escapement
bottleneck at all costs. And a weir with reliable counts
is probably a good way to -- a good tool to use to be able
to make sure you're getting that escapement, and that
system is classic, in that, it's a couple of days removed
from the fishery. It's a short outlet stream there. And
so there is some real in-season management information for
all the users that would come from that weir, we just need
to have an open discussion of the benefits and concerns.
50 Because without the weir, it's maybe just analogous to not
doing any of these other studies that we're proposing, as
basically we won't have the most important piece of
information, that being what the annual escapement is, and
at that location, what it is through the run. So unless we
know of some alternate way to come up with a way to monitor
run strength or passage of fish into the river, you know,
I'd be reluctant to encourage the, you know, removal of the
weir.

Like I say what we want to do is not harm
fish at that weir and not hold fish back and all those
kinds of things, so we want to mirror mother nature as best
we can.

CHAIRMAN THOMAS: Mother nature's sense of
a weir is a cedar tree across the creek. Anymore
questions? Thank you very much. Okay, we're going to
reward all of your patience with a one minute break.

(Off record)

(On record)

CHAIRMAN THOMAS: We're doing good on our
agenda and we'll come back to order now. I'm not sure what
Fred had in mind for call for proposals to change Federal
subsistence regulations, 9e, second time around

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: Mr. Chairman, Cal Casipit will
be handling 9e, which is Tab F.

CHAIRMAN THOMAS: Okay.

MR. CASIPIT: Thank you, Mr. Chairman.

Again, Tab F is the actual time line and proposal form for
changing Federal subsistence fishing regulations. As was
mentioned earlier, the due date for these proposal changes
into the Office of Subsistence Management is March 30th so
we've got about a -- folks have about a week left. The
form itself is reproduced in the booklet, you can also
download the form from the Office of Subsistence
Management's website. It appears there on the bottom of
the third page in your orange book -- I'm sorry, salmon
colored book.
That's about all I had to say about the
form itself. Again, Terry Suminski in the back of the room, the subsistence fisheries biologist for the Hoonah, Sitka District would be available, I guess in this area to help assist with writing proposals. Any one of our fisheries biologists at the other districts can help people write proposals. I'll be available to help write proposals next week. If folks are interested I have a phone number I'll give you if you want to call me next week and I'm going to have my lap top with me so we can fill out forms right over the phone with you.

Also I wanted to note, too, thanks Fred, that Fred is coordinating a workshop tomorrow from 9:00 o'clock to noon to put on a training session on how to write effective proposals, fill out these forms. With that, I welcome the Council to talk about issues that they would like to see addressed for proposals next year. I'm sure that folks have ideas of what they would like to see in the regulations next year, so we're here to listen, I guess.

CHAIRMAN THOMAS: Thank you, Cal. Fred.

MR. CLARK: Mr. Chairman, I'd just like to mention that some of the Council members, because of the way the travel was set up aren't going to be available to attend the work shop tomorrow, but we'll make sure that Staff is keyed in to help you if you want to develop any proposals on your own over the next week. You can just call them up and they'll work with you one on one to develop any additional proposals that you might have in mind.

CHAIRMAN THOMAS: I have a hunch, when I get back to Ketchikan, the hooligan fishermen are -- when they're not wrapped up in taking care of their gear and everything, we'll probably develop something down there. So I'm going to wait and I'll work cooperatively with them.

MR. KOOKESH: Mr. Chair.

CHAIRMAN THOMAS: Floyd.

MR. KOOKESH: I heard Cal speak about people that were going to be available to assist with proposal writing. Is it possible, aside from teaching this core group proposal writing, to make this opportunity available so that the residents would know who to contact in our communities if they'd like to also do these
50 proposals writing because I know I'm not going to be here
for your proposal workshop and it is not my intent to write
proposals for everyone. I know he mentioned Suminski here.

MR. CLARK: Sure. Cal, maybe you can
answer this better than I, but all of the Forest Service
subsistence staff would be available. So are you talking
about doing a public service announcement or something of
that sort?

MR. KOOKESH: (Nods affirmatively)

MR. CLARK: That could be done if you think
it's a good idea to do so.

MR. KOOKESH: Well, I believe that the
opportunity should be made available in the communities. I
notice that it's being done very aggressively in more
communities than in others.

MR. CLARK: Right. Mr. Chairman, Floyd.
In the past, the way it's been handled is, you know,
there's a call for proposal that goes out and people are
responsible for filling out the proposals and sending them
in. We haven't done any proposal writing workshops in the
past so this is kind of a new thing. We're kind of
stepping out of that mode so we don't have it down
perfectly yet. So I think your suggestion is very, very
good and very well taken. But, you know this is kind of
the first time that we've thought about doing it in a
broader sense instead of just leaving people up to their
own resources to do so.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: It might also be good if, when
you get back to Juneau, if you could email us the list of
who can help in what communities and their phone numbers or
emails so that we can get that to people who would want
some assistance. Like for me, I know Kassan, very much
needs some assistance.

MR. CASIPIT: Yeah, I can sure do that.
For the Kassan people, probably their best bet is to get a
hold of Road Kill.

CHAIRMAN THOMAS: Okay, we got proposals
all covered, good job, Other new business. Dolly.
MS. GARZA: Mr. Chairman, I actually have two pieces of old business.

CHAIRMAN THOMAS: Okay.

MS. GARZA: And one is the Federal subsistence permit. I was on kind of an ad hoc committee that worked pretty much through email to develop a Federal subsistence form and it looks like we have one that is going to be the permit that will be used and Fred is distributing them now.

Fred, in the last email that I got it was like, okay, this is your last chance to comment, so is this the permit that we will be using now?

MR. CLARK: I think so.

MS. GARZA: And so speaking from, I think myself and Dave Johnson were, at least, two of the people from Southeast that reviewed this and I think our intent was to make it as simple as we could. The earlier permits had a lot more information and a lot more junk in it and we worked hard to make it, hopefully, as simple as we could.

And I know that permits are a thing of contention and my opinion has always been that I would prefer to list myself as a subsistence hunter and fisher than to get listed by sportsman association as one of the 15,000 sportsman who do this blah, blah, blah because I have to buy the sport permit license every year. And I think that it's good for the management of subsistence, but it's also good for the State and management, in general, to realize how many subsistence users we have out there so I think these permits will help do that.

MS. WILSON: I have a question.

CHAIRMAN THOMAS: Marilyn.

MS. WILSON: This permit doesn't have anything for handicapped, is that separate? I'll wait until their done.

MR. KOOKESH: See Cal.

CHAIRMAN THOMAS: Go see Cal.

MR. CASIPIT: Thank you, Mr. Chair.
Marilyn. Actually for the designated fisher type of deal,
that would be right under persons authorized to fish under this permit, it would be right under the permit number.

MS. WILSON: Okay.

MR. CASIPIT: So you could list folks who would be authorized to fish for you.

MS. WILSON: Thank you.

CHAIRMAN THOMAS: Where would these be available for pick up?

MR. CASIPIT: Thank you, Mr. Chair, at all Forest Service offices.

CHAIRMAN THOMAS: Thank you.

MR. STOKES: Mr. Chairman.

CHAIRMAN THOMAS: Dick.

MR. STOKES: Will this require a license along with this permit?

MR. CASIPIT: No. Under the Federal regulations you're not required to have a State sport fishing license to fish under Federal subsistence regulations. Also Mr. Littlefield asked about the criteria of how you would get this permit, well, first of all you'd have to be a rural resident of the region -- or a rural resident to be able to use one of these permits, obviously. Also for any specific fishery that has a specific C&T, you would have to have the specific C&T as well and that's listed in the regulation book as far as where all the specific C&T's are.

MR. KOOKESH: Mr. Chair.

CHAIRMAN THOMAS: Floyd.

MR. KOOKESH: Mr. Cal Casipit, can you explain to me the section on the one that says, I have received the permit conditions and the failure to comply will make you ineligible?

MR. CASIPIT: That section about the general permit conditions, we're working on those right now and those are basically the same regulations that appear in
50 our regulation book. We just wanted to be able to staple
the same regulations that appear in the Federal regulations so that folks would have those with them with their permits so they would know what they're authorized to take and where and that sort of thing.

MR. KOOKESH: Is one of the conditions for failing to comply ineligibility?

MR. CLARK: Mr. Chair.

CHAIRMAN THOMAS: Fred.

MR. CLARK: I'm looking at the law enforcement folks who know this better than I do but I think it's part of the existing regulations, that if you don't comply with the reporting requirements that you're ineligible to receive the subsistence permit during the following calendar year. I'm going to have to get help from the folks who know that part of the regulations better than I do.

MR. MEYERS: Mr. Chairman, I'm Marty Meyers with US Forest Service, Special Agent. Basically, yes, the Federal Register actually says that particular paragraph in the regulation as far as specifically addressing the conditions of the permit and the failing to comply with the reporting requirements. And since I don't have a Federal Register in front of me I can't tell you exactly where that is.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: While Marty's looking up that, I would just -- the first part of your question, I think, had to do with the, I have received the permit conditions, and that's what Cal was referring to, we were trying to develop a handout to do that. And in lieu of that, there's always the public regulations booklet and the Federal Register regulations so essentially you'll have three different sources that you can refer to for essentially the same information presently differently.

MS. PHILLIPS: Mr. Chair.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: This permit is required for
50 what's listed in the subsistence management regulations
00206 book? If you're not specifically listed then you go with
the State system, is that how it works? For instance,
Haaktaheen, it's not in here. I normally get a personal
use permit.

MR. CASIPIT: In that case, yes, you would
have to go get the State permit. This permit is only for
the Federal fisheries that's listed in the Register or the
public regulation book.

MS. PHILLIPS: And in order to get
Haaktaheen listed, then I would have to submit a proposal
to have it listed, what, as a.....

MR. CASIPIT: You would have -- essentially
what you would have to do is put in a proposal requiring a
Federal permit.

MS. PHILLIPS: Requiring a Federal permit,
okay. Thank you.

CHAIRMAN THOMAS: Dolly, then John. John,
then Dolly.

MR. LITTLEFIELD: Mr. Chairman, I saw this
a little earlier for the first time and I think I share
some of the concerns of Mr. Kookesh in making people
ineligible if they fail to turn this back in, that they
lose their right to do that for a reporting requirement.
And I note that over half of this is reporting
requirements. I was hoping to see a Federal subsistence
permit that basically consisted of only the top half of
this page, the first page. That you had a permit, and that
when you had that permit you were allowed to go fishing and
that was all you needed and that reporting requirements
were another separate item. But I am happy to see a
Federal subsistence permit in lieu of the State, but I
think it has a little bit more than I'd like to see in it.

Thank you.

CHAIRMAN THOMAS: I think so, too. It
looks a little burdensome, legal-wise. But it's probably

MS. GARZA: Mr. Chairman, I apologize, but
I guess I did miss the point on the ineligibility, and if
that's our concern, which it is, then I think we should
clearly state our objection and ask that it be removed from
50 the permit, understanding that it is in the Federal
Register. If it's in the Federal Register then that means it's still being proposed or is it finalized?

MR. CLARK: Mr. Chairman, Dolly. It is finalized in the Federal Register, but the permit itself hasn't been printed yet.

MS. GARZA: Okay, then.....

MR. CLARK: If that's what you mean?

MS. GARZA: .....I think we should make our dissatisfaction with that clause known to the Federal Subsistence Board, and at their minimum, that we request that it be changed that failing to comply with the reporting requirements may make me ineligible. The subsistence reporting requirements have never been dogmatically enforced, even by ADF&G, and if we start making them mandatory instantly, we're going to have a lot of people ineligible because they're simply not used to turning these back in. There are communities where they probably are very good at it and there are communities where people are not. There are people who are just plain old forgetful and they just don't submit then and they shouldn't be penalized because they're still using this resource and they still need it.

CHAIRMAN THOMAS: Thank you. That's true. And it brings out an interesting point. If this was a State document it would have me all over it, now that it's not a State document, it mandates, notice that different. Mr. Mayor.

MR. KOOKESH: Some of the language that I kind of feel more comfortable with, if I had to use language, is you are required is a lot more nicer and user friendly.

MR. MEYERS: Mr. Chairman, the specific reason for that being in there is to, you know, granted, you know, everyone is supposed to know the regulation before they go out and do the particular fishery, but it was to help them understand by getting the permit, right up front, so they're aware of the conditions. Now, the conditions are in the Federal Register and what we're trying to do is help provide the education process. I'm not so sure that giving them the warning, which is in a way a reminder, is going to threaten the fact that they may forget to report it. I think the government's flexible
50 enough to understand circumstances about getting these
things in. Currently we're trying to help this process because it hasn't been done very well in the past but to help educate and to help notify people that these things need to happen. Because the reason for the reporting is to be able to assess and make good judgment on what's actually being harvested and what's left out there, and for the managers to be able to look at what needs to be done if there's problems.

It's not so much toward -- it's not against the user as the process is for the information to be gathered for making decisions.

CHAIRMAN THOMAS: Well, my initial observation on this will be that it's going to be an exercise in futility. Because people -- you know, there's nothing in here that says how flexible the government is in recognizing these kinds of things. All it says here is you're in deep yogurt if you don't do this, see. And so it remains to be seen. I'll leave it there. Lonnie.

MR. ANDERSON: Thank you, Mr. Chairman. Being from Kake there, we are required to get a State permit to go out and get sockeye and stuff. Does this mean that we'll be able to have this permit and then be abused by the State to get another one, Cal?

MR. CASIPIT: Thank you, Mr. Chairman. Thank you, Lonnie. My response is similar to what I gave Patty, where we have a specific Federal fishery listed in the regulation book, you would need the Federal permit. If it's not specifically listed in the regulation book you would have to go to the State for a permit. But, no, they wouldn't be duplicative.

MR. ANDERSON: Thank you.

MR. CASIPIT: Also, we haven't found the specific part in the Federal Register yet but if you look at the public regulation book on Page 6, it does say you may be ineligible to get a subsistence permit for that activity during the following year so the concerns from Mr. Kookesh probably needs to be incorporated into that statement there. Because we do say, may, in the public regulation book.

MR. ANDERSON: Now, by reading this I answered part of my own question. Being that there's no Forest Service cabin in Kake, I suppose that we have to get
50 a fax from you or have some in City Hall that people could
CHAIRMAN THOMAS: The post office.

MR. CASIPIT: Yes, we do have provisions for vendors to distribute permits, and it would be similar to how we've handled the wildlife permits in the past.

MR. ANDERSON: Okay.

MR. CASIPIT: So we do want to try to make these so that it's convenient for people to get a permit. So in the case of Kake, I'm sure we can do that.

MR. ANDERSON: Very good. Thank you, sir.

CHAIRMAN THOMAS: This whole thing winds up managing the user instead of the resource. Okay, does that take care of our permit?

MS. GARZA: Mr. Chairman, I just want to make it clear then that that will be changed to; failing to comply with reporting requirements may make -- that will be changed?

CHAIRMAN THOMAS: If it's going to be consistent with the regs?

MR. CLARK: Yeah, if it -- we haven't found it in the Federal Register.....

MR. MEYERS: I got it.

MR. CLARK: Okay, here it is now.

MR. MEYERS: Mary Meyers, US Forest Service. It's in the Federal Register, published February 13th, 2001 on Page 10151, the center column, Roman Numeral V. If the return of the catch information necessary for management and conservation purposes required by a fishing permit and you fail to comply with reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year unless you demonstrate a failure to report was due to loss in the mail, accident, sickness or other unavoidable circumstance.

So here it says, is required.

MS. GARZA: But because of those list of unless otherwise, then it should be; you may be ineligible.
MR. MEYERS: That's correct.

MR. CLARK: So I think the short answer is, yes, we can change that.

CHAIRMAN THOMAS: Okay, do you have another one Dolly?

MS. GARZA: Yes, I have two more. One is, I was hoping to get an update on halibut.

CHAIRMAN THOMAS: Does anybody have that information? John.

MR. LITTLEFIELD: Mr. Chairman, I guess I could talk a little bit about that. I did talk to National Marine Fisheries Service the other day and asked them for an update prior to the meeting but the lady who does that, Jane DeCosmo, was out of the office and she did not send me an update as of last night. Where the halibut final rules, that was passed by the North Pacific Fisheries Management Council, sits right now, is it is under regulatory review by the National Marine Fisheries Service. It has not been forwarded to the Secretary of Commerce at this time and it will not be until they finish that review. And other than that, I don't know exactly where that sits. I wanted to get that information for the Council but I don't have that, and that's where it sits. There may be someone else that has other information. There is a handout on the Sitka Sound local area management plan that is going to be considered by the State of Alaska under the Board of Fisheries in Sitka on the 1st and 2nd that has to deal with the halibut subsistence issue and where it relates to.

So other than that I don't have any current information. I might ask if the State representative, Tom Brookover could add anything to that, but that's all I have at this time.

CHAIRMAN THOMAS: Tom.

MR. BROOKOVER: Thank you, Mr. Chairman. My name is Tom Brookover. I work for the Department of Fish and Game here in Sitka for Sportfish Division. I don't have a whole lot to add to Mr. Littlefield's comments. I do know that when the Council adopted the regulations in October that they had asked the Board of Fisheries to review their proposed suite of regulations and made recommendations back to the Council for any more
50 localized recommendations that they may have. And so the
Board has set up public hearings in Sitka and I believe, Valdez, Cordova and Kodiak to take public comment. Sitka's meeting will be on April 1st and 2nd. I don't have the dates for the other meetings, but I believe they follow the Sitka meeting. And the Council -- or excuse me, the Board Committee will be the same three people, as I understand it, at each location. They'll take public comments at each location and then they are scheduled to meet as a Board in May to review the public testimony heard at the hearings and I believe they're also planning to make recommendations back to the Council in June for the subsistence regulations. And that's the schedule as I know it.

But like Mr. Littlefield said, they are also interested in testimony on local area management plans. The only one that's put into effect at this point, of course, is the Sitka local area management plan. But they're interested in soliciting for interest in other areas that may want to do the same thing.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: The other issue that I'm bringing to the Council, Mr. Chairman, is the issue of plant and medicinal uses. I know that the Forest Service has developed an alternative plant produce policy or I forget what it's called, but a group had pulled it together and Phyllis Woolwine had presented that to us. I would like to hear at some meeting, perhaps the fall meeting, how that policy is working and whether or not people are using that process.

The other concern that I have with plants is that I'm also on the Alaska Science and Technology Foundation Board and when I was at my last board meeting, I was invited to an investment breakfast where a woman presented on a company in Alaska that is attempting to patent every single molecule of every single plant in Alaska, all 3,500 species. So that in the event one of those plants has medicinal values they will have the patent to be the sole person to develop it as a commercial product. I personally have great objection to that, and I think that this Council, if they support my objection should voice their opinion.

Because it was at an investment breakfast, this company is looking for financial support and it would be my hope that if there were enough objection voiced, that financial support might be more difficult to find. This
50 company has several million to begin with and they were
looking for much more millions to continue this project. But it really scared me because they said that they have been working with Natives but I couldn't figure out who they were working with. They said that they're trying to take into account elder considerations, but once you have a patent on a product, it really doesn't matter what anybody thinks about it, you can sell that patent to whoever wants to buy it.

MR. STOKES: Mr. Chairman.

CHAIRMAN THOMAS: Richard.

MR. STOKES: I believe I was invited to one of those meetings also when I was down in Yakima and I declined to go because they wanted to know what I knew about the Native plants. And that was in December so they're actively out there looking.

CHAIRMAN THOMAS: What's the wish of the Council?

MR. STOKES: I move that we support Dolly's request.

MR. LITTLEFIELD: Second.

CHAIRMAN THOMAS: It's been moved and seconded. Discussion.

CHAIRMAN THOMAS: All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: Those opposed same sign.

(NO opposing votes)

CHAIRMAN THOMAS: Motion carries.

MS. GARZA: So Mr. Chairman, what you supported was that the Southeast Regional Advisory Council objects to the patenting of Alaska plant molecules that have been traditionally used by Alaska Natives.

CHAIRMAN THOMAS: Okay.

MS. GARZA: Okay. That's it for me.
CHAIRMAN THOMAS: That's all. That was old business, how about some new business? John.

MR. LITTLEFIELD: Don't know what kind of business this is but it may be new. I would like to have SERAC take a position on the State of Alaska Proposal 190, and I don't know if everyone is familiar with 190, but 190 is the concurrent but 180 degree opposite component of Proposal 4 that we took care of on the shooting deer from a boat. One of the reasons, as I understand it, from Dan LaPlant, that the Board of Game was unwilling to take a position on this at their March meeting, was that they did not have significant input from the public and we are the public and we represent the residents of Southeast. And I think it's good for us to go on record opposing 190, Proposal 190.

Proposal 190, if anybody has a Board of Game Book, they stopped at 189. 190 was put in at the request of the Office of Subsistence Management, and maybe Dan LaPlant would be the one to bring the board up to speed on this at their March meeting, was that they did not have significant input from the public and we are the public and we represent the residents of Southeast. And I think it's good for us to go on record opposing 190, Proposal 190.


MR. LaPLANT: Mr. Chairman, Dan LaPlant, from the Office of Subsistence Management. I presented Proposal 190 to the Board of Game earlier this month, which was requesting them to change the State regulation to allow shooting from a boat in Unit 4, and they listened to the request but because the request was submitted to them, it was a change of agenda request initially, was submitted to them beyond their time limit for a change of agenda request they decided not to take any action on it. Board member Gusendorf made the motion that they deal with that issue at the earliest possible moment -- earliest possible time and that's when they decided to bring it up again for discussion at their fall meeting in Kotzebue.

But they told me that one of the reasons they couldn't make a condition on it in the March meeting was it wasn't out for public review and they specially -- because they didn't have a recommendation from the Regional Advisory Committee, the Sitka Advisory Committee, so that was a main piece of information they wanted.

Thank you.
CHAIRMAN THOMAS: Thank you. John.
MR. LITTLEFIELD: If we took action on this in October, would that be an adequate time line to get that information to the Board of Game or would that be too late to get in their book?

MR. LaPLANT: I believe their deadline is 45 days prior to their meeting and I think their meeting is early November, so it would be depending on when your meeting is in October, it might be cutting it close.

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Mr. Chairman, I would like to move that Southeast Alaska Regional Advisory Committee go on record to opposing the State Board of Game Proposal 190.

MR. ANDERSON: Mr. Chairman, I second that.

CHAIRMAN THOMAS: It's been moved and seconded. Discussion.

MS. GARZA: Question.

CHAIRMAN THOMAS: Question's been called. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: All those opposed say no.

(No opposing votes)

CHAIRMAN THOMAS: Okay. Yes.

MR. LaPLANT: It was my understanding that you wanted to support Proposal 190, Proposal 190 was requesting that the State change their regulation to allow shooting from a boat, so I would suggest that you support 190.

MR. LITTLEFIELD: We never have negative motions so it was out of order, support 190.

MR. ANDERSON: The second concurs with the maker.

MS. GARZA: All the ayes concur.
MS. WILSON: Yeah, I concur, too.
MR. KOOKESH: Yeah.

(Council nods affirmatively)

CHAIRMAN THOMAS: Well, us no's don't concur.

(Laughter)

CHAIRMAN THOMAS: Okay, if I could shoot a boat from a deer, I guess we could do that.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: There was a request for additional copies of an article that Ben VanAlen had so we had additional copies run for all the Council members and for attending folks.

CHAIRMAN THOMAS: Appreciate that. Thank you very much.

MR. CLARK: Are we onto Tab G, Mr. Chairman, Number 10?

CHAIRMAN THOMAS: Yeah.

MR. CLARK: Yeah, in your salmon notebooks, the very last white page behind Tab G there's a calendar. That's the Regional Advisory Council meeting window, it extends from September 9th through October 20th. At the meeting in Hydaburg, the Council tentatively set Yakutat as the location for their next meeting and I believe the dates were October 9th, 10th and 11th. So it's the Council's wishes as to where they would like to -- when and where. I would like to point out that the Southcentral Council, who we still share a lot of Staff and information with, so we don't want to overlap with them, their meeting is scheduled for October 1st and October 2nd.

So with that, I leave it open to the Council for discussion.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.
50    MS. GARZA: We were invited by Yakutat ANB
as well as the Mayor to Yakutat and we graciously accepted that information so I don't think that we would change that. But in terms of the date, it seemed like there was some discussion on whether we would meet the beginning of that week or the beginning of the next week because of moose hunting, so I would ask Bert if he would give us a suggestion.

MR. ADAMS: Thank you, Dolly. Mr. Chairman, the subsistence moose hunt opens on October 8th and will go through all that week. So starting the 15th, it's open for everyone. So I just wanted to, you know, make sure that everyone understood that. I was planning to go out and catch a moose, you know, on the 8th, but, you know, if I do get one then I'll be okay, if I don't, I'll just send eight of my children out and 17 of my grandchildren and I can be assured of one so don't worry about that.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: We're not showcasing family, here.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly, are you going to beat that one?

MS. GARZA: Yeah, I'm going to beat that one. I guess I would propose that we change the meeting dates from the 8, 9th, 10th to the next week, 15 and 16th, because although Bert has many children and grandchildren, if we have it the same day that subsistence moose hunting opens then we're not going to have as much participation, it's just that simple.

MS. PHILLIPS: Second.

MS. GARZA: So I'm moving for October 15, 16 and 17.

CHAIRMAN THOMAS: Okay, Fred, you look like you have an urgent comment there.

MR. CLARK: Unless Floyd wants to get his comment in first.

MR. KOOKESH: Yes. Can I ask Nels when
50 they had scheduled the Common Grounds in October?
MR. LAWSON: Thank you, Mr. Chairman. Nels Lawson, employed by the US Forest Service in Sitka. The agreed upon date between the Forest Service and the Angoon community is the week of October 1st, a couple days within that week. The exact dates to be determined by both the Forest Service and the Angoon Community Association. Thank you.

MR. KOOKESH: AFN.

MS. GARZA: I know but the beginning of that week is elders and youth. And I don't think any of us fit into the youth category and some of you elders just might have to miss it.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

(Laughter)

MR. CLARK: So AFN is on the week of October 15th -- on the 18th. I would just point out that Staff has, from Anchorage, who do travel and things like that have repeatedly asked us to try to schedule meetings in the middle of the week if we can, which would be the 16th, 17th and 18th, but then that would create a conflict with AFN. Having it on the 15th, 16th and 17th requires a lot of Sunday travel for people.

CHAIRMAN THOMAS: A lot of what?

MR. CLARK: Travel on Sunday.

CHAIRMAN THOMAS: So?

MR. CLARK: Just a point of information.

CHAIRMAN THOMAS: Sunday's a good day to travel, as is Saturday. Well, my anniversary's on the 3rd and my birthday's on the 17th, so what are we going to do.

MR. KOOKESH: 8th, 9th and 10th.

MR. LITTLEFIELD: 4th, 11th and 18th.

CHAIRMAN THOMAS: Okay, 4th, 11th and 18th in Yakutat, Skagway and Haines. Okay, come on.
MR. ANDERSON: How about early or middle of
September.

MS. PHILLIPS: Then there's fishing problems

MR. ANDERSON: Fishing.

CHAIRMAN THOMAS: What time do the charter boats quit?

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: I think that the Southeast Regional Advisory Council has been very accommodating, I hope we have been, to Staff and if we have one exception because of conflicts with AFN, we'll just have to hope that the Staff can live with it.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: Other people in the audience say that AFN is the week after October 15th, so maybe that needs to be verified in some fashion.

CHAIRMAN THOMAS: John.

MR. LITTLEFIELD: Mr. Chairman, no one has discussed September at all, and I think for me, personally, I think the September dates, and I'm not speaking for any of them, would be more important for me. There is a potlatch on every one of those Fridays or Saturdays in Southeast that I know of that are on this calendar except in September so I know there are some people that would go to that, personally I'd rather have it in September I guess.

CHAIRMAN THOMAS: What's wrong with September 26th and 27th?

MR. LITTLEFIELD: Nothing with me.

CHAIRMAN THOMAS: Bert.

MR. ADAMS: I'll be fishing.
CHAIRMAN THOMAS: When do you get through
fishing?

MR. ADAMS: The 30th, or the end of September, yeah.

MS. PHILLIPS: Mr. Chair, our last trip to Yakutat, you know, we had a number of fishermen stop short their fishing and tell us that, you know, they gave up earning an income to come in and testify, including our Council member from Yakutat and I don't want them losing their income time. So September, to me, is not a good time.

CHAIRMAN THOMAS: Okay.

MR. CLARK: Mr. Chairman.

CHAIRMAN THOMAS: Fred.

MR. CLARK: Another thing I'd like to bring up is, especially after hearing some of the presentations today about fisheries information projects, I think it would be really good for the Council to hear more about, you know, what has happened on those projects and get it into a regular schedule to present to the Council at each Council meeting. So you know, that's another thing that takes time. I would suggest that the Council have, at least, a three day meeting in Yakutat so you could have some time to meet for the decision-making process, to again work on -- kind of working together as a group in whatever format you decide to do that and have time available to get information on the types of things that you've been deliberating on through your actions. So my recommendation would be a three day meeting.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: And that was what Patricia and I moved and seconded, was 15, 16 and 17. None of those dates are on a Friday, so would that be okay, so we can make sure we have fishing for our fishermen, John and not conflict with potlatches?

MR. LITTLEFIELD: (Nods affirmatively)

MS. GARZA: Bert.

MR. ADAMS: Yeah, I think those are good dates, and, you know, I don't care how long you stay there.
50 I mean you can stay there all winter if you want, but yeah
those are dates that will be pretty good for us.

Thank you.

MS. GARZA: Call for the question.....

CHAIRMAN THOMAS: Wait a minute.....

MS. GARZA: .....to meet in.....

CHAIRMAN THOMAS: .....wait a minute.

MS. GARZA: .....Yakutat.....

CHAIRMAN THOMAS: Wait a minute.

MS. GARZA: .....October 15, 16 and 17.

CHAIRMAN THOMAS: I reminded you that the 17th was my birthday.

MR. ADAMS: We'll celebrate.

CHAIRMAN THOMAS: I want to know what community activity is going to transpire in my honor on the 17th in Yakutat.

MR. ADAMS: Mr. Chairman, don't worry about it.

(Laughter)

CHAIRMAN THOMAS: Nothing in other words, uh?

MR. ADAMS: On the contrary, we'll do something.

CHAIRMAN THOMAS: 15, 16, 17, October. Was there a motion?

MS. PHILLIPS: Yeah.

CHAIRMAN THOMAS: Was there a second?

MS. PHILLIPS: Yeah.

CHAIRMAN THOMAS: Was there a question?
MR. ADAMS: Question.
CHAIRMAN THOMAS: All in favor say aye.

IN UNISON: Aye.

CHAIRMAN THOMAS: All opposed.

(No opposing votes)

CHAIRMAN THOMAS: Okay. Okay, now is one of the better times of our agenda and the reason being is it gives us all an opportunity to participate. And whether you're just -- I shouldn't say, just, whether you're a member of the public, not necessarily affiliated with any agency and you've been attending the meeting, you're welcome to offer your views or comments at this time and we'll go around the room and give everybody the opportunity if they would like to take advantage of that to comment. We're staring with public, anybody from public like to come forward? Dave.

MR. BEDFORD: David Bedford. Mr. Chairman, my name is David Bedford. I'm the representative of Southeast Alaska Seiners. I want to thank the Council and you, Mr. Chairman, for an opportunity to speak with you for a moment. It's been, again, a very interesting thing for me to sit back and very much a learning experience to listen to what you folks have to say and the other people who have been in here.

I did want to make one comment on something that was raised by Mr. Littlefield and also by some of the folks who spoke to you, raised the issue of the Ciyu, which violated Fish and Game regulations, harvested fish down in Red Fish Bay to the detriment of the resource, to the detriment of subsistence users, to the detriment of all fishermen here in the state. I want you to know that the folks at Southeast Alaska Seiners were very concerned about that. That, in our last newsletter we had a letter that was put into the newsletter by 25 seiners who objected to this kind of conduct. I also want to note that the guy who performed that violation was turned in by two rural seiners, two guys from Petersburg who called up the Fish and Game enforcement people and turned those guys in, delivered the photographs to the Fish and Wildlife protection officers so that they could make that case.

This is something that really is totally unacceptable to all of us, to all Alaskans and it's the kind of thing that we're concerned about. We have two
50 meetings, some of the guys on the board, myself, two
meetings with enforcement people over the past three or
four months to ask, what kind of things can we do when
these sorts of really unacceptable circumstances come up.
The letter that was in our newsletter said two things, two
principle things. The first one is, don't violate the law.
The law is there for very good reasons. The second thing
is if you see somebody violating the law, report it.

Okay, in any event, I think you know that
we very much have a community of interest on this kind of
thing. And I would suggest to you as you go forward in
establishing the Federal Subsistence Management Program,
clearly one element of this will have to be enforcement,
and I would hope that you folks would be looking towards
and the Federal agencies would be looking towards
opportunities to cooperate with the State so that we can
get the maximum effectiveness out of the enforcement
abilities of both the Federal and the State agencies.

In any event, that's all, Mr. Chairman.

CHAIRMAN THOMAS: Thank you, Dave. And on
behalf of the Council, I want to thank the Seiners
Association. I think they're the only ones that publicly
come out and express support and endorse the actions that
we take in our efforts as a subsistence advisory council
and we appreciate that, that's sincerely. Thank you very
much. Any other public.

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: I appreciate your persistence
at coming to our meetings. I think the first one was at
Angoon. And when we had talked aside you had said you
would like to know how we could -- how you could help and
one way might be to lend your support for increase funding
for the fishery monitoring projects. I know you've been
here, at least, today and so you've heard that we simply do
not have enough money for the number of projects that are
being proposed and if we had Southeast Seiners Association
also lending their support for an increase to Forest
Service for these projects, then that may help us get a
little bit closer to meeting that goal. Thank you.

MR. BEDFORD: If I could just mention one
other thing that dovetails in with that. I know that one
of the areas, it's a matter of concern for a lot of folks
50 along Southeast Alaska has been brought up here today, is
the condition of the sockeye stock down at Klawock. I know that -- I believe that Mr. Laiti brought that up earlier, for your information in the materials that were passed out at Hydaburg, there was a proposal about Klawock there. If you check that out, you'll see the level of seine harvest, as best they can estimate that, was about 350 fish this past year out of that particular stock. But I do want to say this, you know, I'm gently related with this Governor's Fund that was also brought up earlier. There's an increment of money in the Governor's Fund for habitat restoration work. I want you to be aware of the fact that there are various groups and constituencies that are beginning to look at that as something that they would like to put towards particular uses. It's my hope that -- I believe there's a Klawock watershed restoration group, it's my hope that they're going to be forthcoming, at least, by this fall with some kind of an idea of what sorts of programs could be pursued down there, because I believe that there will be people on the stakeholder's panel, at least, who will be interested in hearing about that.

CHAIRMAN THOMAS: We really appreciate you being around. Thank you very much.

MR. BEDFORD: Thank you.

CHAIRMAN THOMAS: Ray.

MR. NEILSON: Thank you, Mr. Chairman, Council. In closing, after I got to speak earlier, other things came up and I was saving my comments on that.

Talking about halibut. At the Sitka Fish and Game Advisory Committee we're going to discuss halibut subsistence on the way it's all laid out. Our past Chairman, who spearheaded the lamp (ph) project has some concerns about why did we push for the lamp and then have members of the community push for the halibut subsistence. Well, the lamp was set up for the people of Sitka, the common people, Native and non-Native. That was a real struggle there. And then the halibut subsistence, the skates and hooks, well, all the North Pacific Fisheries Management Council did there was recognize ongoing factors by the people, mainly the Native people of Sitka. And the Advisory Committee, we're meeting and we're going to discuss the halibut subsistence, the way it's laid out and the Board of Fish. And I always reiterate that I have no problem with the lamp, that's their -- it's for the people of Sitka. But the halibut subsistence, we're trying to
50 push for more that was laid on the table. Most of us we
will not set a skate in Sitka Sound, it's totally ridiculous. We leave that for the people that cannot go far. We go down to Necker Bay, Whale Bay or outside the lamp area and there we'll set our halibut skates, we have no problem with that. But there are those in the community of Sitka who do not have the ways or means to leave Sitka Sound or Salisbury. If they want to set a skate, fine, we have no problem with that.

And then some of the people on the Advisory Committee, they say, well, they're really worried, we say, how much are you guys going to do this, are you going to do this every day, no, how many people are going to want to go out and catch 20 halibut a day? How many people want more than two? We're not charter people, we're providing for our family, our relatives, our clan, ANB, Sitka Tribe, many of us provide for -- we provide for others.

And then you were talking about medicinal plants. Well, you UAF, I forget that girl's name, she came down here before.

CHAIRMAN THOMAS: Phyllis Woolwine.

MR. NEILSON: No, she put out a book.....

CHAIRMAN THOMAS: Rachel Welch.

MR. NEILSON: .....from UAF. What?

CHAIRMAN THOMAS: No, never mind.

MR. NEILSON: Anyway, she put out a book and she came down here and she tried to get information from the Tlingets, well, we would not give it to her. Before I started, I told her, you will not get much from us. Well, the book came out and it's pretty thick, there's a lot of information in there, not just from the Southeast but all the other indigenous areas and the indigenous people, the names, the plants are all the same, but the uses -- they're pretty much the same, too. But I bought the first one and I looked at it and I said, yep, just like I said, no information from Tlingets except for Yakutat, they opened up their books. Many of our elders take that information to the grave because they don't want it to go to pharmaceutical companies and many of us are alive today, even the younger ones, we do not want that to happen. It's very important in our Sitka commission.
And then about a month ago I received a
piece of mail from the Alaska Department of Fish and Game. Last year I did not purchase a sport license. Well, I'm not a sportsman. I do not participate in derby fishing or if it had to pertain to animals, no buck derby participation. To me a sport license is another form of State ID. I do not go out and catch fish by rod and reel because of my personal potential conflict with charter clients, the boats and captains, I'm very afraid of what I might do, so I don't go out there. But since I process, put up and smoke product, I get more fish than I can deal with. I do all the steps by myself, from the time I get the fish until it's done, whether I freeze it or can it. But it's very important to me.

I just can't wait for the day where the Federal government takes over control of marine waters, navigable waters, I don't want a State ID that says I'm a fishermen, sport fishermen. I'm looking forward to the day where the Federal government, the Federal agencies will issue me a permit that says I'm an indigenous harvester.

Thank you.

CHAIRMAN THOMAS: Thank you, Ray. Other public comments? Nels.

MR. LAWSON: Thank you, Mr. Chairman. I want to commend yourself and the Council for the fine work you've done the last couple of days, dealing with some very weighty issues but dealing with them in a sensible manner, taking public comment, listening to the public that has come before you to speak on the issues. I want to thank you for that.

We also hope that you've enjoyed your stay in our community. We continue to welcome your presence among us.

I would also like to thank the council for honoring Herman Kitka, our elder, our statesman, and the leader of the Sitka Kaagwantan Clan. And I specifically want to thank Dolly for your gift to my Uncle. (In Native)

Thank you.

CHAIRMAN THOMAS: No, we didn't honor Herman, he honored us. Thank you, Nels. And thank you, again, Dolly. Any other public comments? Anybody from agencies? Agency comments. Ida.
MS. HILDEBRAND: Thank you, Mr. Chairman.

Ida Hildebrand, BIA Staff Committee member. I just wanted to thank you to the community of Sitka and for their hospitality to the Council and to Staff. And thank you to the Council.

CHAIRMAN THOMAS: Thank you. Other agency comments. Carl. Poor Carl, never be rich.

MR. JACK: Mr. Chairman, members of the Council. I would like to echo Ida Hildebrand in thanking you for the opportunity to be here and to listen to your deliberations. I've taken copious notes and I will certainly bring your concerns to the Chair. He was not able to make it down here but he did send his best regards.

One other item that I would like to bring to your attention which may have some bearing on the rural determination, and this is just purely informational and I didn't -- since it was not on the agenda, I didn't earlier come forward to talk about it and, that is, the Federal Subsistence Board is due to take Kenai rural under a reconsideration in May and probably as late as June. A request for reconsideration by the Safari Club, and this may have a bearing on -- or may have a bearing on how the rural determination may be dealt with so I just want you to be aware of that, that the Council is due to take up Kenai rural as late as June.

So that's all I have, thank you.

CHAIRMAN THOMAS: Thank you, Carl, and welcome to the land of the trees. Okay, any other agency comments? Okay, seeing none.....

MR. STOKES: Fred raised his hand.

CHAIRMAN THOMAS: Yeah, you're agency. Fred.

MR. CLARK: Thank you, Mr. Chairman. I also would like to echo my thanks to Sitka community and to Sitka Tribe for being gracious hosts and providing lots of good feelings, good comments, good insights, that helps the Council get its business done in an equitable and efficient manner. So thank you very much. I also want to thank ANB for putting together a lunch yesterday that was just great. I assume it was good today, too, I wasn't able to make it. I'm looking forward to going through two volumes of -- at
50 least two volumes of copious notes from Tina, that she's
going to be producing for us. It's a lot of work to go through those transcripts and try to ferret out the deliberations of the Council, but I always enjoy it, too, because it's like reliving a lot of what the Council does. It reinforces for me the expertise, the insights, the thoughtfulness and heart that the Council members put into this whole thing. You know, you put so much into it and it means a lot to me personally and professionally. It's been really good to be with you guys.

(In Native) Thank you.

CHAIRMAN THOMAS: I'm too choked up to respond. Agencies. Tribal.

MS. GARZA: Make it quick, Andy.

MR. HOPE: Another dollar, Mr. Chairman. Mr. Chairman. For the audio recording, my name is Gerry Hope, treasurer for the Tribal Council of STA. Mr. Chairman, if Fred ferrets out the language in the copious notes that are decided what would be printed and presented before you, I wonder if his nickname would then be Fred, the Ferret, Clark.

(Laughter)

MR. HOPE: Perhaps not, but.....

MR. CLARK: Sherpa will do, thank you.

MR. HOPE: Mr. Chairman, first of all, regarding the commercialized plants that Council member Garza had brought up, I think we need to keep that on the table and figure out what role the tribes can play in addressing that particular issue. We have strongly guarded against that as tribes, but also as Alaska Natives. You'll recall the issue with the devil's club and the Forest Service. So it sounds like it's an issue that will not go away and therefore I'm one who would be glad to keep that on the table and defend to, whichever appropriate measures that we possibly can, both that and on the ANB side as well.

Regarding the permits, if it was important enough for, whichever agency, that needed to put this in regarding the, let's see, may not -- if it's so critically important, why is it in such tiny writing? I didn't even recognize that it was there until you guys started talking
50 about. So perhaps a suggestion regarding that also, that
it could be enlarged, perhaps even water print, that would be a shade grayer than the black that's there, that identifies that they do need to fill this out, whether it's in the -- the language would then be may.

The Katie John case is going to be critically important, so we look forward to finding out, not only the ruling of that, but in the event that the ruling -- assuming that the ruling is going to be in favor of Alaska Natives and Katie John, what the meaning of that is going to be in the relationship between your Council, Mr. Chairman, and us here that reside in Southeast. So we'll look forward to that expanded relationship, assuming that it's going to take case in that direction.

I do want to say, you're probably already aware but the State and tribal signing that the Governor had initiated is going to take place, I believe, now, the first week in April and that will be in Anchorage. That, too, may have a positive impact by way of the tribes relationship, not only with you but what kind of messages we can send to the State regarding the relationship of subsistence and the land and the ocean.

I have a radio program and I'd like to interview the, whoever would like to be interviewed, it broadcasts Sunday on KCAW, the public radio station here in town, those who may be in town, I'd like to, either tomorrow or perhaps Sunday, do a recorded program interview with you regarding the Council.

I do have a card that I'd like to give Fred so that Fred could go ahead and ferret out whatever information I need to help regarding the budget issues before Congress.

Finally, Mr. Chairman, I'd like to say in appreciation -- first of all, thank you for being here and hearing our concerns and taking them to heart and also taking them to action when you have the opportunity. But finally, those who have said thank you, I will take those thank you's to the tribal council and also to the local ANB and ANS offices.

(In Native) (In Native) Thank you. Look forward to seeing you tonight at 6:30.

CHAIRMAN THOMAS: Okay, thank you. Any more tribal comments? Council, starting with John.
MR. LITTLEFIELD: Thank you, Mr. Chairman.

I would like to thank all the members of the public who testified. We value your information and specifically the Sitka Tribe and the ANB, your information was very valuable in helping us get through these proposals.

I'd also like to thank the Staff that keeps us up to date. I especially like these microphones, I thought they were a very, very, very good idea, and hopefully we'll see them again in Yakutat and other meetings. I would like to thank the Council for honoring Herman Kitka and attending and having this meeting in Sitka, and thanks to everybody.

CHAIRMAN THOMAS: John, it's my understanding that the recorder's going to leave this sound system in Sitka when she goes back to Anchorage and reports that it was lost in transit, and that they could blame it on insurance and replace them. That's my understanding.

(Laughter)

MS. GARZA: Mr. Chairman, I certainly agree with everything that John said. It's been wonderful to be in Sitka again. Sitka is such a dynamite community in terms of protecting and advocating subsistence uses. I really appreciate the public being diversified so we have public that represent other groups and are coming forward and saying we understand that subsistence is important and we are willing to support it. That really makes me feel good.

Ida, I would like to thank you for always being at our meetings and for giving us good ideas, often on the side, but I know that you put a lot of your heart into protecting subsistence and I hope you realize that we do benefit from your presence.

In terms of issues, it sounded like Kenai will be an issue, that Carl mentioned, and Carl I'm glad to see you. And we may want to take quick action and just send a message forward that we support Kenai rural subsistence, because if they have a chance of losing it, we need to make sure that we stand in support of the Kenaitze people.

Just as a matter of the next meeting, one thing I would like us to discuss and Fred, if you could put this down, because I will forget and you'll send me a note...
50 on what should be on the agenda, but I think we have to
take up the issue of subsistence and reasonable opportunity that ADF&G is supporting. Because I have great issue with the reasonable opportunity of subsistence opportunities on State lands.

So that's it for me.

CHAIRMAN THOMAS: Thank you, Dolly.

Marilyn.

MS. WILSON: Thank you, Mr. Chairman.

It's always a joy to be in Sitka, everybody's so friendly and they really put out good food and we get all of our herring eggs and our Indian food and see all the people that come forth to the meetings. I really appreciate everybody coming forward to speak, and even if a person doesn't think it's important, most of the time it is, no matter how small of an item you might think it is. So people shouldn't be afraid to come forth and speak no matter how small they might think their idea is.

I appreciate being on this Council. It's always a joy to work with this Council and our leadership on this Council is tremendous. Our Council members are great and we all work hard and try to do our best. Our coordinator is always on top of things, and he's getting more nicknames as the years go by.

And I thank our Recorder for coming back to us. Thank you Sitka STA, ANB. Thank you, Mr. Chairman.

CHAIRMAN THOMAS: Thank you, Marilyn.

MR. STOKES: Well, it seems like they've said everything that I would like to say. I really appreciate being here but the day wouldn't be complete if I didn't tell you a little story about Nels, about shooting from a boat, he's an excellent shot. But there was a time when he was able to go up into the woods and take me along with him. We got up in there and then the fog set in, and therefore we got twisted around, and then Nels said, let's do like the White man, how's that? He said, we shoot three times and wait and I said, well, go ahead. So he shot once, we waited. He shot the second time and we waited. The third time he shot and we waited and waited and waited. And I said, shoot again, he said, no, I can't, I'm all out of arrows.

(Laughter)
MR. STOKES: That's all I've got to say, Mr. Chairman.

CHAIRMAN THOMAS: Patty.

MS. PHILLIPS: I want to thank the spirit in the sky for giving us the wisdom and the knowledge and the strength to get through this meeting, and that I appreciate each and every one of you. And I want to recognize that the level of Staff expertise is markedly increased and that -- I want to say it in a way that our past level of Staff present has been adequate and the level of professionalism they show is of a high quality, but I appreciate that the presence of more Staff at our meetings, and particularly the presence of general counsel.

CHAIRMAN THOMAS: Okay, thank you Patty. Lonnie.

MR. ANDERSON: Mr. Chairman, I would like to thank the people of Sitka for taking us in and attending this meeting here. It's interesting. I guess you and I and Marilyn are probably the charter members of this group now. And it seems to improve every time I come back to attend a meeting. We are no longer contentious about issues. We work together trying to solve a regional problem, not only a regional problem but local problems and I think that's to be congratulated to this group by being on their toes and the time and effort it takes away from the families. A lot of us, we have many hats and we pay for that -- and when I get back home, I got work stacked up. But again, thanks, Sitka, and visit Kake, the sweetest little community in the state.

Thank you.

CHAIRMAN THOMAS: Thank you, Lonnie. Floyd.

MR. KOOKESH: I've been a member for a little over one year and I don't have the privilege of knowing how adequate or how inadequate the Staff is, but I want you to know that I do really appreciate the Staff. It seems like they're becoming more and more valuable as I sit here. It seems like their resources are just becoming
50 never ending. And I'm glad I don't have that same joke as
our good friend over there, Mr. Stokes.

(Laughter)

MR. KOOKESH: But I really do appreciate what the Staff does for us. And also I'd like to thank this time to thank the people of Sitka. I believe that coming over here and honoring Mr. Kitka, I think that was appropriate. But I also want to say that, I feel that you have very many valuable people here. I notice, I can see it in Mr. Hope. I can see it in Mr. Kitka, definitely Mr. Kitka. And Mr. Nels Lawson. Mr. Neilson. I want you to know that I really appreciate the way you present yourself. Hopefully we can become as eloquent as you are. But to the people of Sitka, thank you very much for being so kind to us. That's it.

CHAIRMAN THOMAS: Thank you, Floyd. I want to expressly thank everybody that's attending these meetings. The good participation, the homework, the cooperation. There are a lot of components that made this meeting, what I think is really successful. And we can't take any of that for granted. And Sitka being an outstanding host, things are going well. The Forest Service personnel here, I've had some personal needs while I was here. They made sure my transportation was provided, and they weren't between the 8:00 and 5:00 all the time and I want to thank the Forest Service office here for that. And to members of Staff, I think we all kind of grew together. Ten years ago we weren't sure where we were going to wind up or where we were going to go and it was very evident that was the case. But since then we've been able to recognize our challenges. We've been able to anticipate our challenges. We've been able to become victorious with our challenges. But that only happened by working together.

And I want to thank each and everybody on this Council for the support they've given to me. I tell people when I go to the Board meetings that, you know, this Council doesn't need me for its leadership. I said there's anybody on this Council, I said, if I'm not here, our Vice Chair is very capable. If we're both gone, Secretary is capable. If she's not here or disabled, any member of this Council is capable of guiding this Council through an agenda in a very, very productive manner. So I feel honored and blessed to be flanked by people like this and to be facing people like yourselves.
And I appreciate the leadership that Sitka
Tribe have undertaken. And I appreciate the agencies that have been working with them. And I know not every confrontation was an agreement to begin with. There had to be some give and take, that happens.

Thank you all very much. We'll see you at dinner tonight. And thanks again, and keep up the good work. Thank you.

(Applause)

MS. GARZA: Mr. Chairman.

CHAIRMAN THOMAS: Dolly.

MS. GARZA: Could we have Fred announce where the workshop is tomorrow.

MR. CLARK: Mr. Chairman, the workshop is right here, 9:00 o'clock to noon.

MS. GARZA: Okay. Do we need to help Tina pack all the stuff up then?

REPORTER: (Nods negatively)

MS. GARZA: No.

MR. CLARK: Whenever she's ready for it.

MR. KOOKESH: Move to adjourn.

CHAIRMAN THOMAS: We're adjourned, thank you.

(END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA
STATE OF ALASKA

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporter, LLC, do hereby certify:

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 8th day of April 2001.

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Joseph P. Kolasinski
Notary Public in and for Alaska
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