SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME I

Juneau, Alaska
September 23, 2008
9:00 o'clock a.m.

COUNCIL MEMBERS PRESENT:

Bertrand Adams, Chairman
Michael Bangs
Donald Hernandez
Harvey Kitka
Floyd Kookesh
Richard Stokes
Lee Wallace
Frank Wright

Regional Council Coordinator, Robert Larson

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P R O C E E D I N G S

(Juneau, Alaska - 9/23/2008)

(On record)

CHAIRMAN ADAMS: (In Tlingit)

Good morning, everyone.

(In Tlingit)

It's good to see you.

We'll call this meeting to order and the first thing on the agenda is to have Mr. Harvey Kitka call the roll and see if we have a quorum. Can you hear me all right back there?

IN UNISON: Yes.

CHAIRMAN ADAMS: Good.

MR. KITKA: Thank you, Mr. Chairman. Lee Wallace.

MR. WALLACE: Present.

MR. KITKA: Michael Bangs.

MR. BANGS: Here.

MR. KITKA: Joe Hotch.

(No comment)

MR. KITKA: Merle Hawkins.

(No comment)

MR. KITKA: Nick Davis.

(No comment)

MR. KITKA: Donald Hernandez.

MR. HERNANDEZ: Here.

MR. KITKA: Floyd Kookesh.

MR. KOOKESH: Here.

MR. KITKA: Bert Adams.

CHAIRMAN ADAMS: Here.

MR. KITKA: Harvey Kitka is here. Richard Stokes.

MR. STOKES: Here.

MR. KITKA: Mr. Chairman, we have enough for a quorum.

CHAIRMAN ADAMS: Thank you, Harvey, we do have a quorum so we can do business today.

Let me see before we begin I would like to call on Richard to offer an opening prayer for us, please, so would everyone please rise.

Richard, go ahead.

(Prayer)

CHAIRMAN ADAMS: Gunalcheesh, thank you, Mr. Stokes.

At this time we'll go ahead and do some introductions. What we'll do is start at this end of the spectrum and go all the way down this way and then we'll give the Staff, you know, government people an opportunity, then State and other visitors. So Mr. Wright, would you start please.

MR. WRIGHT: Good morning. My name is Frank Wright. I'm a commercial fisherman and a subsistence user from Hoonah, and I've been doing it all my life.

Thank you.

MR. WALLACE: Good morning everybody, and thank Juneau for hosting us this morning. Lee Wallace from Saxman, a subsistence user.

MR. KOOKESH: My name is Floyd Kookesh. I'm a charter boat operator out of Angoon. I'm currently employed by Douglas Indian Association here in Juneau. I also subsist.

Thank you.

MR. KITKA: Good morning, ladies and gentlemen. Harvey Kitka, I'm from Sitka, Alaska. I'm a subsistence user, commercial fisherman, lifetime sportsman.

CHAIRMAN ADAMS: And good morning ladies and gentlemen. My name is Bert Adams, Sr., I come from Yakutat. I, too, am a subsistence fisher. I have said this before and I'll say it again, if you come into my home and look into my freezer is you'll find that 90 percent of all of my foods are fish and game that we have gathered as a family. So welcome to our meeting. And I hope that we can make it a productive one.

Gunalcheesh.

MR. LARSON: Good morning. My name is Robert Larson. I work with the Forest Service, and I'm the Council's coordinator. If you have issues or wish to speak to the Council, please feel free to contact me.

Thank you.

MR. BANGS: Good morning. My name's Mike Bangs. I live in Petersburg. I'm a commercial fisherman and avid subsistence user.

MR. HERNANDEZ: My name is Don Hernandez. And once, again, I have to clarify my card, it says Petersburg, but my primary residence is Point Baker on Prince of Wales Island where I'm a commercial fisherman and an avid subsistence hunter and fisherman.

MR. STOKES: My name is Dick Stokes, I'm from Wrangell and I'm just a loafer.

(Laughter)

CHAIRMAN ADAMS: Okay. I just want to go ahead and, you know, welcome all of the Council members. I know there are some that have had to be excused and so we will, you know, for the sake of the minutes, excuse those individuals who are not here. But I'm happy that we have a group here that constitute a quorum. And I need to tell you that I've always enjoyed working with you people, this is an outstanding group of people, folks, and sometimes we don't give them credit enough but I want you to know that and let's make this meeting a

good one.

Gunalcheesh.

Federal people, would you please take an opportunity -- well, I'd like to acknowledge, you know, our previous coordinator, Mr. Bob Schroeder, who did a lot of good work for us in the past and, you know, let me just make this comment. Every time we go through a new coordinator, you know, we rant and rave, I know I do, wondering how we are going to replace all of these good people that have worked before us but we've always managed to fill that gap. And I just want to say thank you to Robert as well, he's been truly a right-hand man to me and, you know, he's been here long enough where we didn't have to break him in so much, so it's really a pleasure to work with him.

Okay, where do we want to start with the Feds.

All right, Cal.

MR. CASIPIT: I'm Cal Casipit. I'm the subsistence staff fisheries biologists for the Forest Service in the Juneau Office.

MR. BUKLIS: My name's Larry Buklis. I'm with the Office of Subsistence Management in Anchorage, and I'm the new Fisheries Division Chief succeeding Steve Klein. And for the next few months I'll be continuing to act as the Deputy Assistant Regional Director until that can be filled.

Thank you.

CHAIRMAN ADAMS: Well, welcome to the -- you always come to the meeting but congratulations on your new calling, Larry.

MS. PETRIVELLI: My name's Pat Petrivelli. I'm the anthropologist in the Bureau of Indian Affairs, subsistence branch.

MS. KENNER: I'm Pippa Kenner and I'm an anthropologist with the Office of Subsistence Management in Anchorage.

MR. VANALEN: And I'm Ben VanAlen. I'm a fisheries biologist in Juneau for the Forest Service.

MR. SUMINSKI: I'm Terry Suminski. I'm a fisheries biologist for the Forest Service in Sitka.

MR. KESSLER: Steve Kessler, subsistence program leader for the Forest Service for the Alaska region and on the InterAgency Staff Committee.

MR. REEVES: Good morning. I'm Jeff Reeves. I'm a subsistence fisheries biologist down on Prince of Wales with the Forest Service.

MR. FINCHER: Good morning. I'm Jim Fincher. I'm the Anchorage Field Office manager for BLM.

MS. KESSLER: Good morning. I'm Wini Kessler with the Forest Service based here in Juneau. I'm the regional director for wildlife, fisheries, ecology, watershed and subsistence management.

MR. BSCHOR: Good morning everyone. I'm Denny Bschor. I'm the Regional Forester for the Alaska region, which includes the Tongass and Southeast Alaska.

Thank you.

MS. NOURSE: Good morning. I'm Becky Nourse. I'm the Deputy Forest supervisor on the Tongass down in Ketchikan.

MS. O'CONNOR: Good morning everyone. I am Tricia O'Connor. I'm the wildlife and subsistence staff officer for the Tongass and I'm stationed here in Juneau.

MR. JOHNSON: I'm Dave Johnson. I'm the subsistence coordinator for the Tongass and I'm located in Craig, Alaska.

MR. BREWSTER: Good morning. I'm Paul Brewster. I'm the Deputy Regional Forester for the Forest Service for Alaska here in Juneau.

MR. MILLS: I'm Dave Mills. I'm the regional manager of the subsistence program for the National Park Service. I live in Anchorage.

MR. EASTLAND: I'm Warren Eastland. I'm the wildlife biologist for the Bureau of Indian Affairs and a member of the InterAgency Staff Committee.

MS. MCKINLEY: Diane McKinley. National Park Service, Anchorage, subsistence under Dave Mills over there.

MR. CAPRA: Good morning. I'm Jim Capra. I'm with the National Park Service and a Ranger and subsistence coordinator for Glacier Bay out of Yakutat.

CHAIRMAN ADAMS: Let me just say something about Jim, you know, he comes to these meetings every year and he sits in the back over there, you know, and listens to everything that is taking place and then on the very last day he gives a 5 minute report about what's happening in Glacier Bay National Park and Yakutat, so appreciate your presence here every year Jim, and being so faithful.

MS. HERNANDEZ: My name is Melinda Hernandez. I work for the Forest Service. I work for Dave Johnson and assist the Council during the meetings and with logistics. And if anybody needs to testify, please fill out one of these sheets and hand it to me.

CHAIRMAN ADAMS: Any more Federal people.

(No comments)

CHAIRMAN ADAMS: How about State.

MR. PAPPAS: George Pappas, Department of Fish and Game. I represent the Commercial Fisheries and Sportfisheries Division and I'm on the subsistence liaison team.

MS. HENDRICKSON: Nancy Hendrickson. I'm chair of the Federal Subsistence Liaison Team for the Department of Fish and Game.

MR. CHADWICK: Bob Chadwick. Alaska Department of Fish and Game, Sportfish coordinator.

MR. HARDING: Roger Harding. Department of Fish and Game, Sportfish. I'm a fisheries biologist.

CHAIRMAN ADAMS: Any more State people.

MS. STOKES: I was going to wait until all the Federal and State people were introduced.

I'm Wilma Stokes. Wrangell tribal

government representant -- the representative of the Wrangell Tribal Government. I also sit on the city and borough of Wrangell. My better half sits up there.

(Laughter)

MS. STOKES: And we are subsistence users. And one of them that was up there said their freezer's full, so is ours, thanks to Sitka who sends us our share of eggs.

CHAIRMAN ADAMS: That was going to be my next call is to see if there is any tribal people here who would like to introduce themselves.

MS. SYKES: I'm Carrie Sykes. I work for Tlingit-Haida Central Council. I'm a subsistence and sustainable development coordinator.

CHAIRMAN ADAMS: Carrie, we really appreciate you coming to us for the last few meetings. We know that Central Council is really interested in what we're doing here and, you, indeed, you know, present a good representation for us.

Gunalcheesh.

MS. SYKES: Yeah, at some point I will provide a report on what I've been doing.

CHAIRMAN ADAMS: Okay.

MR. BAINES: I'm Michael Baines. I'm on the Sitka Tribal Council and former chairman of our herring committee. And I also operate a tour boat in Sitka.

Thank you.

MS. MEURET-WOODY: I'm Heather Meuret-Woody. I'm representing Sitka Tribal of Alaska. I'm a biologist for the Tribe.

Thank you.

CHAIRMAN ADAMS: Okay.

MR. JOHN: My name is Walter John. I work with Douglas Indian Association, and I'm the local white man expert.

(Laughter)

CHAIRMAN ADAMS: Well, thank you, Walter, we need a few more of those.

(Laughter)

CHAIRMAN ADAMS: Is there anyone else.

(No comments)

CHAIRMAN ADAMS: Okay, does that take care of everyone in the room so far.

(No comments)

CHAIRMAN ADAMS: Well, again, welcome everyone, we appreciate your attendance and we hope we'll be able to move this meeting along real well so that we can finish in time, that's my job. But, again, we appreciate your attendance here and look forward to a great agenda today.

The next thing that we need to do is review the Council role and responsibilities, and Mr. Larson has offered a short presentation to give us at this time, so we'll turn the time over to you Bob.

MR. LARSON: Melinda, could you -- or, I'll go up in front here, hold on.

(Pause)

MR. LARSON: Mr. Chairman, yeah, I'm wondering if it wouldn't be more appropriate to start opening remarks while I get this up on the screen.

(Pause)

CHAIRMAN ADAMS: Opening remarks, sure. Let me see, where is that on the agenda.

MR. KOOKESH: Just go to number 4.

CHAIRMAN ADAMS: Number 4.

MR. LARSON: Or we can start right here.

(Laughter)

MR. LARSON: Whatever. Whatever. I'm set up now, so.....

CHAIRMAN ADAMS: Okay, go ahead.

MR. LARSON: Mr. Chairman. For the benefit of the Council and the audience I've put together just a few guidelines to remind ourselves, you know, why we're here and sort of guide ourselves through the processes that we work with on the Council.

The Southeast Advisory Council is one of 10 in the state. It's formed due to provisions of ANILCA, actually it's Title VIII of the Alaska National Interest Lands Conservation Act of 1980. And I think it's important that we know that the purpose of Title VIII is to provide the opportunity for rural residents engaged in a subsistence way of life continue to do so.

Furthermore, Congress has said that the use of public lands is to cause the least adverse impact, that non-wasteful subsistence uses shall be the priority consumptive use and that Federal land managers must cooperate with adjacent land owners and managers.

Subsistence. What is subsistence. And they have defined subsistence so we, you know, exactly can agree on what we're talking about. Customary and traditional use by rural Alaska residents of wild renewable resources for direct personal or family consumptions as food, shelter, fuel, clothing, tools or transportation.

So that is what we have as a priority consumptive use.

Now, my role as the Council's coordinator is really your Staff officer and your liaison, so I act as your administrator under the Federal Administrative -- FACA, I am your designated Federal official, I'm your primary contact with the five Federal agencies that own land in the state of Alaska that make up the Subsistence Board. I provide you information and program guidance. I make sure that any issues that the Council has is heard by those that need to be aware of whatever recommendations or positions you have. It's also my responsibility to make sure that you comply with laws, regulations and policies.

As Council members you've been appointed

for your knowledge and experience. You collectively represent the people of this region, and the region we're talking about now is Southeast and Yakutat. All Council members have agreed to uphold Federal subsistence priority as described in Title VIII of ANILCA.

You have authorities. I've listed the primary authorities that you have here. You can evaluate proposals and policies, that's what we're here for today. The first official item on our agenda, Item 12. You can provide a forum for public opinions, and hopefully we'll have some members of the public speak to the Council. We encourage public participation in the decision-making process. We prepare an annual report. We make recommendations to the Board. And one of the things in our agenda is to appoint a member to the Wrangell-St. Elias Subsistence Resource Commission.

In our annual report, something to think about, that there's several items that are appropriate to be within the annual report; subsistence uses, subsistence needs; strategies for management; and strategy for recommendations on how to implement the strategies for management.

When we go about evaluating our proposals we need to have several things in mind. That a recommendation should be supported by substantial evidence. Will the recommendation conserve fish and wildlife populations; will the recommendation continue subsistence uses; and if this recommendation contains any restriction on non-subsistence users is it, in fact, necessary.

At the very end of our meeting we will develop an action record and it'll be our final agenda topic. And what this record will have is whatever the recommendation is, the justification, it'll be signed by Bert and printed up for the official records.

We will start today. We have this room through Thursday.

Thank you.

CHAIRMAN ADAMS: Anybody have any questions, Council members, of what Mr. Larson has prepared for us today?

(No comments)

CHAIRMAN ADAMS: Okay. So all pretty much know what our duties and responsibilities are.

With that, we'll move on. Thank you, Mr. Larson.

The next thing is to review and adopt the agenda.

And I'd like to go along with protocol we've used before and that is to adopt it as a guide, so that we could have the ability to move, you know, issues back and forth for the sake of time and brevity. So if we adopt it as a guide that would help us move it.

MR. WRIGHT: Mr. Chair.

CHAIRMAN ADAMS: Yes, sir.

MR. WRIGHT: Mr. Chair. I make a motion to adopt the agenda as a guide.

CHAIRMAN ADAMS: Thank you, Mr. Wright. Is there a second.

MR. BANGS: Second.

CHAIRMAN ADAMS: Second by Mr. Bangs. Discussion.

(No comments)

CHAIRMAN ADAMS: Hearing none, all in favor please say.

IN UNISON: Aye.

CHAIRMAN ADAMS: Opposed, same sign.

(No opposing votes)

CHAIRMAN ADAMS: Motion carries.

REPORTER: Bert. Bert.

CHAIRMAN ADAMS: Okay. The next thing is to go over the minutes. Tina is going to start fining me for not using the button as often.

(Laughter)

CHAIRMAN ADAMS: By the way we did that last year and, you know, I guess the Girl Scouts in Sitka made a bunch of money off of George over there.

(Laughter)

MR. PAPPAS: A new watch battery at this meeting.

(Laughter)

CHAIRMAN ADAMS: Okay. Please review the minutes and if there's any comments or deletions or suggestions, please feel free to intervene.

(Pause)

CHAIRMAN ADAMS: I do have a comment here and I might have more as we go on. But on Page 8, right at the top of the page where Mr. Stokes is giving his report, he makes mention, he's talking about.....

MR. KOOKESH: You need to make -- put a motion on the floor.....

CHAIRMAN ADAMS: Pardon?

MR. KOOKESH: You need to put a motion on the floor just to adopt it, that would be when you could make your remarks.

CHAIRMAN ADAMS: Mr. Kookesh is calling for a point of order, so it's well taken. So go ahead.

MR. KOOKESH: Mr. Chairman. I'd like to make a motion to adopt the meeting minutes for the Sitka, February 26th, 2008.

CHAIRMAN ADAMS: Do I hear a second.

MR. HERNANDEZ: Second.

CHAIRMAN ADAMS: Okay, now we're up for discussion, thank you, sir.

What I was going to bring out is on Page 8 at the top of the page, Mr. Stokes is talking about hunting and it looks like there might have been a couple of typos there. It says that ADF&G has not been willing to extend the season to harvest these fish, there is a

State authorized hunt for any bull moose on the Stikine River but subsistence fishermen and I'm just wondering if that was a typo there or a mistake of some sort and it should mean hunter rather than fishermen.

MR. LARSON: We can change that.

CHAIRMAN ADAMS: Okay. And there's another one, you know, subsistence fishermen should and so forth, there's two errors there.

MR. LARSON: Okay.

(Pause)

MR. WALLACE: Mr. Chair, I call for the question.

CHAIRMAN ADAMS: Question's been called for. All in favor please say aye.

IN UNISON: Aye.

CHAIRMAN ADAMS: Opposed.

(No opposing votes)

CHAIRMAN ADAMS: Motion is carried. Thank you, Lee.

Moving on. Chair's report. And if you'd just look over, you know, I was looking at Page 12 and there's a blank page here, Mr. Larson, and it's the .805 letter, do we all have it that way?

(Council nods affirmatively)

MR. LARSON: We can fix that.

CHAIRMAN ADAMS: We can fix that, he says, okay.

So that's, you know, that's in relation to the .805 letter and then the other is the 2007 annual report reply. So if there's any, you know, questions or concerns that the Council might have in regards to that, and then he's going to get us the .805 letter for us to consider, too, so, you know, please feel free to comment.

(Pause)

CHAIRMAN ADAMS: Mr. Buklis, is there a reason why we got that blank page, is it just an oversight or is there something that's supposed to be on Page 12? Mr. Larson has the letter and he can put it up on the screen, but why is it blank in the book?

Larry, please.

MR. BUKLIS: Mr. Chairman. On Page 12, that would be the start of the topic on the .805c letter and that would be the letter that conveys the .805c response, which is in detail beginning on Page 13.

CHAIRMAN ADAMS: Okay.

MR. BUKLIS: So, I believe, you're going through your minutes right now, the meeting minutes end on Page 11 so your next order of business, when you review the .805c letter, that starts on Page 12, and Page 12 should be the letter itself.

CHAIRMAN ADAMS: We've done the minutes already, Mr. Buklis, we're doing the Chair's report and the .805c letter is a blank page on Page 12.

MR. BUKLIS: Yes, I'm with you now on the agenda. And the important part of this topic begins on Page 13 with the details of the response to the regulatory actions. The Page 12 letter is simply a letter of conveyance. I'm sorry it's not accurately printed, we can get you a copy, but the important factual part of that begins on Page 13 with the detailed regulatory responses.

CHAIRMAN ADAMS: Thank you for that. Mr. Larson does have the letter in his computer here and he can put it up on the screen if that's okay.

MR. BUKLIS: Very good.

CHAIRMAN ADAMS: So thank you for that Larry. And so the explanation is, you know, that the letter addresses the issues that are starting off on Page 13, and Bob is going to put that letter up on the screen for us to look at.

Right after this we want to take an opportunity for some people to provide a welcome so, Denny, you know, get prepared to come forward here in a few minutes.

MR. BSCHOR: Thank you, Mr. Chair.

(Pause)

MR. BSCHOR: Maybe I should do it right now.

CHAIRMAN ADAMS: Good idea.

(Laughter)

MR. BSCHOR: I wasn't quite on time the last time you were meeting, really I just wanted to.....

CHAIRMAN ADAMS: You want to your microphone on there, please.

MR. BSCHOR: Sure. Thank you, Mr. Chair. And welcome Council members. Welcome Tribal members and audience and Federal participants and State participants in this meeting.

I just want to say a few words of thanks, first of all. This is about the seventh year, I think, that I've been on the Federal Subsistence Board, and I can tell you that in those seven years we've had some very interesting topics, as you well know, and a lot of those topics from Southeast, extremely important topics and some of them very, very complex and important to the people of the state of Alaska.

I want to let you know that I take my job seriously on that Board. That I do my best to follow both the intent and the letter of the law, that sometimes results in votes or decisions that I make that are really liked and sometimes that ends up in decisions that I vote for that aren't particularly liked by various parties. So of all the work I've done in my years as an agency administrator and an agency employee for the Forest Service, I can tell you that this is some of the most important work that I've done in my career, and that's how seriously I take it.

I'd also like to thank the Staff, the Council members and everyone who prepares the work for those meetings. I can't tell you how important it is to have good Staff work for that. These issues are generally extremely complex regulatory issues that are even, I guess, for me particularly, difficult to understand at times, so the better job that happens in

this room this week and has happened in various places throughout the years on these topics, that's how important it is to me to have a really clear, concise presentation, so thank you for that. It happens most of the time with the Southeast group, and I want to let you know I appreciate that and encourage you to continue doing that.

And speaking for the other Board members, we have a Board book, it's usually about this thick on these meetings, these Board meetings, and I have to tell you I concentrate on Southcentral and Southeast because that's the area of responsibility I have as an agency administrator, not that I ignore the rest, but to read every one of those proposals and understand them inside and out is very difficult to do for the Board members, so, once again, the better job that happens in this room, the better decisions will come out of that Board. So thank you for that.

I also want to just say thanks for some of the successes we've had. We've had many successes. But a few, for example, are the Prince of Wales Deer Management Subcommittee, and, I know, Don, you've had quite a bit of the leadership in that, phenomenal effort that has really brought us together with users and the State, and I think a very huge success for us. The opportunity for subsistence use of steelhead were appropriate, although controversial with the State, I think we've been doing an excellent job of managing that. The fishery on the Stikine River, thanks to Dick Stokes, whom I had the pleasure of visiting the Stikine with him a few years ago, and the State's efforts in getting subsistence use on that river is another really great success.

The positive interaction we've had when we had the tough winters in 2006, 2007 for deer closures, the coordination between OSM, Council in making that happen is another great example, some quick action that was taken, and hopefully if you haven't noticed we've had another really wet summer down here and those two years we've had the toughest winters, I think, in history in Southeast, I'm afraid we're moving into another one, so at least we have experience with how to react to those sorts of things.

The Fisheries Monitoring and Wildlife Monitoring Programs, I want to mention that we've invested in over $15 million of money in subsistence

fishery stock assessments, harvest assessments and the majority of those contracts have gone to tribal governments. And, although, we're fairly new in the Wildlife Monitoring Program we've spent over a half a million dollars in Southeast the last few years, mostly in the Unit 2 deer area.

So those are some really great successes.

I want to assure you that it's only through the open communication we have in these meetings and in the Board meetings and elsewhere and mutual respect and promise of ANILCA Title VIII that we can succeed and I want to let you know that I do my best to try to continue to do that from my perspective on the Board. And hopefully my dedicated Staff here, most of them are in the room now that work in subsistence, will help you be a success also, Mr. Chair.

With that, gunalcheesh.

CHAIRMAN ADAMS: Gunalcheesh to you, Denny, appreciate it.

MR. KOOKESH: Question.

CHAIRMAN ADAMS: Sit.

(Laughter)

CHAIRMAN ADAMS: Question.

MR. KOOKESH: Comment, Mr. Chair. Mr. Bschor, a lot of the Council members, if I'm correct, in Alaska, don't have an opportunity to always sit at the Federal Subsistence Board level and to communicate openly with you and to those of us that are out there it's been my observation that a lot of the Federal Subsistence Board is comprised of non-subsistence users. But I was really glad to hear that, it's my take here, is that you're definitely doing your job even if you're looking at a 500 page book you're still applying yourself and it's very important -- the -- the thing that we value the most is that when we make decisions we're hoping that the decisions that are coming out of the Federal Subsistence Board continue to make the subsistence lifestyle happen.

You know, a lot of us that sit here, one of our duties here is to represent our -- not only our communities, but our region in whole, and I was very

happy, after how many years, to see that we've stopped going from community reports, community member reports to just doing Council member reports where we represent our region like we're supposed to. But it's very important, I'm just trying to emphasize to you is that a lot of us really believe that we're doing the right thing here, but we really depend on you up there and like I said we know that you're not all subsistence users like us. I believe if anybody, maybe Mike Fleagle, you know, but thank you very much.

That was just my comments, Mr. Chairman.

CHAIRMAN ADAMS: Thank you, Mr. Kookesh. Do you have a rebuttal?

MR. BSCHOR: No, just a thank you. I'll continue to try to do my best and urge the other Board members to do the same.

Thank you.

CHAIRMAN ADAMS: Thank you, Denny. I'd just like to insert this in here. I really do wish that the Board would give our Council more deference to some of the things that we have addressed in the past. It deeply affects the subsistence users in our area and we hope that maybe we can see more of that in the future, more of, you know, listening to the Council in the future.

So thank you for being here and your remarks.

Gunalcheesh.

MR. BSCHOR: Thank you.

CHAIRMAN ADAMS: We were hoping that, and I didn't get a comment from Bob about it, but we were hoping that maybe Mr. Martin could have been here.

MR. LARSON: He will be.

CHAIRMAN ADAMS: He will be, okay, good. So when he gets here then we're going to give him an opportunity to say a few words.

Is there any other person that would like to address the Council at this time, Mr. John, would you,

as a tribal leader in this area, I'd really appreciate giving you an opportunity to say a few words to the Council.

MR. JOHN: Sure.

CHAIRMAN ADAMS: I don't want to put you in a spot.

(Laughter)

CHAIRMAN ADAMS: But if you like, you know, I already have but thank you.

MR. JOHN: My name is Walter John.

CHAIRMAN ADAMS: Turn your mic on for Tina.

MR. JOHN: But, you know, I have a real interest in our lifestyle as Native people. We have been gathering fish and living, I mean when you talk about what they call subsistence is really our lifestyle. We didn't transfer it over here from another country it's always been here, we've always lived off of our land.

And I used to be a commercial fisherman, you know, and I have watched the things that have happened here in Southeast where, at one time we had, you know, probably the best fishing fleet in the state of Alaska and that fleet is gone, Angoon, Hoonah and places like that. And as a boy I remember at Auke Inlet when we used to put up our salmon in our smokehouses, I sometimes wonder if -- I look at the health of our people today, you know, we have high Diabetes rates, we have heart trouble, there's so many things that we have, when I look back when I was young boy, we didn't have those kind of problems. I sometimes wonder, you know, when we used to take our salmon from the creek when they turned color and then put them into the smokehouse that there was some kind of chemical reaction in the food that really helped us to stay healthy and we're not allowed to do that today, you know, I mean when I was a boy we used to go out here to Douglas and gaff salmon and that became illegal and when you really think about it, scientifically it's probably the most accurate way of catching fish because you can choose the fish that you want, rather than a hook or a net, and we used to use a gaff. And we always picked the male, you know, let the -- so that the female could lay her eggs, that type

thing, you know. And I watch -- we were just at a meeting a week ago in Sitka and we were talking about our herring, you know, I just kind of wonder what's going to happen with the herring roe because there's so much fishing being done, so much catch and there's a lot of money and that money seems to outweigh the true needs in Southeast, you know, we take so much herring. When I was a young boy, we used to get herring out here at Auke Bay and now we don't, there's no herring there. And from what I'm hearing from our brothers in Sitka, the herring from Sitka is truly diminishing. And you think about what will happen, not only to subsistence, but to fishing as a whole, when the herring is depleted.

I kind of marveled when I saw in one of the newspaper reports where they cut off subsistence from some of the villages up north but at the same time they allowed commercial fishing to continue so it seems like the first one to go is subsistence and I think there needs to be some kind of balance.

I thought if this had happened -- if the same thing had happened in farm country where they had problems with the farms, the Governor, the President would make some kind of, you know, they would say, you know, we've got to do something for these people, but our brothers and sisters up in the villages up north they were told they can't subsist and that's truly their way of life, it isn't just something they do on the weekend but it has to do with our culture, our way of life. And I think -- and one of our brothers here said, when we have food we invite our friends and we used to give our food to the elders, that type thing, you know, it's something I've been concerned about, you know. We have so many rules. I think the Native American people have more rules and regulations in our lifestyle than any other people, any other group that lives on planet Earth, you know.

But, you know, I just look at these things, when I was a little boy when we used to get our salmon right from the creek and then dry them and smoke them and that's kind of being a lost art today, you know, and I would like to see us go back to more of our food and that lifestyle, our culture.

I'm a believer in the bible, Jesus Christ, you know, I believe all that, but I also believe that we need to speak up like it says Proverbs, speak up for those who can't speak for themselves.

We have many needs in our villages. Our villages are dying, people are moving out of our villages because they've been cutting funds on the Federal level, the State level so there's people moving out of our villages, and then the cost of fuel, it becomes more expensive and more costly to subsist. It cost you a lot more money to go out and get fish, you know, so I'm concerned about our villages and I mean that's my focus, that's where I am. And what happens to the villages, how it's going to affect us as a people. I really believe that if the villages go that, as a people, we're -- we can't -- you know, we can't let it happen. Our people are leaving the villages, there's no employment, all these things are happening and at the same time our subsistence is becoming more expensive, you know, when we want to get subsistence from people and that type thing, you know, and so I do have some major concerns.

But I know this, as a people, we always find a way to survive. No matter what has happened, no matter what has thrown at us, you know, we have a way and we're going to make it somehow, I still believe that, but I really have a lot of concerns when it comes to subsistence for Native people here in the state of Alaska.

Thank you.

CHAIRMAN ADAMS: Thank you, sir, appreciate that. Any questions.

MR. KOOKESH: Question.

CHAIRMAN ADAMS: You got a question.

MR. KOOKESH: Sure.

CHAIRMAN ADAMS: Okay, sit. You have a question?

MR. KOOKESH: Yeah -- well, not really it's a comment.

Walter works for me, he's an EPA -- he's our EPA coordinator. I was really glad to hire Walter because as you know I like the way -- call that -- you know, staff that can communicate people's feelings and get the message across. I had another gentleman, that you probably know here, his name is Sasha Sobolof, I really enjoyed working with him. I really want to than

you Walter because you did a very excellent job trying to communicate the message that needs to be communicated out there.

MR. JOHN: Thank you.

MR. KOOKESH: Thank you.

CHAIRMAN ADAMS: Thank you, Walter.

MR. JOHN: Okay.

CHAIRMAN ADAMS: I, too, appreciate what you've said, and we are deeply concerned about all of those issues you addressed to us.

Mr. Baines, do you have -- would you like to address us at this time.

Thank you.

And then following Mr. Baines, I'd like to call on Becky Nourse, she's the Deputy Supervisor for the Forest Service, the new one, and so we'd like to have her come up and say a few words as well. But, go ahead, Mr. Baines.

MR. BAINES: Thank you, Mr. Chair. I'm Mike Baines from Sitka Tribal Council. I'm sure you'll hear plenty from me later during the testimony for our proposal.

But I think there are concerns that the herring are getting wiped out. They used to spawn for weeks, week and a half, up to two weeks, or even more, but that's not happening anymore. And they spawn for maybe three days this last spring, and that's why people aren't getting their herring eggs and they're trying to blame us for not going out and setting branches and whatever and it's just completely not true. The fisheries are causing disruptions in the migration and movement of the spawn actually. I think it scares the fish into false spawn, the males will be spawning but there's no eggs -- we're just not getting the eggs on our branches.

People are saying they have full freezers. My mom has full freezers and they're all full but there's no herring eggs in them and there's no deer. And there's no deer because we had two bad winters in our

part of the Baranof Islands. But there's not much you can do about that. But there is stuff we can do about the herring, is to stop them from catching so many.

CHAIRMAN ADAMS: Any comments or questions from the Council.

(No comments)

CHAIRMAN ADAMS: Thank you, Mr. Baines, appreciate it. Ms. Nourse. Welcome.

MS. NOURSE: Thank you. Mr. Chairman. Council members. I'm really glad to be here.

I thought I would maybe just give you a brief bit of my background so you understand a little bit about where I've been and worked. Actually this is my second assignment on the Tongass and I worked on the Misty Fjords Ranger District for about seven years in the '90s and I was the fisheries and wildlife biologist on that district at that time. I've also spent five years up in Cordova as the district ranger and really participated a lot in the subsistence lifestyle there and learned a lot about how important it is to residents of Alaska. And most recently I was back in Washington, D.C., working as our legislative liaison for the Forest Service with the Congressional Delegation and the Forest Service Chief's Office and USDA and so hopefully learned a little bit about some of the political side of things.

But I'm very happy to be back in Southeast Alaska and looking forward to interacting with the Council and all the communities and learning a lot more about subsistence issues.

So thank you very much.

CHAIRMAN ADAMS: Thank you, Becky. Any comments or questions.

(No comments)

CHAIRMAN ADAMS: Gunalcheesh.

MS. NOURSE: Gunalcheesh.

CHAIRMAN ADAMS: Bob says he has that letter he can put up on the board, but right now I think we're going to take a break.

(In Tlingit)

I need to go to the restroom.

(Laughter)

CHAIRMAN ADAMS: But we'll take a 10 minute break and be back here in 10 minutes.

Thank you.

(Off record)

(On record)

CHAIRMAN ADAMS: Everyone please take their seats.

(Pause)

CHAIRMAN ADAMS: You guys are just like my wife and children, you don't listen.

(Laughter)

CHAIRMAN ADAMS: Okay, you people in the back, please take your seats.

(Pause)

CHAIRMAN ADAMS: Okay. Did you all make the comment I made when I was trying to get you all together?

MR. KOOKESH: No.

CHAIRMAN ADAMS: No. I said that you guys are just like my wife and children, you don't listen to me.

(Laughter)

CHAIRMAN ADAMS: There is the letter and Bob's got it up on the screen. Take a few minutes to go over it, or a minute or two, questions, comments, this is in regards to the Chairman's report and the .805c letter. That's the letter and the information starting from Page 13, you know, addresses that.

(Pause)

CHAIRMAN ADAMS: Okay, you've had a chance to go through that. Questions or comments.

(No comments)

CHAIRMAN ADAMS: Let's move on. Next on the agenda is Council member reports and why don't we go ahead and start with Mr. Wright down in this corner here and then go on down the line here and listen -- we'll have a chance to listen to what you have to say concerning your areas and -- in your areas as well as your regionwide concerns as well.

Frank, please.

MR. WRIGHT: Thank you, Mr. Chair.

One of the real issues that, you know, I think is crucial to the Southeast area is the halibut. One of my concerns is that I'm a commercial fisherman and we got cut 43 percent, and when we got cut I understood the reason why was because the abundance of the halibut wasn't there anymore and as a commercial fisherman I said, we have to do this and subsistence is part of halibut. But when you got organizations that are fighting to increase their quota when I, as a commercial fisherman, accept a cut in our quota because it's a necessary thing, then I have a problem with that.

I don't want something like -- to happen in 2C, like East Coast where the cod fish was decimated so bad that they even quit, they stopped fishing. I really believe that there's got to be something done to stop the just take, take, take. 43 percent is a big part of my quota, but I accepted it because we need to do something like that. And I think that's something that needs to be addressed somehow, whether it's Federal, State, National Marine Fisheries, International Fisheries -- Halibut Commission, something. One day we continue to do this harvesting of these halibut the way we're doing it now, what's a halibut going to look like? People are going what's a halibut because there's none anymore, we're just taking and taking and taking, and not letting it come back. So that's an issue.

Another issue is we're still having problems with the sea otters. Sea otters are still digging up our clam beds; sea otters are still taking our crab, but there's nothing much you can do about it when they're protected Federally and you can't really do much

with the skin because you got so many restrictions on them. But they take and take, too, so how do we control something like that.

The crab. They stopped letting us get king crab for subsistence in Hoonah. I know there's king crab there but Fish and Game says they're not. Because I tanner fish in up in Port Frederick and I found king crab, but as you know they stopped it completely. So I -- well, it's another issue that, you know, I would say if there's no abundance there I would say, no, don't do it, but, you know, we got to figure on how to conserve something and how do we bring it back when they're died out and there's no crab -- it'd -- it would be the same kind of issue as halibut.

Salmon. This year was a devastating year on the north end. Last year I went -- last fall I went -- I applied for a permit to go subsistence fishing for the community of Hoonah and we didn't even make a set. I used my seine boat to go do that for the community of Hoonah, went to Excursion Inlet because I had a permit to do it, didn't even see one jump so didn't even make a set. This year the same thing, we went up there trying to make another subsistence set for the community of Hoonah, no fish. They didn't even open it up for commercial this year. That's where I get the dog salmons I take to the community of Hoonah, but nothing.

The deer. I'm hoping that -- I've seen more deer this year than last year, but what does that mean. If we have another -- you know, as the deer really come back in numbers that, you know, can sustain what the hunting's going to be. I don't know. I don't know what the biologists have seen but I would still caution, we don't know what kind of winter we're coming up on this year. I've already seen snow on top of the mountains around here, fresh stuff, so, you know, last year wasn't that bad of a winter but it was pretty tough. But the year before, that's when they had the big deer kill, and I don't know how fast deer grow but, you know, it's -- I would caution, caution the hunting.

One other thing, you know, that people talk to me -- I had a phone call one time and there was a guy, he asked me, well, what do you think about the deer and I says, well, I would not even open a doe season, leave the does alone, but one of the biologists said, well, there seems to be abundance, but the year before there was such a big deer kill, how many were

there. I would say leave the does alone. But some biologists seem to think it's okay. When you have a big deer kill, leave them alone in this area or any area that when there's no deer.

Another issue is sea lions. I went trolling, I threw my rod -- herring over, start trolling, my wife and I were dragging herring around, first when I threw over, what the heck, there was a sea lion following that herring. I threw my other rod over, there's another sea lion following that herring. I had two sea lions trailing me and so I knew that i wasn't going to catch a king salmon so I pulled up my rods, ran about five miles, threw my herring over, another sea lion following me. There's a lot of sea lions. In Hoonah they're all over the place. And, you know, I know that they're supposed to be something like an endangered species, but I watched a show on TV about sea lions in Southeast, it's not a problem because them herring are here so that's what the sea lions eat, and they were trying to blame it on the pollock but then the show showed that the pollock were not the issue, the lack of pollock, because they did a -- they did a study where they fed the pollock to sea lions lost weight but when they did the herring the sea lion gained weight. So I think for the number of sea lions that is populating this area, you know, something's got to be done about it. And Coverton, that island is just -- they're just all over the place. When you look at that island there, it's all brown, with sea lions on it.

Well, that's pretty much what I have but I'm sure that my biggest issue is the 2C halibut and there's got to be something done about it. We can't be just pulling out, pulling out and expect that stock to come back, you know, it's so hard for me to -- you know, I used to have 12,000 pounds and now we have 6,000 pounds and it's pretty hard to even find it, you know, and I don't even -- I try not to -- sometimes, you know, the feeling I have, you know, is what am I doing, you know, I'm -- but then it's all I have left to make a living on and the halibut population is just going down.

So I thank you.

CHAIRMAN ADAMS: Thank you, Mr. Wright.

Mr. Wallace.

MR. WALLACE: Lee Wallace from Saxman.

CHAIRMAN ADAMS: Appreciate your comments and concerns Frank, we can identify with that as well.

Go ahead, Lee.

MR. WALLACE: Well, definitely I can really identify with his comments on the sea lions. In the Hoonah area, we had the opportunity to go up there to do some road inventory with Kimal-Lindof not too long ago and I did see a lot of sea lion in that area so it definitely could be a problem for that northern area.

Of course we all identify with what summer happened here in Southeast Alaska and actually the whole of Alaska. In the southern end of Southeast Alaska there was just so many closures, emergency closures of sockeye streams, for a lack of identified escapement of sockeye in many streams in Southeast Alaska. And the streams I normally go to are Hetta and Eek and occasionally I go to Karta River, but, with the reports I received I didn't even attempt to go over there. One was probably the -- the whole thing with the issue that we all deal with when we go subsistence fishing and hunting is gas prices. You may make a large run to go to a stream and fishing's always a gamble, and if they're there they're there, and if they're not, they're not, and if they're not there you could substantially stand to lose a sizeable amount of money with gas prices, so it's a very big concern when there's a shortage like that and I think we all identify with that.

So what do you rely on? Well, I'm going to rely on my previous stocks that I have in my freezers and previous jarred salmon that I have from previous years and other species other than sockeye.

Probably Saxman's biggest issue right now is, you know, FSB ruled on all six RFRs and rejected them all. You know they didn't meet the criteria, the threshold and so many people have been asking about options, what are we going to do? Well, of course we are going to act and actually today there's a resolution going into AFN, that's an avenue. And avenues to go on is administrative and statutory.

You know there's an election going on like we've seen in the media. There is going to be a new President, and hopefully it won't be another eight years of Republican rule in DC, and so with that we're going to have new Secretary of Interior, Secretary of Agriculture,

so we're going to push for the Secretaries looking into defining rural. So that would be one option.

The other option, again, would be going to Congress and looking for amendments to ANILCA, again, on the same guidelines.

And, finally, you know, we decided at our council table, at the IRA Council in Saxman that we will leave no stone unturned as far as working on correcting the ruling that the FSB made. And fortunately we do have that five years but we're not going to sit on our tails up until five years, we're going to be acting this fall. Of course, first would be AFN accepting that resolution. And then finally, again, there's litigation. And it's always the last route to go and we're definitely not ruling that out yet.

But that's Saxman's big concern.

And not only concern for Saxman but it's one of the first small villages to be determined non-rural and there's others, say in the Kenai, Kodiak, Sitka, you know, there's all these different communities that currently with now what's out there for -- that they look at the regs and there's interpretation of what's rural and what makes a community rural. So the battle is long but we're in it for the long run.

Thank you.

CHAIRMAN ADAMS: Well, thank you, Lee. We certainly did, you know, feel for Saxman, in trying to get the Federal Board to consider it in their meeting and instead, you know, they took all of those RFRs and rejecting every one of them and I thought it would have been really appropriate if they would have taken, you know, your issue and put it on the agenda for consideration because there's a lot of merit to Saxman's receiving their own rural determination and hopefully we'll be able to see that come to a positive conclusion for you in the future.

We're certainly behind you in that effort.

Mr. Kookesh.

MR. KOOKESH: I'll just touch a little bit on what he just concluded by saying. And as I was

sitting here, you know, I work for Douglas Indian Association. I work for Douglas Indian Association only eight months out of the year and it comes to me that in the system we're considered urban Indians but, yet, we have a rural lifestyle, so does that make us urban, we're Natives, that's our urban (ph). And for a community that has a rural lifestyle, they're not urban. So kind of keen observe of the obvious, it's -- it's -- somebody's got something wrong here.

But the one thing that I talked about with Mr. Bschor was when you come to -- when you make decisions, make sure that you make the right decision for us, that that -- that affects our subsistence lifestyle.

The one thing that seems to be missing here the most that's polarizing the whole system is the State of Alaska and the Federal Government going at each other, fighting with each other at our expense. I was sitting at the BIA Provider's Conference last year and the gentleman says, can you kill me with kindness, and my comment to that was killing you with kindness is killing us. I mean we're nice'ing ourselves to death here.

That talks to the urban part of it.

But like I said I do work for Douglas Indian Association, and one of the concerns that I hear the most here is why do we have to go so far to subsist when a sportfisherman and a commercial fisherman can fish right off the dock, you know, what's wrong with that picture. That's the issue for the Juneau Indian -- or the Juneau Natives. That needs to be fixed because this is not right.

There are a few issues that I'll touch on.

I know sea lions are certainly an issue. And I know sea otters are certainly an issue and it's something that needs to be managed and it's not something we can look away at. It's like we're all standing at the stream fighting over what little sockeye's out there, yet, we're not out there thinning the bear populations and the sea lion populations, here we are fighting among ourselves for the wrong reasons and we're basically fighting for crumbs. Somebody else has got the loaf, we're fighting for the crumbs.

But to talk about -- go to sockeyes, for

example. We know we had a pretty good return into Kanalku, we haven't seen the numbers on it, but overall it's been -- it was almost decimated, like we almost killed the bay, somebody almost killed the bay while we were all fighting for the little fish, the bears were slapping them around up in the falls where they couldn't pass through there. But the problem with the sockeye fishery is a lot of it has to do now, and, hopefully, it comes out here is that people need to understand that when you're paying 5.57 a gallon in Angoon and that's at the pump, for gasoline, to go get sockeyes, and you got to run across 15 miles to say like Basket Bay and you got a 15 limit, who's going to go there, it's always prohibitive, it's cost prohibitive. And you don't have seines that can catch 15, unless somebody knows something I don't know. You can't take 10 people over there, you know how much fuel it takes to take 10 people over there? You can authorize somebody but family member, right, member of the household, or something to that effect. You just can't take Michael Bangs' card and go over there and they'll say, how are you related to that Michael Bangs, you know, not even, you know, but you're creating a criminal act here. So what it amounts to is we're actually putting ourselves -- we're sitting here in a situation, we're being called a bunch of liars, cheaters and thieves because you got five permits for 75 fish and then all of a sudden you have 300 fish in the seine, what are you supposed to do, guess how many gill themselves; something's wrong with this picture.

Something very wrong with that picture.

And you look at our economy over there in Angoon. I don't know Juneau's demographics, they probably have a better economy than Angoon, but they're certainly not -- it's very expensive to live out there and it's not getting any easier.

To talk a little bit about the herring egg harvest that's probably going to be brought out, hopefully very strongly, by Sitka Tribe. I know for a fact that a lot of people didn't get herring eggs. I read the letter written by one of the Federal people justifying that the State of Alaska's take on herring harvest says that there's a lot of herring out there, that what happened to you -- they justified the State's position without representing the rural preference -- the Federal government justified the State's position and went against the rural preference. Now, whose side is on whose. You know when you say, well, the fact that they

spawn deeper, the fact that they spawn somewhere else, that's what happens. But if I'm correct, and somebody can correct me if I'm wrong, which they probably won't, but the Sitka resident, the rural residents of Sitka has always harvested herring close to their community. We never ran to -- my brother, Al, we didn't run to Salisbury Sound one year and then down to -- down to Redoubt the next year and -- you know it was all -- it's all encompassed around that one area. And for the Federal government -- the Federal Staff to be writing a letter justifying that the herring take was high so you don't have a problem when -- when the subsistence user doesn't have any herring in their freezers. Fortunately I can take and not take from that fishery. But for those that love it, you know, our elders and stuff, like Bert, hopefully they get their share.

On the Unit 4 deer, we saw that there was an issue about closing, closing early and following the State's lead. My argument against that was that why don't we allow for the rural preference to kick in for a change instead of just following the State; what's rural preference about, I think somebody wrote a law called Title VIII that supported that, you know, that lifestyle. But in looking at the design last winter when we had the issue of closing down with the State, what I saw was a community that was served by a road system that said we need to close it and a community that doesn't have a road system saying, why, you know, and to know for a fact that when I went home last year I saw -- two days I saw 33 deer. That was last winter, I saw 33 deer on two stretches of short beach, less than a mile long. I couldn't land at one of them because it was too rough. But the next day there was 20 beach -- 20 deer on the southern shore of Chichagof, and that was just two days of hunting. I believe a lot of the comments that came out of Angoon was, well, I used to out in my boat and just go around the corner and get them, you know, well, maybe you should walk up in the woods for a change and walk up in the hills and start working for your deer, don't think they're supposed to be on the beach and that's how you're supposed to get them, you know, you have to work for them sometimes. It doesn't come easy. There's no guarantees out there. But they do need to go back and I believe that -- now, that we've had a chance, I believe that Unit 4 needs to be redesigned and it needs to have -- it needs to be more detailed because I see there's a proposal or there's a request for a meeting to be held in Hoonah next month where they're going to talk about closing various portions of Chichagof, you need to

be more specific to me if I'm going to buy into something like that. People need to know what kind of area we're going to close specifically. Maybe we need to start breaking out the ABCC Islands, which are Admiralty, Baranof, Chichagof and Catherine, and make them into larger units. Because if -- if the road system hunter isn't getting it and the guy on the beach is getting it, don't close me because he's not getting it, we're in two different worlds, we have two different worlds out there. I went out and got deer. My crew wasn't the best shots, but I can't fault them.

But anyway to get into the halibut one -- is the last -- the last one is the halibut one and the healthy lifestyles.

Walter talked a little bit about the lifestyle, about our lifestyle and subsistence, how there's a -- there's a connection there. When your lifestyle is being regulated away and you notice that your people are becoming more diabetic, they're not as healthy, they're dying sooner, they're not like how you remember it as a child, how people lived to be old, you know, we had a lot of elderly people in our community that were very old, but when your lifestyle is being regulated away by two, State and Federal fighting among each other and you're becoming a criminal and you're being forced to eat crazy cow, you're going to have problems and there needs to be a balance, and the balance needs to work for the people that live on that resource.

On the halibut one, I'm a charter boat operator out of Angoon. I've been there since June all the way up into the middle of September working, and I've seen the decrease. I didn't have big halibut in my boat. I don't take anything past 150 pounds either. 130 is my range for large halibut. We don't take pleasure in killing those that size. But there has been a decrease. And I know that even though the commercial quota is cut, I believe that the value of their quota is higher. I remember when we first started selling -- when they first started selling it, I wasn't one of them -- when they first started selling, their quota was being sold at $4 a pound, now you can't even touch it for 22. So you do have an increase in your quota even though you've seen a decrease -- your price -- even though you've seen it go down. But there certainly is an issue. Personally I don't believe that National Marine Fisheries should dictate the economics of a fishery, I don't think it works. The consumer dictates that. You can raise the

quota all you want but a lot of people want to catch their own halibut at the price who -- you know -- they're paying (ph).

Thank you, Mr. Chairman.

CHAIRMAN ADAMS: Thank you, Mr. Kookesh, well, said.

Mr. Kitka.

MR. KITKA: Thank you, Mr. Chair. We have some concerns in Sitka.

Our major concern is with the herring. The Fish and Game, the Board, they tell us that the fishery is very healthy. Maybe sometime later on Sitka Tribe will come up with their thing on it. But I know that when they talk about the miles of spawn that happened within Sitka Sound, the concept of the State's miles of spawn and the concepts of our miles of spawn are considerably different. When we talk about our spawn and walking on the herring and walking on the spawn, there was no places where there wasn't spawn. Now, if you look at what they say is a healthy spawn might encompass one island whereas it used to cover the whole Sound. And we had local stocks of herring that came out and joined and mixed with these other herring that came in and spawned with them. Now, we don't have any local stock to mix with them. All we have is the stock that comes in out of the ocean. And when they diminish that we'll lose a lot of things. The salmon don't come in the way they used to. The halibut don't come in the way they used to. And the herring were a bit part of their food. And to consider all the whales that come in and feed on these herring, all the sea lion that come in and feed on them, all the harbor seals that feed on them; everything that feeds on these herring were considered a very healthy food -- food source that the Natives used. The populations, though, the sea lion and the whale are increasing, the amount of herring are disappearing. Last year they had a big quantity of the eight year old herring, but that was unheard of. Now, they might not know where all these herring are coming from, but I know the stocks and our old people tell us that the stocks rotate. These ocean herring are constantly moving back and forth and one year they might spawn there, the next year they might spawn someplace else. But as these stocks diminish and from year to year you're going to find out that we're losing more and more. As the stocks

diminish we're going to find out that we're getting less and less spawn.

I know Mike Baines talked about the spawn, about how long it used to last and I grew up in Sitka and I started putting out branches back in the '50s, and have followed the herring pretty much all my life and to hear them say that it's a healthy stock and it's far from it, it bothers me. I know it affects a lot of things, a lot of people.

I know the communities that we usually ship to, we didn't get to ship herring to them -- or eggs to them because a lot of people did not get them. Very few of us were lucky enough to get what we considered adequate, a lot of the people that set branches, and some of us will set, oh, probably up to 20 sets of trees and some even more and some of the people, I know, set 20 trees and didn't get anything.

Being that is said, that's what I have to say on the herring.

We do have some problems with some of the things that we've been talking about all the way down the line.

The sea lion, the population is getting too big.

The sea otters, they probably ate themselves out of one side of the Sound, now there's nothing on that side, and they moved to the other side and they're going to wipe that out before long.

The sockeye issue was a major problem this year. They shut down one of the major subsistence areas and closed it down and most everybody had to travel a long distance or else have somebody from one of the other bigger boats and go fish for the Tribe and distribute it. So a lot of people maybe only got maybe only five sockeyes this year, which is a considerable drop, and that's not enough to survive on through the winter.

And Mr. Walter John there, he talked about the food that we eat. Our bodies were programmed to eat these subsistence foods. IF we don't get these foods then we become unhealthy and this is what he talked about and I believe that is very important for our people.

There is -- one of the concerns I have on more of a personal basis, and this came out in the last meeting, this was when the Federal government decided that we were only going to have meetings in places where there is airports. I feel our lack of communication with the smaller communities is going to affect us. We're going to kind of end up like the State, where they don't get out to the smaller communities and ask them how they're doing and get their input from them and be able to act on it. As we become more distant from these smaller communities we're going to lose a great deal of information, and I just want to put that out there.

Thank you.

CHAIRMAN ADAMS: Thank you, Mr. Kitka. Like everyone else down the line so far, you know, I've got quite a list of items here to talk about as well.

You know in our area, too, we are really concerned about the halibut and, you know, it's sports versus subsistence and commercial and we see more and more of the sports [sic] being taken out than any other and it's a concern that I think that we really need to think about even though it's not under our jurisdiction to manage or suggest anything, yet, somehow or another it needs to be addressed. And I know in Yakutat we used to be able to just go out a little ways in the bay and catch our halibut and today -- I used to do what Floyd does now, charter, and in order to have a good day we have to go 12 to 17 miles out in the bay, and we noticed this happening since the sportfishery has picked up in that area and I really admire Sitka, you know, for the management plan they put together a few years ago when they depleted the halibut stocks in that area and I think communities need to get together and develop such management plans

I talked a little bit about the Hubbard Glacier in the past and it hasn't given us any excitement this year, however, instead of the way that it's surrounding Gilbert Point. Before it used to come like that and then back away and now it's kind of like a horseshoe and it's coming against Gilbert Point like that. And when a closure occurs there's a pretty good chance it'll be permanent. And then the community is going to have to deal with the overflow on the Situk River because it's going to expand that river, you know, three to five times the size that it is right now and change it from a freshwater fed lake river into a glacier

river.

So a glacier that's giving us some heartache right now is down off the Alsek River called the Tweedsmuir Glacier. That, any day now is about ready to block off the Alsek River. Now, this happened a couple time that I know of before, once in 1971 and then, you know, maybe a hundred or so more years ago, and the glacier blocked off the river and then when it broke it caused a flash flood that wiped out a lot of Native communities in that area. So it looks like something like that is going to happen.

I was talking to Jim Capra yesterday and I forgot to ask him about the condition of that glacier. Maybe later on he can give us a little report.

Again, we have sockeye problems in Yakutat. One of the -- this is -- I'm not going to say one of the poorest but it is the poorest sockeye season that we've ever had, they just never showed up. And toward the end of the season they closed it down to all fishers, you know, commercial, sport and subsistence just to be sure that they had as many fish up there as possible, and I don't think they got their quota at all.

I always get a report, I call up Fish and Game, talk to Gordie Woods, almost on a weekly basis to get a feel of what the salmon runs are like and he's always given me a bleak report ,and one day I asked him, you know, what might be causing this and he says that he might have an idea, a theory of some sort and he'd be glad to share it with me sometime and I said, by all means, and so instead of just sharing it with me at our ANB meetings, I invited him down there and he brought a real eye-opener report and essentially what he said was that the 2002 was a parent year, 2002 sockeye run was a parent year and we're supposed to have had a very healthy return this year. And, you know, biologists understand, you know, after they spawn they hang around the estuaries for a year or so and then they go out into the ocean. 2002 he said was an unusually warm water condition and he thinks that the plankton and whatever it is that those little frys feed on were not available and so they starved. And then he said something that was kind of interesting to me, too, he said that they cooked, and I guess it was because of the size of the fish and the warmness of the water that killed them all off and so that's how come we don't have that healthy return as was predicted for this year.

I have a friend over in Cordova, Moose, every time I see him, I ask him, Moose, how many Situk sockeye's did you intercept this year and, of course, he denies it all, but I think that's also another concern. But this was an eye-opener, this report Mr. Woods gave us, was an eye-opener for us. And this coming Friday there is an individual the Forest Service is bringing into to talk to the community about global warming and the warming of the water and so forth and so that'll be an interesting meeting to go to.

Many people were counting on the silvers to show up this year and it looked like it was going to be like last year, they didn't show up for awhile and then all of a sudden they got a real good spurt, and it seems like, you know, many of the set backs that the sockeye gave the fishermen, you know, is going to be made up by the silvers. Let me say that during the sockeye season there was fishermen paying $75 worth of fuel to go out to check their net, and they were bringing only $60 worth of salmon back or even less. So they were definitely going in the hole as far as the high cost of fuel is concerned.

Another saving factor, of course, a lot of people depend on the winter king trolling season but, you know, the sockeye issue, I think, really needs to be looked into very, very seriously.

I've mentioned before about the deer populations, and Yakutat's been expanding, almost an explosion over the past few years. I want to thank Sitka for sending them up there way back, in 1942, we didn't have deer up until then. So those deer were actually destined to go to Kodiak, and it was in November and they came into Yakutat to weather out a storm, and the storm wouldn't go away and they ran out of feed so what they did, is they released the deer in the islands there and we've had deer in Yakutat ever since. However, the population never really took off because of severe winters and predators. However, we've had some real good winters, you know, the past five or six years, we've seen a good number of deer all over the place. Like I mentioned earlier, I asked Jim Capra yesterday, if there's any deer down in Dry Bay and he mentioned that there were a few sightings down there so that looks like, you know, a positive -- and then I asked him, do you think they come from Yakutat and he thought so and then maybe they were filtering in from other places as well but I'm really encouraged with that and hope that that

1 keeps coming.
2
3 The moose has been -- I guess it's hard
4 to meet their quotas and I know my grandson went out
5 hunting for the first time last year, he took my rifle,
6 so I helped him site it in and shot his first moose, with
7 one shot about 200 yards away so I'm really proud of that
8 kid.
9
10 We've seen in the news recently about the
11 economy of the villages, where people are moving away
12 from rural areas because of the high cost of fuel and
13 food and so forth. They think it's more cheaper to go
14 into the larger communities and so forth. You know,
15 we've got some severe economic problems that we have to
16 contend with and I hope that, you know, things get
17 better, but some of those politicians and people who have
18 control over these things needs to really get down and
19 address these issues because we really don't want to see
20 our communities dwindle because of the high cost it takes
21 to live there.
22
23 I always bring this up, RFRs, I still
24 think that RACs should have the abilities to submit RFRs.
25 Of course we are an advisory to the Federal Subsistence
26 Board and they claim that that's one reason why we are
27 forbidden to do so, well, the State is too, the State is
28 an advisory to the Federal Subsistence Board, they are
29 allowed to do RFRs and I think we can put ourselves in
30 that same category as well.
31
32 The Makhnati Island issue, you know, I
33 thin is a throwback. The people from Sitka really
34 believe that that area needs to be protected so that they
35 can enjoy their subsistence rights to harvest herring
36 spawn in that area. It is under Federal control. It is
37 under Federal jurisdiction. And, you know, I felt real
38 bad when the Board didn't give deference to the Council
39 when we submitted our proposal. And I think that we put
40 together a real good document for them to consider but
41 unfortunately, you know, it went against our way. And,
42 you know, when I go to these meetings, you know, I try my
43 best to talk in favor of these issues, like Saxman as
44 well, and when we get throwbacks like that, you know, I
45 take it personally and I feel real bad that we didn't
46 prevail in those issues.
47
48 Saxman, again, you know, is a real big
49 issue and I felt real bad that they were not able to
50 regain their rural preference and hope that, you know,

things go in your favor, you know, as you continue on with this, Lee, that that will come to pass for you. And like I said earlier, I'm sure that this Council is behind you in every way.

Another issue of concern, I think, and we've seen this happening first to one of the rivers down around the Stikine and it has to do with the eulachons. I know the State and the Feds have been watching that area for many years and then they closed it down. It's been several years now since it has been closed and people are wondering why and I've seen dwindling along the Situk River in the past few years. This year most of our eulachons came from the Auke Bay River. The Dry Bay area, Auke Bay, even Italia River areas, you know, always used to provide real good eulachon returns. Situk several years ago was also plentiful and we used to be able to go out there and get as many as we want and now it seems like it's there and then it's gone in a very short order of time. So that's an issue that I think needs to be kept on the table as we think about, you know, our subsistence resources.

Other people have mentioned sea otters, consider the fact that maybe a sea otter's average weight is about 100 pounds, they eat 25 percent of their body weight a day. We have, you know, I don't know maybe a thousand or so sea otters or more in Yakutat, you multiply that by 25 and you can come up with a very tremendous amount of poundage that these otters are taking as far as our clams, and cockles and sea urchins and, you know, our subsistence so they're actually competing with us for our subsistence resources.

I've heard comments about sea lions, and I think that also needs to be a real important issue as we go through, you know, the problems with our subsistence resources.

Many of our people, you know, when I was at the last Wrangell-St. Elias Subsistence Resource Commission meeting, we met up in a place called Mentasta, and there was an individual who came to the meeting, a tribal member who was complaining about the season not being open there for them to hunt caribou or moose. A young lady had a son who cannot survive on processed food, you know, the food you get from the store, his body can only take the wild game food. And they did not have their supply of game to help him and they were wondering if we could do anything about providing them with the

food, the game that they needed to help them through the winter. Fortunately enough Clarence Summers was looking through the regulation book and he found a spot that was still open, Federal lands, and it was open for a few more days, I think it closed on the end of March or thereabouts, so we made that aware to them and I don't know if they took advantage of it or not but at least there was a couple of days there where they could have gotten a permit to hunt those moose.

I think it's really important, ladies and gentlemen, that we encourage the Board to continue to have open meetings. I understand there's a push to have some of their Staff meetings and other meetings, you know, as closed, just like we have to have open meetings, I think that they need to obey or abide by those rules as well.

I think I labored on enough here folks but those are some of the concerns that I have.

Thank you.

Mr. Bangs.

MR. BANGS: Well, thank you, Mr. Chairman.

I, too, would have to concur with the issues that have been brought up, that everyone along the line here has brought up. But there is two issues that I'd like to touch on that has been mentioned that I feel are at a critical point right now.

One of them is the growth in the private sector use of sport halibut fishing and the growth of the charter fleet. This is something I hear in every community. It's growing. The skiff rental business is continually growing, so you're not, you know, dealing with charter so much, they rent skiffs our so you're not controlled. There's a problem with accountability. They don't have to have fish tickets. People come in and they plan on paying for their trips to Alaska by catching enough halibut to sell the halibut in their states and some states allow the sale of sport caught fish. I think this is a real concern. I, too, am a commercial fisherman and I wasn't issued any quota, I had to buy my quota, and I see that it's being cut. And now the charter industry is fighting to get more of that quota, of the overall allowable harvest. And I have a problem

with that. I hear from the subsistence fishermen, including myself, that it is getting more expensive to catch halibut. You have to go further from town. You see a fleet of lodge skiffs going out and fishing as close as they can, they don't want to spend any money for gas. So you have an increased pressure around all the communities. And with the increase of lodges being built it's only going to get worse. And I think it's real critical that we do something about it now.

And the North Pacific Management Council is going to meet the 2nd and 3rd of October, and the deadline for letters is tomorrow at 5:00 o'clock, and I have a phone number you can fax letters to. And I would urge -- I wished that we had time to process a letter through our Council, because it has been something that we've talked about many times, but I don't think the time parameters would allow us to be able to submit a letter in that timeframe. But as far as individuals, I think it's time that they heard a little bit stronger voice and we come up with some sort of a fair comparable solution to uncontrolled growth and kind of put a handle on it. It's really getting out of control, and I can't afford to lose any more of my halibut. It's hard enough to take a 43 percent cut and still make payments, you know, on that quota because it is very expensive.

And the other issue that I wanted to bring up, again, is something that I've been talking about for probably 15 years and that's the sea otter problem. I've watched them. I've been active all along the coast, from Ketchikan all the way to Sitka and I've watched the growth of sea otters and it's just remarkable what they do to the bottom. They turn large boulders over to get everything they can. They don't stop, they don't measure, they don't do anything, they take everything. And, you know, the biologists, there was two Federal wildlife biologists who came to town and they had a report on sea otters throughout the state, that's what they did was study sea otters and they said -- this was about five or six years ago, and they said that at that point they were concerned about the health of the shellfish population in Southeast Alaska. There's not only a stabilized population of sea otters in Prince William Sound and a decline on the chain, Southeast was in a bad situation because, you know, we had eradicated them at one point and then we had a huge growth of shellfish and we built an infrastructure for commercial fisheries, subsistence was just -- it was wonderful, you could go anywhere and pick abalogne and urchins and sea

cucumbers, and then with this abundance of shellfish you reintroduce sea otters, well, they just become -- it's a hay day, they just, wow, there's so much food. Well, their population has exploded and as a result the shellfish is on the rapid decline and it's happening really fast. So the biologists, their solution was that we need to ask our Congressional delegates and our local legislators to push the next time the Marine Mammal Protection Act comes up, that we allow Natives to sell whole pelts. That was the only thing they could see that would help, is allow them to sell whole pelts, that's where the value is, that's where a whole industry could flourish. We have a tanning place in Sitka. They do a great job. The pelts are very sought after. But when you have to make little ear muffs and mukluks and stuff their value is lost. So I would urge anyone to talk to you Representatives and Senators and get your voice heard there because I think that it's going to really impact these communities that are relying on subsistence shellfish, the commercial income that's going to be lost from the loss of dungeness and king crab and, you know, they can dive to 400 feet so there's not too much out of their reach. They're pretty devastating little critters, and they do eat a lot as Mr. Adams said.

So anyway if anybody wants the phone number to fax a letter to the Halibut Commission or the management council for this meeting, I'd be glad to give it to you and I'd encourage letters.

CHAIRMAN ADAMS: Why don't you give us that number now.....

REPORTER: Bert. Bert.

CHAIRMAN ADAMS: Okay, sorry. Give us that number now, Mr. Bangs.

MR. BANGS: Mr. Chairman, I'll have to look it up here and make sure I have the right one, there's lots of numbers on here.

CHAIRMAN ADAMS: Okay.

MR. BANGS: But I'll get it out to you before we're done here. Thanks

CHAIRMAN ADAMS: Thank you. Mr. Hernandez.

MR. HERNANDEZ: Thank you, Mr. Chairman. I have four concerns that I'd like to talk about, three of them are kind of local to our residents in North Prince of Wales and then the fourth one is kind of a regional concern.

What a lot of people asked me to bring to your attention was this rapid growth in what's becoming essentially a new industry in Southeast Alaska. We spent a lot of time talking about the growth of the charter industry. My neighbors out there don't see as big of a problem with the charter industry, at least it has some regulation that affects the charter operators, but what we are seeing is this rapid growth in a new industry of what would be essentially outfitting industries. And I think the industry is kind of out-pacing the regulatory system that we have to control it with this -- the more controls you put on the charter industry, the more this new industry is starting to grow and it has a lot of affects to local areas, and it's essentially the skiff rental business.

And, you know, in my little community, on a summer day it's not uncommon for the sportfishing people to out number the local residents now, it's really grown tremendously and it's having a tremendous effect on what's available locally to subsistence users. And they don't come under the same types of regulation that the charter industry does. You know, they're viewed as sportfishing with a lot less regulation. So that's a big problem.

We're very concerned about what's going to happen to our local rock fish stocks, they're just getting hammered by people. You know this clientele doesn't really know, they don't know the country, they don't know fishing as well, they're not as effective fishing so they take, you know, the easiest things that are available and lots of times that's rock fish. And it's going to have some serious impacts.

Related to that, these outfits that are starting up that are in this line of business, now we're seeing that they're extending their seasons earlier in the year and later in the year by getting into this outfitting of bear hunters, and we're seeing a real increase in bear hunting all over the country out there by these operations. And I think that's a bad trend. I think it's something that we're going to have to deal with in the future, for the same reasons, you know, bear

hunting guides have been existence for a long time, I think they're a responsible group. This new group is, you know, people that don't know the country, they're not as effective hunters, they really, you know, they want to get an animal. I think there's a lot of irresponsible hunting going on out there. I know from my own personal experience that I've found in the woods, bear carcasses that have been left. I suspect maybe that they were either shot, wounded and not retrieved, or worse yet, maybe shot, not large enough to meet the standards of what these people are looking for and left. I think it just is going to lead to a lot of wanton waste. It's really objectionable to the local residents. And I see that on the horizon as something we're going to be dealing with. And it's kind of the same industry, it's, like I say, this whole trend towards avoiding a good regulatory, you know, process that we have by morphing into this new industry which is less regulated. And we're really seeing the effects of this, you know, in these small communities that I'm pretty familiar with.

The second concern is ongoing, we've talked about it, last year, is the Sealaska Lands Bill, their proposal. Sealaska was around this spring and early summer meeting with a lot of local people on Prince of Wales Island trying to explain, you know, what their proposal was and talking to local people about our concerns with the bill and trying to, you know, allay some of our concerns and we had a meeting with two executives and two board members came to Point Baker and Port Protection and, you know, there's an attempt there, they really want to talk to the local people and try and listen to our concerns and try and, you know, come up with a way that they could get what they want as far as the land and still accommodate some of our concerns but in our meeting, it was attending by virtually every man, woman and child in the two communities, the rooms were just overflowing, and there were two irreconcilable concerns that I think I should bring to the board's attention -- the Council's attention.

One. Essentially the way the lands would be used for logging, the local people will just never accept the fact that the State standards for timber harvest are just nowhere near as protective as the Federal standards and we just think it's going to be way too big of an impact on our local resources if they harvest the timber in a way that's been allowed in the past under State regulation.

Two. The second irreconcilable concern was our subsistence uses on the land, and there was a lot of discussion about that. They were willing to make lots of concessions about how they would allow local people to use their private land but there's one serious problem with any transfer of land from the Federal system into private ownership and that, of course, is, that we lose the protection of Title VIII on those lands. You know, people who live out there, Title VIII means as much to them as anybody anywhere. I mean we really depend on local harvest for our subsistence out there and Title VIII is what protects us. And it just doesn't apply to private land, obviously, and they were trying to allay our concerns there by making a lot of these concessions regarding access, but that really doesn't matter because even though they may own the land, they do not own the fish and the wildlife. The fish and wildlife on private lands are managed by the state of Alaska, and regardless of what they would want to do to help us, the state of Alaska manages the fish and wildlife resources and they do not recognize our rural priority and that is just a huge irreconcilable difference and we were not willing to accept that outcome. So we, of course, expressed that to them, strongly, and, you know, that's a situation that affects all the people that use that north end of the island that we're talking about and it gets a lot of use by a lot of people from all over the region and it's just a huge problem that's going to have to be resolved if Sealaska wants to have this issue resolved and go outside of the original withdrawal areas, it's going to have to be addressed and, you know, there's probably a lot of time yet that will be devoted to resolving this issue and we'll see how that all comes out.

The fourth concern is a regional concern and I think Mr. John talked about it better than I ever could and that's just the fact that probably the biggest concern we have in maintaining this whole subsistence way of life that we all value so much is if we can't keep young people in our rural villages with a meaningful way of life then the subsistence way of life will gradually diminish if we can't keep people in the rural communities if they go to the urban areas for jobs. It's just probably the single biggest factor in continuing this way of life. I think we need to start talking about, you know, as individuals, community leaders, of what can be done to keep a viable means to make a living in these rural communities. I see that the connection between the subsistence way of life and commercial fishing over the years just has been strongly linked and as we lose the

ability for people as commercial fishermen to make livings in these rural communities, I think we're gradually losing this subsistence way of life as well. And, you know, if we can't solve that problem, you know, I think we have to start looking at ways to maybe make more of a connection between the urban residents and their rural cultural backgrounds to continue this subsistence way of life and that might be something we'll have to start looking at in the future. I think Mr. Wallace was kind of alluding to that, you know, perhaps and looking at ANILCA itself and what may be possible there, too, to maintain that connection, that cultural connection with the rural values even though we may, you know, in the future see a more urbanization of some of our young people. I think that it's real important that we don't lose that connection to the resource. So I think if we were -- you know, we're talking about our concerns here, and if we lose that connection, you know, we lose this whole concern that we have for our resources, we have to maintain that and look at new ways to do it perhaps in the future.

So, thank you.

CHAIRMAN ADAMS: Thank you, Donald. Mr. Stokes.

MR. STOKES: Thank you, Mr. Chair. Well, I'm happy to be here again. I thought perhaps I'd reached the end of the trail but I'm glad my wife has taken the vows that she took years ago, I'm glad she took them seriously.....

(Laughter)

MR. STOKES: .....in sickness, in health, for better, for worse, it's been mostly worse, but.....

(Laughter)

MR. STOKES: .....she's been my private nurse for the last few years.

Wrangell would like to thank the Council for the extended season, the deer season, now we're equal with the rest of Southeast.

Then on the Stikine River, the eulachon season was not like they expected, in fact, it was quite poor.

And the sockeye season we had, those that fished the Stikine early, they got their limit and others who waited to go to their sockeye streams around town, why there wasn't any, they just never showed up.

Then several of the guys have asked me to see what we could do about having an area set aside for crab. Now we can't get out any length of time or anywhere and the last time I put in a proposal to the local advisory council, it didn't go anywhere because they're all local commercial fishermen, so it didn't fly. And I think that we should have an area because we go down now to get a crab from the local fisheries and it cost $5 apiece, we just don't think it's right, the crab fishermen think that they own all that and it's not, it belongs to all of us.

And the wolves in Wrangell are, it seems like they're getting hungrier all the time, especially in the spring, they're right down in town picking up the pets. And out the road, out the logging road, why they've found carcasses of moose and deer where the wolves have gone in and taken them. And the Wrangell Cooperative Association has come up with a resolution, which I gave to Bert, for the any bull season, or any bull that was taken but we would like to see that as a subsistence season for the rural community and that would eliminate a lot of the people from the Lower 48 and up north, the only ones that would be allowed a permit would be -- well, actually it would be just Petersburg and Wrangell and Kake and what's the other one?

MR. HERNANDEZ: Point Baker.

MR. BANGS: Point Baker.

MR. STOKES: Okay. Well, there's one other. Then Walter Johnson [sic] was talking about the salmon when they get different color, this is when -- my grandfather said that that was the best time to get them. IF you wait up to about this time of the year and they would go out and harvest the dog salmon that looked like rainbows and they would clean them out and dry them and they'd put them in the smokehouse and after they were smoked for awhile then they would put them up high and just leave them and when the time came they wanted to go back to town they would take the salmon down and they'd put it on a bunch of hemlock bows with a piece of canvas over it and then another piece of canvas over the top of the fish and they'd encourage us kids to get up there and

jump, play on it like with a trampoline, because when you first put them in there, when they're like two by fours or cedar shakes, but then when they got through running all over the top of them, why then they were quite pliable.

And talking about the humpies, my grandfather liked to get the humpies when -- and the male humpies, with a big hump on it, that was a delicacy, he just loved it. And then the selective harvesting. We have a long, long pole with a hook inverted the other way, you could spear them and pick them up and you'd be able to pick them up -- get them in the head almost every time and bring them in, and he would boil them up with clams and seaweed and if he didn't have any eulachon grease he would use seal oil and that's what they used to use and he just loved it.

And then the halibut, they seem to be causing a lot of trouble in Wrangell. They continue to bring in the ping-pong paddles, those little bits of things, you're only allowed one fish a day, so to speak, but they always bring in a lot more, and I would -- I would just like something done about that. Not only me but all of Wrangell.

Hopefully this moose season we were talking about, subsistence moose season, it will have to change, the State of Alaska's qualifications, it's worth a try. It took six years to get a salmon season on the Stikine River, it might take another six, but I would like to see it done.

Thank you.

CHAIRMAN ADAMS: Thank you, Mr. Stokes. There's a couple things here that was mentioned as I listened, you know, to everyone give their reports and maybe I could just touch base on them a little bit.

I sure like the idea about the sea otters, you know, a proposal of some sort sending it to the delegation to allow them to sell whole pelts and I think that will solve a lot of our problems and also help the economy as well.

And the growth of the charter industry, you know, is a real big concern that other people have had -- in Yakutat because of the high cost of lodging, fuel, our charter fleet went down by about a half, it

used to be about 12 boats operating out of there and now I think there's only maybe six or seven. But that's due to, you know, the high cost of getting up there and, of course, charter industry had to raise their prices.

As far as the small communities, you know, going through a lot of problems, you know, economic wise, many of the young people are moving into villages, into larger communities. A few days ago I got an email that I thought was very interesting, it was an article that was featured in the Anchorage Daily News written by Byron Melot, and he is suggesting that for the -- you know, this is going to be a political issue, but I thought it was very interesting and I'm going to share it with you. He thought it would be very beneficial that if we did something similar to the Marshall Plan, you know after the Second World War, you know, America took those companies that we defeated and they sunk a lot of money into helping them get back on their feet again, and so he's suggesting that we do the same thing for our rural villages and using about $1 billion out of the Permanent Fund over a period of five years to start, you know, putting a shot into the rural communities and making it worthwhile for them to live there. A lot of detail has to be addressed in that issue, but I thought the concept was a real good one.

Another thing about people moving out of rural communities, the First Alaskans Institute came out with a survey a few years ago, and they addressed this issue of people moving out and people moving in. Now, ANILCA provides for an increase in population and, you know, every time that happens, more and more people are going into the rural communities from outside, and they're intermarrying with people in the villages, and so a concern is that, you know, the Native blood is going to be diluted over a period of time. But the fact that there's more people moving in, the community's population is going to increase, but we see happening right now where it's decreasing in many instances because more and more people are moving out. So I thought that was an interesting survey and I think it will be worthwhile, you know, Mr. Larson, if we got a copy of that for all the Council members to look over. It addresses a whole bunch of other things, but I thought that was an interesting part of it.

And I just saw Mr. Jeff Bryden walk in a little while ago, enforcement, with an individual as well, is he your sidekick?

MR. BRYDEN: My trainee.

CHAIRMAN ADAMS: Your trainee, okay, well, we welcome you.

MR. BRYDEN: Thank you.

CHAIRMAN ADAMS: And hope you enjoy our meeting today.

Okay, where are we, we've got about 15 minutes, let's move on with the agenda. The next one is Item No. -- oh, let's see, the Juneau Youth Football League, Juneau Douglas Crimson Bears Cheer Squad, lunch for the Southeast Subsistence Regional -- oh, they're serving lunch today, right?

MR. CASIPIT: That's right.

CHAIRMAN ADAMS: That's right. Okay, and I guess they want some money for it, so dig into your wallets.

MR. KOOKESH: Question.

CHAIRMAN ADAMS: Question, Mr. Kookesh.

MR. KOOKESH: Under our annual report, I notice from the Council, and I haven't -- I just got my book yesterday, but under our annual report, I notice that from listening to all the discussion that flowed through here that items that we discussed, like something you mentioned a couple minutes ago, is the request for reconsideration by the RACs, is that in the annual report and -- you don't have to answer that -- and the one on the executive sessions and working groups, I think you mentioned something -- these are concerns -- are they going into the annual report and also Mr. Kitka's daily jet service issue, is that going into the annual report, and I believe that there was a comment that came up about accountability for limits by, I believe, Mr. Bangs brought it up, by non-residents and all user groups, is that going in there as a concern because I don't know how weak our annual report's going to be going in.

And while we were talking I noticed that, like I said we're all busy fighting over the crumbs and I noticed that Glacier Bay is off limits. Go back and open that up so we can have more places to go to to harvest. And then I noticed -- I don't know if this is

going in the annual report or if it'll ever make it there, is about the harvesting of sea lions, create a balance, and also sea otters, put them in the same category there.

And then Mr. Stokes mentioned that asking for a minimum 32 inch limit at most, if anything, instead of a ping-pong paddle, a minimum -- a 32 inch limit for sport commercial -- follow the commercial rule, the commercial rule for NMFS is 32 inches, why don't we -- why don't we ask the State of Alaska to adopt the minimum of 32 instead of doing this wasting of puppies, these ping-pong paddles, there should be a limit, and so it doesn't take much to -- the halibut are very resilient where you can take them out and hold them down with the hook in their mouth and still measure them and flick them out, you actually don't even need to do that.

That's it.

CHAIRMAN ADAMS: Thank you, Floyd. I really appreciate that, because that's what I was going to bring up as we closed off this session of the discussion, was to make sure that, you know, all of these issues -- of points of issues that the Council has been brought up, of course, be addressed somehow and the annual report would be an excellent place for them, Floyd, so gunalcheesh. Number 18, too, on the agenda is when we're going to develop the annual report so you might want to remind us about those issues again.

MR. KOOKESH: No. I just did.

CHAIRMAN ADAMS: No, okay, he's reminded us already.

Okay, thank you.

Let's go ahead and take the next issue on the agenda, it's No. 9, fisheries harvest, Mr. Jeff Reeves, please come forward, welcome. Understand you had to make a real important decision here recently so my hat off to you.

And while he's getting that ready, I just want to express my thanks to Mr. Larson here. Every week he has given me a report, and I think he's given the whole Council a report, on the Stikine River fisheries issue and, you know, how many permits were given out and how many fish were caught and so forth and so I'll just

say thank you, Robert, for that information, it's been valuable to me and I appreciated that.

Go ahead, Jeff.

MR. REEVES: Thank you, Mr. Chairman. My name is Jeff Reeves, I'm with the Forest Service. I was asked to just give you a fairly simple presentation on the Federal subsistence fisheries here.

So if you'd draw your attention to the screen we'll try to get through this.

This first slide here shows you about 17 years of State subsistence personal use returns and we've taken the average harvest there and you can see most people basically their target species is sockeye. There is some small average harvest there of the other four species, but, of course, everyone's attention is for sockeye.

This here, this is at Klawock Harbor, so this is down in my neck of the woods. You see some folks there actively engaged in getting their purse seine in. Yeah, most of these fisheries under State permit do occur in marine jurisdiction so -- or marine waters, which is State jurisdiction.

There's Klag Bay, which is up around Sitka. Again, you can see it's a big active seine set getting ready to be hauled in there.

And when you move a little more north here's Basket Bay and another active seine set going on here. I was told that the person who took the picture here, said that actually the airplane in there in the background, that, too, was a subsistence user. I guess they pulled out a little raft and a small net and had at it also.

So up in Birch neck of the woods there, we have a beach gillnet being set here. This is on the Stikine River mouth area there so I'm not very familiar but Bert could probably tell you more about this particular type of fishing, so.....

Well, Federal regulations, ours are.....

CHAIRMAN ADAMS: Jeff, I'm not from that area so I can't say anything about it, I'm from Yakutat.

(Laughter)

MR. REEVES: Our regulations are governed by 36 CFR, Part 242 and some is by 50 CFR and this right here is the cover of this year's regulations. I always look for the regulation with the really neat art print on the front there. You see they're valid from April 1st to March 31st.

The Federal Program, we have seven different permits we have available for issuing. You see here's three of them, there's the general Southeast Yakutat salmon char permit. We have a salmon permit for the Stikine River. A separate Unuk River eulachon permit. And then we have four steelhead permits. There's the Yakutat steelhead, Southeast and two seasonal Prince of Wales steelhead permits.

These are the six management zones that the Forest Service does cover. You see it's Prince of Wales, Ketchikan, Misty, Petersburg/Wrangell, Sitka/Hoonah, Juneau/Admiralty, and then Yakutat and each of those zones has a delegated in-season manager and you'll see those folks are listed there to the left.

Our fisheries do, for the most part, have customary and traditional use determinations, and this is a general Southeast map and you can see there's numerous areas that do have specific customary and traditional use determinations. This one here, zoomed in, this is my neck of the woods and you see that around Prince of Wales we've got basically three different use determinations, the dotted area completely around Prince of Wales is for Prince of Wales Island community residents. You get to the -- there's some diagonal lines in there and that is Kake's customary and traditional use determination, and the horizontal lines are for Petersburg, Wrangell and Meyerschuck. So as you can see in this -- we -- thank you Larry -- so right here, this area, in particular, there is just a mix-mash [sic] of lines and dots so, you know, numerous communities qualify for use in the waters flowing into that fishing district -- or that portion of the fishing district.

We have numerous types of fishing gear that are legal for particular fisheries, most of these are under a -- you'll find in the regulation book. You can see there that there's more gear types of available if you're targeting sockeye, pink and chum, but if you're targeting coho you're limited a little bit more. Most

are effective gears. So that's Stikine salmon. There is some gillnet regulations you can see, particularly during chinook season. As you head into the more resident type species or the trout species you see even the gear types get minimized even more. You know, steelhead there it's dipnet, gaff, handline, spear, rod and reel but for those who want a trout they're limited to rod and reel gear.

Incidental harvest during one of those particular fisheries is allowed, and that includes even stuff like whitefish which aren't in regulation. I was told a very skilled fisherman from Petersburg caught this particular species here.

Now, this graph, it's showing the Southeast Federal reported harvest from the general salmon char permits and it's not including anything taken on the Stikine River. And you see that over time the sockeye harvest, which is in the dark red, so these right here, is growing over time and on my screen it's blue, but these light blue ones here, that's pink salmon harvest and it's been growing over time and coho, which is these yellowish bars here, it has been fluctuating over time. And I was looking at that and going well, you know, when you look at the State harvest, average harvest of like 37,000 sockeyes and we're seeing this, what's going on here, and so I looked at, well, who's reporting this harvest under Federal permits. And what you see is that nearly three-quarters of it is being reported from Prince of Wales communities. Federal jurisdiction, obviously, is high tide line and up and Prince of Wales does have a major road system compared to other communities, so that seems to make sense and so then I looked at one more component and it's been brought out a lot, in fact, by most of you at the table today, and this here is six, seven years of -- these are Prince of Wales systems that either have a State subsistence or personal use fishery on them, and if you look here the two most important ones are Klawock and then we have Hatchery Creek. Now, Hatchery Creek's a June fishery, the remainder, or July fisheries and what you see here is that over time from the two most important ones, Klawock and Hatchery, you're seeing a big drop off in reported sockeye harvest. Effort, I believe, then gets shifted to places like Karta, Sarcar, Salmon Bay in red here, and you see that in the middle years there was a peak and then again they've dropped off. And for the most part in the last three years, this harvest -- reported harvest is well below 500 fish. The fish seem to be showing up late.

Now, the Stikine River, you see here that there's been a fairly stable harvest, it's mostly sockeyes, there are some other species and you see that on the left -- or excuse me on the right, is number of permits issued and that's remaining fairly stable. No big dramatic increases or decreases.

The reported harvest from the previous graph you seen, most of it's coming out of Wrangell, it's about two-thirds Wrangell residents and seems to be about one-third Petersburg.

Here's a group, probably I believe was after the first year, down on the lower Stikine River. You should recognize two of the people in there.

Did you get to eat any of that Dick.

(Laughter)

MR. REEVES: Now, this is a breakdown of reported harvests by gear type under Federal permits and this does also include the Stikine River and Yakutat. And when you look at all three of these areas, through Southeast, you'll see that the predominate gear type is gillnet followed by rod and reel gear, followed by dipnet gear. That is a gillnet actively fishing on the Stikine River. You can see it's -- it looks like it's fairly challenging due to that current, probably individuals like Bob could -- is that a typical flow?

MR. LARSON: (Nods affirmatively)

MR. REEVES: Yes. Now, when you remove out the Stikine and Yakutat data you'll see that for the remainder of Southeast, the predominant gear type is rod and reel gear followed by dipnet and there's some very small use of other gear such as spears, seines, handlines, gaffs.

This is at the lower Hatchery Creek falls, this young man does have a sockeye salmon on in this picture, it's showing rod and reel gear.

This is the upper Hatchery Creek falls. You can see there's at least one, two, three, four people in there actively fishing with dipnets. The guy on the rock, I'm not sure what he's doing.

This year, you had heard, we did have to

take action in several of our fisheries. These were three actions that were taken within probably three weeks of each other. The first one was a closure to the retention of sockeye at Hatchery Creek due to low return numbers. The following week we had another one at Redoubt Lake. And by the end of July we had a third closure at the Karta River.

MR. KOOKESH: Question. I have a question.

CHAIRMAN ADAMS: Go ahead Floyd.

MR. KOOKESH: After you did those closures, what was the run like for all of those three systems? What happened?

MR. REEVES: Okay, the Hatchery Creek Weir, I do not remember exactly what the run number was when action was taken.....

MR. KOOKESH: After.

MR. REEVES: .....but afterwards it was, you know, it's still in the low 200s. The Karta River, it took several weeks for fish to show up immediately following the closure, but by the time fish did show up the number that we knew was still so small that we -- the Karta weir count at that point was only 500 fish -- or 500 sockeyes. So the closures were just to the retention of sockeye so we did allow -- like if people wanted to target cohos under a Federal permit that was allowed and we just reduced gear type to minimize any mortality. Unfortunately, Karta, we don't really have a very good estimate this year because there was some fish found on the spawning grounds later that when the big flush of pink salmon did come through there was sockeye that was missed. But we really didn't see any sockeyes show up until mid- to late August and this action was taken in early July -- or excuse me, late July because of low numbers.

And like the Karta one, there was -- he village of Kasaan was very vocal to us about our folks aren't catching fish in the bay, they're just not there so does that answer your.....

MR. KOOKESH: Redoubt.

MR. REEVES: Redoubt.....

MR. SUMINSKI: 10,000, the low end.....

MR. REEVES: It was at the low end so the management plan said to shut it down, correct?

MR. SUMINSKI: Yeah.

MR. REEVES: Yeah. This is the -- all the Federal steelhead fisheries here, you see the blue is Prince of Wales spring steelhead, which is the highest use fishery. You know, for the most part it's had a couple -- one big year followed by one bad year but the bad year was more weather related than it was lack of fish. You can see it overall averages about 28 steelhead harvested. The winter fishery is pretty low impact.

Yakutat was used the first couple of years and then just no one, the next couple years, really did anything, and here, this lighter blue is -- is Southeast steelhead.

When you look at the method of harvest of steelhead, obviously it's predominately rod and reel followed by spear and you can see that the handline little piece right here is actually bigger than the rest but it's saying that it's the same, the handline is the third most prominent gear type. There's a -- I believe this is a Twelve Mile Creek, it's a steelhead on the end of this gentleman's line. This is a Hydaburg elder with his steelhead spear, you can see they're fairly long, fairly stout poles. There's a close up of the business end of it. If you look in this gentleman's hand, this is a handline that he used to harvest the steelhead so it's a pretty fairly large piece of equipment. And believe me they're not very easy to use.

In the Federal steelhead fisheries, we've only taken in-season action once and this is the copy of the one that was taken in 2006 on Cable Creek. That basically shut that whole drainage down to fishing.

This is herring spawn on kelp. I don't really know a whole lot about it but you can see over the years there's been up and down harvest with it's like under 2,000 pounds one year to well over 12,000 pounds harvested here just a couple years ago. And there's the product right there. Here's six years of recent Sitka Sound spawn on branches, you can see it, it's been up and down and variable, and that's the product right there.

Unuk River eulachon. This is a historic graph, it shows a bit of State commercial harvest and then some Federal permit harvest and State personal use harvest. And, yeah, you can see there's -- it seems like there is a downward trend in the commercial harvest, things seem stable and all of a sudden now there's nothing there. You know you can see that '06 through '08 there's nothing on there. There's eulachon themselves. And here's an active -- I believe this is one of the Wagner groups actively seining some. You can see the ice is pretty thick there. Those vacant years there on the graph, you know, 2006 the fishery was open but as you can see there was very low returns and no harvest led to some concern so '07 and '08 were closed even before the fishery began. Here's the special action from '07, you can see that this was initiated end of February, ideally take some conversation measures in the meantime until we can figure out what's going on with these fish.

So there's a very special gal in this picture here to me and she's asking, is everyone hungry, do you have any questions?

So (In Native)

CHAIRMAN ADAMS: Mr. Bangs, you got a question.

MR. BANGS: Yes, thank you, Mr. Chairman, just a quick question. In your dealings with the Federal permitting process for harvesting a salmon and steelhead, do you feel that you have a pretty accurate account of all the fish that are being harvested under subsistence or do you think there's a lot that are taken without getting permit?

MR. REEVES: I believe our permit system is capturing it for the most part. You know there has been some concern over like, especially with steelhead, is what's happening out there being fully reflected, the people that are getting their permits, they're honest with us, you know, if we don't get 100 percent back, we track them down and we get the information from them. But what we find is that the people we do have to track down are people that just misplaced or never got a chance to fish their permit. You know the actively fished permits we seem to get back, you know, immediately following the fishery.

This year, you know, we've had a lot more

permits issued and so I've been spending a lot more time out there just trying to get an idea what's -- you know, what's happening, am I seeing people fishing bait, you know, are there people dipnetting cohos in July or stuff and trying to keep tabs on that and, you know, from what I see out there, the permits seem to be reflecting what's going on. Because if it was not then I would be seeing a lot more people out there, I believe, you know, doing the dipnetting and the other stuff, you know, particularly after like, I guess, you know, with July fisheries under State permit and you see a dipnet in August you should, you know, know it's Federal permit, so does that help you?

MR. BANGS: Thanks.

CHAIRMAN ADAMS: Any other questions.

MR. WALLACE: Jeff, I have one for you, going to the Unuk River, so what are the counts of six, seven and eight as far as what you folks are observing in the river of the eulachon returning?

MR. REEVES: Zero. I know they've been low. The person that was in charge of that project was Todd Tizler, and Todd has since moved down to, I believe, Wisconsin. I was trying to get some -- I had a feeling that question would be asked and, you know, I don't have the numbers. Bob gave me an indication that it's pretty much been zero. We know the harvest has been zero because the fishery has been closed. And I believe it's just been very few, if any fish, showing up.

CHAIRMAN ADAMS: Mr. Larson.

MR. LARSON: Yeah, Mr. Chairman. Lee the number is low enough to approximate zero.

MR. WALLACE: Thank you, yes, one more.

CHAIRMAN ADAMS: Thank you. Anyone else.

MR. WALLACE: So Bob and Jeff, with the numbers being enough to be like zero so I guess we're anticipating that the likelihood of a run there returning will probably never be so; is that correct?

I mean it's been a big mystery of what happened to the fish?

MR. LARSON: Yeah, Mr. Chairman. Mr. Wallace. The likelihood of having a personal use subsistence or commercial fishery for eulachon on the Unuk River, I mean it's a long time in the future, you know, it's hard to say never but it's certainly a very long time and we'll have to see some pattern of returns before those fisheries are authorized again.

CHAIRMAN ADAMS: Anyone else.

(No comments)

CHAIRMAN ADAMS: Thank you, Jeff, appreciate it.

MR. REEVES: Thank you.

CHAIRMAN ADAMS: Is everyone hungry?

(Laughter)

CHAIRMAN ADAMS: Yeah, I'm going to have Bob address the resolution that Dick Stokes gave to us a little bit earlier, so go ahead Bob. Mr. Stokes. Richard. He's going to talk about your resolution and how to address it.

MR. STOKES: Okay.

CHAIRMAN ADAMS: Okay.

MR. KOOKESH: After lunch?

CHAIRMAN ADAMS: No right now, then we'll take a lunch break.

MR. LARSON: Mr. Chairman. The Board of Game is going to meet in Juneau on November 7th to 11th. The written comments on those proposals are due on October 24th, so we have an opportunity to submit comments from the Council to the Board of Game. There will be an OSM representative at the Board of Game, however, and he will be able to discuss Federal concerns.

We have as No. 19 on our agenda, other business, an opportunity for the Council to discuss Board of Game issues and Dave Johnson will lead that discussion.

In a related issue, one of the proposals

submitted by the Board -- by the Department of Fish and Game is to rescind that provision that has the any bull drawing permits, those any bull drawing permits were designed to allow the harvest of illegally -- antlered configured bulls so they could have a discussion of how old those bulls are and there is a companion proposal to change antlered configurations for this Unit 3 and Stikine River, so there's those -- that doesn't address this completely but there really is no opportunity to submit a proposal. There is an opportunity to submit comments.

CHAIRMAN ADAMS: All right, thank you. Let's adjourn for lunch, how much time you want, 1:30, yes, back here at 1:30.

(Off record)

(On record)

CHAIRMAN ADAMS: Okay, ladies and gentlemen, please take your places, we'll give you a couple minutes to settle down and we'll get started.

(Pause)

CHAIRMAN ADAMS: Thank you everyone, that was a pretty wonderful lunch, wasn't it, so our compliments to the chef. I understand that Cal made the stew, it was very good.

MR. CASIPIT: With a lot of help.

CHAIRMAN ADAMS: With a lot of help, okay.

(Laughter)

CHAIRMAN ADAMS: Okay. We're going to go on and I think we can take some public testimony right now, and then we're going to pick up No. 10, commercial, subsistence and so forth fishing. But if you want to address the Council at any time, people in the audience, please fill out one of these and then we'll recognize you.

I want to acknowledge George, it's always good to see you. And I see Bob Loescher back there, it's good to see you Bob. Bob, if you would like I would -- without having you fill out one of these, if you'd like

to come up and address the Council I'd be happy to recognize you right now, if you want to do that. And I'd also like to acknowledge that Tom Thornton is here, Tom, would you please stand up and waive your hand, welcome Tom.

MS. MCKINLEY: Bert, he'll testify with Proposal No. 5.

CHAIRMAN ADAMS: Anyhow, Bob, I just wanted to give you an opportunity if you wanted to address the Council at this time.

I'd like to give Wilma Stokes, she has a blue slip here, please come forward, I guess you have something to talk about in regards to the resolution. Right over here Wilma and turn on that microphone and speak into it.

MS. STOKES: Thank you for allowing me to speak. I feel more comfortable standing up and looking at the audience rather than sitting down if you don't mind.

I'm Wilma Stokes, and, of course, this is my husband Richard Stokes. I'm going to give you just a little background on my life.

I'm probably older than many of you here in the audience, besides my husband, so I have grown up with subsistence life. I was born and raised in Craig.

I was taught by my great-grandmother, we would go out and we would get fish in the creek and these were chum, we ate the eggs and they were very, very delicious, we had eulachon, we had halibut, no had clams, we just lived a subsistence lifestyle, we did not have a refrigerator nor did we have a freezer, we had outdoor toilet, I took a bath in a galvanized tub, we had electricity from 12:00 o'clock, it was turned off at 12:00 o'clock at night and my dad went back up and he started the old Warren-diesel engine so we could have some electricity. I grew up in a very small school. And my subsistence lifestyle was due to my great-grandmother.

We lived that lifestyle, so I know what it's like, we lived off the land.

Now, I'm going to tell you why I'm standing here, my reason, no, you can't hear me -- excuse

me, you can't hear me?

MR. STOKES: You need to speak right into the microphone.

(Laughter)

MS. STOKES: Oh, sorry, it would be better if I held it, is that okay?

REPORTER: You can go ahead and hold it, it's fine.

MS. STOKES: Thank you. I'm accustomed to holding it, is that better -- is that better?

REPORTER: Yes, it's fine.

MS. STOKES: All right, I'll hold it so you can hear.

MR. STOKES: Yes.

(Laughter)

MS. STOKES: My dad was born and raised in Wrangell. My mother, Hydaburg, lived in Craig. And I don't mean to apologize for this, but I do have caucasian grandparents. And any time that I have addressed any company or any -- well, particularly Forest Service, and I'll tell you, you are the culture that you grow up with and I'm giving all this culture that I grew up in Alaska and especially Craig to my great-grandmother, so I'm a Haida.

Recently, I have been elected the Wrangell IRA Council president. I serve on the Wrangell City Borough. And we submitted a resolution knowing that we missed the proposal date, for the resolution my husband has, and I assume that you're going to introduce that, correct?

CHAIRMAN ADAMS: When you're done, Wilma, I'll have Robert Larson address to you what we plan to do with this resolution, but go ahead.

MS. STOKES: Okay. Moving to Wrangell and of course living in Craig, when I say, subsistence, it was not only fish, but it was hunting also. We hunted our deer, we canned it. Got to Wrangell, I was

introduced to the Stikine River.

Now, I'm going to tell you about the eulachon. I went eulachon fishing once. And I must admire anyone that would go eulachon fishing on the Stikine River. It's icebergs on the river bank, a small inlet there that goes on up the river leading up the river where the eulachons swim on the way up the Stikine River. You take this net and you toss it out and the boat will pull it -- you'll be out here leading it down and two people would have to be at one end taking this seine and pulling it along the river bank, slipping on the ice, falling down in the cold water, and I only did it once because that was tough. I pulled that net until I fell in the water twice and that was ice cold. But I really enjoyed the eulachon.

Introduced to not only deer now, introduced to getting our goat. I've climbed how many -- hey, Dick, look at me Dick.

(Laughter)

MS. STOKES: What two mountains did we climb for goat?

MR. STOKES: Aaron's Creek and Andrews.

MS. STOKES: What's the elevation -- anyway.

(Laughter)

MS. STOKES: It took us seven hours to get to base camp, I'll have you know, and then when I hiked on up to where the goat were, I looked at this little passway and I thought, oh, my word, if I slip this side I'm going to go all the way down there, if I slip on that side, I'll slip all the way down there. And we got over there and there was this great big ice field, and my first goat hunt and there stood a goat, beautiful animal. Now, I'm letting out a big sigh. He shot it.

Well, what we do when we're at that elevation, we skinned the animal and we take the meat and also bone it and then we pack it down. I begged for the hide. It was beautiful, beautiful. But he said, oh, no, and mind you all this time I have to carry my own pack, that means my sleeping bag, anything else that I would carry, plus the food, I begged for him to please take --

let me take this goat hide down, I would pull it all the way down if he'd just let me put it into this nylon bag. Nope. No, he says to me, and I said, please, but guess what I got the goat head to pack on my bag because the horns were going to set a record.

(Laughter)

MS. STOKES: I did it. But the rest of the story is really sad about we had a dog, he had to dry the horns out and we had a dog and he set it behind the stove there and guess what she nipped the tips off. Then my second goat hunting trip, the first one was not -- we used the goat, and it's very, very good meat, very tender, and we kept it in the freezer, we shared it with some of the other elders. But the second trip, he decided, Wilma, we're going to go, we'll take a short cut, it won't be a seven mile hike or this seven hour hike, excuse me, so he takes us along this cliff about this much carry my pack, walk like this, walk like this, because this is right along side of a cliff and it's straight down. Okay, we get up there, we get our camp, go back up the mountain and then he gets this fantastic idea, the goats are over there, okay, let's go over there. Well, that involved crossing an ice field, and oh my I had no clamps, I got halfway across the ice field and I decide that's it, and so my sister-in-law and I, we're going back, I don't care if I have to crawl going back I'm getting off this ice, so we perch on this little mound up here, no gun, and guess what, the biggest goat walked out in front of us on that ice field.

(Laughter)

MS. STOKES: That was enough goat hunting, though, that's it, although I really enjoyed the meat and everybody else enjoyed it.

But now to tell you a little bit about moose hunting, I'm going to get back to this.

Of course there's no moose in Craig and no goat.

But he was going to take me moose hunting and I got introduced to moose hunting. And by all means you need to understand moose hunting is not just go walk through the woods and stand there and call, you know, walk through woods and stand there and blow on this little call and go this way and walk a little farther and

blow this call, no, you got to climb up this tree, it must be 75 feet tall and you sit at the very top in order to spot your moose. Now, this is on the lower Stikine River, and there you sit from dawn until 4:00 o'clock, watching for moose. So we stand up there and he's higher than I am, I'm not quite as high but I can still see enough, turn around and he sees a moose and then he shoots out of the tree, don't ask -- it's difficult to hunt moose, he takes his shot out of the tree aiming at that moose and before I know it, he's long past me, on down to the ground running out to make sure that he shot the moose, well, he got it. So we struggle and struggle, it's clear back off the river, we struggle pulling that across beaver ponds, no trails, struggle, struggle, struggle, now what are we going to do, okay, he says, we're going to leave it here until overnight, I said, oh, no, you're not, oh, no, rigamortis is going to set in, you'll never get it in the boat, so I said, okay -- he decided we would park the boat alongside the river and it's an incline down, let's roll it into the boat, so that's what they do, they roll that moose down into the boat and it lands, it's there and we decide to take it off, take it on down the river. Now, that's always easy to do even though we are hunting moose, they just don't walk out in front of you.

And then the last trip I made, or we made, these guys are really something, there is -- we're much older at this time, how old, I don't remember how old you were, 60, 70, anyway, there's three of us, and I don't have the strength, you know, the upper body strength, so there's two of them that are about the same age and we go up the Stikine River, towards the glacier because we hunt off the glacier, off the lake on the glacier there and we're sitting this time on a -- on the edge of a -- we have a place that we sit up a little bit higher but we didn't climb the tree, and our buddy goes up here by the lake, coming down at dusk, we spot two moose, we an see them going across and they're headed across the river, and his buddy says, which one is the bull and I said, I don't know, I can't tell, I'll be looking through my binoculars, you have to spot these with binoculars, of course, so turn around and we keep looking and keep looking, and finally I said the first one's a bull and so they start shooting and of course you're not supposed to shoot until you're on the bottom -- the bottom of the lake, or bottom of the river there, but they kind of cheated a little, and they were shooting, shooting, shooting, and my gun has a little tiny red dot in it, you know, I can't use crosshairs, so

I hand him my gun and it goes down and then we get over there and he's rowing the boat because we didn't -- it was very shallow water and we get down there and that cow stands from here over there to -- and looking at us while we're trying to take care of this moose and I'm standing there, it's just like a comic book really because I'm standing there yelling, it's getting up, it's getting up, the moose is getting up, okay, we finally get the moose and we're towing it out in the stream of water like this, right by that creek and the buddy's pulling, pulling the boat, we got the moose tied to the back end and Dick says tell me whenever Barney falls into the water, yeah, I'll tell you, I'll holler, so I turned around and he went, thunk, in the water, we're pulling this moose in the back of the boat, this is at 6:00 o'clock at night. By the time we rescue a cap, because he lost it, we -- now, this doesn't happen to everyone, but this is our last moose, he rescues the cap that flew off our buddy's head and stopped the motor because by this time we were out in deeper water, we were towing the moose to get it back to our campsite, guess what, the bow line drifted back, caught into the motor so now we have to row.

(Laughter)

MS. STOKES: So we row back to our cabin, and by this time it's about 8:00 o'clock, 9:00 o'clock at night, and they gut the moose and they take care of all of that but it's still in the water and he says, oh, we're going to leave it here until tomorrow and, again, my sense prevails, oh, no, no, no, no, rigamortis is going to set in again, so we decided we're going to -- three of us are going to roll this moose into this river scout, what 14 foot river scow, what a job, I'll just tell you that's hard work to get moose.

So to relate to that, we did get it, we got it into the scow and did tow it in the scow to Wrangell.

I'm saying this, when you say moose hunt, it sounds easy, it's not like calling deer.

And so we submitted this resolution for subsistence, and primarily I'm thinking about the cost of living and along with gas goes food prices, up, up, up, and this would -- for the rural people, this would really offer something that they could do and something that they could use along with the other subsistence fisheries and deer and other items that we hunt for subsistence

use.

Any questions besides entertaining you.

(Laughter)

CHAIRMAN ADAMS: What we're going to do with this resolution, Wilma, is we're going to put it under other business towards the end of the agenda.

MS. STOKES: Uh-huh.

CHAIRMAN ADAMS: And it does require -- I mean it does call for a change in State regulations so, you know, we'll address it at that time, and appreciate, you know, the story that you told us that led up to this, it was nice to listen to but that's how we're going to handle it.

MS. STOKES: Okay. There was one other item, if I might be able to must momentarily speak about it.

Now, I'm going to get serious, really, really serious. In Canada, we as a group, the tribal group will be meeting with the Tahltans in Canada, there are 12 mine permits that have been permitted in Canada and the tailings from these mines, of all of the mines, run at the same time, will eventually drift into the Stikine River, and there is one mine that will go into the Nase and also the Tahltan River, so that needs to be taken care of by someone that would meet with the Canadian government before this takes place. We are going to meet with the tribe up there thought.

CHAIRMAN ADAMS: Thank you for that information. It's something, you know, that the Council will probably want to address, too. We'll see if we can get that up for discussion here as we go through the agenda.

But, thanks, Wilma, for telling us the story, it was good.

MS. STOKES: Thank you.

CHAIRMAN ADAMS: Gunalcheesh. Okay, we're going to hear one more, Peter.

MR. NAOROZ: Thank you, Mr. Chairman. My

name is Peter Naoroz and I'm the general manager for Kootznoowoo Incorporated, the ANCSA Corporation for Angoon, Alaska. We have 1,000 shareholders, just over a thousand, most of who live in Southeast Alaska, about a third live in Angoon, about a third live in Juneau. And when I speak I'm charged with speaking on behalf of the corporation, all thousand shareholders and our board of directors.

One thing that I've noticed since I've worked at -- and my Tlingit name is (In Tlingit), which translates roughly into the Rock of Angoon, so if I get a little hardheaded you'll understand why, so forgive me.

But whenever anyone comes back home to Angoon, the first thing you hear on the docks is welcome home, it's very important. We recognize our friends and families from afar, many of them moved away, but they're still home in Angoon.

And I want to thank the Board for allowing us to speak today, and I want to recognize the work the Board's charged with doing, is some of the most important work that is done in Southeast and in the entire state. What you're doing is making certain that a healthy way of life does not die or get out of balance, and making certain that the Title VIII rights out of ANILCA are enforced and that a rural preference actually has a meeting.

I want to go on record as supporting a motion to reconsider the decision to change any areas from rural to urban whether it involves land or water. I live in (indiscernible) so I can see Admiralty. When I see a subsistence user taking fish out of Sheep Creek which empties right in front of me, and I think it's a good thing, when I wonder if that person will be prosecuted for fishing without a permit, I think it's a bad thing.

Subsistence, personal use, customary and traditional, whatever you call it, it all boils down to a human being's right to take care of themselves without unnecessary burdensome regulation and a fear of breaking the laws.

In Angoon, our subsistence rights are our most important and precious rights. Everything that Kootznoowoo does in terms of development, whether it's a hydroelectric project or whether it's creating

shareholder lots or locating an airport, really involves around how does this impact our subsistence users. So when we think, we think about, you know, are their needs being met, and I think that's really the most important question that we can ask today.

I'm also a member of Camp 70, and right now the director, the president of SEARCH is asking us to look at a resolution for Grand Camp that talks to about obesity in Southeast Alaska, particularly in the rural communities. Do we know what the right protein levels are, do we know what the diet numbers should be and are we providing for that. Those are the questions that, you know, I don't hear asked or answered really enough.

So we see this basically as a basic human right. There is popular books being written about what you catch and what you cultivate within a hundred miles. Basically we're living that lifestyle and I think the world's looking at us. We have some of the most important fisheries in the world right now because of the work that you folks are doing.

I was supposed to point my finger at Mr. Kookesh, but I think I'll decline.

What I'm here to do today is not only recognize the important work of the Board but ask the Board for some help on a couple of things. In April 2007 Kootznoowoo provided extensive comments on the Tongass Land Management Plan. Some of these comments involved, because subsistence is so important to us, subsistence, and some of the issues that you have discussed today. I'm just going to read briefly, what we asked the Forest to do and which they haven't done, is to on major planning documents to depict things like Chatham Strait sockeye returns, Big Arrow, Little Arrow studies, I've seen them, how come they aren't in our planning documents so everybody can see them. Mitchell Bay coho returns and commercial fishing harvest areas. You know what we'd like to see is areas that have been described to this Board depicted on the Tongass Plan so that the planners and other users, particularly timber users, which, you know, the plan simply seems to address, you know, are aware of those concerns. Southeast herring stocks, return in commercial fishing harvest areas. I think, you know, Sitka Sound's not shown as an area of sensitivity on a map then we've missed something.

So our comments were made, there was some

more comments particularly in terms of agriculture or the traditional camps and the use within the wilderness area but I won't go into those details. In the spring of '08 we had to appeal the decision in part because some of these comments were ignored. And then just last week we asked the Secretary to reconsider the plan and to look at, you know, those comments and those concerns. Our basically is -- we appealed on the basis of three things, one environmental justice and I think it speaks just to this issue, if nothing else. Two, is energy issues that really transcend just to Angoon but the whole region is impacted by it. And the third thing, which is just areas that are particularly sensitive to Angoon and there's some rights created there, and I won't bother you with those either. But really the human rights issue of Title VIII and the ability to get to lower cost energy around Title XI are key concerns. And this Board right here is our communication tool to the Subsistence Board, so we're here and we're committing to you that, you know, we're here to help, you know, not only today but into the future so look at us as an aide and a tool.

Because I think for this Board, and this is a comment that comes from one of our community elders and the recent president of the Tribe, is that part of the reason the Tribe doesn't participate as much as we would like to see is because they feel like a lot of stuff is done at the regional level and that we're missing the communities. There are many more communities than there are members sitting around us today, and I think every community, if I've learned anything through this planning process is every community needs to be heard. And so I see -- and now I can point to Floyd, that's your job, you know, is to represent those communities and to bring back that information to this Board so that it can help, even communities who don't speak because they're eating and hunting and fishing and, you know, they need the protein and the food stuff also.

So I think we can do a whole lot better job in terms of planning. And I'm glad that Mr. Bschor was here this morning and some of the Staff members are here today to hear this.

But in our traditional way we think about the future, that's planning. And right now our planning doesn't involve enough of this information.

The second thing we'd like to ask and this is in the context of following the administrative

process that's out there and exists right now, is asking the Council to support two petitions that we have in front of the Board of Fish this fall. And it really goes back to looking locally. We're talking about Kanalku sockeye, a very small stream in Angoon but an important stream because it's the closest stream to the town and it's some of the best sockeye in the area. Well, our Board of -- the State looks at, and you saw the map earlier, I think, I don't know if the boundaries are exactly right, but the State looks at Snettisham as part of Kanalku. They got a million sockeye returning to Snettisham, and so we don't have a problem. They look at the whole region and they don't look at some of the smaller streams. And I actually was in a meeting where Kanalku was described as a puddle, not only did I take great offense to that on behalf of my people, but because it's just bad management. If you can't describe your smallest and health streams in terms of what their health level is then you have no business managing a larger region. And we described that, we provided a letter to the Governor describing the events that surrounded that, and the Governor responded about two months later, you have a copy of that letter, and so what we're doing is we're taking it to the next step and asking, you know, for very specific science-based and State law based changes to occur.

And I'm glad to go through that but, you know, since the paperwork's there, you know, and you haven't had time to read it that, you know, perhaps I could just leave it there and if there's questions later on, in the three days, perhaps one of the members or Mr. Kookesh can ask me to come back and speak to it, but I'll be glad to do it, you know, either here or later.

CHAIRMAN ADAMS: Thank you, Peter. We appreciate that report, and I agree with every point that you made as far as participation of tribal governments. And I think you're taking a lead, you know, as a corporation to address the subsistence needs of the communities.

And, you know, I've always been an advocate of things starting from the bottom and working its way up, this Council believes that as well. So, you know, we'll address these things here somewhere along the agenda and hopefully we'll find ways in how we can assist you in your efforts. So we appreciate your concern and your willingness to give us this report.

Let me talk about the rights that you were addressing to a little while ago and you could probably use this as a tool if you agree what I say.

In the Declaration of Independence it says that all men are created equal in the eyes of the Creator and that among these are the protection of our lives, our liberties and our pursuit of happiness.

This pursuit of happiness issue, you know, is kind of broad in its ways but I interpret it as, if we want to seek happiness in our lives then we have to provide ourselves with all of the basic needs like food, shelter, clothing. And in our modern days, you know, we need to be able to have secure jobs or ways that we could provide for our families. And one of those ways is, of course, subsistence, it's a natural right that the Creator has given to us, therefore no government or department of government has the authority or the power to take those away from us. And I strongly believe that. And we need to bring this up more and more as we testify, just as you have done today before us and use that as a tool because it is a natural right, and it cannot be taken away from us and we need to be assured of that and I hope that this Council will assist you in that effort.

So Gunalcheesh, thank you.

MR. HERNANDEZ: Mr. Chairman.

CHAIRMAN ADAMS: Mr. Hernandez has got a question for you.

MR. HERNANDEZ: Thank you, Mr. Chairman. If I could ask a specific question because I always like to hear from affected users of an area, you might have some good insight on this.

At our Kake meeting of a year and a half ago we talked a lot about Kanalku, and at that time it seems like the general consensus was that something needed to be done about the barrier falls and I expressed a lot of skepticism of whether or not that was a real problem with that system. And I was just wondering if you think doing something about the barriers would actually solve that problem or do you think it's more of an interception situation that we have to deal with?

MR. NAOROZ: Through the Chair. I believe it's both. I've been to the fall, the barriers

are pretty significant but they change depending on the season, there's a lot of jams and such up there. And the State, in the Governor's budget, she did put some money in for a fish ladder for the Angoon area, how that's going to be deployed I don't know.

The interception question is the one that, you know, we're trying to address with these proposals. Because I think you have to look at the word, preference, what does that mean in terms of those particular sockeye. And if you're going to sit on a spot out in Chatham Straits where they all go through them, you know, there's no way to know if the barrier problem exists if they're not there to fight the barrier, so we see it as both the issues.

I think we need to deal with them both. And if I sound harsh with the State it's only because I expect more from our partners and, you know, that's really how I see the State and, you know, we're appreciative of the fact that monies were deployed for that. I think that comment was, in terms of how it got there, CommFish heard a comment from one of our fishermen, or commercial guys who suggested a fish ladder and I don't know if that was really for Salt Lake or for Kanalku but, you know, we'll see how that works out, we don't want to second guess them in terms of -- because ultimately it has to be good science, and I think that's really what we're more concerned about is, good science needs to be deployed on the interception and the actual conditions that exist within the environments and, you know, good numbers need to base our future catches.

CHAIRMAN ADAMS: Mr. Kookesh.

MR. KOOKESH: Peter, we don't have in front of us, but the two Board proposals, to the Board of Fish, and I have two things.

Can you elaborate on what those two proposals are.....

MR. NAOROZ: Well, if you go to the.....

MR. KOOKESH: And one other thing. Can you talk about Angoon's demographics and the value, the importance of subsistence in the community based on what you know.

MR. NAOROZ: Through the Chair. Mr.

Kookesh. I'll try to take them in reverse order.

Subsistence is our highest priority in the community. It is the most important thing that goes on in Angoon right now. It is our economy. I mean the fuel prices that you mentioned earlier, you know, Kootznoowoo invested in some six-pack licenses, we have a small charter fleet, we've lost our last commercial boat out of the area. There is other commercial activity around there, but Angoon, almost 90 percent of the economy is subsistence. So for all intents and purposes it's our most important economic driver.

In terms of the proposals, and I apologize for those not being here. But if you look at Page 2 of the April 29th letter, and this is to OSM, the current status is, and this basically just summarizes what those proposals are under that section, current status, and I just ask you to look at those, and if you'd like me to read from portions of it, I will, for the audience.

So we submitted two regulatory proposals to be considered during the October meeting. One of the proposals requests the State to manage for the amounts necessary for subsistence by location, which is stock and population, rather than by management area. A few moments I talked about Snettisham being included in the number. So when a management area is considered it's a bigger area. I mean when you say Juneau/Admiralty, that should set some bells off. I mean Admiralty is wilderness. Juneau is the one place that people argue is urban in our area. Now, if you were in Anchorage you would say Juneau is not urban. So, again, I commend the Board for looking at those questions.

So this would bring the State into compliance with its own regs and effectively manage for the return of salmon needed to meet subsistence needs. Now, Angoon's had a voluntary closure for years, prior to this, and they shouldn't have to do that. And this is getting back to the question about whether there's interceptions going on whether it's the falls.

The second proposal seeks specific changes and additions to the Northern Southeast Seine Salmon Fishery Management Plan. The regulations to moderate seine harvest of Chatham area sockeye stocks and highly mixed stock fishing areas. Central Council, I'm adding this to your specific question, but Central

Council of Tlingit-Haida Indian Tribes of Alaska recently passed resolutions in support of that as did the Angoon Council.

So what we're looking at are those two proposals. They've been written by people who know their business. And, you know, we're trying to target it so it's as narrow as possible so that it helps our Kanalku returns. It's not a general closure, you know, what we're trying to do is do as little as we can, scientifically as we can to address that subsistence need.

CHAIRMAN ADAMS: Thank you for that explanation.

MR. KOOKESH: Follow up.

CHAIRMAN ADAMS: Go ahead.

MR. KOOKESH: You have a conclusion, your last page, I like your comment.

MR. NAOROZ: Maybe you could point it out, Mr. Kookesh, I'd like to move.....

(Laughter)

MR. KOOKESH: The first three words.

MR. NAOROZ: The State's inaction?

MR. KOOKESH: Yeah.

MR. NAOROZ: And when the Governor -- when this new Governor came on she talked about managing for abundance and we've automatically understood that to mean abundance for our subsistence fisheries, as a priority, so we think there's been some inaction and we do have some monies for a ladder and we do have a renewed commitment to -- you know, or at least we have these proposals in front of the Board of Fish.

I think if they don't go through then we know what our next step is.

CHAIRMAN ADAMS: Peter, could you make those proposals available to us?

MR. NAOROZ: I'll go to our office now

and bring them back.

CHAIRMAN ADAMS: Okay, because we're going to put this under other business. There's going to be some Council comments on State Board of Game proposals, we'll address your issues at that time and if you could have copies of those proposals we'd appreciate it.

MR. NAOROZ: Thank you. I'll make certain they're here.

CHAIRMAN ADAMS: Great, thank you. Okay, thanks, Pete. I just want to make the Council aware that, you know, Patty's brother passed away, that's one of the reasons why she's not here and we have a card for the Council members to sign and so we'll pass this around to everyone to sign it. There's also another one out there circulating somewhere for everyone to sign. Well, it's back there, you want to start the movement, and get everyone to sign it while they're here.

Okay, let's go back to Item No. 10, Commercial, Subsistence and Sportfishery Steelhead Summary, ADF&G.

(Pause)

MR. HARDING: Mr. Chairman. Members of the Council. Thank you for the opportunity to speak with you today. My name is Roger Harding. I'm with the Alaska Department of Fish and Game Sportfish Division. And this talk is similar to one I gave at the 2007 RAC meeting in Haines and I will limit -- again, like last year I'll try and limit the scope of the presentation to just our sportfisheries, I know the title said commercial and subsistence but this is just going to be about sportfisheries. And at the conclusion of the presentation, Bob Chadwick and I will try and answer any questions you may have.

Outline of my talk is I will talk about the distribution and status of steelhead throughout their native range, a little bit about their biology, monitoring and some of our management programs and then some miscellaneous topics.

Steelhead range throughout the Pacific Rim from southern California through the Gulf of Alaska to the Kamchatka Peninsula, way of here, Kamchatka

1 Peninsula in Russia. Steelhead range from Malibu Creek
2 and historically as far south of San Diego and possibly
3 as far south as the Tijuana River in northern Mexico.
4 For Pacific steelhead, NOAA Fisheries Service has
5 delineated distinct population segments for consideration
6 as a species under the ESA.
7
8 Red in this figure signifies endangered
9 or threatened, blue is species of concern and green
10 signifies listing is not warranted. And most of the
11 green are on the border here and then up along the
12 Olympic Peninsula.
13
14 Recently Puget Sound was listed, I think,
15 a year and a half or so ago.
16
17 And, again, there is considerable concern
18 for status of Mr. Chairman, steelhead in the Lower 48
19 states as approximately three-quarters percent of the
20 wild population are at some level of concern, you know,
21 the 20 percent is not warranted for a listing.
22
23 Distribution of steelhead in British
24 Columbia working our way northward, there's approximately
25 580 steelhead rivers in British Columbia and these rivers
26 are comprised of about 630 stocks of steelhead.
27 Approximately a third of the rivers are along the north
28 and mid-coast ranges region and these rivers are seldom
29 fished and are shown in green here. About a quarter of
30 the rivers are on Vancouver Island. Approximately 50
31 percent of the British Columbia stocks are at some level
32 of concern, either conservation concern or extreme
33 conservation concern and this is similar to the US
34 threatened and endangered listed categories.
35
36 Again the north coast, pretty good shape.
37 And the ones down here, the further south you go, the
38 worse they get.
39
40 The general trend for steelhead since the
41 1990s in British Columbia has been a dramatic decline in
42 steelhead abundance in the southern regions, a less
43 dramatic decline in the central coast regions and
44 relative stability among the stocks further north.
45
46 Getting to Alaska, steelhead are
47 distributed around the Gulf of Alaska, but predominately
48 found in Southeast Alaska.
49
50 Some of the larger runs of steelhead in

Southcentral Alaska include the Copper River, the Kenai Peninsula Rivers of Deep and Copper -- excuse me Anchor and Deep Creeks and then in the Karluk River over on Kodiak Island.

In Southeast Alaska there are 309 watersheds listed in the Alaska Department of Fish and Game's anadromous waters catalog that are known to have steelhead in them. Of the 309 systems there are 70 in northern Southeast Alaska and 239, and it looks pretty much -- you can see the high of -- more -- a lot more steelhead systems than up on the north and then of course the Yakutat forelands.

I'd like to quickly go over the basic biology of steelhead, I went through this last year, we'll go through it again real quick.

Spring/fall runs. The different forms of steelhead are categorized by their timing of their entrance into freshwater, either in the spring or the fall. All forms of steelhead spawn in the spring from late April to early June. The spring run steelhead are predominate form we have in Southeast Alaska. The fall steelhead are predominately formed north and west of Yakutat. Everything on Karluk and on the Kenai Peninsula are all fall run fish. And one of the interesting and lesser known forms is the sea run rainbow, which is the similar characteristics to a sea run cutthroat where it stays locally and does not migrate to the open ocean. And there's approximately 36 known steelhead systems in Southeast Alaska that contain fall run systems. And there are probably a few summer run steelheads in Southeast Alaska as well.

General life history, life cycle. They spend approximately two to six years in freshwater. Probably after looking more recently I'd say the predominate age classes are age three and four's with some five's, very few two's and six's. They spend approximately two to four years in the ocean and they may spawn more than once and possibly up to four or five times. But multiple spawnings beyond three years, however, is fairly rare.

Reproductive potential for steelhead is low and reproductive potential is defined as the relative capacity of a species to reproduce itself under optimal conditions or the maximum number of offspring a female can produce. So this example is from the literature as

well as some of our work in Southeast Alaska.

Fecundity or the number of eggs per female is very length and age dependent, but the average fecundity of a wild steelhead is approximately 3,500 eggs and this is with a mean length of 28 inches, and this is from the Keogh River. For comparison, the average female length at Sitkho River is 32 inches. So for comparison I kind of -- most people are more familiar with the coho salmon so the coho fecundity range is 2,500 to 4,500 or so. The fertilization rate can be but it may also vary considerably as well. So approximately 3,400 eggs are deposited in the gravel per female. And then the egg to fry survival ranges from 1.8 to 11.5 percent with the mean being 6.5 percent, and, again, this is from the Keogh River in Northern British Columbia. So of the original 3,400 eggs we are now down to 220 fry. And then fry to smolt survival, the range is from three to 22 percent, the mean is about 12.5 percent. And so then we're down to about 30 smolt per female. And then smolt to adult survival, ocean survival, just like any other salmon, can be highly variable, eight to 15 percent in Northern British Columbia, one study had 20 percent in Washington, on average there's approximately 7.3 percent smolt to adult survival. And our preliminary estimates for Southeast Alaska from Sitkho is seven percent. So that brings us about two to four adults per female per spawn and this exercise just kind of helps illustrate the importance of the repeat spawning to the steelhead. And it's very similar to a coho, except the magnitude is much more different.

And our steelhead monitoring programs, talk a little about those.

Our primary monitoring program is our snorkel surveys of index streams. Basically two observers work downstream in tandem to count the number of steelhead in the river. The objective is to count weekly for a minimum of three weeks in standardized sections of 10 index streams. Now, these 10 index streams are distributed throughout Southeast Alaska on a north to south range. These index streams have been routinely snorkeled surveyed since 1997, typically from late April through May. And this busy graph here shows all of our peak snorkel surveys and it looks like the deviation of these counts from the median but basically what I wanted to point out here is this black line is the trend line, which shows that we've had above -- this is the average, above average the last four years and we saw

a little down turn in 2008.

Our other monitoring tool is weir counts in Southeast Alaska. We have had a fair number of weir counts but we have three long-term sites.

The Situk weir counts. We had four really good years, the last four years, and then 2008, this is the average for all runs -- or for all escapements, and so this Situk is a kelt weir, downstream migrating adult weir only, but it dropped off in 2008 to just about average.

Our Sitkho Creek studies, the last four years have been below average, but above 2003 they were right about average. Please note the time, we'd had some early counts here of 36 and 37, but from about 1982 on it's averaged about 650 adults.

The Sachon Creek weir is located at the National Marine Fisheries Service research facility on Baranof Island, and this graph shows that there's a few lower counts the last couple years, in 2007, again, the magnitude of difference from the Situk as well, this is just a small little system with a couple dozen fish in it. But it is important because we have long-term data series on it.

And then this is from our statewide harvest service estimate which is survey of people who purchase sportfishing licenses, our average harvest, and from this estimate was around 3,000 fish up until 1992 when we imposed emergency order closing, 24 systems and in 1993 we closed 48 systems, and then our more conservative regulations were adopted in 1994 and the harvest has been averaging 100 to 150 fish or so.

And then talk briefly about the extensive public process the Department went through in developing the current trout regulations. We had a steelhead survey, a nine member committee appointed by the Commissioner of Fish and Game, and this nine member committee developed a questionnaire which was mailed to people who had fished on steelhead streams, anglers, and this was based on statewide harvest survey returns that they had received. They got about half of -- a little less than half of them back. And this is what we used to do -- to come up with a model. And we also went through extensive public meetings, we went to 14 communities throughout Southeast Alaska, and we did this in 1993.

So this is the current regulations, which have been place since 1994, was adopted by the Board of Fish, I'm sure you're all familiar with this: Year-round, size limit of 36 inches or greater, bait prohibited in fresh water, two annually, one daily and must record it, and bait is prohibited in fall run systems. And under this scenario we've only had to issue in the last 14 years one emergency order, which was in conjunction with the Cable Creek, I believe it was, yes, Cable Creek.

And then miscellaneous topics, these seem to always come up and I just thought I'd throw them in here to address them.

Steelhead hatcheries. There's just overwhelming evidence that hatcheries can reduce the fitness of the wild steelhead, and this comes from multiple studies in California, Oregon, Washington, Idaho, and British Columbia, just up and down the West Coast, the concept of steelhead hatcheries and the impact on the wild fitness is not good.

And then another topic which seems to keep coming up is the steelhead hooking mortality. It's generally considered to be less than 10 percent with bait. With different hook types you can get a little bit lower with barbless hooks, seven to 10 percent; barbed is nine to 11 percent, and generally considered to be less than five percent with no bait. Flies and artificial lures is three percent. So this information comes from a multiple of literature cited, everything we can lay our hands on. There's new reports that can lower it a little bit with new types of hooks that are being developed like the circle hooks that have been being used for halibut for years, they've been used trying in freshwater, can reduce it but still is about -- most -- some fisheries managers, typically use, when we're talking about bookkeeping of -- allocating the run and developing models, they use approximately five percent with no bait and then 10 percent with bait. But it is actually -- that's conservative, the actual numbers are less than three percent with artificial lures and then less than one percent with flies.

And that's what I have. It's just limited information we do have on steelhead.

Reinforce the importance of protecting the freshwater habitat and maintaining the conservative

regulations.

So with that, if there's any questions, Bob and I will try and answer.

CHAIRMAN ADAMS: Thank you, sir. Mr. Bangs, got a question.

MR. BANGS: Yes, thank you, Mr. Chairman. When you figure your harvest rates in different streams, do you include the mortality rate of the fish as far as you know that those died and is that included in your amount of fish taken out of that stream?

MR. HARDING: Mr. Chairman. Mr. Bangs. We really don't manage in-season like that in terms of -- we do an allocation, we do know that sometimes we get an estimate of catch which exceeds maybe our escapement like we've had on the Situk in a couple years, and so we do -- when we look at the total harvest, yes, we will consider the five percent mortality on that.

MR. BANGS: Mr. Chairman, follow up.

CHAIRMAN ADAMS: Sure.

MR. BANGS: So what you do is take the number of fishermen that go in there and average the amount of fish that they catch and release besides the ones that they keep or how do you estimate how many -- I mean there could be hundreds of fishermen that go in there and catch and release three or four fish each, I mean how do you figure that in, I mean that could be huge as far as the number of with that were taken.

MR. HARDING: Right. Mr. Chairman. Mr. Bangs. The only estimates that we have of angler effort catch in harvest is from our statewide survey, which, of course, comes out a year and a half or so or two years later. We just got the 2007 estimates so it's a form of bookkeeping for us to say -- and alert us to potential problems that we may be having with escapement. And so that's how we do it. We don't have any kind of in-season management at all, we don't have any krill surveys, but does that answer your question?

MR. BANGS: Yes.

CHAIRMAN ADAMS: Anyone else.

MR. KOOKESH: Yes.

CHAIRMAN ADAMS: Floyd.

MR. KOOKESH: I have two comments, or two questions. You mentioned the use of barbless.....

MR. HARDING: Yes.

MR. KOOKESH: .....and that that was a common practice. And also -- you mentioned also doing surveys like in 14 communities, did that include non-resident fishermen?

MR. HARDING: Mr. Chairman. Mr. Kookesh. We went to as many communities as we could and we tried to hit every one that had an advisory council. And so I know we didn't hit all of them. The questionnaires that were developed were sent to anglers that had reported in the last three years, prior three years, to having fished for steelhead in Southeast Alaska, which amounted to about 2,000 steelhead and it did include out of state residents, that it was mailed to as well, and we also had a member from anchorage who was also on that committee that developed that.

CHAIRMAN ADAMS: Anyone else.

(No comments)

CHAIRMAN ADAMS: Thank you, sir, appreciate it.

MR. HARDING: Thank you.

CHAIRMAN ADAMS: Let's move on to Item No. 12. Fisheries proposals for Council review and recommendations to the Federal Subsistence Board.

Hello Cal.

MR. CASIPIT: Thank you, Mr. Chair. This is Cal Casipit, Forest Service, Juneau, Alaska.

The first proposal I'll be presenting to you begins on Page 27 in your book, that's the executive summary, the analysis itself begins on Page 28 and so I'll start with that.

Proposal FP09-02 was submitted by the

Alaska Department of Fish and Game and they're asking that we pass regulations that would prevent Federal subsistence users from accumulating, that is combining Federal subsistence harvest limits with State sportfishing harvest limits in the Southeastern Alaska area. Action on this proposal will address the accumulation of harvest limits component of Proposal FP09-03 that you'll be hearing right after this one.

The proponent believes that the current Federal regulations are not clear and can be misinterpreted to allow combining the harvest limits, other than annual limits, for Federal subsistence fisheries with harvest limits for State sportfisheries. This results in unnecessary exposure of subsistence or sportfish users to enforcement actions and an increased potential for developing conservation concerns. The proposal justification reference is the steelhead fishery, which is of primary interest to the proponent.

The proposed regulation change would include the Southeastern Alaska area regulations, a prohibition of the accumulation of Federal subsistence harvest limits with any daily or annual sportfishing harvest limit.

I would like to point out at this point that the only freshwater State sportfishery with an annual harvest limit in Southeast Alaska is the steelhead fishery.

Beginning on the bottom of Page 28 and continues to Page 29 and on to Page 30 and ends on the top of Page 31 are various Federal and State regulations that this proposal may apply to. Those are there for you to read, and I think most of you are already pretty familiar with the State regulations for steelhead and the Federal regulations so I'm not going to go very much more in depth there. I did want to point out, though, that for Southeast Alaska there is a prohibition against possessing salmon in the sportfishery on the same day as possessing salmon harvested in either the personal use or subsistence fisheries in Southeast Alaska. There is no directed personal use or subsistence fishery under State regulations for steelhead, Dolly Varden, brook trout, grayling, cutthroat or rainbow trout, however all fish taken under incidentally under the terms of a personal use or a -- a State personal use or subsistence permit for salmon they may be legally retained, those other species.

The extent of Federal public waters, again, we're talking about all fresh waters within the exterior boundaries of the Tongass National Forest. So all fresh waters within our exterior boundaries are within our jurisdiction.

I also wanted to point out that if you're interested in the customary and traditional use determinations, there's a summary of all those for the entire region in the Appendix A of the next analysis in your book, FP09-03.

We have a -- there's a section on regulatory history. Again, I think Federal regulatory history, I think you're very familiar with the regulatory history of steelhead in Southeast. Roger talked a little bit about that.

Biological background, again, Roger covered much more than what we have as far as biological background, but, again, you've seen all that in the past.

We have a table of harvest history there on Page 32, Table 1, that you can take a look at to took at the numbers of steelhead reported in the various fisheries and their relative magnitude to other species and to other fisheries.

The effects of the proposal, this is where I'll spend a little time because it is important to understand what the effects of what is proposed here.

Prohibiting the sport harvest of fish once the subsistence annual harvest is taken would prevent Federal subsistence users from subsequently harvesting steelhead in the Southeast Alaska area except Prince of Wales Island steelhead fishery and sockeye salmon in 17 specific streams throughout the Southeastern Alaska area. These are the only fisheries where there is an annual limit in Federal Subsistence Fishing Regulations, and an opportunity for continued sportfishing. The two steelhead fisheries on Prince of Wales Island, which are the winter and spring fisheries have seasonal harvest limits and not annual harvest limits. Although there are annual limits in the Stikine River, Federal regulations restrict subsistence fishing to the mainstem of the river and close the clear water tributaries where sportfishing may occur.

One of the current Federal regulations

for the Southeastern Alaska area prevents the possession of salmon taken in the subsistence fishery and the sportfishery on the same day. This regulation was carried forward from existing State regulations since the State does not have subsistence fisheries for species other than salmon in Southeast, the regulation makes good sense for State fisheries, however, the regulation is not inclusive enough for our Federal Program, since there are subsistence fisheries for steelhead, trout, Dolly Varden, brook trout and grayling. If Federal regulations can be interpreted by some as allowing the accumulation of daily harvest or possession limits in the Federal subsistence nd State sport, subsistence or personal use fisheries then action by the Board to address this issue is appropriate.

There would be two questions that you would probably ask and you would want to hear discussion on.

1. Is it or was it the intent of the Board to allow the accumulation of daily possession Federal subsistence harvest limits with daily possession harvest limits in the State subsistence, personal use or sportfishery harvest limits.

2. Is it the intent or was it the intent of the Board to allow the accumulation of annual or seasonal harvest limits in the Federal subsistence fishery with annual or daily possession harvest limits in the State sport fishery.

Changes to provide clarity to current Federal regulations are appropriate to clearly describe decisions made by the Board.

So our preliminary conclusion is to support this proposal with modification. And that modification would allow the accumulation of Federal annual, or seasonal harvest limits with State sport harvest limits as long as they are not possessed at the same time. So you can see the suggested changes to Federal regulations there below on Page 33, it's about halfway under the support with modification heading, and

you can see the specific regulatory changes that we're proposing.

Along with that change that we're suggesting to that section 27(i)(xiii) for Southeast Alaska area we would also request that another change be made to another section, the (vii) is the section I just talked about as being -- as to change -- for those changes for the possession limits but we also, in (xi) [sic] we would like to add steelhead, Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout to that same regulation that prohibits the possession of subsistence taken and sport taken salmon on the same day. So basically the new regulation would read:

> You may not possess subsistence taken and sport taken salmon, steelhead, Dolly Varden, brook trout, grayling, cutthroat and rainbow trout on the same day.

So that would clear up that section of our regulations.

Our justification is that these recommended actions are to prohibit the accumulation of Federal subsistence harvest limits with any harvest limit in State subsistence or personal use fisheries. That's something I think that the Council has always considered to be a good idea.

Also we would prohibit the -- this would prohibit the accumulation of Federal subsistence harvest limits with the daily or possession limits in the State's sportfishery. And also it would allow the accumulation of annual or seasonal Federal subsistence harvest limits with State sportfishery limits providing that they are not possessed on the same day, which is what we've always had as well for salmon.

Modifying our current Federal regulations as recommended will clarify the intent of regulations controlling the accumulation of harvest limits under Federal and State authorized fisheries in the Southeast Alaska area.

Although the modified proposal contains redundant language already contained within Sections 25(c)(1) and 27(a)(2), the nature of the exception is more clearly described if the general restriction is included to provide the context. The suggested

modification allows a qualified subsistence user to participate in the State sportfishery in addition to harvesting either an annual or seasonal Federal subsistence harvest limit.

The Board has previously determined that Federal subsistence steelhead regulations are conservative and sustainable.

Federal subsistence and State subsistence and personal use regulations are designed to allow the full harvest limit to the respective users. Accumulating or combining those limits is not appropriate and could result in conservation issues. Based on previous Board actions it was not the intent to allow the accumulation of Federal subsistence harvest limits with the daily or possession limits allowable in the State subsistence, personal use and sportfisheries. The suggested regulatory language clearly states that Federal subsistence users cannot possess fish taken under the subsistence regulation with fish taken under any State authorized fishery. A subsistence user can harvest fish in the State sportfishery on a different day once those subsistence taken fish are no longer in possession.

That concludes my presentation, be happy to answer questions.

CHAIRMAN ADAMS: Thank you, Cal. Questions anyone.

Don.

MR. HERNANDEZ: I had a question. I guess a lot of this proposal, in my mind, has to deal with intent, what's the intent of the proponents and as you pointed out, I mean, you know, the intent of existing Federal regulations, there's, you know, two intents there and does this proposal go along with what's already been established. And my reading through the analysis, it appeared to me that it was, this proposal was directed specifically towards steelhead, however, I think you also mentioned that there were 17 other streams in Southeast that this would also affect that have an annual possession limit; did I understand that correctly?

MR. CASIPIT: Right. Those 17 other streams are basically sockeye systems that have an annual limit associated with them. There are some streams that are on those permits that have an annual limit, others

don't have an annual limit, so those 17 streams are sockeye streams with an annual limit.

CHAIRMAN ADAMS: Follow up, Don.

MR. HERNANDEZ: Yeah, I don't know if -- you may have to -- the State's going to testify on this as well, I assume, Mr. Chairman, so.....

CHAIRMAN ADAMS: What?

MR. HERNANDEZ: Is the State going to be testifying on this as well?

CHAIRMAN ADAMS: Oh, yes.

MR. HERNANDEZ: Okay. I'll probably have to ask them, but also ask Cal, was it your understanding in the analysis that this was to specifically address the steelhead issue and the 17 other streams were not really considered by the proponents, the State, when they proposed this or do you think they intended to also eliminate sportfishing on these sockeye systems that you mentioned?

MR. CASIPIT: I wouldn't presume to answer for the State. You know in our discussions with the State we honed in pretty quickly on what the issue was and that was steelhead.

I want to point out that the way our regulations read and the way -- and even with the modifications that we've proposed, and those 17 streams that you're talking about that have an annual limit for sockeye, a subsistence user can still go out and harvest their annual limit of sockeye from those streams and they can still sportfish in those streams, but they would have to -- they could only sportfish in those streams when those sockeye were out of their possession, that is, they have been processed, they have been put in the freezer, they've been put in cans, smoked, whatever. Once they've been processed, they're no longer in possession, you can go ahead and sportfish in those same waters, in those same 17 streams. And it's not like we're going to eliminate -- we're going to stop people from sportfishing just because they got some subsistence fish, that never was our intent through any of this.

I think what the effect of what we're proposing here is that it kind of clears up some

confusion in our regulations that people might get confused about and might end up getting in some trouble because they, you know, because of interpretations of the regs, also it's also cleaning up the regs so that the same Federal regulation that prohibits possessing sport caught and subsistence caught salmon on the same day, we're extending that to the other species, where we allow subsistence take, like steelhead, trout, Dolly Varden, all the other species, that there is no State subsistence fishery for.

CHAIRMAN ADAMS: Harvey, question or a comment.

MR. KITKA: Thank you, Mr. Chair. Just out of curiosity, I realize this is basically for steelhead, and this is what they were targeting on, but to satisfy my curiosity, on the limit of steelhead that the subsistence person is allowed annually is five; is that correct or is it two?

MR. CASIPIT: Well, it's two in Southeast Alaska except Prince of Wales, where it's five in the spring season and two in the fall season, fall/winter season.

MR. KITKA: Okay. Do you have any records of anybody getting their five and then going after the sportfishing?

MR. CASIPIT: I might have to defer to Jeff on that specific question for Prince of Wales, but I don't believe that's ever been the case, where we've -- where somebody's gone out and caught their five subsistence -- Federal subsistence steelhead, if you will, and then went out and caught two greater than 36 inch fish under State regs, I just don't -- I don't know, it might have happen, it might happen, but I don't see it.

MR. KOOKESH: Mr. Chairman. Mr. Chairman.

CHAIRMAN ADAMS: Floyd.

MR. KOOKESH: Mr. Casipit, who would tell you they did that? Who would want to tell you they did that?

(Laughter)

MR. KOOKESH: No one, by the way. But my comments, I just got the book yesterday, but I've been looking at your comments, and I notice that there's a -- it could result in a conservation concern. But I noticed that earlier when we were all discussing issues around the table here and then looking at the proposals that are before us, we seem to have a limit -- a harvest limit problem, we seem to have a cost prohibitive problem with fuel and -- being where it's at, and I'm wondering is how this proposal is going to help? It seems to be creating a restriction, you know, if you're not -- you're saying it could result in a conservation concern, you know, the world could end tomorrow, too, but that don't mean it's going to.

But I was just going over your material here and I'm just seeing -- noticing that one -- a good example is on Page 33, it says in order for the Federal regulations to have a rational basis and continue on a parallel track with State regulations, why do we all want to go there? It seems like we should work for the benefit of the rural preference, which is what Title VIII of ANILCA was.

But, anyway, I'm just looking at your stuff and I'm looking at escapement but when you base your living, your lifestyle on trying to put food away, you know, we shouldn't be creating this ongoing restriction like this. If this is what the State's doing at a time of high energy costs and high, you know, high -- by the way engine parts and boat parts are not getting any cheaper either, so, I'm just wondering why we're going here with all this stuff if there's not a conservation concern yet.

MR. CASIPIT: Mr. Chair. Mr. Kookesh. I think on the issue of conversation concern, when I introduced that, I tried to -- I was trying to describe why the proponent was concerned and one of the concerns that the proponent had was conservation issues that could develop if this -- if these regulations stayed as they were and some things, you know, continued as they were and somebody misinterpreted what they said and, you know, things happened out there.

When we looked at this issue and started working with the State and trying to hone into their concerns as to, you know, what the issues were, we quickly realized that, you know, we could make some changes in the way our regulations read, but it doesn't

really change the way subsistence users behave out there on the ground but it does clean up our regulations so that, for instance, the, you know, possessing sport taken and comme -- sport taken and subsistence taken salmon on the same day, we have that regulation in our -- we have that in our regulations, it's been that way since day one, here we've added species to our regulations, subsistence regulations for subsistence use of species that the State has never recognized, or hasn't provided for in their permits anyway. And that we saw that there's a potential for somebody to possess a sport taken and a -- a sport taken fish, other than salmon and a subsistence taken fish, other than salmon, on the same day, and so we just wanted to clean that up to make the other fish species the same as salmon so that basically cleaning our regs up and making them a little more easier to understand and taking away some of the unintended confusion that somebody may get when they try to interpret our regulations.

That might not have been the best answer or the answer you were looking for but that's kind of how we see it.

And I asked Jeff to come up here just to confirm what I said earlier about Prince of Wales, and he can take care of that if I misspoke or whatever.

CHAIRMAN ADAMS: Jeff.

MR. REEVES: Mr. Chairman. Council. Jeff Reeves, US Forest Service. The Prince of Wales fishery, we have three individual households that have reported taking a full spring limit. One of the households has taken that household limit for six straight years. And this year when I spoke to that individual I recalled seeing in Turek's 2005, you know, the harvest use thing, one of the people interviewed indicated that the number of steelhead he was allowed was just not quite enough to meet his needs and so I said, is this by chance you, and he's like yes so that brought me to that next question, I said, well, do you sportfish for these, and he said I'm not even going to waste my time. He says in my 20 some years of living on this island I have never caught one that big.

So to answer the question, I guess, are people pursuing them with sportfishing regulations immediately following, I doubt it, and it's probably based on the same comment he gave to me. You know, do we

have some people taking household limits, yes, but the number is very small, so if that helps you.....

CHAIRMAN ADAMS: Thank you, Jeff. Anyone else.

MR. WRIGHT: Mr. Chair.

CHAIRMAN ADAMS: Frank.

MR. WRIGHT: Thank you, Mr. Chair. You know when you deal with subsistence, you know, we always -- we go out there because we want to put food away for ourselves and some places you have to go a long ways and what I would propose is why don't, you know, if we're going to catch our -- I mean I'm going to be out there and all of a sudden I've caught a steelhead and I had sockeyes and I had steelhead there and it seems to me that -- illogical to throw the fish back when I already caught it and then I'm limited to the number of fish within a system, so if there was any way that we could make it so that, well, I got these fish, and I got this steelhead here and then I could take them both home instead of throwing one back and then coming back and -- or if this regulation was there then I have to take my fish home and then come back, but the definition of subsistence is to get it as cheap as possible. I mean like chopping down a tree, you know, you're going to use that to provide for your house, keep it warm, so it just -- sometimes I get confused about how regulations are written where it limits you on the resources and how you can take them and when you can take them and if you have one you're doing a subsistence fishery and then all of a sudden you can't take a sport, but it -- and it -- I just get confused sometimes about how this thing works, so, thank you, Mr. Chair.

CHAIRMAN ADAMS: Do you want to respond, go ahead.

MR. CASIPIT: Thank you, Mr. Wright. Chairman Adams. Again, I don't want to speak for the State but as far as I know say you do have your sockeye permit and you're out there fishing for sockeyes, if you do catch a steelhead or another species, you are allowed to keep it as incidental take as long as you record it on your permit you're allowed to keep it, and that's the same under the Federal regulations as well, if you incidentally catch another fish or a different fish than what your permit is for, you're allowed to keep it as

long as it's recorded on your permit and it's, you know, reported back to us as the regulations ask you to.

So I just wanted to make that clear.

MR. KOOKESH: Mr. Chairman.

CHAIRMAN ADAMS: Mr. Kookesh.

MR. KOOKESH: I guess the question probably could be -- I would look for an answer for would be what if we exceeded the limit as opposed, what if you got five as opposed to being within the range there?

MR. CASIPIT: Okay. Well, again, I think we're confusing a couple issues here. One is a directed fishery where you get a steelhead permit to go out and catch steelhead and for whatever reason go over limit on your, you know, on the numbers of steelhead you caught for whatever reason and you end up with three or four steelhead instead of the two that you're allowed to keep, well, you're clearly -- if you're using that directed -- if you're in that directed steelhead fishery you are to stay within the limits that are established in regulation to be within the regulations.

The other issue of incidental take of fish in a different fishery, incidental take is incidental take and I don't know if -- I'm pretty sure that incidental take is unlimited, it just has to be reported.

CHAIRMAN ADAMS: Okay, I got a few things here, Cal.

All I see out of this proposal is that we're trying to avoid, you know, subsistence fishing and sportfishing on the same day, correct?

MR. CASIPIT: (Nods affirmatively)

CHAIRMAN ADAMS: Okay. So you mentioned possession here a little while ago and the light bulb turned on. Supposing somebody in my community wanted to go out and get his limit of, you know, say cutthroat trout and he did it under a Federal permit, now would he have to go home and process those, put it in the freezer, fry it, can it or whatever, before he goes out and uses his State permit to catch some more?

MR. CASIPIT: His State sportfishing license to catch some more. Yes, you've got it right. The intent of that second regulatory change that we're proposing is that, yes, he would have to take those subsistence caught cutthroats, for instance, home, they have to be processed, then he can -- once they're processed, they're out of his possession he can then sportfish or she could then sportfish.

CHAIRMAN ADAMS: Okay, thank you. Because I know a lot of people would get confused by that, they'd probably think, well, I can catch my six and then take it home and put it in the freezer or, you know, an ice box until I catch my other two but, you know, thanks for clearing that up.

I got another one here that I tried to address in Yakutat the other day. I wanted to go out and do some cutthroat fishing and I found out, you know, where I can do that, and so the next thing that I needed to figure out, you know, is do I need a Federal subsistence permit or do I need a State permit, you know, in that particular stream, you know, there's a State and Fed and so, you know, with the Federal regulations I can catch six in a day whereas with the State I'm only allowed two. So I want to get six, okay. The next thing that I needed to find out is this stream under Federal jurisdiction or is it under State jurisdiction, and I'm talking about Tawah Creek, okay, in Yakutat. And so I did a little bit of checking, I called the Forest Service and they had to call somebody in Anchorage, I guess it was enforcement and the answer that came back to me is that if the stream is under Federal jurisdiction and it goes on private land and any others, you know, it's still under Federal jurisdiction, so did I get the correct answer on that or not?

MR. CASIPIT: Yes, Mr. Chair, you sure did.

CHAIRMAN ADAMS: Thank you, very much.

MR. CASIPIT: Again -- I'll say it again, we have jurisdiction over all fresh waters within the exterior boundaries of the Tongass. All those boundaries between, you know, State or private or whatever, those are interior boundaries of the Forest, the exterior boundary of the Forest goes out to 60 miles in some places. So basically we've asserted jurisdiction on all freshwaters within the exterior boundary irrespective of

who owns the uplands. Now, I know the State disagrees and we're under litigation but, in a nutshell, that's what we have asserted jurisdiction over.

CHAIRMAN ADAMS: Thank you for that explanation. I have another one here. I want to know the difference between personal use, and of course maybe it'd be a good question for the State to answer, but maybe I'll give you an opportunity to share that too, and sport, as opposed to subsistence -- personal use?

MR. CASIPIT: Again, probably the State's the better person to answer this -- better people to answer this question. But it's my understanding that personal use fishing doesn't have a priority as say subsistence fishing does. Because there's a priority for subsistence even under State regulations.

Personal use fishing doesn't have that same priority level, it's thrown into the mix with all the rest of the fisheries, sport, commercial, whatever, and then the allocations are made by the Board of Fish, and so, yeah, that's kind of the difference between personal use and sport, it's not -- I noticed Mr. Larson whispered something to you so I hope I didn't get that wrong.

(Laughter)

MR. CASIPIT: But I think the State is better to answer that.

CHAIRMAN ADAMS: Well, maybe he's just going to back you up.

(Laughter)

CHAIRMAN ADAMS: But I'm sure George will have an answer or someone from the State will also address that when they come forward.

Yeah, to me, personal use is not a subsistence issue so it wouldn't -- it would not have that priority, so thanks for that interpretation as well.

So, Mr. Larson.

MR. LARSON: Mr. Chairman. The primary difference between those two fisheries is that the -- that fishery for that species in that location has a

positive customary and traditional use designation so if that determination has been made that the use is customary and traditional, then it is a subsistence fishery. That same gear and fishery type for residents, if it does not have a customary and traditional use finding is a personal use fishery.

CHAIRMAN ADAMS: Uh-huh.

MR. LARSON: And that's the difference.

CHAIRMAN ADAMS: Okay, thank you, Mr. Larson. Yeah, I needed to get this cleared up. I did a lot of background check and everything, you know, before I even got here but I wanted it confirmed because when I go out there I don't want to, you know, violate any laws because wouldn't it be something, Southeast Regional Advisory Council Chair.....

(Laughter)

CHAIRMAN ADAMS: Any other questions or comments for Cal?

(No comments)

CHAIRMAN ADAMS: Thank you, Cal, and thank you Jeff.

MR. KOOKESH: Well, Mike Fleagle got caught.

CHAIRMAN ADAMS: Okay. We're going to go through this process, we're taking testimony from others and there's a presentation procedure for these proposals. First we get the proposal introduced as it already has been done and then;

We take testimony from the State;

Other Federal, State and Tribal agency comments;

InterAgency Staff;

Fish and Game Advisory Committees;

Summary of written public comments;

Public testimony; and

Regional Council deliberation.

And somewhere in here we have a place for tribal governments or is that under what, I thought there was that in there somewhere.

MR. LARSON: It's number 3.

CHAIRMAN ADAMS: Other Federal, State -- okay, yeah, great, in that order. So George.

MR. PAPPAS: Thank you, Mr. Chair. My name is George Pappas, Department of Fish and Game, and I represent the Fisheries Division for the Department on our subsistence liaison team.

Our full comments, you'll see are on Page 35 in the book. We'll have them entered into the record and I'll just summarize the five different sets of comments that we have for our five proposals in front of us.

The State agrees with the Federal Staff analysis that current Federal regulations need clarifying. The State supports the Federal analysis and proposed modification with only one exception, the proposed modification should not allow the accumulation of annual Federal subsistence and annual State sportfishing harvest limits for steelhead. Our conservation for steelhead and this issue will be taken up in the next proposal FP09-03.

The State submitted this proposal to clarify existing regulations, not to change them.

A person can still go sportfishing on a later date after filling his or her Federal subsistence harvest limit for salmon. The State does not intend for this proposal to change or rescind any existing Board actions or area specific exemptions to the general rule, rather, the State's intent is to make the existing Federal regulation clearer.

We do not wish to limit subsistence opportunity. Adoption of this modified proposal have little or no effect on subsistence users.

The State thanks the Forest Service, Mr. Larson, for their help and also their -- the committed interaction with the State during this process of

developing the proposed modified language.

Thank you.

Alaska Department of Fish and Game
Preliminary Comments to the Regional Advisory Council

FP09-02 Accumulation of Harvest Limits in Southeast Alaska

Introduction:

Proposal FP09-02 requests a clarification of the federal prohibition against accumulating annual and daily federal subsistence harvest limits with State of Alaska sport fishing harvest limits in Southeast Alaska. Current federal subsistence regulations for the Southeast Region appear to allow accumulation of federal annual subsistence limits and State sport fishing limits. Current federal language which allows accumulation of annual harvest limits should be revised to clearly prohibit harvest from the same stock or species in a sport fishery once the user has reached the permitted federal subsistence daily or annual harvest limit.

Impact on Subsistence Users:

Adoption of this proposal should have little or no effect on federal subsistence uses because it would not prevent a federal subsistence user from sport fishing on a different day after filling their federal daily/annual limit as long as a sport fishing annual limit does not exist in that fishery. Southeast regional federal subsistence regulations prohibit federal subsistence users from possessing federal subsistence and sport taken salmon on the same day, effectively prohibiting accumulation of daily harvest limits for salmon only.

Current federal regulations allow accumulation of annual harvest limits for any species of fish other than salmon. This accumulation of annual limits occurs only with steelhead trout because steelhead trout are the only freshwater species with an annual sport fishing limit in Southeast Alaska.. As a result of the provision regarding salmon and the limitation to harvest limits, the current language of ^U___27(i)(13)(vii) is misleading.

Adoption of this proposal would only impact federal subsistence fishers who want to accumulate harvest limits between the federal subsistence and State fisheries where accumulation is authorized by federal regulation (i.e., steelhead trout). Since inception of the federal subsistence fisheries on the Prince of Wales Island, federal subsistence permitting data indicate less than 2 percent of federal subsistence users targeting steelhead trout have filled their federal household annual steelhead trout harvest limit (personal communication Reeves, July 18, 2008). Additionally, since inception of the federal subsistence fisheries in the remainder of Southeast Alaska, federal subsistence permitting data indicate approximately 6 percent of federal subsistence users targeting steelhead trout have filled their household annual steelhead trout harvest limit (personal communication Larson, July 22, 2008). Due to confidentiality requirements and privacy concerns, it is not possible to cross reference individual federal subsistence user reported steelhead trout harvests against the Department Statewide Harvest Survey data and/or the Department surveys conducted on anglers staying at Forest Service cabins to determine whether or not federal subsistence users are accumulating annual harvest limits between the federal subsistence and State sport fisheries for steelhead trout.

Enforcement Issues:

Adoption of this proposal will reduce the likelihood of state enforcement actions being taken against federal subsistence users who might otherwise incorrectly believe that they can possess and/or harvest additional fish in a State fishery the same day after filling their federal limit. The lack of clarity in current federal regulations may impair enforceability of the federal prohibitions on accumulation while also putting federal subsistence fishers at risk of state enforcement actions. These unclear regulations and enforcement issues create concerns where effective daily limits are needed for effective management and conservation.

Jurisdiction Issues:

Many streams in Southeast Alaska that support steelhead trout flow through non-federal land. The State disputes many of the federal reserved water

right claims in Southeast Alaska. The State also disputes application of federal subsistence regulations in numerous streams and rivers that are not within federal lands. Detailed maps are needed of lands where federal jurisdiction is claimed, and the basis of each claim should be explained. In addition, fishers need to be provided copies of these detailed maps and warned that the State will enforce its regulations on fishers standing on non-federal land.

Opportunity Provided by State:

Steelhead trout taken incidentally by gear operated under terms of a state subsistence permit for salmon may be legally harvested and possessed for subsistence purposes, although the Department cannot issue a permit for subsistence harvest of steelhead trout. With the exception of two rivers in Yakutat 5 AAC 01.680(d), no harvest has occurred since inception of the fishery in 1989. The holder of a state subsistence salmon permit must report any steelhead trout incidentally taken in this manner on the permit calendar.

Personal use fisheries are generally established for areas which are considered non-rural or non-subsistence areas by State of Alaska regulation although they may extend into other areas. Personal use fisheries are differentiated from commercial fisheries because the sale of personal use harvest is not appropriate or permissible by State law. Personal use fisheries are differentiated from subsistence fisheries because the personal use is not customary and traditional use and is not prioritized. Furthermore, the personal use fisheries are differentiated from the sport fisheries because the gear used for personal use fisheries are usually different from that historically associated with sport fishing. Statewide sport fishing regulations (5 AAC 75.010) prohibit a person engaged in sport fishing from possessing more than the sport fishing bag limit.

The Personal Use Fishery Management Plan for the Juneau, Petersburg, Wrangell, Sitka, and Ketchikan road systems (5 AAC 77.683) prohibit the Department from issuing permits which allow the use of nets for the streams along the road systems of these communities. Harvestable numbers of salmon in excess to the spawning escapement needs for those streams are normally of such a small magnitude that these numbers

alone are not sufficient to support the consumptive demands for those communities much less the consumptive demands of other communities.

Conservation Issues:

Adoption of this proposal may protect fish populations from over exploitation by preventing development of conservation concerns resulting from excessive harvest that could occur in federal subsistence fisheries if users are allowed to accumulate daily and seasonal harvests from both the federal subsistence and State fisheries. The Department through the Alaska Board of Fisheries has invested decades into developing conservative fisheries management plans, sustainable exploitation rates, and time proven fishery regulations which establish daily and annual limits ranging from sweeping regional limits and gear restrictions applicable to specific sections of river tributaries. The evolution of each conservative fishing regulation is either based upon historic and scientific data or, where such data are not available, is based upon the best information available, including long term average harvest information which indicates levels of harvest of a fish stock with a high probability of being sustainable. This comprehensive package of sport, personal use, commercial, and subsistence regulations works together to conserve steelhead trout and provides for subsistence harvest. These include a 36 size limit, annual sport harvest limit of 2, bait and snagging prohibitions, restrictions on harvest in net fisheries that reduce bycatch of steelhead trout, and authority to require commercial catch reporting through emergency order. In 2007, a statewide regulation was adopted that requires commercial fishermen to report steelhead trout retained, but not sold on fish tickets used to track commercial salmon harvest. The result of these combined sport and commercial restrictive state regulations successfully reversed the early 1990s decline in steelhead trout populations.

The Department does have conservation concerns regarding daily and/or annual accumulation limits between the State and federal subsistence fisheries. These concerns revolve around the potential for over exploitation of diminutive stocks in small systems by allowing federal subsistence users to accumulate daily harvest limits from a single fishing hole on a small stream on a single day. An example is

a federal subsistence user fishing for cutthroat trout in a high use area harvests the daily bag limit of 10 trout or one steelhead trout then transfers possession and continues to fish under sport fishing regulations to harvest another daily limit.

Other Issues:

Proposals FP09-02 and 03 contain language which is similar in intent but different in scope and specificity. FP09-02 was submitted to change regional accumulation regulations in Southeast Alaska. A portion of FP09-03 was submitted to change accumulation regulations for steelhead trout only in Southeast Alaska.

Although the State of Alaska fisheries in Southeast Alaska allow the harvest of sport and subsistence or sport and personal use on the same day, the state fishery regulations are written in such a manner that users could not harvest a daily limit in one fishery and then commence harvesting an additional limit from another fishery in the same spot, targeting the same species, with the same gear. The personal use and subsistence fisheries are normally in different areas and require different gear types and the prohibition on possessing more than the sport fish limit while sport fishing also discourages accumulation of limits across fisheries.

This proposal is not intended to prohibit federal subsistence users from filling their annual or season harvest limit on one day and sport fishing for the same stock with legal sport fishing gear and with a sport fishing license on a different day as long as the user has not achieved the annual State harvest limit for the year.

Recommendation: Support

CHAIRMAN ADAMS: Questions for Mr. Pappas.

Don, go ahead.

MR. HERNANDEZ: Thank you, Mr. Chair. Mr. Pappas. I guess I don't understand why the State believes that this does not -- this proposal would not have an impact on subsistence users if you consider the fact that subsistence users are also Alaska residents

who are also entitled to fish under sportfish regulations if they so choose. I mean this proposal appears to me to be directed against somebody who is a subsistence user who chooses to sportfish for primarily steelhead.

The State would contend, I'm sure, that your sportfishing regulations are adequate enough to protect the steelhead stocks with your 36 inch size limit. The Federal regulations also would purport that our subsistence regulations are adequate to protect the stocks, you know, for our subsistence fisheries. So the State is mandated under the Constitution to provide for all Alaska residents, that's why the State does not recognize Title VIII, yet, this proposal singles out Alaska residents who are subsistence qualified and places a restriction on them about sportfishing.

So my question would be, is this proposal -- is it, would you say it's spiteful or irrational or how would you characterize it?

CHAIRMAN ADAMS: Go ahead, George.

MR. PAPPAS: Through the Chair. Mr. Hernandez. I'll try to use some different choice of words there.

(Laughter)

MR. PAPPAS: One of the original intentions of this proposal was to prevent anybody from sitting in the same hole with the same gear in the same spot on the same day and getting two sets of limits. the Federal subsistence limits for, say, cutthroat in an area, whether it be 10 fish, any size steelhead what have you, a school is puddled up in a small area, small stream and, you know, when you rarely come across that occasion, in theory you can harvest almost too many from that particular spot. It's a conservation concern initially. The subsistence regulations and limits are set up for consumptive use, folks go out, they get their consumptive, they, fortunately, if they can get their limit for consumptive use, take those fish home, come back a different day to enjoy it.

The clarification part, when we were working with the Forest Service Staff is, say, you do have a system, as Cal was saying, that has a Federal subsistence limit and annual limit, 40 sockeye, well,

just because you catch your consumptive use of those sockeye shouldn't mean you cannot come back and enjoy the recreational activity at a later point in time.

But I'm not sure if I answered your question. But the conservation issue was the initial driver of this proposal, sir.

Thank you, Mr. Chair.

MR. HERNANDEZ: But this proposal seems to be directed at steelhead fishermen as a conservation concern; is that not correct?

MR. PAPPAS: Mr. Chair. Mr. Hernandez. Upon further investigation, when we really got into the analysis of the proposals and looked through them, and that's why I said in our comments, we'll address that in number 3, the first proposal that was on the table, that was pulled early in the season, Proposal No. 2 and Proposal No. 3 all would impact steelhead in Southeast Alaska, so the Department does support the modified proposal of what the -- the Forest Service came up with good language and we'll address the steelhead situation in Proposal No. 3, whether or not -- in other words, the steelhead won't be impacted by this proposal, as is, as modified steelhead will not be impacted by this proposal. I had to make the comment that, yeah, the Department does support the modified language, they still don't support having two annual limits of steelhead cumulatively harvested by one individual.

Mr. Chair.

CHAIRMAN ADAMS: Follow up.

MR. HERNANDEZ: Right. So the State is supporting the wording in the Federal modification but you have separate issues that will be addressed in the next proposal that we'll hear about?

MR. PAPPAS: Mr. Chair. Mr. Hernandez. That is correct.

CHAIRMAN ADAMS: Anyone else, questions for George.

MR. KOOKESH: Yeah.

CHAIRMAN ADAMS: Mr. Kookesh, you bet

go ahead.

MR. KOOKESH: A minute ago you mentioned recreational activity, in the context of sportfishing that may be so but what we're looking at -- I don't believe that the people that are out there subsisting consider it a recreational activity, it's a lifestyle. But if you really want to go away from -- if you really want to stay away from conservation concerns cut your limits, that would help, cut your State limits and maybe the Feds will cut back, too, I don't know. But think of cutting back anyway instead of like -- like Mr. Hernandez says, discriminating against rural residents who are citizens of the State, you know, cut back the limits, maybe that's the solution instead of making it seem like it's -- there's an issue here with the rural and the urban.

CHAIRMAN ADAMS: Thanks, Floyd. Mr. Stokes.

MR. STOKES: Thank you, Mr. Chair. What relationship does the Federal government have with the Canadian government? I've witnessed right there on the Telegraph Creek where it meets the Tahltan and they have driftnets -- or set nets out and the fish they catch they've got tourists waiting up there in their vans and they're selling them for $30 apiece. I was just wondering?

CHAIRMAN ADAMS: Go ahead, George.

MR. PAPPAS: Mr. Chair. Mr. Stokes. I can't answer that question for you but I can find out during this meeting, your specific issue you're talking about, what the Canadian regulations are, what is allowed on the other side of the border. I wasn't prepared to answer that, sir.

MR. STOKES: Thank you.

CHAIRMAN ADAMS: Thank you, George. You're excused -- you got a comment?

MR. PAPPAS: Yes, one other comment. The question came up earlier about the difference between personal use and sportfisheries.

CHAIRMAN ADAMS: Definitely.

MR. PAPPAS: And I knew you were going to answer that question, sir. In our comments, Page 36, in addition, yes of course -- Mr. Larson is correct about not having a C&T for the fish -- this is right in the middle underneath opportunity provided by the State, the personal use fisheries are differentiated from the sportfishery because the gear type's used for the fisheries are usually different and also usually the areas are different. The difference between having a net in salt water and being upriver a couple miles in a small pool with a rod and reel so there is a difference there, and they're managed differently.

Thank you, Mr. Chair.

CHAIRMAN ADAMS: That is correct. I have that underlined, too, but I brought it up as a matter of discussion because I wanted it to be brought out, you know, in this forum. So thank you, George, appreciate it.

Any other Federal people.....

REPORTER: Bert. Bert.

CHAIRMAN ADAMS: Any other Federal people like to testify.

(No comments)

CHAIRMAN ADAMS: State people.

(No comments)

CHAIRMAN ADAMS: Tribal. Carrie.

MS. SYKES: Thank you, Mr. Chair. Again, I'm Carrie Sykes. I work for Tlingit-Haida Central Council. I'm a subsistence and sustainable development coordinator.

I want to go on record as strongly opposing this proposal. It seems to be very restrictive and not go along with the intent of Title VIII of ANILCA. It looks to me like the Federal restrictions are already very well regulated. There is small limits. And there doesn't seem to appear to be a conservation concern so I think it's unnecessary.

And I see at the bottom of Page 28 that

this kind of subsistence harvest is allowed in the Prince William Sound area. And it appears to me that it is rescinded previous RAC actions and, you know, given the high price of gas and the concerns for our subsistence users to go great distances, I think it really is a detriment to anyone that wants to go out and harvest their subsistence products.

So I recommend that the RAC not pass the proposal or the modification.

CHAIRMAN ADAMS: Thank you, Carrie. Questions by members of the Council.

(No comments)

CHAIRMAN ADAMS: Gunalcheesh.

MR. JOHN: What about other tribal people.

CHAIRMAN ADAMS: Any other tribal people. Mr. John.

MR. JOHN: My name is Walter John and I work with the Douglas Indian Association. I was born and raised here and subsisted all -- basically all my life and I was sitting back there just kind of wondering why they had to come up with this regulation that they were just talking about, you know, I was wondering how much fish has been affected or, you know, why, who came up with the idea that we need to restrict subsistence fishermen who are sportfishing.

I served on the Goldbelt Board of Directors for about six years, and I used to fly back and forth -- lived in Denver, Colorado, I used to fly back and forth between Denver and here and I never counted, but I want to tell you there were hundreds of boxes of frozen salmon that came off the plane that I came from Juneau into Denver. And I couldn't believe the number of boxes that would come off and, you know, for sportfishermen. And I'm just wondering how much sportfishing leaves the state, you know, how much fish actually leaves the state of Alaska, you know, and why did they come up with this, I mean were there violators, were there hundreds of violators, what would be the purpose or why would the State come up with this kind of restriction?

I appreciate Don for his question there on, you know, I was just sitting there scratching my head wondering, you know, why the State would spend their time to come up with this kind of restriction. I speak against it because of the cost of fuel and the people in the villages, the Native people, if a guy's out there subsisting why can't he catch a couple sportfish, you know, there isn't that many, it could be 15 in Juneau that might do it, you know, that type thing, you know, so I'm just wondering why the State would so something like this, you know, thank you.

CHAIRMAN ADAMS: Thank you, Walter. Any other tribal people.

(No comments)

CHAIRMAN ADAMS: Hearing none. InterAgency Staff.

MR. KESSLER: Yes.

CHAIRMAN ADAMS: Mr. Kessler.

MR. KESSLER: Well, Mr. Chairman and members of the Council, Steve Kessler with the Forest Service and the InterAgency Staff Committee. Originally I wasn't going to have any comments on this proposal but I think I just might.....

CHAIRMAN ADAMS: You never do.

MR. KESSLER: Well, sometimes I do. But I think I'll just make one comment here. And this comes from something that our solicitor, Keith Goltz, said at one point, is that, if the numbers of fish aren't what's needed to meet subsistence needs, and this is not how he said it but something like it, if the number of fish that you're allowed to harvest aren't enough to meet subsistence needs and there's not a conservation concern, then why is the number that number and why shouldn't it be a higher number in order to meet the needs under the Federal Subsistence Program. And so I mean a lot of what I'm hearing is, well, we need to be able to accumulate in order to be more efficient, better meet our needs, et cetera. So -- but you should be able to do that under the Federal Subsistence Program and to the point where it's not necessary to accumulate to meet those needs.

So that's just a comment that you might consider as you're sort of deliberating through all this and maybe some numbers need to be changed or some different numbers need to be considered.

But there is a priority. The priority is for the subsistence user and if that priority need isn't being met then there probably should be a way under the Federal Program to meet that number.

CHAIRMAN ADAMS: Thank you, Steve, appreciate it.

MR. KOOKESH: I have a question.

CHAIRMAN ADAMS: Floyd has a question.

MR. KOOKESH: On Page 33, do you fall under that category of OSM, preliminary conclusion or are you InterAgency Staff?

MR. KESSLER: I'm InterAgency Staff.

MR. KOOKESH: OSM just goes before InterAgency Staff.

MR. KESSLER: Ask the question again?

MR. KOOKESH: Did you support this conclusion, this OSM preliminary conclusion on Page 33?

MR. KESSLER: The InterAgency Staff Committee makes comments, we don't support one way or the other. We used to later on in the process, after all of the Regional Advisory Councils have provided their recommendations to the Federal Subsistence Board, the InterAgency Staff Committee also would make a recommendation to the Federal Subsistence Board. That process has changed where we make comments now. And so as a group we don't have any specific comments and later on we'll make -- have some comments for the Federal Subsistence Board but they're not going to be recommendations. I'll have my recommendation to my Board members as will all the other Staff Committee members. But at this point we're just making comments.

CHAIRMAN ADAMS: Okay, thank you, Steve. Fish and Game Advisory Committee comments.

(No comments)

CHAIRMAN ADAMS: Anyone here?

(No comments)

CHAIRMAN ADAMS: No. Summary of written comments, any public comments, Mr. Larson.

MR. LARSON: There are no written public comments.

CHAIRMAN ADAMS: Public testimony.

(No comments)

CHAIRMAN ADAMS: Thank you. Let's take a 10 minute break before we go into deliberation. You think that's a good idea, George.

(Off record)

(On record)

CHAIRMAN ADAMS: Folks come on back to your seats.

(Pause)

CHAIRMAN ADAMS: We need to get back in order here ladies and gentlemen, please.

(Pause)

CHAIRMAN ADAMS: Where is our coordinator.

(Pause)

CHAIRMAN ADAMS: We'll have to send enforcement out for him.

(Laughter)

MR. LARSON: Just in time.

CHAIRMAN ADAMS: Okay, thank you, everyone. We're on Council deliberation on this proposal now. The way that we'll handle this is we'll move to adopt the proposal, then we'll get a second and then we'll bring it up under discussion and any amendments that needs to be addressed, then we will

take it that way and go through the process of adopting it or rejecting it.

I need to remind the Council members that we got to follow those four criteria.

Is there a conservation issue pertaining to this proposal.

Is there substantial data that supports it.

How does it affect subsistence users.

And non-subsistence users.

So whoever's going to make the motion, you know, I would really like that individual to address those four concerns.

Yes, Mr. Bangs.

MR. BANGS: Thank you, Mr. Chairman. Do you have that list -- we usually have a list of those four criteria on a card that we could refer to as we go through that?

CHAIRMAN ADAMS: I used to have one, but I don't anymore, do we have -- could we.....

MR. KOOKESH: Check with Mr. Coordinator.

CHAIRMAN ADAMS: Mr. Coordinator.

(Pause)

CHAIRMAN ADAMS: Anyhow for now, conservation concern, substantial data, how it affects, either adversely or, you know, positively subsistence users and non-subsistence users. Maybe it'd be a good idea if you could put it up there, if you could.

(Pause)

CHAIRMAN ADAMS: So we're under Council deliberations now. Mr. Bangs.

MR. BANGS: Thank you, Mr. Chairman. I move to adopt FP09-02 as written on Page 27.

CHAIRMAN ADAMS: Thank you. Second.

MR. KOOKESH: Second.

CHAIRMAN ADAMS: On Page 27, the language.....

REPORTER: Bert. Bert. Bert. Wait -- Bert.

CHAIRMAN ADAMS: Okay. Now, it's the original proposal and then there's some amendments, OSM says that they need to support it with modification, so we're going to take the original language and then move to adopt it with a second and then we'll go through the amendments.

Do we have a second.

MR. KOOKESH: Yes.

CHAIRMAN ADAMS: By who?

MR. KOOKESH: By me.

CHAIRMAN ADAMS: By him, Floyd. Okay. Now, we are at the point where we can discuss it so if there's any amendments to the proposal then we will take care of it at this time as well.

Don, please.

MR. HERNANDEZ: Thank you, Mr. Chairman. I would not be in favor of supporting this proposal as proposed. I would, however, consider the proposal with the modifications that are listed on Page 33 of the book by the OSM. So I would move that we accept this proposal as modified in the preliminary conclusion on Page 33.
page 33

CHAIRMAN ADAMS: Mr. Hernandez, we've already accepted the original language of this already, now, what we want to do is if you want to add, you know, anything to it, such as what is addressed on Page 33 then you can do that as an amendment.

MR. HERNANDEZ: Yes, thank you, Mr. Chairman, that's what I wish to do, amend the proposal with the wording on Page 33.

CHAIRMAN ADAMS: I hear you, yes, thank you. Okay. Is there a second to the amendment.

(No comments)

CHAIRMAN ADAMS: We need a second otherwise it will go away.

(No comments)

CHAIRMAN ADAMS: Going once.

(No comments)

CHAIRMAN ADAMS: Going twice.

(No comments)

CHAIRMAN ADAMS: Frank.

MR. WRIGHT: Mr. Chair. Maybe I could hear what your amendment would be right now because if we're going to put new wording in there we need to hear what that is first before we second it.

CHAIRMAN ADAMS: Okay, maybe we can have our coordinator read the original language as we adopted it, and then also add the amendment to it. Do you have that with you?

MR. KOOKESH: Mr. Chairman. Mr. Chairman.

CHAIRMAN ADAMS: Floyd.

MR. KOOKESH: Mr. Chairman. I wasn't listening to you a minute ago, like your wife and kids, but is it possible that we're going to see the whole motion up there because I've -- I've heard two things and I'd like to comment on No. 33, there seems to be a vagueness in the language.

CHAIRMAN ADAMS: Is there a possibility we can get that put up on the screen.

MR. LARSON: We're going to hook it up.

CHAIRMAN ADAMS: Okay. Because that would really help.

MR. LARSON: We're finding a projector because that projector doesn't work and we'll try to hook up a new one.

(Pause)

CHAIRMAN ADAMS: Don, you have something to say in the meantime.

MR. HERNANDEZ: I was just going to say as a point of order if Mr. Kookesh would like to comment on the amendment, I mean, he'll have to second it; is that right, or it dies.

CHAIRMAN ADAMS: Yeah, we'll need a second on the amendment. And it didn't look like anyone was ready to accept it so I was going to kill it because of a lack of a second.

(No comments)

CHAIRMAN ADAMS: Okay, well, there's no second so, you know, we're going to -- the motion to amend dies. Okay, so we're right back to the original language.

What's the wish of the Council.

MR. BANGS: Mr. Chairman.

CHAIRMAN ADAMS: Mr. Bangs, go ahead.

MR. BANGS: Thank you, Mr. Chairman. In order -- I don't know I feel that I don't really support this. I don't feel it's a housekeeping issue. I think it's restrictive and I think that we're not talking a lot of fish and if there's no conservation concern at this point, I would be against this proposal.

I hate to say this but I find this information that they give us not very good. I see the harvest of the different salmon, sockeye, and when we're talking about steelhead, I think the commercial take of steelhead, as much as I hate to say it, is a lot different from the number that they have down there. And I think if we're going to put any restrictions, we need to figure out a better way to release the commercial catch of steelhead rather than put restrictions on subsistence.

So without getting, I feel, good information on this, I don't see any reason that we should adopt it.

Thank you.

CHAIRMAN ADAMS: So I see two reasons why you're not proposing that we pass this, number 1, is that there is no conservation concern; number 2 it's not backed up by substantial data.

How do you feel about effect it has on subsistence and non-subsistence users?

MR. BANGS: I don't think there would be any affect on non-subsistence users. I think it would be more restrictive for subsistence users if we choose to adopt this.

When you're out there and the cost of fuel and everything, just getting to the point where you're going to fish and you catch your subsistence quota and the sport limit is, at most, two fish, and at 36 inches, so you're talking the chance of getting a fish that large is pretty slim anyway, and then you're already there, and we're not talking a lot of fish so I don't see it as a conservation concern at all.

CHAIRMAN ADAMS: Great, thank you, Mr. Bangs.

Yeah, the reason why I'm really, you know, emphasizing this, we've used this as a criteria for many, many years now but I've gotten comments from a lot of Federal people, other RAC people, you know, that this is a really good process in how to determine whether we should pass a proposal or not and if we can mention those. You know, as former Chairman, John Littlfield, emphasized to address those four criteria as we go through the process then we have, you know, a real solid reason why we are either accepting it or not accepting it.

So thank you, Mr. Bangs, for doing that.

Any other comments by members of the Council.

Mr. Kookesh.

MR. KOOKESH: And as Ms. Sykes pointed out earlier, too, on Page 28 on the bottom footnote.....

CHAIRMAN ADAMS: Yeah.

MR. KOOKESH: .....the State is more liberal and is allowed for in Prince William Sound as -- as brought up by Mr. Bangs, there is no conservation concern and I believe this would be restrictive on the subsistence user.

CHAIRMAN ADAMS: Point well taken Floyd, thank you.

Anyone else.

(No comments)

CHAIRMAN ADAMS: No other comments, if so are you ready to call for the question.

MR. HERNANDEZ: Question.

CHAIRMAN ADAMS: Question's been called for. We're going to do a roll call so are you prepared to do that, Mr. Kitka.

MR. KITKA: Yes, Mr. Chairman. Less Wallace.

MR. WALLACE: No.

MR. KITKA: Michael Bangs.

MR. BANGS: No.

MR. KITKA: Donald Hernandez.

MR. HERNANDEZ: No.

MR. KITKA: Floyd Kookesh.

MR. KOOKESH: No.

MR. KITKA: Bert Adams.

CHAIRMAN ADAMS: Negative.

MR. KITKA: Harvey Kitka, no. Frank

Wright.

MR. WRIGHT: No.

MR. KITKA: Richard Stokes.

MR. STOKES: No.

MR. KITKA: Mr. Chair. The.....

CHAIRMAN ADAMS: The proposal was defeated, yes, thank you, Harvey.

Okay, let's move on to the next one then, folks.

If anyone thought that we were going to do all of these proposals in one day, think again we're not going to do it. There's not very many there and that's why I brought that up.

(Laughter)

CHAIRMAN ADAMS: Proposal No. 3. Mr. Reeves.

MR. REEVES: Thank you, Mr. Chairman. I'm Jeff Reeves, Forest Service. I'll be presenting FP09-03. The executive summary is found on Page 38, with the analysis beginning on Page 39 of your Council book.

Proposal FP09-03 submitted by Alaska Department of Fish and Game would alter various management components of the Prince of Wales Island, Kosciusko and the Southeast Alaska Federal subsistence steelhead fisheries. The proponent believes that the Federal steelhead fisheries will lead to overharvest. These changes, along with anticipated State regulation changes are said to insure steelhead conservation while continuing to provide a preference to Federal subsistence users.

The proposal addresses six items of concern that have either been considered before through the Federal regulatory process or through the consultation process as directed by the Federal Subsistence Board. This analysis covers the following concerns; bait use, locations or harvest, handline use, and the fin clipping of subsistence taken steelhead.

The issues of daily and annual accumulation with State harvest limits were covered in the analysis of FP09-02.

Prior to the first Federal subsistence fishery for steelhead, all steelhead harvest occurred under state of Alaska sportfishing regulations or incidental to subsistence or commercial fisheries. Although there are customary and traditional use determinations for steelhead in State subsistence regulations for a portion of District 3B and all of District 7 and 8 in Southeast Alaska. The State regulations prohibit the issuing of subsistence permits for steelhead but do allow incidental harvest under subsistence and personal use permits for salmon. Permit holders are required to report any steelhead taken but are not required to mark those fish. Regionwise sportfishing regulations allow for the harvest of one daily, two annually, 36 inches or greater. The daily harvest limit could be two fish if one had a clipped atapost fin as evidenced by a healed scar.

During 2003 the Board of Fish revised the regionwide sport regulation for steelhead specifying that that two fish daily harvest limit would only apply to the Klawock River and Ketchikan Creek. In 2006 the Board of Fish adopted a regulation giving authority to the Commissioner to require steelhead harvested in the commercial net fisheries and retained for personal use to be reported on fish tickets. To date the Commissioner's only implemented this requirement in the District 8 Stikine chinook fishery.

Currently the Board of Fish has a steelhead related proposal that they will consider in February of 2009. The proposal submitted by ADF&G would limit retention of steelhead to 16 systems in Southeast Alaska.

The Federal Subsistence Board established a Federal subsistence fishery for steelhead on Prince of Wales Island in 2002. The following year the Board added Kosciusko Island to the fishery. In 2005 the Board allowed for a subsistence steelhead fishery in the remainder of Southeast Alaska. Rather than implementing separate regulations by drainages in the fisheries, the Board directed that permit conditions and systems to receive special protection will be determined by local Federal fisheries managers in consultation with ADF&G. Federal managers have

applied stipulations to Federal permits after consultation with ADF&G. Examples of these special restrictions can be found in Appendix B, which begins on Page 57.

Subsistence users are not required to mark trout, steelhead, or char by fin clipping. Federal subsistence users must only remove the caudal fin of salmon when taken. The primary purpose of this marking is to prevent subsistence taken salmon from mixing with commercially taken salmon in the marketplace. There is no commercial market for trout or char except for a very limited sale of steelhead taken in the troll fishery.

In 2003 the Board rejected a proposal which would have required fin clipping of subsistence taken trout and char and prohibited the taking of Federal subsistence and State sportfishing limits for trout and char on the same day. The Board did not discuss this proposal as it was a consent agenda item.

In 2005 the Board further defined handline use for subsistence harvesting. Although the proposal's intent was for harvesting salmon, the Board approved this Council's modification to add it as a legal gear for harvesting steelhead.

Prior to 2006 the use of bait was only allowed with rod and reel gear from September 15th to November 15th in both the State sportfishery and the Federal subsistence salmon fishery. In 2006 the Board removed the prohibition of the use of bait to increase the harvest efficiency of rod and reel gear. To eliminate catch and release mortality of trout and steelhead language was added requiring the fisher to retain all fish caught with bait and that once your daily or annual limit of steelhead is harvested, that the fisherman could no longer fish with bait for any species. Any concern over a particular drainage would be covered through permit conditions as set by the Federal manager.

A three year steelhead assessment project funded by the Fisheries Resource Monitoring Program occurred from 2005 through 2007 on Prince of Wales. Data from this joint agency study has helped to manage the Prince of Wales fishery. Management changes following the results of the 2005 study can be found in Appendix B. Preliminary length data from that project

suggested that 1.4 percent of 1,029 steelhead sampled met the sport size minimum.

There are three Federal steelhead fisheries. Local Federal managers monitor harvest during these fisheries. Law enforcement assist monitoring by checking anglers to insure that they have proper permits or licenses. Using the monitoring information, the local Federal managers have the authority to close down fisheries when and if a conservation concern arises. Federal permit returns for the three fisheries has nearly been 100 percent reporting low harvest and effort. The present Federal management is commensurate with the level of harvest.

Table 1, which can be found on Page 48 will summarize the Federal subsistence steelhead fisheries by year, gear type and associated harvests.

From 1989 to '94 the average sportharvest was 2,700 steelhead per year for Southeast. Since '94, when the more restrictive sportfishing regulations went into effect, the yearly sportharvest in Southeast has averaged 138 steelhead.

From 2001 to 2004 the average reported sportharvest in Southeast Alaska was 168 steelhead.

The average reported catch during the same time was 3,903 steelhead per year.

If five percent of those fish caught died after release the resulting mortality average would be approximately 195 steelhead per year during this period.

There's no directed commercial fishing for steelhead. Incidental harvest in the commercial salmon fisheries does occur and has ranged from 533 to a high of over 11,000 for all of Southeast Alaska. Since 1994 only steelhead taken in the commercial troll fishery can be sold. From 1997 to 2002 commercial trollers have sold about 50 per year. Since then the number of steelhead sold has ranged from three to 108.

Since 2006 the Commissioner had only required steelhead reporting in the Stikine terminal chinook fishery; 14 steelhead were reported in 2006 and eight in 2007.

Adopting this proposal would add additional restrictions to the Federal subsistence harvest of steelhead in both Prince of Wales, Kosciusko and the Southeast Alaska subsistence steelhead fisheries. Besides removing the use of bait for harvesting steelhead, the proposed language would prohibit Federally-qualified subsistence users from using bait in later subsistence fisheries at times where sportfishers can still use bait. Proposed language, as written, would also prohibit Federally-qualified users from using handlines in subsistence fisheries in drainages that has any size restriction for any specie.

The OSM preliminary conclusion is to oppose FP09-03. The reported harvest from the Federal subsistence steelhead fisheries has been small. Given the low participation and reported harvest in these fisheries, additional conservation based restrictions are not warranted at this time. Local Federal managers monitor harvest during the fisheries. Using monitoring information local managers have the authority to further restrict or close these fisheries when and if conservation concerns arise. The present Federal management is commensurate with the current level of harvest. Further restricting the Federal fisheries for steelhead while other steelhead fisheries remain open does not recognize subsistence use as a priority as required under ANILCA.

This concludes the presentation and I'll take any questions.

CHAIRMAN ADAMS: Thank you, Jeff. You've all heard the introduction of this proposal and the analysis, this is the time when, you know, Council members can ask Jeff any questions that has arisen during his presentation.

Any questions. Comments.

MR. WRIGHT: Mr. Chair.

CHAIRMAN ADAMS: Frank.

MR. WRIGHT: Thank you, Mr. Chair. Did you say that there was a low participation in the fishery the past couple years and wouldn't affect the harvest, I mean, you know, the fishery?

MR. REEVES: Mr. Chairman. Mr. Wright. In the Federal fisheries we've had relatively low participation. And what I said is that implementing these types of changes to these regulations is really unneeded at this time.

MR. WRIGHT: Okay, thank you.

MR. REEVES: So the way we are currently managing seems to be okay for the amount of harvest and effort that's going on.

MR. WRIGHT: So you're going -- so, Mr. Chairman, you're going against this proposal, is that what you're doing?

MR. REEVES: Yes, the OSM recommendation is to oppose the proposal.

MR. WRIGHT: Okay, thank you.

CHAIRMAN ADAMS: Any others. Mr. Stokes.

MR. STOKES: I don't believe these figures are correct because I know of one gillnetters two weeks ago caught 25 steelhead and threw them overboard, threw them over the side because they were dead. Now, what good is that it just becomes crab bait.

MR. REEVES: Yeah, Mr. Chairman. Mr. Stokes. The issue of bycatch I really could not answer that. It's probably better directed to Fish and Game. What I do have is like I said -- what I know is reported from Commercial Fisheries now, there is that range the last few years of the three to 108 sold in a troll fishery and then the only place that it has been required to be reported has been the Stikine chinook gillnet fishery and I believe there was 14 and 8 but you could probably ask ADF&G for more detail on the other fisheries.

MR. STOKES: All right, thank you. But this was only one gillnetter.

CHAIRMAN ADAMS: Thank you. Any other questions by the Council.

(No comments)

CHAIRMAN ADAMS: Thank you, Jeff. Okay, Department of Fish and Game.

MR. PAPPAS: Thank you, Mr. Chair. For the record, George Pappas, Department of Fish and Game.

The State has repeatedly raised its concern for steelhead stocks in Southeast Alaska. Residents of Southeast Alaska and area managers went through great efforts to have stocks return after they were significantly harmed from liberal methods and means and harvest limits prior to 1994.

While the Department believes that overall steelhead harvest could probably be sustained at current levels it has serious concerns regarding the harvest from small stocks on unmonitored streams. Some streams may consist of populations as low as 10 fish or fewer which could be decimated if just one Federal subsistence fisher fishing under Federal regulations with highly efficient gear and liberal harvest limits are used. The only active steelhead monitoring programs in Southeast Alaska occur on 16 systems and the necessary information required to evaluate increased subsistence harvest levels is not available.

Proposal 290, it's going to the Alaska Board of Fisheries, would close all but 16 streams in Southeast Alaska to steelhead retention and will be considered at the February 2009 Board of Fisheries meeting. Most steelhead populations in Southeast Alaska receive an annual escapement of 200 or fewer fish with only a handful of systems regularly receiving escapements over 500 fish. Fisheries managers believe that steelhead populations of Southeast Alaska need to be managed conservatively and may only be sustained with very low harvest rates of less than 10 percent.

History has shown that levels of harvest opportunity provided by the current Federal regulations cannot be sustained. Proposal 290 was submitted by the State to try to take some measure to protect small stocks in Southeast Alaska that required so much effort to rebuild. If Proposal 290 submitted to the Board of Fisheries passes, people will still be able to fish the small streams that are not listed including the 16 streams, but they just won't be able to retain steelhead.

Adoption of this proposal is not the

ideal solution. We'd rather that the Regional Advisory Council and the Federal Board adopt conservative limits and methods and means such as we've proposed over the last few years. Without some modification to the existing regulations, the proposal is necessary to provide for conservation of small steelhead stock.

The Department recommendation, the State requests your support on this proposal. The Department urges the Southeast Regional Advisory Council and the Federal Board to respect the Department's concerns for stock conservation. We would also consider support of less restrictive alternatives that provide for conservation of small steelhead stocks.

And that concludes my comments, sir, thank you.

Alaska Department of Fish and Game
Preliminary Comments to the Regional Advisory Council

FP09-03 Southeast Alaska Steelhead Conservation

Introduction:

Steelhead conservation has continuously arisen as a divisive issue between the Department and the Federal Board. While the Department believes that overall steelhead harvest levels could probably be safely sustained at current levels, it has serious concerns regarding harvests from smaller stocks on unmonitored streams. The Department unwaveringly continues to submit proposals, comments, correspondence, presentations, requests for reconsideration, data, and data request responses with the overall intent of conserving vulnerable steelhead populations in small streams in Southeast Alaska while allowing some limited harvest on most streams and focusing harvest opportunities onto larger monitored streams with more robust steelhead populations. The Department has submitted or supported proposals advancing options, such as minimum length restrictions, harvest limits, seasons, single hook requirements, limited stream closures, and prohibitions on use of bait, which are similar to those found in state regulation to provide for conservation of these small stocks. Some streams may consist of populations of 10 or fewer fish which could be decimated by fishing under

federal regulations with highly efficient gear and liberal harvest limits. The Department believes that the meaningful priority for subsistence use of steelhead should be provided by mirroring protective state regulations on smaller unmonitored streams, and providing enhanced harvest opportunity greater than that allowed under state regulations only on larger monitored streams.

To date, the Department has had little success with impressing upon the Federal Board the importance of conservative regulations for the steelhead fisheries in Southeast Alaska and particularly for those fisheries in small unmonitored streams. The Department has exhausted all administrate and procedural processes to install conservation based regulations allowing limited harvest with lower efficiency gear in the federal subsistence fisheries. As a result of continuing overly liberal federal fishery provisions, the Department has been forced to take a more restrictive conservation based set of regulations to the Alaska Board of Fisheries and the Federal Board; although the Department believes these regulations are unnecessarily restrictive, in that some additional harvest could be allowed if the Federal Board mirrored more stringent State regulations on smaller streams, these more restrictive closures to retention are needed to protect small stocks given the liberal fisheries approved by the Federal Board and the Board s reluctance to accept the State s conservation strategy.

This conservation based proposal essentially mirrors and complements the restrictive proposal (#290) submitted to the Alaska Board of Fisheries for the February 17-26, 2009 meeting. This proposal would modify federal subsistence regulations regarding steelhead trout harvest in freshwaters on federal public land in Southeast Alaska. The proposed federal modifications would help to ensure conservation of steelhead trout stocks in small unmonitored streams throughout Southeast Alaska. These proposed modifications, which have not been appropriately considered previously, are necessary to address the state s conservation concerns with existing liberal harvest limits and methods and means allowed under federal regulations, and include:

Restricting harvest of steelhead to designated systems and seasons. Allowing harvest of

steelhead only from streams that are believed to contain harvestable surpluses as determined by the Department, e.g., monitoring or surveys. Prohibiting use of bait in all freshwaters where steelhead may be present from November 16 through September 14 except in designated systems and seasons where retention of steelhead is authorized.Restricting use of bait in the designated systems and seasons when a daily, seasonal, or annual limit of steelhead trout has been harvested by a subsistence user. Prohibiting snagging where a size limit applies to a species present in the area.Requiring physical marking of subsistence harvested steelhead immediately upon retention.Prohibiting possession of subsistence and sport-harvested steelhead on the same day.Prohibiting accumulation of federal and state sport fishing harvest limits for steelhead.

If the Federal Board does not enact conservation measures previously recommended by the department, then unnecessary impacts on other uses will occur, inconsistent with ANILCA 815; e.g., the Alaska Board of Fisheries may have no choice to protect steelhead other than to close most freshwaters of Southeast Alaska to all retention of steelhead, and if subsistence harvest of steelhead continues to grow, perhaps to all fishing to protect steelhead stocks. Adoption of this proposal is not the ideal solution, but if the Board continues to allow overly liberal harvest limits and methods and means in its general regulations, this proposal will be necessary to provide for conservation of small steelhead stocks.

Impacts to Subsistence Users:

The 2007 federal staff analysis to the Southeast Regional Advisory Council (p. 126-127) and Federal Subsistence Board (Federal Board) reported only 17 steelhead were harvested under federal subsistence permits in the past three years. Preliminary 2008 in-season reports indicate that a minimum of 29 steelhead trout were reported harvested under federal subsistence permits through July 18, 2008. Adoption of this proposal will have no impact on subsistence since low levels of participation indicate regional communities do not exhibit a pattern of customary and traditional use of steelhead trout. If adopted, the federal subsistence steelhead fishery in Southeast Alaska will continue to provide a meaningful preference for subsistence use of steelhead, while focusing harvest

effort on monitored or surveyed streams where permit conditions could be developed to prevent overharvest. If adopted, the use of bait may be reduced in some streams in order to protect both juvenile and adult steelhead trout but should not have significant impacts on subsistence harvests.

Opportunity Provided by State:

Steelhead trout taken incidentally by gear operated under terms of a state subsistence permit or combined subsistence/personal use permit for salmon may be legally harvested and possessed. Reported incidental harvest from Southeast Alaska personal use and subsistence fisheries from 2003-2007 was a total of seven fish. The holder of a state subsistence salmon permit must report any steelhead incidentally taken in this manner on his or her permit calendar. The State has a comprehensive package of sport, personal use, commercial, and subsistence regulations that work together to conserve steelhead and provide a limited opportunity for subsistence harvest and use. These include a 36 size limit, bait and snagging prohibitions in the sport fishery, restrictions on harvest in net fisheries that are intended to reduce bycatch of steelhead, including prohibitions on the sale of steelhead captured in the net fisheries, and authority to require commercial catch reporting through emergency order. In spring 2006, a region-wide regulation for Southeast Alaska was adopted that authorizes the commissioner, by emergency order, to close a commercial salmon fishing season and immediately reopen a commercial salmon fishing season during which a CFEC permit holder shall be required to report on an ADF&G fish ticket, at the time of landing, the number of steelhead and the number of king salmon, 28 inches or greater in length, taken but not sold. For the purposes of this section "landing" means the act of off loading fish from a CFEC permit holder's vessel.

A State subsistence fishery for steelhead in the Situk River was established in 1988 by the Alaska Board of Fisheries (5 AAC 01.680 (d). One state subsistence permit was issued in the last 20 years for Situk River and that permit was not fished. Although this State steelhead subsistence fishery allows directed harvest of steelhead, the Situk River is among the best understood and studied steelhead rivers in Alaska. The Situk River is an excellent

example of a monitored steelhead stock which will continue to allow harvest of steelhead under proposed regulatory changes submitted to the Alaska Board of Fisheries and the Federal Board as long as continued monitoring determines harvestable surplus is available.

Conservation Issues:

Current federal subsistence regulations and permit conditions are not conservative enough to ensure conservation of steelhead trout stocks in Southeast Alaska freshwater systems, especially the smaller (<100 annual escapement) easily accessible systems that may receive intensive pressure. Steelhead fisheries with less conservative regulations than current regional sport fishery steelhead regulations may not be sustainable. The only active steelhead monitoring program in Southeast Alaska occurs annually on 16 systems, and the necessary information required to evaluate increased subsistence harvest levels is simply not available. To compensate for potential cumulative over exploitation of steelhead stocks, the Department submitted proposal number 290 to the Alaska Board of Fisheries to severely restrict the sport fishery on all unmonitored steelhead stocks. Proposal 290 (attached), which would close all but 16 systems in Southeast Alaska to steelhead retention, will be considered by the Alaska Board of Fisheries at its February 2009 meeting.

Declines in steelhead population were evident in Southeast Alaska prior to 1994 under sport fishing regulations, which were similar to current federal subsistence regulations. In 1994, the Alaska Board of Fisheries enacted conservative regulations for steelhead in Southeast Alaska, and these more restrictive regulations have successfully contributed to reversing the decline in steelhead populations observed in the late 1980s and early 1990s.

Most steelhead populations in Southeast Alaska receive an annual escapement of 200 or fewer fish, with only a handful of systems regularly receiving escapements over 500. Nearly all of Southeast Alaska steelhead populations are difficult or impossible to accurately assess or monitor on a regular basis. Without basic specific stock status information available, fisheries managers believe that steelhead populations in Southeast Alaska need to be managed conservatively and may only be sustained with very low

harvest rates of 10 percent or less. History has shown that levels of harvest opportunity provided by federal regulations cannot be sustained in absence of an intensive stock assessment program.

In the absence of restrictive methods and means provisions and harvest limitations similar to those provided in state regulations, federal subsistence harvest of steelhead trout should only be authorized in waters with an active stock assessment program or a documented annual escapement large enough to withstand an increase in harvest. Federal authorization to allow the use of bait for subsistence steelhead users and required retention of steelhead caught with bait effectively eliminates any minimum size limit. Use of bait may also significantly increase harvest of steelhead smolt as they emigrate to salt water in contrast to State regulations that protect nearly all of steelhead smolt under the no-bait and minimum size limit (11 inches) regulations. Federal officials are currently attaching stipulations to permits that match state regulations concerning size limits and prohibiting use of bait so there would be no harm to users from changing the regulation to address bait and size limits. Conservation, however, should not depend on the discretion of area officials who may change from year to year, and as previously discussed, permit conditions establish less of a community standard for compliance than do regulatory standards. The existing federal regulations are inconsistent with sound management of fish populations and will eventually result in unnecessary restrictions on other uses; this proposal would provide for conservation, but would not be sufficient to prevent unnecessary restrictions on other users.

The Department urges the Southeast Regional Advisory Council and the Federal Board to respect the Departments concerns for stock conservation. Federal subsistence limits and regulations are creating the potential to unnecessarily impact sustainability of steelhead. Stock assessment and stock status data for numerous small steelhead stocks are necessary before authorizing federal subsistence use.

As a result of continuing overly liberal federal fishery provisions, the Department has been forced to take a more restrictive conservation based set of regulations to the Alaska Board of

Fisheries and the Federal Board; although the Department believes less restrictive alternatives would be preferable, and that some additional harvest could be allowed if the Federal Board mirrored more stringent State regulations on smaller streams, these more restrictive provisions and closures to retention are needed to protect small stocks given the liberal fisheries approved by the Federal Board and the Board s reluctance to change those provisions.

Enforcement issues:

Enforcement issues often create conservation issues, and there remains a question whether federal permit system reflects actual participation and harvest of steelhead throughout Southeast Alaska. Low numbers of permits issued may be due to lack of compliance with permit requirements; and permit stipulations do not address biological concerns related to many small populations of steelhead. Data from recent studies indicate that not all subsistence users are obtaining permits, so permit stipulations, even if they were well designed, may not be effective. Some fishers may ignore permit requirements but would be more likely to comply with regulatory harvest limits and restrictions on methods and means. Permit stipulations and restrictions are, and will continue to be, ineffective until a concerted effort is exercised to issue permits to all active subsistence users and greatly increase field enforcement presence to ensure that permits are obtained and stipulations are followed.

Jurisdiction Issues:

Many streams in Southeast Alaska that support steelhead flow through non-federal land. The State disputes many of the federal reserved water right claims in Southeast Alaska and the application of federal subsistence regulations in numerous streams and rivers that are not within federal lands. Detailed maps are needed of lands where federal jurisdiction is claimed and the federal basis of each of these claims should be explained. In addition, fishers need to be provided copies of these detailed maps and warned that the State will enforce its regulations on fishers standing on non-federal land.

Recommendation:

Support. The Department would also consider support of less restrictive alternatives, previously rejected by the Federal Board, that provide for conservation of small steelhead stocks.

CHAIRMAN ADAMS: Thank you, George. Any questions by the Council.

MR. BANGS: Mr. Chairman.

CHAIRMAN ADAMS: Mr. Bangs.

MR. BANGS: Thank you, Mr. Chairman. Has the State tried to come up with a way that they could curb the incidental catch by the gillnet fleet?

MR. PAPPAS: Mr. Chair. Mr. Bangs. As mentioned earlier, in the previous analysis, the gillnet fleet can't sell them, the economic incentive to retain those fish is not there. And that has changed since the early '90s, early '80s. If you look at some of the numbers in the analysis it's quoting numbers from a little over two decades ago of the high harvest, what have you. The numbers likely are down, but we don't have the estimates for the numbers and there isn't an active proposal in the works right now to request every fish that's incidentally killed in the commercial fisheries to be reported.

MR. BANGS: Thank you.

CHAIRMAN ADAMS: Mr. Hernandez.

MR. HERNANDEZ: It just seems to me, Mr. Pappas, right now, that the State really doesn't have any way of assessing what is being taken incidentally by the commercial fleet and it also seems like they're also unwilling to attempt to find any means to assess what is being taken incidentally in the commercial fleet. Is that -- maybe you can kind of focus on how the State even estimates what is taken in the commercial fleet at this time. I'm a commercial fisherman, I am in a fishery that catches incidental steelhead and I am unaware, I've been doing it, you know, 26 years, and I'm unaware of any efforts by the State Fish and Game to even attempt to assess what's being caught in the commercial fisheries. So I wonder if you can explain that.

MR. PAPPAS: Mr. Adams. Mr. Hernandez.

As mentioned in the Federal analysis the Commissioner does have the ability to require reporting. And as you've seen as a commercial fisherman, when you've likely seen more steelhead in the area in the streams in Southeast Alaska since 1994, since different regulations have been adopted to bring the stocks back, it's taken a lot of sacrifice from a lot of different folks to bring the stocks back. The populations do appear to be much healthier and the concern here with this proposal is something -- I guess the freshwater user groups to reduce the harvest to maintain the level of steelhead that's taken so many years to bring back.

Your specific question is, why hasn't the Department gone forth and asked for specific reporting requirements and assessment work; I don't have a good answer for you. I don't have a good answer for you. The answer I do have is that the populations do appear to be coming back from the suite of regulations and changes that's happened in the last 15, 20 years, sir.

Mr. Chair.

CHAIRMAN ADAMS: George, I think you answered the question there but I'll present it to you in a way that I would have asked it if I was going to, and I'm going to anyhow.

But the bycatch you said that the State does have -- or require a reporting system for that, how is that enforced, if that's the case, if I heard you right?

MR. PAPPAS: Let me find it here in the analysis.

If I remember correctly the Commissioner has the ability to close a fishery and then reopen a fishery and require the -- you know, the reporting of all harvested steelhead.

CHAIRMAN ADAMS: Anyone else.

(No comments)

CHAIRMAN ADAMS: Thank you, Mr. Pappas. Oh, no, Don, go ahead.

MR. HERNANDEZ: Just a little more

follow up on your question, Mr. Chairman. You say they have the authority and they do require that, you mentioned the District 8, you know, king salmon targeted fishery for the Stikine River, how -- well, what is the mechanism, how do they actually know that they're getting good reporting data? I think Mr. Stokes kind of pointed out, you know, just from personal knowledge he might know of people that are catching more steelhead than is reported. So, you know, what is the mechanism the State uses to insure that their requirement is being met; do you know that?

MR. PAPPAS: I'm afraid I don't have the information as to some type of mechanism. They don't have onboard observers, there are dock side samplers to sort through the loads, there's mandatory reporting. When there is mandatory reporting, if it's not on your fish ticket and it's on your vessel you'll be cited. That's, I guess, the enforcement perspective of it.

CHAIRMAN ADAMS: Follow up.

MR. HERNANDEZ: If I could just maybe make a comment on something Mr. Pappas said, if I heard him correctly, it seems that the Fish and Game Department has been unwilling to institute this requirement for commercial reporting of incidental catch based on the fact that they see that, you know, the stocks have been rebuilding since that implementation of restrictive sportfishing. But I would just like to say, you know, I've been catching steelhead incidentally in my gillnet fishery for the last 26 years, you know, consistently and I keep a personal log of every steelhead I catch, I can tell you exactly how many steelhead I've caught over the last -- well, I haven't been doing it for 26 years because I didn't really start doing it until I realized that there might be a problem, and I can tell you quite definitely that I have seen the incidental catch, you know, declining consistently over the last few years. There just do not seem to be as many steelhead present, at least in the waters that I fish and, you know, I don't know where those fish are going necessarily, maybe they're not local fish that people in Southeast are targeting for -- catches -- and you're not monitoring, they might be going -- I mean we could be catching fish that go to Canada. I notice the initial report there said that, you know, there's some really dire situations in Canada with the steelhead stocks and

we might be intercepting some of those but some of them probably go on the Stikine River, I suspect, but, it's been on the decline, I can tell you that. And I don't know who widespread that is but, you know, it's encouraging to hear that the streams may be rebounding, but there definitely seems to be fewer steelhead out transmitting our waters anyhow.

And I also know that, you know, the people that are involved in the gillnet fishery, they're pretty aware of this and we do go to pretty extraordinary lengths, you know, to try and release these steelhead alive. There are things you can do if you -- steelhead are pretty recognizable when they hit the net, they're real shallow swimmers, they hit the net right near the surface and they hit it real hard, they're a real strong fish and you generally know if you have one in your net and if you're paying attention, you know, you can go and release it right away and a lot of people are doing that, which is encouraging.

But I think we do need to be still a little concerned about, you know, just the strength of the steelhead stocks in general and I think we also have to look at where the biggest impacts on those stocks are and I really don't think it is the subsistence users, I don't think it's the sportfishery, I think you have to look towards, you know, commercial fishing and I don't believe that the means that the Fish and Game is -- they don't seem to have the will, I guess to -- they do have the means, but they don't have the will to try and find out, you know, just what all the -- all the impacts to the steelhead stocks are.

So that's just my comment.

CHAIRMAN ADAMS: Anyone else, please.

(No comments)

CHAIRMAN ADAMS: Thank you, Donald. George, you got a closing comment.

MR. PAPPAS: Yes, sir. The restrictions in the '90s weren't only specifically sportfishermen, there was other restrictions along the way so there was a combined effort towards rebuilding. But the higher catches earlier on, some of those may have been hatchery fish, which we no longer have in our

system. And the Department would welcome any voluntary log books of incidental harvest if you're interested in providing it.

So thank you, Mr. Chair.

CHAIRMAN ADAMS: Thank you, George. You're excused.

Any Federal.

(No comments)

CHAIRMAN ADAMS: State.

(No comments)

CHAIRMAN ADAMS: Tribal. Carrie, do you have a comment.

MS. SYKES: (Nods affirmatively)

CHAIRMAN ADAMS: To the people who are carrying the food out, we wish to thank you very much for an excellent lunch.

MS. CASIPIT: Thank you very much. Thank you for supporting the program.

CHAIRMAN ADAMS: You bet. Carrie.

MS. SYKES: Okay. It looks to me like this proposal would really limit and restrict Correct. subsistence use. And about conservation concerns, on Page 50, it indicates that there are not conservation concerns and that the harvest of the steelhead has been very low. And if there were conservation concerns, I would suggest stopping the sport catch and release. And there was mention of limiting commercial incidental take, but there's a question about how that could be done or how that could be assessed. I guess they could ask for reporting. But the sport users are not required to have mandatory reporting either.

I agree with OSM's conclusion that conservation is not warranted. That the Federal regulations are already extremely restrictive. And restricting Federal subsistence, while not restricting other steelhead fisheries does not recognize the subsistence use as a priority as required by ANILCA.

So I oppose this proposal.

CHAIRMAN ADAMS: Thank you, Carrie. Any questions from the Council to Carrie.

(No comments)

CHAIRMAN ADAMS: Gunalcheesh.

MS. SYKES: Thank you.

CHAIRMAN ADAMS: Okay. InterAgency Staff.

MR. KESSLER: No comments.

CHAIRMAN ADAMS: Nothing, Steve, okay. Fish and Game Advisory Committee.

(No comments)

CHAIRMAN ADAMS: Anyone who is on a Fish and Game Advisory Committee here?

(No comments)

CHAIRMAN ADAMS: I guess not. Written comments.

MR. LARSON: Mr. Chairman. We have two public written comments. One in opposition and.....

CHAIRMAN ADAMS: It's on Page 66 for the Council wants to look at that.

MR. LARSON: Yes, Page 66, please.

One in opposition and one in support.

The one in opposition feels that the proposed change would be an unnecessary restrictive and potentially dangerous to the resource. It's potentially dangerous to the resource because increased publicity would ironically result in the overharvest that this proposal is trying to avoid.

The one in support from the Kenai River Sportsfishing Association. It views this proposal as a means to blend the subsistence preference to qualified

users with realities of managing small fragile stocks of steelhead that a budget and infrastructure does not exist to allow comprehensive monitoring.

CHAIRMAN ADAMS: Thank you, Mr. Larson. The next thing is any public testimony.

(No comments)

CHAIRMAN ADAMS: No, okay. We'll go into Council deliberation at this time. So Bob has given everyone a sheet on the recommended criteria that we can use when we consider the proposal so we have all of those in front of us.

What's the wish of the Council on this proposal.

Mr. Bangs.

MR. BANGS: Thank you, Mr. Chairman. I wish to adopt the Proposal FP09-03 as written on Page 38.

CHAIRMAN ADAMS: Thank you, Mr. Bangs.

MR. KITKA: Mr. Chair, I second it.

CHAIRMAN ADAMS: It's been moved and seconded and now we are under discussion.

(Cell Phone ringing)

MR. KOOKESH: What, there's no penalties.

CHAIRMAN ADAMS: Let's use those four criteria we use for a proposal, and let's use that as we go through the process here and express our views.

What's the wish of the Council. We're under discussion now.

Mr. Bangs.

MR. BANGS: Thank you, Mr. Chairman. I'd just like to point out one thing that struck me on this proposal, is I took the amount of recorded fish that was taken in the harvest under the Federal Program and we're looking at 32 or 33 fish a year and that was

my concern when I questioned Mr. Reeves about how accurate the information that they were getting, as far as number of permits issued, whether they were catching fish, how many were being reported and how accurate that was. If that is even close to being accurate, 30 fish a year over all those streams isn't going to save the steelhead fishery or the stocks, it's not going to impact them.

So I don't think that it's going to have a -- there's not enough evidence that makes me feel that there's going to be a substantial impact, conservationwise.

Thank you.

CHAIRMAN ADAMS: You're saying then that there's not enough evidence to support the proposal and that there is no conservation concern.

MR. BANGS: (Nods affirmatively)

CHAIRMAN ADAMS: Okay. What about affect on subsistence and non-subsistence users.

MR. BANGS: Well, if we adopted the proposal it would definitely put an impact on subsistence users, an adverse regulation that would restrict us. And it wouldn't change the use on non-subsistence users other than the fact that they wouldn't have competition possibly on the stream.

But I think, again, Mr. Hernandez said that the main catch here is in the commercial sector, and when I look at the number that they have in the table back there for FP-02, they pick the number of 162 steelhead caught in the commercial fleet that's recorded, and we know from testimony and from Mr. Stokes, that one gillnetter had 25 in one opening, so you can see how off base these numbers could be and I just -- I don't think that this is a good proposal.

CHAIRMAN ADAMS: Thank you, Mike. Any other comments.

Mr. Hernandez.

MR. HERNANDEZ: Thank you, Mr. Chairman. I was wondering is it possible to ask one more question of the Federal biologist on this

deliberation?

CHAIRMAN ADAMS: Will the Federal biologist please come forward.

MR. REEVES: I'm assuming you're meaning me.

MR. HERNANDEZ: (Nods affirmatively)

CHAIRMAN ADAMS: Go ahead.

MR. HERNANDEZ: Yes, thank you, Jeff. I was just wondering, I mean this is kind of a long list of changes that the State has proposed there and in my reading through it, I mean there's a couple small items that, you know, I think might be worthy of consideration. I'll point out, dealing with the use of bait, I think those are listed on Page 41, I think I could see, you know, instances where, you know, maybe the use of bait in certain streams where like I say if steelhead is not -- retention is not permitted, you may no longer fish with bait for any species when you've harvested your daily season or annual limit of the species of any species; there might be some possibilities there. But my question is, on some of these types of stipulations in the regulation, are those things that can be stipulated by the local area managers, can you prohibit the use of bait in certain instances if you feel that it would be detrimental to some conservation concern?

MR. REEVES: Mr. Chairman. Mr. Hernandez. Yes. The Federal in-season manager, prior to the fishery comes up with permit stipulations, particularly like with the Prince of Wales fishery. And if you would turn to Page 60 in your book, there's a table that shows the summary of harvest permit stipulations in Southeast Alaska for 2006 and 2007, and so like what you'll notice on there is the first one, it says, Prince of Wales, small road accessible systems. There, on that permit, during those years was a list of 24 streams and along with those streams was some terms that were printed on the permit that basically you see there it says that rod and reel without bait, all right. And if you move down to like where it says Ketchikan, Juneau, Wrangell, Petersburg road systems, you know, you see also now there's a size restriction, too. And, of course, there, the only method that was allowed is rod and reel with bait. So

the in-season managers, in my opinion, have done a very good job. If there's concern of a particular stock, things like bait where there's mortality associated to it, or handline which is non-selective and can result in mortality, you know, we -- the Federal Program has tried to cover that through permit stipulations.

So does that help you?

MR. HERNANDEZ: (Nods affirmatively)

CHAIRMAN ADAMS: I do have a question, Jeff, as I turned over to Page 41, on that second paragraph there, it says retention of steelhead in the stream may be authorized by permit only where ADF&G and OSM agree that the steelhead stock in that stream is harvestable. This is what would have been in the proposal, is that kind of cooperation, or relationship ongoing as we speak now?

MR. REEVES: Mr. Chairman. Every year we -- the Federal -- or the Forest Service extends an invitation to Fish and Game, particularly prior to the winter fishery on Prince of Wales, in the spring, and also for going into the general Southeast Alaska, and, you know, we ask them, you know, do you have any concerns, comments, you know, because we'd like to get this done so we can have the permits printed prior to the fishery. That is extended every year. You know, not every year have they responded or followed through. So we make our attempt. We don't physically call up OSM and say, you know, on here, because I believe OSM has entrusted the Forest Service to manage the waters in their lands.

CHAIRMAN ADAMS: Okay, thank you.

MR. KOOKESH: Mr. Chairman.

CHAIRMAN ADAMS: Floyd. Stay right there.

MR. KOOKESH: Chairman, didn't we have a situation a few years ago when you didn't consult with the Chairman on making a regulation change, on a closure, didn't we have an issue a few years ago, Chairman, where they were supposed to consult with you if they were going to do that? Is that -- do you -- can you.....

MR. REEVES: Mr. Adams. Mr. Kookesh. Yeah, there was one year where it was, I believe, drafting conditions on the winter permit and the -- there was one aspect of it that, after it got permitted, you know, there was -- I think it was Chairman Littlefield at the time voiced some concerns and since then we have made -- done our best to make sure we at least include our local Council member into it. I mean obviously like now for Bert it's kind of hard to bring him down from Yakutat, but we definitely get ahold of Mr. Douville and try to run these things through the Council, you know, especially with any special action.

CHAIRMAN ADAMS: Mr. Kitka.

MR. KITKA: Yes, thank you, Mr. Chair. I had a question, did I hear you right when you said handline was very unselective?

MR. REEVES: Mr. Adams. Mr. Kitka. For like a big group of fish and they're throwing in and snagging, that aspect of it, yes, but I know at times the handline is used to specifically select fish, but it's kind of hard to try to measure a 30 inch or 32 inch or 36 inch fish in the water so that's what I was trying to say, is where there's a size restriction, we try to limit that gear.

CHAIRMAN ADAMS: Thank you for coming back Jeff -- oh, not yet stay put. Frank.

MR. WRIGHT: I just got one simple question and it's on Page 60. Why is it that Prince of Wales small road access streams minimum size none?

MR. REEVES: Mr. Adams. Mr. Wright. That -- yes, you're right, there is no size limit there. What it -- part of that decision came from the in-season manager at the time, was that the potential user base was a lot smaller than some of the larger communities and the fact that Prince of Wales has like well over 1,300 miles of road and we have, you know, numerous drainages spread out over those 1,300 miles, compared to a situation like Sitka where there's, I believe, three drainages on -- you know, if I'm wrong here -- on eight to 10 miles of road with a larger population. And part of that also stemmed back from -- it was brought up earlier where there was concerns over -- when the former Chairman brought up about what can

constituted, in a sense, the priority for the subsistence user, so, yes, there's no size limit on these road side systems on Prince of Wales but we've -- what the concern is that the populations are, in a sense, smaller, so what's being limited is the potential harvest, or the amount that could be harvested at one time.

Does that help.

MR. WRIGHT: Mr. Chairman. I was just wondering, because it still says one per day, two per season per household, so it kind of confuses me when you can catch any size, one per day, I mean I'm not going to touch a minnow and call that my one per day, so that's kind of selective -- be more like sportfishing, right, you're going to be saying I'm going to only catch any size, so -- thank you.

MR. REEVES: Mr. Chair. Mr. Wright. One thing you need to understand with Prince of Wales is it's -- the spring fishery has a five fish annual limit, so the concern -- part of the concerns was that if the user may have taken five out,it could either shut down that stream for the remainder of the fishery or, you know, it gets to the point where, is that too much. So this one daily, two per season doesn't mean if they take the two they're done for the year. They could still go to another drainage and harvest their remaining three fish. So -- and that's what you see is when you look at Table 2, I believe it is, it's got all the Prince of Wales systems, you know, not on -- on Page 49 on the top there, not all those drainages are these big drainages. Some fall into this category. So you see where there's -- you know, harvest identified by the permits in some of these locations.

And that's what came down, the other thing, was when Turek did his study, he had identified locations that fell under this, you know, small drainages, so we, in a sense, the in-season manager wanted to try to craft the fisheries stipulations to help represent that, too. There was identified use. So how can we best provide that use, at the same time protect the stock.

CHAIRMAN ADAMS: Okay, thank you, Jeff. I think we've got enough information to go from there, so thanks.

Okay, we've listened to all, I think, we need to, to do here, so what's the wish of the Council on this proposal.

Yes, Mr. Hernandez.

MR. HERNANDEZ: Thank you, Mr. Chairman. I guess I would vote against this proposal.

I think that the Federal system has adequate means to deal with any conservation concerns through in-season management. I think it would have a -- the effect of putting an unnecessary restriction on subsistence users. It doesn't really benefit or affect non-subsistence users. And on any of these subsistence proposals, I still question the validity of some of the data that we're given. I think we really need -- it's hard to consider any kind of a restriction on subsistence users without getting a better picture of what's happening, you know, as a whole, and that includes the commercial incidental catch which we just really don't have any good numbers for. I'm going to keep pressing that point. So I'll be voting against this proposal.

CHAIRMAN ADAMS: Thank you, Donald. And thank you for your analysis and, you know, identifying those four criteria in your comments.

Any other person.

(No comments)

MR. BANGS: call for the question

CHAIRMAN ADAMS: Question's been called for. Roll call vote, please.

MR. KITKA: Lee Wallace.

MR. WALLACE: No.

MR. KITKA: Michael Bangs.

MR. BANGS: No.

MR. KITKA: Mr. Hernandez.

MR. HERNANDEZ: No.

MR. KITKA: Floyd Kookesh.

MR. KOOKESH: No.

CHAIRMAN ADAMS: Nay.

MR. KITKA: Harvey Kitka votes no. Mr. Wright.

MR. WRIGHT: No.

MR. KITKA: Richard Stokes.

MR. STOKES: No.

MR. KITKA: Mr. Chair.

CHAIRMAN ADAMS: Yes, sir.

MR. KITKA: The proposal failed.

CHAIRMAN ADAMS: Proposal failed. Okay, ladies and gentlemen, we've gone through proposals, we've got three more to go, we're going to pick those up tomorrow, but there is a couple of items that I think we'll go ahead and take care of before we recess today. It's going to be Item No. 14 and 15 on the agenda. Nomination of representative to TransBoundary River Panel and then a nomination of a Council representative to Wrangell-St. Elias Subsistence Resource Commission. So we'll go ahead and take care of No. 14 at this point.

Mr. Larson, do you have any information to address on this particular issue.

MR. LARSON: Mr. Chairman. At our previous meeting we nominated Mr. Don Hernandez to pursue appointment to the TransBoundary River Panel and I think he has an update for the Council on that.

CHAIRMAN ADAMS: Update us, Donald, please.

MR. HERNANDEZ: Thank you, Mr. Chairman. I did submit an application. I received word back from the Board's and Commission's Division there and said that my application was received and under consideration but I have not heard anything about where in the selection process they are. I made a few

different phone calls last week trying to find out, you know, where the process was, if I'm being considered and what the timeframe was but they didn't have that information and were unable to give me anything new. So all I know is my name has been submitted and I don't know where it is in the process.

So that's all I have.

CHAIRMAN ADAMS: Okay, so thank you Donald. So no news is good news so far.

(Laughter)

CHAIRMAN ADAMS: Good luck. Okay, the next thing is you nominate the Wrangell-St. Elias Resource Commission member. As the Council knows I have been serving in that capacity ever since I've been on this Council. But one of the things that we're trying to do now is to get the word out that this position is going to be available, and so maybe I can have Robert, you know, give an update on that because there may be some other people who are wanting to serve on this commission.

MR. LARSON: Mr. Chairman. The Council should be aware that the Council is charged with making a nomination to the Commission. The requirements are that the nominee be either a member of a Fish and Game Advisory Committee in the affected communities or a member of this Council. I have not heard that there is any other persons that are interested in serving on that commission.

CHAIRMAN ADAMS: Okay, thank you, Robert. I do know that Barb Cellarius had gotten the word out to the Advisory Committee in Yakutat and I thought maybe a couple names would pop up from that body because I do know of one or two people who are interested in getting on this Council so I thought maybe they'd apply for that one, too. So it's up to the Council now to go ahead and take care of this issue by nominating someone on the Council to serve in that capacity.

MR. KOOKESH: Question.

CHAIRMAN ADAMS: Got a question.

MR. KOOKESH: Mr. Chairman. Is there a

lot of money in the budget, is there a lot of travel involved?

CHAIRMAN ADAMS: Wrangell-St. Elias, yeah, they seem to have pretty healthy coffers.

(Laughter)

CHAIRMAN ADAMS: Any other comments.

(No comments)

CHAIRMAN ADAMS: If not, then a nomination is in order, you need to certify that.

MR. KOOKESH: Comment.

CHAIRMAN ADAMS: Sure, Floyd, make a comment.

MR. KOOKESH: This is different. I know that Bert Adams and myself and a couple other people are up for nominations so I don't know if it's in order to hold off on those guys and pick somebody else and -- or go to the other -- another body that's interested outside of us because we might select you and they might dump you like Big Bill.

CHAIRMAN ADAMS: Diane, do you have a comment, yeah, she's pretty much up to date on this stuff.

MS. MCKINLEY: Thank you, Bert. I have an email from Barbara Cellarius, our coordinator, regarding this topic. And you covered it, but she did try to -- she made attempts with the Yakutat Fish and Game Advisory Committee to determine if anyone was interested and no members emerged who were interested so she said this leaves Bert Adams, the only candidate that we have been able to identify at this time and we would ask you to consider appointing him and according to the charter they served until they're reappointed or replaced. So if you choose not to appoint Bert at this time he will continue to serve until such time as a RAC did make an appointment or reappointment, if that gives you any clarification.

CHAIRMAN ADAMS: Okay, thank you for that update, Diane. What's the wish of the Council?

MR. KOOKESH: Do you ever give reports?

CHAIRMAN ADAMS: Yeah. In answer to your question, we always have a letter that we address, you know, of our activities during our Council meetings to the Federal Subsistence Board which we forward down here to this body and that consists of the report because it covers.....

MR. KOOKESH: Just kidding.

CHAIRMAN ADAMS: .....everything that we've done so far.

MR. KOOKESH: I was just kidding.

CHAIRMAN ADAMS: Yes, sir.

MR. KOOKESH: I'd like to make a motion that we maintain you until a determination is made on your status as a Southeast Regional Advisory Council member of subsistence.

MR. BANGS: Second.

CHAIRMAN ADAMS: Thank you, Floyd, and was it Mr. Bangs, Tina.....

REPORTER: (Nods affirmatively)

CHAIRMAN ADAMS: .....yes, for your confidence, so any further discussion.

(No comments)

MR. KITKA: Mr. Chair.

CHAIRMAN ADAMS: Yes, sir.

MR. KITKA: I'd like to close nominations.

CHAIRMAN ADAMS: Okay, nominations have been closed. Discussion.

(No comments)

CHAIRMAN ADAMS: Comments.

(No comments)

CHAIRMAN ADAMS: Hearing none, all in favor, please say aye.

IN UNISON: Aye.

CHAIRMAN ADAMS: Opposed.

(No opposing votes)

CHAIRMAN ADAMS: Thank you. Let's recess until tomorrow and.....

MR. PAPPAS: Bert. Bert.

CHAIRMAN ADAMS: George, you got something.

MR. PAPPAS: Yes, sir.

CHAIRMAN ADAMS: Sure.

MR. KOOKESH: Don't you have to pass a unanimous ballot for -- unanimous.

CHAIRMAN ADAMS: Oh, yeah, we'll do that.

MR. PAPPAS: Mr. Chair, I apologize.....

CHAIRMAN ADAMS: Before you go, we haven't completed the process of this nomination yet so we'll ask the treasurer -- I mean the treasurer, I'm sorry, our Secretary, to cast a unanimous ballot for Bert Adams to serve on the Wrangell Subsistence Resource Commission for the record.

MR. KITKA: Mr. Chair, the Southeast RAC casts a unanimous ballot for Bert Adams to serve on the Wrangell-St. Elias Subsistence Council.

CHAIRMAN ADAMS: Thank you. Okay, George, go ahead.

MR. PAPPAS: Mr. Chair. George Pappas, Fish and Game. I have answer to the question that Mr. Stokes asked earlier. You asked about the TransBoundary issues of the Canadians catching fish and selling them to tourists or what have you. America and Canada has a treaty on salmon for this area for

TransBoundary bound stocks. We have agreed to let X amount of fish pass to borders and once they get past the borders, they allocate their fish whatever way they want to just like they don't have a say in how we allocate our fish between subsistence, personal use, sport and commercial, so once they get past the borders we don't have the authority to advise them of how to allocate the fish as long as X amount of fish make the spawning grounds, that's our primary concerns here.

Mr. Chair.

MR. STOKES: Thank you.

CHAIRMAN ADAMS: And have they been making the spawning grounds?

MR. PAPPAS: The only TransBoundary information I've been involved with recently is Canada on the Yukon and they had a rough time this year, it was a small run. I don't have any information for Southeast.

Thank you, Mr. Chair.

CHAIRMAN ADAMS: Thank you. Thanks for the update, George, appreciate it.

Okay, we'll recess until tomorrow at 8:30.

MR. BANGS: Mr. Chairman.

CHAIRMAN ADAMS: 8:30 o'clock, does that meet with your approval, George.

Mr. Bangs.

MR. BANGS: I had just one quick comment I wanted to mention to anybody that's interested in writing a letter to the Management Council, that Bert has the phone number to fax your letter and it has to be in by tomorrow night by 5:00 p.m., to be heard on the halibut issue. The decision is going to be made by the Management Council early in October, so if you want to write a letter he's got the number to fax it to.

Thanks.

CHAIRMAN ADAMS: I've got the number here. What I would like to do, if we can, well, if it's all right with the Council is, maybe we could write a -- is it appropriate for us to do as a Council or individually -- as a Council.

MR. LARSON: We could take it up as an agenda item tomorrow and do something as a Council.....

CHAIRMAN ADAMS: Okay, okay.

MR. LARSON: .....otherwise it would be by individuals.

CHAIRMAN ADAMS: Okay. But I'll give you these here, we'll talk about it tomorrow. The deadline is tomorrow at 5:00.

See you all tomorrow everyone, ladies and gentlemen, thank you.

(Off record)

(PROCEEDINGS TO BE CONTINUED)

C E R T I F I C A T E

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)ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the state of Alaska and reporter for Computer Matrix Court Reporters, LLC, do hereby certify:

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THAT 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 6th day of October 2008.

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Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/12