

1 SOUTHEAST ALASKA FEDERAL SUBSISTENCE
2 REGIONAL COUNCIL MEETING

3
4 VOLUME II

5
6 Juneau, Alaska
7 September 28, 2004
8 8:30 o'clock a.m.
9

10
11 COUNCIL MEMBERS PRESENT:

12
13 John Littlefield, Chairman
14 Michael Bangs
15 Michael Douville
16 Dolly Garza
17 Donald Hernandez
18 Eric Jordan
19 Harvey Kitka
20 Floyd Kookesh
21 Patricia Phillips
22 Richard Stokes
23
24 Regional Coordinator, Robert Schroeder

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P R O C E E D I N G S

(Juneau, Alaska - 9/28/2004)

(On record)

CHAIRMAN LITTLEFIELD: Tina, you ready?

REPORTER: Yes, go ahead.

CHAIRMAN LITTLEFIELD: Good morning ladies and gentlemen, I'd like to call the meeting back to order for day two of the Southeast Alaska Regional Advisory Council fisheries meeting. So when we took recess last night we were on Proposal 17 and the presentation procedure was on bullet two which is Alaska Department of Fish and Game. Marianne See.

MS. SEE: Good morning, Mr. Chair. Members of the Council. Members of the public.

As noted yesterday I did offer the comments for the proposal, Proposal 17. This morning we have distributed the written version of these comments, and as noted yesterday we have added to them the proposed -- the preliminary recommendation for this and all proposals. There are also copies of this document on the back table. And we note that in the cover to this and all proposal comments we are taking -- we had intended to take the approach statewide, still plan to do so of offering comments that include issues and other information we wanted to make sure that the Council is aware of. And we had not intended to offer preliminary recommendations but at the request of the Council we are doing so. This is in line with what we normally do with the advisory committees, there are approximately 80 of those, in which the Department, when making presentations offers various kinds of information but without offering a particular recommendation.

We think that's more respectful of the public process, but clearly in this case we're trying to be responsive to the Council.

Mr. Chair, I don't have any different comments at all from those offered yesterday, however, with your permission I would like to answer the questions that Dr. Garza asked that weren't answered before the break, if I may.

1 CHAIRMAN LITTLEFIELD: (Nods
2 affirmatively)

3
4 MS. SEE: We were asked why our comments
5 were not in the Council books, and that's a very good
6 question but there's also a very good answer for that.
7 The schedule for the fish regulatory development process
8 on the Federal side, unlike the wildlife side, occurs
9 right in the middle of the in-season time when the
10 managers are out and not really very available. So this
11 particularly affects August, a little bit in July, but
12 August, when the Federal Staff is working on analyses,
13 there's a lot of discussion back and forth and we offer
14 some preliminary comments, but then these analyses
15 turnaround very, very quickly, and the publication date
16 is immediately after the Federal Staff Committee meeting,
17 InterAgency Staff Committee meeting to evaluate those
18 analyses and they change a lot in these different
19 versions. There's an extremely short turnaround time and
20 with our people in the field we found it really
21 frustratingly impossible to get our turnaround quick
22 enough to get our comments reflected correctly and
23 revised and put in the Regional Council books. In fact,
24 we had unfortunate circumstances happen last year where
25 we commented on the wrong draft, we didn't get the
26 revised versions in some other Council books and incurred
27 sort of the wrath of the Councils and the public because
28 the comments were totally incorrect.

29
30 So rather than do that we felt the only
31 responsible thing to do was prepare our comments in
32 advance of the meeting, and it's still difficult to do
33 that because our managers are in the field right up to
34 the time of these meetings.

35
36 So, although, it's not ideal, we would
37 much rather have our comments in the book, it's been
38 really tough to make that work. And we've worked with
39 OSM to try to adjust the schedule but it just hasn't been
40 possible to do so. So I hope that addresses the question
41 that you asked.

42
43 There are some additional reference
44 materials that we want to make sure that you have for
45 consideration of other proposals. The regulatory history
46 and stock, status of trout in Southeast Alaska, which was
47 distributed yesterday and the supplemental materials for
48 -- it's a packet. So you should have those and if you
49 don't we'll certainly provide them for you.

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Thank you, Mr. Chair.

CHAIRMAN LITTLEFIELD: Thank you. I would note that I received my packet on a lot of these individual proposals, I think they started coming in in May and June and maybe, Cal, if you could tell me when do we get these out? Are we timely, are we holding up the State process here by our timeliness?

MR. CASIPIT: Mr. Chair. I'm not sure how I can respond how things are done statewide, but I know here in Southeast we do try to provide an opportunity to Fish and Game Staff to interact with us early in the process, like, this year it was in June. But that still, you know, but what we have in June, those are what we call our pre-team field review drafts, and there's the field team that looks at them after that and then there's the leadership team -- OSM leadership team that looks at them after that and then the Staff Committee reviews them one time before they come here. So Marianne is right, you know, that there is some evolution that occurs between June and August when these things are due to the publisher. And, you know, I can't understand -- I do understand why Fish and Game has problems with our timeline but that's what we have to work with. But we do give an opportunity for Fish and Game to work with us early on in the process.

CHAIRMAN LITTLEFIELD: Okay, thank you. Well, I just want to make sure that we get these as soon as possible. It's really hard to digest these even right now, to ask the Council to look at these right now as we're trying to make decision. So the earlier we can get them, the better, even if it's a couple days ahead of time we would appreciate that.

Other Council questions.

(No comments)

CHAIRMAN LITTLEFIELD: Okay, thank you.

Are there any other Federal, State agencies that would like to comment.

(No comments)

CHAIRMAN LITTLEFIELD: No other agencies.

1 (No comments)

2

3 CHAIRMAN LITTLEFIELD: Okay, we're at
4 tribal governments. Any tribal governments that would
5 like to comment.

6

7 DR. GARZA: Mr. Chairman, so this is
8 specific to Proposal 17?

9

10 CHAIRMAN LITTLEFIELD: That's correct.
11 Proposal 17. Please come forward, this is tribal
12 comments on Proposal 17.

13

14 MS. CULP: Thank you, Mr. Chairman. It's
15 good to be here in front of this group again, and it's
16 good to see a lot of you again and I know you're very
17 sharp and on top of everything, and that's a good thing.

18

19 The reason for the proposal that was
20 submitted -- I also sit on the Hoonah Customary and
21 Traditional Council that M. See here chairs. I'm
22 addressing the Federal regulations for hunting and
23 fishing, these here to March 31st, 2005 on Page 14.
24 There's a cultural and educational program harvest permit
25 and under the traditional and funerary ceremonies and
26 memorials, those requirements are the ones that I've been
27 scrutinizing and I find them very offensive. Because
28 number 1 when we are out there gathering for our Koo.eex,
29 we are doing this with very religious -- very
30 religiously. We have our ways of harvesting that are
31 very respectful to the water, to the salmon, to the
32 resources that make all of this happen. We respect that.
33 And we do say our prayers as we do this.

34

35 As we go along, all the way to the point
36 where we are at our parties, this is very intensely
37 religious. We just went through this in Hoonah for the
38 last two weekends, very emotional and very intense, more
39 so than the non-Native churches, very severe, very -- I
40 can't tell you how intense these are.

41

42 So when we come to, you look on Page 14,
43 you get near to the bottom of the second column, well,
44 the paragraph right under the traditional funerary
45 ceremonies, although no permits are required, it says, to
46 take fish for these purposes you must be eligible to
47 harvest the resources under Federal subsistence fishing
48 regulations, we have no problem with that. Now, here's
49 where the problems come in. You, your designee or your
50 tribal government organizing the ceremony -- first of

1 all, those of us that are out gathering aren't the ones
2 organizing and are the head of the ceremonies, it's the
3 clan leaders and the house leaders that we're out there
4 supporting. And we don't go through any bureaucracy to
5 do this, just like any other church, any other ceremonies
6 you folks are having in church, we don't report to a
7 bureaucracy to do it.

8

9 But this is requiring it.

10

11 So me, personally, when I go out and get
12 salmon or deer meat or food for the religious ceremonies
13 that we hold, it isn't me that can say that this is
14 what's going to happen, we follow directions from our
15 leaders. I couldn't designate anybody, make any
16 designation other than within my family to say we're
17 going to go do this and for this reason and this is how
18 we're going to do it, where we're going to do it and when
19 we're going to do it.

20

21 Tribal governing organizations, we're
22 dealing with clans and families, we're not -- again,
23 we're not dealing with bureaucracies.

24

25 In my resolution to the Federal
26 Subsistence Board I suggested since the Federal needs
27 some sort of bureaucratic tracking system, Tlingit-Haida
28 Central Council puts out a calendar every year on the
29 upcoming parties for every community. They take it upon
30 themselves to find out all this information and they are
31 a bureaucracy, they're the ones that could be reporting
32 to the Federal Subsistence Board about what parties are
33 coming up.

34

35 As far as those participating and
36 gathering, it isn't only the clans that are hosting this
37 party that are out there, it's also the opposite, the
38 raven's side, the children of those who have died that
39 are out there getting berries and fish and food for the
40 party. We're not out there thinking about telling the
41 bureaucracy how much we're getting and how we're getting
42 it.

43

44 So with that in mind, I suggested that
45 the bottom paragraph and on Page 15, the next two
46 paragraphs be eliminated because that's where the
47 direction comes from the Board, that we need to begin to
48 organizing our Koo.eex, gathering into a bureaucracy, and
49 this is what is very objective [sic]. We shouldn't have
50 to do this. Our take isn't so big that it needs this

1 type of scrutiny, we just take one percent across the
2 whole state, I understand, four percent of the resources
3 in Southeast Alaska. That's what we take. Now, does it
4 require all this scrutiny for us to go get our fish when
5 -- and/or our game for our parties.

6
7 Right now it is more efficient for us to
8 go get an educational permit rather than address this
9 funerary ceremonies permit so it's here for nothing.
10 You've created an impossible situation, or not you but
11 the Federal Subsistence Board has created an impossible
12 bureaucracy that is inadequate for what we're doing.

13
14 With that said, I'd like to use examples
15 of the dual management process that we are facing, not
16 only with the Federal and the State, we are plagued with
17 some ambitious young law enforcement around Hoonah with
18 the State and the Federal, and I'll use one example that
19 Ralph Knudsen, Jr., last year -- or the year before --
20 last year, he was cited for the State Fish and Game for
21 harvesting fish illegally out of the creek, out of the
22 river for his -- it was year before last, for his
23 grandmother's pay off party. And another user, a bear
24 guide, was lurking through the woods and he had a video
25 camera and he started video'ing Kashan, we call him, and
26 his lady were -- had a line and hook standing off the
27 bridge and they were snagging the salmon, it was really
28 quite efficient, I was impressed when I finally did see
29 the video, and he'd pull it up and it would go right
30 straight to the bin where the fish was never once touched
31 the ground, it wasn't allowed to be slammed and ruined
32 that way, there wasn't dirt on it, it was very respectful
33 harvesting. Well, the State took him to task and it made
34 it as far as court with the backing of the Hoonah Indian
35 Association staff, the judge dropped the case because the
36 video that the bear hunter had provided there was no
37 release signed by that person, so the State dropped that.
38 And still this Kashan was not privileged to this video
39 that he was being charged with, didn't even know it was a
40 bear guide that had done this, we thought it was the
41 State with cameras up on Hoonah Totem land, by the way,
42 well, maybe this was Forest Service, I have to -- but
43 irregardless.

44
45 The Federal law enforcement for the
46 Forest Service picked up on this after the State dropped
47 it. This is a result of dual management.

48
49 Criminal charges were brought on him for
50 this. Alaska Legal Services couldn't help him because

1 they don't take criminal charges. So again there was
2 another -- this was just one case, there would have been
3 another tribal member standing before a court with no due
4 process, meaning no legal support behind him.

5
6 So a pro bono attorney became involved.
7 And as a result the case was dropped. Because once you
8 bring in someone who knows the law, they can get through
9 this. But right now under dual management we're being
10 harassed every time we turn around, and it's the other
11 users that are the problem. They are harvesting without
12 any kind of reporting. We are being scrutinized to do
13 this kind of reporting and it's very offensive when we
14 take such a minute part of the resource. In Excursion
15 Inlet where I have a homestead just 17.3 miles away from
16 the Hoonah dock where I land my skiff, that's also Hoonah
17 Territory, there's Doc Warner there. Mark Warner, who
18 used to work for the State Division of Sports, now he
19 ended up with half of Duncan's Camp that belongs to the
20 Duncan family and had been recognized for awhile, but
21 they manoeuvred it, they're from Utah, they manoeuvred
22 it in a December sale, by May, they had driven 17 pilings
23 into the beach front without any kind of permit from the
24 State Crops Engineers -- I mean Federal Corps of
25 Engineers or the State Habitat Fish and Game, all those
26 ones that become involved when me, as a homestead person,
27 had to jump through all these hoops and this person is
28 bringing in over 50 fisher people a week. Now, they've
29 got the catamaran, they've got planes coming in, it's
30 quite a big operation, and they don't report a bag limit,
31 they report in pounds.

32
33 They take halibut, they take all this
34 salmon. They're in all the streams, not only Neva River
35 where we get our sockeye, but all the streams, they've
36 plugged them. And they've got -- they operate with
37 aluminum skiffs so they've got -- they say it's an
38 unguided fishery, but they've got these balloons that
39 they anchor out throughout the Inlet and -- and then they
40 just anchor up to them and fish because they're from
41 Utah, they don't know about these waters. And the local
42 people and the fishermen, the commercial fishermen took
43 to popping these balloons and letting them sink so now
44 they pack them around to make sure it's done.

45
46 But meanwhile while we're being
47 scrutinized for every little thing, we can put a beach
48 seine out there in front of Neva or subsistence fishing
49 and sure enough there'll be some sort of infraction
50 because no matter what we do it's going to be wrong. But

1 these people get away with it.

2

3 Excursion Inlet has a cannery there and
4 these outside people, they're not hiring locally, very
5 few people, they're bringing them up from south, now, in
6 the bathrooms they don't only have English, but they've
7 got Spanish and Filipino in there. So you can see who
8 they're hiring.

9

10 And they're going in our river as well as
11 Doc Warner's commercial people from the middle of May
12 until the middle of September, 50 people a week, coming
13 in and out of there hauling our resources out and I see
14 the remains of what they take, they just take the best of
15 the halibut and then they toss it over. And we had
16 complained through Hoonah Indian Association because they
17 got yet another permit out there, Doc Warner's, to
18 continue what they're doing. And those -- the carcasses
19 float by my house and I just happen to have a little cul-
20 de-sac where the tide kind of whirls in there. So those
21 bones are landing in front of my place and they smell
22 bad. I really have a notion to gather them up and put
23 them under some enforcement officer's nose and say this
24 is offensive, what is happening, draws the bears. I work
25 very hard to keep the bears around my house in Excursion
26 Inlet and yet this kind of waste draws bears. I counted
27 17 fish slimers on those docks at Doc Warner's, and
28 they're constantly working on fish. They've got runners
29 to go to the boats that are out fishing to get the fish,
30 haul it back, they're running all the time, back and
31 forth. They've got it down to an art how much of our
32 resources they're hauling out of here unmonitored,
33 unscrutinized.

34

35 Then now the workers that are working in
36 the cannery, I'd like to show you some of the things that
37 they do in the fishing hole in the river where we get our
38 subsistence sockeye and coho.

39

40 Very ingenious, this was made at the
41 cannery. Now, we need to prove this came from the
42 cannery because they're spearing the salmon there with
43 this kind of contraption, and, yet, a hook and line for
44 our people to get salmon very efficiently out of the
45 streams is illegal. But this, nobody is seeing this, the
46 law enforcement doesn't see this.

47

48 (Showing Council)

49

50 That was last summer. This summer when

1 we went to get some sockeye, this is what we found.

2

3 (Showing Council)

4

5 CHAIRMAN LITTLEFIELD: Is that loaded?

6

7 (Laughter)

8

9 MS. CULP: Pat Mills bent the back of
10 that one so it couldn't be used again.

11

12 (Laughter)

13

14 MS. CULP: This is what they left. It's
15 getting ridiculous.

16

17 It's important that the Federal
18 Subsistence Board scrutinize what they're doing when they
19 do things like this because it's very insulting. And
20 while this kind of stuff is allowed to be happening, the
21 Fish and Game and the Federal law enforcement are looking
22 at us like we are the problem, like we are in everybody
23 else's way.

24

25 Right now Hoonah has no commercial
26 fishing industry to speak of. We've got a few hand
27 trollers and power trollers and such of our magnificent
28 fishing fleet, we have two that are operating which is
29 very sad because now we see fishing boats come in,
30 commercial fishing boats come in from everywhere else in
31 our precious harbor that only held our fishing boats,
32 that was our industry. Even the Commissioner for the
33 Department of Labor came up and fished in a power troller
34 this summer in front of our face while we have no
35 fishery. But we now do have a tourism industry staring
36 us in the face and we have yet to even get a grip on the
37 Forest Service or the corporations to identify where our
38 precious subsistence use areas are so they could even
39 begin to be protected. We need to be starting at square
40 one where we've got to be recognized, we're not even
41 recognized.

42

43 If a bear guide can come into our midst
44 and video us like we're the problem and even say things,
45 oh, where'd you learn that from your grandfather, on the
46 tape, while he was so efficient, he didn't see how
47 efficient that was, it was illegal in his eyes, the bear
48 guide. What was he doing in a fish river looking for
49 bear. There's times when those salmon, we are taught to
50 leave them alone unless we're going to be fishing. You

1 don't go wading through there. But this is the best they
2 can do.

3
4 So what I'm suggesting here is change
5 this wording, get the dual management understood, not
6 only by the land managers, but by the courts, the
7 judge's, those law enforcement officers that are out
8 there harassing us at every turn, things need to change,
9 because we are not the problem, but we're going to be
10 here all time and we don't wish to be standing in court
11 with no due process, continuously having to hustle for an
12 attorney that even understands ANILCA, Title VIII, there's
13 not a lot of them out there.

14
15 And this is what I wanted to bring
16 forward this morning, if there's any questions I'll be
17 glad to answer what I can.

18
19 CHAIRMAN LITTLEFIELD: Ms. Culp, I'd like
20 -- Mr. Johnson, could you make sure that they have a copy
21 of this draft Staff analysis, and the reason I'd like you
22 to look at it is all of us are looking at a Board book
23 that has this in it and I'd like to make sure that this
24 captures what you were talking about on Pages 62 and 63
25 of our Board book is where we'd be looking at this.
26 Dave, could you give that to them up there so they could
27 look at it. And what I'd like to do is make sure that
28 that captures the thoughts that you were talking about
29 and the changes that you're recommending. If you could
30 just take a second to look at that.

31
32 (Pause)

33
34 CHAIRMAN LITTLEFIELD: The way this reads
35 is the existing Federal regs that you were talking about
36 out of the handbook are actually copied on Page 62, and
37 the proposed changes are on Page 63 of that draft Staff
38 analysis, and I just want to make sure that your
39 testimony was to those two pages.

40
41 (Pause)

42
43 MS. CULP: Yes, I like that.

44
45 CHAIRMAN LITTLEFIELD: Okay, thank you.
46 And we can follow along. Are there Council questions for
47 Ms. Culp.

48
49 MS. PHILLIPS: Chairman Littlefield.

50

1 CHAIRMAN LITTLEFIELD: Ms. Phillips.

2

3 MS. PHILLIPS: Thank you, Chairman
4 Littlefield. On your Staff draft analysis, is there a
5 Page 64?

6

7 MS. CULP: Yes.

8

9 MS. PHILLIPS: Under ceremonial harvest,
10 on the bottom of Page 64, the draft analysis says, there
11 are no locations within subdistricts 14(B) and 14(C)
12 where large quantities of salmon have been traditionally
13 taken in waters under Federal jurisdiction. How would
14 you respond to that statement?

15

16 MS. CULP: They don't know. They don't
17 know that there is or isn't.

18

19 We have had to be as careful as we could
20 be in order to get the resources that we need because
21 what I'm presenting here is an ongoing thing that we've
22 been fighting for a long time. Hanlon versus Barton,
23 that's in the '80s. It's an administrative suit against
24 the Forest Service because they weren't addressing ANILCA
25 Title VIII priority. And the objections I had to the
26 wording in here, the second paragraph on Page 14 of the
27 regulations, it says -- well, it talks about contacting
28 the appropriate Federal fisheries manager before
29 attempting to take fish for these purposes.

30

31 And what needs to be emphasized in
32 documents like this is that subsistence harvest customary
33 and traditional take is priority first. And it's nothing
34 to be afraid of. I don't know why the law enforcement,
35 all the other users in our forest, it's a nice big
36 forest, we don't run into each other often, we don't have
37 to obviously because the numbers aren't there. But when
38 we do run into the other users of the forest, they're the
39 ones that look at us like we're the problem, even the law
40 enforcement does that.

41

42 The courts aren't prepared to deal with
43 the due process requirements that it takes for us to get
44 a proper hearing on these issues when we know they're not
45 right. Just lucky one time this guy did, otherwise,
46 again, someone would be standing in court with no
47 attorney, no specialist to help argue why this was
48 happening this way or that way, we don't go out for
49 wanton waste. We see wanton waste with the sports
50 takers, we see that. But that seems to be okay. But it

1 isn't okay for us to go out and get fish in an efficient
2 manner for our ceremonies. This is what's so
3 objectionable. This document here needs to say clearly
4 that customary and traditional usage is top priority,
5 that includes personal use that others use under the term
6 of subsistence, but customary and traditional use is top
7 priority, especially when we're going along for our
8 religious ceremonies. They're very religious. Anyone
9 who's ever involved -- been involved or seen it, they're
10 very religious, very spiritual.

11

12 I hope that answers your question.

13

14 CHAIRMAN LITTLEFIELD: Other Council.

15

16 (No comments)

17

18 CHAIRMAN LITTLEFIELD: Mr. See.

19

20 MR. SEE: What I might add with what
21 Wanda was saying, Doc Warner's over in Excursion, they
22 have a web site and part of their selling point to get
23 these people up here, they guarantee each person 80
24 pounds of fillets.

25

26 MS. CULP: Fillets.

27

28 MR. SEE: For their trip up here. So
29 there's a lot of fish being taken out of that area by
30 these people and they become, you know, I think there
31 needs to be some sort of reporting but I think as far as
32 things for parties and what have you, I don't feel that I
33 should have to report.

34

35 You know, my uncle comes along and tells
36 me -- he'll tell me, go get some fish and I just say,
37 well, how many do you want, and if he tells me he wants
38 50 of them, I'll go get him 50. And commercial trolling,
39 I take usually one load -- we take, we just bring it home
40 and we distribute it out amongst the families, you know,
41 because that's -- they don't have the means to get it so
42 I just give it to them. I'm sure some of the trollers
43 here do the same thing.

44

45 But they talk about, you know, permits
46 have been issued for ceremonial use and what have you, I
47 think the fish are still being gathered, but as part of
48 the bureaucracy, I think most of the people I know they
49 just skip it. I don't know, you know, it's -- I don't
50 know if you could call it a burden but it's just the idea

1 that you have to go ask permission, you know, you have to
2 go get somebody's blessing to go something that you're
3 going to have to do anyway when you've already got the
4 blessing from your family because they're the ones who
5 told you to go get it.

6
7 Basically that's all I have to say.

8
9 CHAIRMAN LITTLEFIELD: Are there any
10 questions, comments from the Council.

11
12 MS. PHILLIPS: Chairman Littlefield.

13
14 CHAIRMAN LITTLEFIELD: Ms. Phillips.

15
16 MS. PHILLIPS: Thank you, Chairman
17 Littlefield. Wanda, also on Page 64 on the Staff
18 analysis, under regulatory history, the last paragraph,
19 second to the last sentence it says, the proponent stated
20 that the taking of fish for traditional funeral
21 ceremonies was protected under the American Indian
22 Religious Freedom Act. The Staff analysis says, this is
23 not applicable here as it would be contradictory to the
24 ANILCA Conservation Requirements. How would you respond
25 to that?

26
27 MS. CULP: We all know -- all the Federal
28 managers are very aware of a whole burden of Federal laws
29 that they need to be aware of when they're doing any land
30 management. We know that ANILCA Title VIII takes the
31 bottom of the wrung here. Just as they're trying to do
32 with the Indian Freedom of Religion Act, which does
33 apply. Any land manager must address all the applicable
34 laws and this does apply because we do have the freedom
35 to our own religion and we have a strong religion.

36
37 CHAIRMAN LITTLEFIELD: Do you want to
38 follow up on that Patty.

39
40 MS. PHILLIPS: Thank you, that's fine.

41
42 CHAIRMAN LITTLEFIELD: Any other Council
43 comments. Mr. Kookesh.

44
45 MR. KOOKESH: I really appreciate your
46 comments there Mike and that was really good about your
47 uncle. For someone who lives in Angoon, I really can't
48 argue with what you said, I have to agree with you a
49 hundred percent that everything you're saying is true,
50 when your uncle tells you that you have to do that, I

1 have to agree with you 100 percent, you're right, you
2 know, you shouldn't have to ask permission because you've
3 already been given it.

4
5 MR. SEE: When your uncle speaks to you
6 he's not giving you permission, he's giving you orders.

7
8 MR. KOOKESH: Given you orders, yeah.

9
10 MR. SEE: Yeah, if my uncle tells me to
11 get a haircut, I'm 58 years old, if my uncle tells me to
12 get a haircut, I go get a haircut, you know.

13
14 (Laughter)

15
16 CHAIRMAN LITTLEFIELD: Other Council
17 comments or questions.

18
19 (No comments)

20
21 CHAIRMAN LITTLEFIELD: Okay, thank you
22 for your testimony.

23
24 MS. CULP: Could I add one more thing
25 just real briefly?

26
27 CHAIRMAN LITTLEFIELD: Certainly, go
28 ahead.

29
30 MS. CULP: I'd encourage everyone to
31 check out Doc Warner's web. It's a nice nine minute
32 song, everything in there, it's quite elaborate.

33
34 Thank you.

35
36 CHAIRMAN LITTLEFIELD: Okay. InterAgency
37 Staff Committee comments. Wait a minute, hold on, any
38 other tribes.

39
40 (No comments)

41
42 CHAIRMAN LITTLEFIELD: Are there any
43 other tribes that would like to comment on this.

44
45 (No comments)

46
47 CHAIRMAN LITTLEFIELD: Okay. InterAgency
48 Staff Committee.

49
50 MR. KESSLER: Good morning, Mr. Chairman,

1 and members of the Council. I'm Steve Kessler with the
2 Forest Service and I represent the InterAgency Staff
3 Committee.

4
5 The Staff Committee doesn't have any
6 comments to add to this proposal, the proposal analysis
7 covers any comments that we might have.

8
9 I would also like to say, Mr. Chairman,
10 that the InterAgency Staff Committee actually will only
11 have comments on two of the proposals, No. 19 and 20, so
12 if you don't want to call me up for any of them except
13 for 19 and 20 that could be appropriate.

14
15 CHAIRMAN LITTLEFIELD: I think I'll call
16 you and you can just decline, I don't want to miss
17 something here, so, technicality.

18
19 MR. KESSLER: Okay.

20
21 CHAIRMAN LITTLEFIELD: I don't think
22 there's any questions for you.

23
24 (No comments)

25
26 CHAIRMAN LITTLEFIELD: Thank you. Fish
27 and Game Advisory Committee comments.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Is there any Fish
32 and Game Advisory Committee members here.

33
34 (No comments)

35
36 CHAIRMAN LITTLEFIELD: Summary of written
37 public comments, Dr. Schroeder.

38
39 DR. SCHROEDER: Mr. Chairman, we have no
40 written public comments on this proposal.

41
42 CHAIRMAN LITTLEFIELD: Public testimony.
43 Are there any members of the public that would like to
44 testify on this proposal.

45
46 (No comments)

47
48 CHAIRMAN LITTLEFIELD: I have Wanda Culp
49 as a -- if you would like to testify for yourself, you
50 can claim that time if you would like to.

1 MS. CULP: I have nothing more to add
2 other than to encourage the dual management managers to
3 get the grip on their law enforcement and give us a
4 break, you know, go after the ones that are abusing the
5 resources.

6
7 Thank you. Gunaxcheesh, appreciate all
8 of your hard work.

9
10 CHAIRMAN LITTLEFIELD: Thank you. Any
11 questions -- just a second, Wanda, if you'd stay with us
12 just a second. Mr. Kitka.

13
14 MR. KITKA: Thank you, Mr. Chairman.
15 Wanda, could you tell us where you found this net and
16 what they used it for?

17
18 MS. CULP: In Neva River, there's a place
19 we call the big hole, and it's not really a big hole, it
20 probably goes from this area, it's got dead falls and
21 it's where the salmon linger before going on into the
22 lake. And this was right there on the sides, just left
23 like this, as was that the year before.

24
25 MR. KITKA: Thank you.

26
27 CHAIRMAN LITTLEFIELD: Follow up, Mr.
28 Kitka.

29
30 MR. KITKA: (Shakes head negatively)

31
32 CHAIRMAN LITTLEFIELD: Any other Council
33 comments. Mr. Jordan.

34
35 MR. JORDAN: Ms. Culp, I've looked
36 forward to meeting you and appreciated the work that
37 you've done on behalf of the habitat in the Hoonah area
38 and the written interviews that you've had in your
39 efforts to protect the habitat and the forest in your
40 area for many years, and I greatly appreciate the work
41 that you've done in that regard.

42
43 Thanks a lot.

44
45 MS. CULP: Any other Council.

46
47 (No comments)

48
49 CHAIRMAN LITTLEFIELD: Okay, thank you
50 for your comments.

1 MS. CULP: Thank you.
2
3 CHAIRMAN LITTLEFIELD: Okay, the next
4 item would be Tab 8, we're going to go to Regional
5 Council deliberations but before we do that let's take a
6 short break and we'll come back and the Council will take
7 care of this proposal.
8
9 (Off record)
10
11 (On record)
12
13 CHAIRMAN LITTLEFIELD: Let's take our
14 seat and come back to order folks.
15
16 (Pause)
17
18 CHAIRMAN LITTLEFIELD: Okay, let's take
19 your seats, the meeting will come back to order.
20
21 (Pause)
22
23 CHAIRMAN LITTLEFIELD: Please take your
24 seat.
25
26 (Pause)
27
28 CHAIRMAN LITTLEFIELD: Ladies and
29 gentlemen, let's please come back to order, please take
30 your seats. Where's my gavel. Where's the law
31 enforcement. Ladies and gentlemen, please come to order
32 in the back. Please take your seats. Okay, the meeting
33 is back to order. We're going to allow Mr. Michael
34 Jackson to testify first under tribal comments. He was
35 unaware that he could just claim time, he did not fill
36 out his paperwork and we will, of course, give that
37 opportunity to anyone who wants to testify. If you want
38 to testify on something when we call for tribal
39 governments, if you have not signed one in the back just
40 please come forward. When we call for public comments,
41 if you haven't signed on in the back we want one but go
42 ahead and come forward, don't let that stop you. So
43 we'll let Mr. Jackson comment on Proposal 17 before the
44 Council takes it. Go ahead.
45
46 MR. JACKSON: Thank you, Mr. Chairman.
47 And thank you for the clarification of comments and
48 allowing me to speak on behalf of the Organized Village
49 of Kake. I am the trust resource officer for the
50 Organized Village of Kake, Henrich Kadake is here also

1 representing, as president, of the tribe.

2

3 And listening to the Hoonah proposal, I
4 just wanted to bring out some facts that you're taking it
5 into deliberations, we understand that you do all have to
6 go by Federal regulations and the statute. But on the
7 other hand the sensitivity to the original people of this
8 area and the Koo.eex that we practice as part of our
9 religion.

10

11 The spirituality of being Native is
12 what's customary and traditional about -- it boils down
13 to respect. And the respect of people, the original
14 people, the First Nations of this area and our work
15 within the communities that honor the people of passing,
16 like the Koo.eex that we did for the Tagwaadee, we
17 participated in just a couple days ago.

18

19 The fact that you see the colonialization
20 of this great land of ours and the resources, the
21 extraction of it for the dollar purposes. We, as
22 customary and traditional people, have no tangible amount
23 that we put on things. We give things away. You see
24 that in the ceremony, because it's material. The things
25 that last in us is the spirituality of the passing of
26 people from this realm to another that they exist in.
27 But the part I see our brothers and sisters in Hoonah and
28 elsewhere practicing is that respectful harvest when your
29 uncle, your aunts ask you -- they don't ask you a lot of
30 times they'll talk in round about way for you going out
31 and getting it the old way, they just don't come out and
32 tell you, they say, in might be good if somebody would go
33 out there and get this because they'll need it at the
34 memorial ceremony.

35

36 The fact that the American Religious
37 Rights Act had to go through Congress just the fact that
38 it had to whereas any spin off of any evangelical
39 religion has that right to and file for tax exemption is
40 given to them underneath the Religious Rights Act of our
41 constitution, the very form that our country is based
42 upon as the visitors came through the East Coast. But the
43 fact that we have to go through the process of
44 regulations and getting permission is what the drift I
45 get from Hoonah, and how you see it in other villages,
46 the practice of our religion is always controlled and
47 will be until such time that our visitors here are
48 respectful to the way we live. But it's on a learning
49 curve and we're just at this point.

50

1 But I'd like to support our brothers and
2 sisters in a way that they're practicing their things in
3 Hoonah, because we face the same things in Kake. A
4 Tagwaadee man was fined \$100 for snagging a humpy, a
5 female humpy that he was going to get for the ceremony
6 this last weekend. He paid it because he didn't want to
7 deal with them. But it's just the way that law
8 enforcement and regulatory people come into our
9 community, say, at the beginning of moose hunting. We
10 just opened moose hunting in Kake five years ago because
11 they wondered upon our land. But every beginning of
12 moose -- day of moose hunting, the week prior, State
13 Troopers show up. We hear Governor Murkowski and other
14 politicians say they have no budget to fund law
15 enforcement in rural areas. But when they become very
16 visible in rural areas is the time of enforcing the
17 regulatory acts of what we pass here or State Boards of
18 Fish or Game. To me that's just targeting rural people,
19 whereas the resources of the state should be in the areas
20 of the populations of where there's more sport hunters
21 and fishers.

22
23 You come down to Kake and I'm sure it's
24 true in Angoon, that you go into a traditional home, you
25 don't see somebody -- one of our deer people or the
26 salmon people's trophies with their eyes open up on the
27 wall. Because in our communities, customary and
28 traditional people, we use every bit of it. We show
29 respect enough to close their eyes or to pop the air bag
30 in the salmon when it floats up -- when we first start
31 cleaning the fish to show respect through the spiritual
32 realm of salmon, that we do not let the seagulls or any
33 bird pluck it out and that we might get fish later.

34
35 So the spiritual aspect, the religious
36 aspect of our people, and you heard they're asking for
37 some leancy in the realm of gathering for traditional
38 religious practices.

39
40 Because the only place you hear of any
41 ethnic group that is targeted by the Federal government
42 because of the use of our land is the Bureau of Indian
43 Affairs. You don't see a Bureau of Jewish Affairs or a
44 Bureau of Irish Affairs, and that they have to go to get
45 the Catholics -- have the Religious Rights Act passed for
46 them. They had to go to no one because it's under the
47 constitution, now, why can't our people, the traditional
48 people of this land practice our religion as freely as
49 any other religion.

50

1 And I think it has to be brought out in
2 the open in such realms of this capacity where you are
3 going to make decisions upon people that practice the
4 religion of this land. And like they said, we only
5 collect a minute amount of the resource. Or is it that
6 people view us, like one of our Senators said, that there
7 is a browning of Alaska. To me that's a racial
8 statement. The people of Alaska are finally coming out
9 from underneath what has been the contact with our
10 visitors. We're starting to become ourselves again. And
11 maybe that's why there's a browning of Alaska. No one
12 should take threat by it. Maybe we'll become human
13 beings again and accept one another as brother and
14 sister, to become civilized again, rather than relying
15 upon the dollar to dictate our religion as required by
16 the regulations.

17
18 I think that needs to be brought out so
19 it will maybe work its way up the chain in Federal
20 regulations and State statutes, to be sensitive enough to
21 a people that want to lay their people to rest.

22
23 Gunaxcheesh, for this time and thank you
24 for permitting me to speak. Howa.

25
26 CHAIRMAN LITTLEFIELD: Thank you, Mr.
27 Jackson, that was quite compelling testimony. Council.

28
29 (No comments)

30
31 CHAIRMAN LITTLEFIELD: Any questions.

32
33 (No comments)

34
35 CHAIRMAN LITTLEFIELD: Okay, thank you.
36 Are there any other members, tribal members or members of
37 the public that would like to testify on this issue, 17,
38 before we take it in as the Council.

39
40 (Pause)

41
42 CHAIRMAN LITTLEFIELD: Please come
43 forward.

44
45 MR. DEMMERT: I might have a comment more
46 than anything. But there seems like there seems to be
47 enforcement problems and differences with the different
48 group users, and, although the Natives seem to be
49 targeted -- and I was just wondering, maybe, I think I
50 wrote down here -- any legal infractions made against a

1 person, which would probably be a Native, taking a
2 natural resource, salmon or deer -- well, this one here
3 is salmon, for ceremonial purposes, that should be
4 directed to the Subsistence Division for some
5 recommendation, whether it's a tribal subsistence
6 division or directed someplace where the individuals
7 don't have to go fight the bureaucracy and pay the fine,
8 like I don't know if the -- like some places have a
9 tribal subsistence division where you can let the tribe
10 take it on rather than the individual.

11

12 That's just a comment, thank you.

13

14 CHAIRMAN LITTLEFIELD: Just a second, are
15 there any questions or comments for Mr. Demmert.

16

17 (No comments)

18

19 CHAIRMAN LITTLEFIELD: Okay, thank you.

20 Are there any others that would like to testify.

21

22 (No comments)

23

24 CHAIRMAN LITTLEFIELD: Okay, hearing
25 none, this now becomes the property of the Regional
26 Advisory Council to make their recommendation to the
27 Federal Board. And normally at this time we don't have
28 any other input from Staff or members of the public,
29 although if a Council member desires to have some other
30 information that they believe somebody might be able to
31 supply they're certainly asked to come forward and
32 provide that. So what we're going to do now is do
33 Proposal 17. I would like to remind the Council that
34 when we do these, we have to make sure that we have a
35 good record for the Federal Subsistence Board to perform
36 their functions. They have a function of reviewing our
37 recommendation and they can only reject it for certain
38 reasons. And to do that we need to prove the case that
39 we're going to do.

40

41 So there was a cheatsheet made up several
42 years ago by Fred who had Dr. Schroeder's job previously
43 and he gave that to the Council and I've asked him to run
44 that off. We'll run through those and we want to cover
45 these four points for every proposal that we have, we
46 want to cover these four points. Do you have that Dr.
47 Schroeder, maybe run through that real quick.

48

49 DR. SCHROEDER: Mr. Chairman, the four
50 points that the Council really should be considering is

1 to look and see if there is a conservation concern with
2 the proposed action.

3
4 To examine the effect on subsistence
5 users.

6
7 To verify that there is substantial data
8 supporting the recommendation.

9
10 To see what the effect of the proposal
11 might be on other users, other than the subsistence
12 users.

13
14 Thank you.

15
16 CHAIRMAN LITTLEFIELD: So sometime during
17 the testimony, when you're speaking for or against this
18 proposal, we would like the Council member to cover one
19 or all of these issues, we need to summarize these and
20 make sure they're part of the record.

21
22 Also if you're making a motion, I would
23 like you to say what page that you're talking about so
24 that the members of the public can follow along in the
25 book and see what we're proposing to adopt. Right now
26 we're doing Proposal 17, the proposed regulation is shown
27 on the executive summary on Page 60, and that would be my
28 recommendation is to move to adopt that.

29
30 DR. GARZA: Mr. Chairman.

31
32 CHAIRMAN LITTLEFIELD: Dr. Garza.

33
34 DR. GARZA: Apparently I'm the only one
35 who listened to you. I will move to adopt Proposal 17 as
36 outlined on Page 60.

37
38 CHAIRMAN LITTLEFIELD: Is there a second.

39
40 MR. STOKES: I'll second it.

41
42 CHAIRMAN LITTLEFIELD: It's been moved
43 and seconded to adopt the proposed language for FP05-17
44 as shown on Page 60 of our Board book. Council
45 discussion.

46
47 (Pause)

48
49 CHAIRMAN LITTLEFIELD: We need to cover
50 the four points so make sure before -- state whether

1 you're speaking for or against the proposal, if you know
2 where you are right now, but we need to cover these our
3 points; whether there's conservation concerns, what kind
4 of data's been presented and the effect on subsistence
5 users and the effect on non-subsistence users. Council
6 members.

7
8
9

Ms. Phillips.

10 MS. PHILLIPS: Chairman Littlefield.
11 Point of clarification, if you oppose the proposal then
12 -- that's what the Staff recommendation is, if you
13 support the proposal then you're supporting what the
14 originator submitted, Wanda Culp submitted?

15
16
17

CHAIRMAN LITTLEFIELD: Yes.

18 MS. PHILLIPS: So I am going to be voting
19 in support of the proposal.

20
21
22

I want to thank Wanda Culp for bringing
this proposal before us for our review and evaluation on
ceremonial harvest provisions.

23
24
25
26

.801 of ANILCA expresses the continuation
of the opportunity for subsistence uses. It is essential
to traditional and cultural existence.

27
28
29
30

.802(1) says that the least adverse
impact possible on rural residents.

31
32
33
34
35
36
37
38

Ms. Culp, as a local resident of Hoonah,
Alaska, a rural community has the personal knowledge of
customs and traditions of a ceremonial harvest. Her
traditional ecological knowledge enables her to have a
meaningful role in an Office of Subsistence Management
administrative structure.

39
40
41
42

.804 states this customary and
traditional ceremonial harvest is a non-wasteful
subsistence use.

43 The traditions of the Hoonah Indian's
44 cultures viability has direct dependence to the
45 ceremonial harvest. It is essential to minimize the
46 regulatory burdens on traditional and religious
47 ceremonies that are a part of funerary or mortuary cycles
48 including memorial potlatches.

49
50

There is substantial evidence showing

1 subsistence harvest of fish from waters within Federal
2 jurisdiction is relatively insignificant and shall of the
3 priority for subsistence uses, .804, in order to protect
4 such use. The current required Federal regulatory
5 provisions are detrimental to the satisfaction of .805(d)
6 of rural subsistence needs. The reporting requirement
7 taking fish for traditional and religious ceremonies does
8 not follow the recommendations of the SERAC Page 64 in
9 our 2002 comments. The Council believes traditional and
10 religious ceremonial harvests are self-limiting.

11
12 The goodness of our traditions is to
13 leave a heritage for our children's children. Our public
14 lands produce abundant foods but regulator regimes place
15 undue burdens. As a rural resident who works to
16 recognize customary and traditional activities, we work
17 to correct thoughtfully and effectively regulatory
18 language that can be moved forward.

19
20 Thank you.

21
22 CHAIRMAN LITTLEFIELD: Other Council.
23 Mr. Jordan.

24
25 MR. JORDAN: Mr. Chairman, would it be
26 appropriate to amend the proposal to all of Southeast and
27 Yakutat?

28
29 CHAIRMAN LITTLEFIELD: I believe we can
30 amend that, is that what your wishes are?

31
32 MR. JORDAN: It is not my wish to do
33 that, but I think after hearing the arguments here that
34 if you're going to consider this, the arguments for 14(B)
35 and (C) would be appropriate for all of Southeast Alaska
36 and Yakutat would be my sense. And I think that's
37 something the Council should discuss.

38
39 CHAIRMAN LITTLEFIELD: Okay. Ms.
40 Phillips mentioned it earlier and it was brought up, on
41 Page 64, if you want to follow along with us, on Page 64
42 under regulatory history, the Council debated this at one
43 time. And as Ms. Phillips alluded to, she didn't really
44 say there was no conservation concern here but the
45 Council felt there was no conservation concern at that
46 time because like she stated they were inherently self-
47 limiting. We don't have hundreds and thousands of
48 Koo.eex per year, and the ones that are known are in the
49 Tlingit-Haida calendar with a few minor exceptions. So
50 if you were to extrapolate and say 25 fish per Koo.eex,

1 10 deer, you would have a really good handle and probably
2 more than any amount of deer, so that's why we didn't
3 think it was a conservation concern. I think your
4 comment, Mr. Jordan, is also correct, that we thought
5 this was the way it should be for all of Southeast.

6
7 So you weren't in on that but that was
8 our thinking at the time, that it would be okay to not
9 have that reporting requirement at that time, and I do
10 support something like that. I'm not exactly sure how
11 you'd like to propose that.

12
13 Other Council.

14
15 Mr. Douville.

16
17 MR. DOUVILLE: Thank you, Mr. Chairman.
18 I do not support this proposal, though I understand your
19 feelings somewhat. You're not asking for permission to
20 take these fish, it's already been granted. I mean it's
21 your right. All they're asking for -- all the regulation
22 is asking for is to provide some information. It's
23 already been authorized.

24
25 And since the State has jurisdiction over
26 Federal water or they.....

27
28 CHAIRMAN LITTLEFIELD: State waters,
29 marine.

30
31 MR. DOUVILLE: Or the State does have the
32 ability to issue tickets and so on on Federal land and
33 water, to me it's a plus to have a piece of paper that
34 says, yeah, I've done everything right and here it is.
35 It's less confusion between the two and a little bit of
36 recordkeeping, I think, doesn't hurt anything.

37
38 It also makes me think, how would you
39 determine if you just said, okay, you don't need any of
40 this paperwork, any at all, what's to keep somebody
41 that's non-rural from going and saying I'm practicing
42 this right also, you know, so you'd have to make that
43 distinction somewhere. So I guess those are just some of
44 the things that I have which gives me less reason to
45 support it.

46
47 Thank you.

48
49 CHAIRMAN LITTLEFIELD: Thank you, Mr.
50 Douville. Let me remind everyone, once we've taken this

1 as a Regional Advisory Council it belongs to the Regional
2 Advisory Council and only if a Council person asks
3 specific information do we normally have someone else
4 come up. So we're going to debate it among the Council
5 right now.

6

7 Other Council.

8

9 (No comments)

10

11 CHAIRMAN LITTLEFIELD: We still need to
12 cover these comments. Mr. Kookesh.

13

14 MR. KOOKESH: Well, Mr. Chairman, I'm in
15 favor of this proposal also and I also support Mr. Jordan
16 in his request for a motion to cover all of Southeast
17 including Yakutat.

18

19 I think what I'm looking at here for
20 ceremonial purposes is I'm seeing that I don't want --
21 when my uncle tells me to do something, I'm seeing that I
22 don't want this to become a criminal act and I'm seeing
23 that that's what we're trying to steer away from. You
24 shouldn't be cited for doing something when it comes to
25 ceremony for someone who's moved on or passed on. And
26 that's why I'm kind of leaning toward this, because I
27 don't want to see us making examples of people.

28

29 I see the reporting requirement as
30 secondary, but I think the citation thing, I kind of have
31 to side with the maker of the proposal and I also like,
32 like I said, I like Mr. Jordan's comments to the effect
33 that this should include all of Southeast. Because like
34 you stated a minute ago on Page 64, the third paragraph,
35 we are on record as going that way anyway.

36

37 That's my comments. Thank you.

38

39 CHAIRMAN LITTLEFIELD: What I'd like to
40 do is I'm going to request that law enforcement give us a
41 little bit of information on exactly the process here
42 because I've done this, I've taken advantage of this
43 particular program several times. We had a couple of
44 Koo.eex in our area in which our uncle -- actually we had
45 a meeting at the house and our uncle designated who was
46 going to go get the fish and who was going to get the
47 deer and we did this and it worked really well. And my
48 recollection was we had no permit, we just told them that
49 we were going to do this. So I'd like to -- what I'd
50 like to do is I'd like to ask the law enforcement to

1 clarify exactly what goes on here, whether we need a
2 permit or not. If you could walk us through the process,
3 Mr. Meyers.

4
5 MR. MEYERS: Thank you, Mr. Chair. Marty
6 Meyers from the Forest Service law enforcement.

7
8 Basically what we're looking at here in
9 the regulation is basically looking at the taking of
10 fish, in this particular instance, outside of the
11 published open season, which normally when enforcement is
12 out there they're looking during the closed season
13 they'll be looking for violations there, and also outside
14 of harvest limits. So what that's basically saying is if
15 you intend to do this outside of a season or plan to get
16 more than what's normally allowed, then it's asking for,
17 and the way I read this, it's asking for you to inform
18 the managers, it's not asking for a piece of paper, just
19 to let them know. So I think it's helpful in that
20 respect so it helps the user, the person going out
21 getting the food for these ceremonial services so that,
22 you know, enforcement and other regulators don't bother
23 them while they're out there.

24
25 Basically it tells them that they're
26 going to be out at this particular place and what they're
27 going to get and everybody's happy with that. Otherwise
28 if you were to open it wide up then you're most likely
29 going to get contacted outside of season areas or if
30 you've got lots of fish to find out what's up, so you'll
31 be talked to by law enforcement or other administrators
32 about what you're doing, why you're doing it, who's it
33 for and all these other particular questions. And that
34 might not really be the appropriate time to ask those
35 questions, but since nobody would know about your intent
36 out there, I think it's helpful in this respect to inform
37 the managers and that way they can inform law enforcement
38 and I think the likelihood of problems to exist later
39 would be better.

40
41 So I hope that helps.

42
43 CHAIRMAN LITTLEFIELD: Anybody want any
44 clarification. Dr. Garza.

45
46 DR. GARZA: Thank you, Mr. Chair. Yeah,
47 I did have questions to enforcement. So under -- I know
48 we're all on different pages, on Page 63 where it looks
49 at the proposed language, first paragraph and (i), the
50 little (i) the bold at the end is in subdistricts 14(B)

1 and 14(C), the manager only has to be informed that there
2 will be an attempt to take fish for a ceremony. It
3 sounded like what you said is exactly what is already
4 happening.

5
6 MR. MEYERS: That's correct.

7
8 DR. GARZA: So that particular statement
9 doesn't change anything?

10
11 MR. MEYERS: No, currently according to
12 the regulations that the designee has to inform the
13 fisheries manager before attempting to take fish so that
14 -- it's just, again, I think it -- the whole thing helps
15 the user so once they inform the manager then they're
16 good to go and they probably will not be contacted by
17 anybody to do what they're supposed to be doing.

18
19 DR. GARZA: Okay. And then in terms of
20 sort of the pig picture, do you feel that most Natives in
21 Southeast would know who to contact as they're preparing
22 for a potlatch or a memorial party? I mean does someone
23 in Angoon or Saxman or Hydaburg, do they have easy access
24 to whoever it is they're supposed to be calling so that
25 if they get up Friday morning and it's beautiful weather
26 and they know that they can make that run and go get
27 those fish, they can instantly make that call and have
28 someone to talk to?

29
30 MR. MEYERS: Well, specifically I'm not
31 sure other than the fact that, you know, most Ranger
32 Districts would have -- would be a source of contact and
33 also the publication in the book also identifies the
34 contacts for Federal managers as far as finding out --
35 passing on that information.

36
37 CHAIRMAN LITTLEFIELD: Follow up.

38
39 DR. GARZA: Thank you, Mr. Chair. I
40 guess, yeah, I am pretty much on the fence on this
41 proposal. It doesn't seem to be doing anything more, if
42 it's required that all you have to do is let them know
43 you're going to try and that's already the requirement
44 then it isn't actually relaxing anything.

45
46 I am concerned while we're saying it's an
47 attempt to make sure that we're not being targeted, I'm
48 siding with you in that if you haven't made that call
49 then you will, in fact, be someone of suspect. And
50 they're going to say, well, what is he doing and they're

1 going to go check on you. But if they can say, oh, yeah,
2 well, he called the office and he's out to get 20 sockeye
3 for the potlatch next weekend, then no one's going to
4 bother him. There's a real advantage to that.

5
6 And I've been on this Council for awhile.
7 I've attended many Board of Fish meetings getting beat up
8 over subsistence and the conclusion that I've come to is
9 that any time you can clearly demonstrate that you're
10 using the resource you should demonstrate it. You should
11 be making those calls as Native people because you want
12 to document that you are using this opportunity. I would
13 hate to, in five years, have some major effort like survi
14 -- or whatever that international group was that hit us
15 on the 70/30, saying well let's get rid of that provision
16 because nobody uses it, we don't need it. Those Native
17 people probably aren't even doing potlatches, they never
18 call in for anything. It's not important to them, let's
19 just take it off the books.

20
21 Any time that we can put something on the
22 books that clearly demonstrates that's our need and our
23 use, we should be taking advantage of it.

24
25 And I know, I know that if your uncle
26 tells you you have to do something or your auntie tells
27 you you have to do something, I know that you have to do
28 that, but that doesn't preclude you from making a quick
29 phone call and perhaps what we need is better information
30 on how you should contact and whether or not there's an
31 800 line that you can call and just leave a message
32 before you go. I'm not sure if there's any easier
33 process we can go through, that may be what we need.

34
35 But the other question I had was whether
36 or not -- we have one clear example here of someone who
37 was basically tortured for a couple years, but are there
38 other examples of people who have been brought in and
39 charged because they did not make that phone call?

40
41 MR. MEYERS: Ms. Garza, I think that in
42 this particular case that was brought up there was no
43 information given to law enforcement at the time that
44 this was a ceremonial issue. So aside from that
45 particular question, no, we have not had any issues with
46 ceremonial potlatches or taking of fish or wildlife in
47 that respect for that purpose.

48
49 DR. GARZA: So the other question that I
50 had of concern was it seemed like we heard that, well,

1 nobody's using this process but then I hear that clearly
2 our Chairman is. Are you aware that this process is
3 being used by other members in other communities?
4

5 MR. MEYERS: Through the requests that
6 were made through the informed fisheries managers, yes,
7 those ones we are aware of. But I'm not aware of anybody
8 having any issues with -- with law enforcement, anyway,
9 with being able to do those particular potlatches.
10

11 CHAIRMAN LITTLEFIELD: I am aware of the
12 Kiksaadee requesting deer for the 1804 Bicentennial. And
13 what they normally do is they give me copies of these.
14 What they'll do is they'll send out information to the
15 State and they also send a copy to me and others to make
16 sure that everybody knows that these people, and I have
17 their names, who they are, that will be hunting, and if
18 they're seen by State they're just -- what's supposed to
19 happen is they're supposed to leave them alone, and I
20 think that's a separate issue. The State enforcement
21 should know in advance what's going on and they should
22 not be citing them.
23

24 Other Council. Mr. Jordan.
25

26 MR. JORDAN: Mr. Chair. A big part of me
27 is inclined to support this because I believe there's a
28 higher power than the Federal government, especially
29 considering who's running the Federal government right
30 now in this country.
31

32 But during the discussion here and
33 listening carefully, there are two things, the first
34 thing, I'm inclined that regulations of this nature
35 should apply to all of Southeast and I'm not supportive
36 of having different regulations for 14(B) and 14(C). The
37 argument that you need to seek permission from the
38 Federal government grates on me. But on the other hand I
39 was looking at our criteria, I do believe if you look at
40 the (ii) paragraph two on Page 63, where it says the
41 Federal fisheries manager will establish the numbers,
42 species or place of taking if necessary for conservation
43 purposes. In other words, the only time he will
44 designate the number, species and place, otherwise the
45 people just ask permission and they get it is the way I
46 understand it, unless it's necessary for conservation for
47 purposes. I understand that. And I have always
48 supported conservation and I have lots of political scars
49 in my gear groups for that.
50

1 So I'm not in favor of repealing that
2 part of it.

3
4 And also on reporting, part of the reason
5 when I served on a Federal body before, on an advisory
6 panel to the North Pacific Fishery Management Council I
7 argued long and hard that we get observers on American
8 trawlers when we Americanized our fisheries in the Bering
9 Sea and the Gulf of Alaska, and that was viewed by many
10 members as un-American. And so even though I know that
11 there are people who will view me as anti-subsistence or
12 anti-Native, I believe reporting what we're taking is
13 very important for both conservation and as Dolly Garza
14 stated so eloquently, for documenting the history of
15 what's happening. And I'm an amateur historian, and for
16 both those reasons I don't believe it's too much to ask
17 that we document these things. And if you look at the
18 history of proposals, Board of Fisheries, one of the
19 areas I have been trying to get a handle on for many
20 years is what's happening as Wanda Culp and other people
21 from Hoonah pointed out so eloquently, is the problems
22 with the sportfishery.

23
24 So I don't think I'm unfairly burdening
25 subsistence users here by supporting continued
26 documentation of what they're taking.

27
28 So for those reasons I'm inclined to vote
29 against this unless it's amended.

30
31 Thank you.

32
33
34 CHAIRMAN LITTLEFIELD: Thank you. Mr.
35 Douville.

36
37 MR. DOUVILLE: Thank you, Mr. Chairman.
38 Mr. Jordan said you're asking for permission, you are not
39 asking for permission. It is already authorized. It is
40 already your right. You can go do it, you don't have to
41 ask for permission.

42
43 And the other thing, I think these two
44 citations that you're talking about had to do with more
45 like methods than they were anything else. There was
46 snagging and it's a different issue than this. However,
47 I believe we'll address that on Proposal 20.

48
49 Thank you.

50

1 CHAIRMAN LITTLEFIELD: Mr. Hernandez.

2

3 MR. HERNANDEZ: Thank you, Mr. Chairman.
4 I'm also inclined to vote in favor of this proposal.
5 However, I guess my biggest reservations are with the
6 conservation concerns.

7

8 Paragraph two, the proposer wishes to
9 delete deals with whether or not the taking violates
10 recognized principles of fisheries conservation methods
11 and means. I am inclined to have the opinion that the
12 people of the region are probably most acquainted with
13 the conservation concerns for that area. I tend to
14 follow that as a guideline. So I don't think I'm going
15 to really have a conservation concern with this proposal.
16 However, from a legal standpoint, I would ask the
17 Chairman, is there anybody that can testify to the
18 legality? There was mention of the American Religious
19 Freedoms Act, and is there somebody that can give an
20 opinion on whether or not that Act supersedes the
21 conservation provisions in ANILCA or are we up against
22 something there that we need to worry about?

23

24 Maybe you could ask that, Mr. Chairman.

25

26 CHAIRMAN LITTLEFIELD: Is Ms. Ustasiewski
27 here, legal Counsel?

28

29 (No comments)

30

31 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
32 would you like to tackle that?

33

34 DR. SCHROEDER: I'm not sure I want to
35 tackle it. Tom Boyd and I did note that we think that
36 there's something of a blooper of saying that the -- in
37 the Staff write up, I think there's an error saying that
38 somehow the American Indian Religious Freedom Act simply
39 does not apply and we believe that that's a misstatement
40 on Page 64 and that would be corrected in going to the
41 Federal Subsistence Board. But beyond that I can't offer
42 any clarification on the American Indian Religious
43 Freedom Act, however, my -- any professional opinion, I
44 personally don't believe that ANILCA somehow trumps the
45 American Religious Freedom Act, I believe they're
46 parallel Acts, and that they have different
47 jurisdictions.

48

49 CHAIRMAN LITTLEFIELD: Okay. Mr. Casipit
50 wants to tackle next.

1 (Laughter)

2

3 MR. CASIPIT: Well, if I can remember
4 sage advice given to me by Mr. Ustasiewski in the past on
5 whether or not two pieces of Federal legislation trumps
6 one or the other, I think in the past what he's told me
7 before is that they are read together and the extent that
8 the extent that they don't conflict with one another,
9 you're pretty right on going with that. But they have to
10 be read together parallel. As long as there's no
11 conflicts between the two then there is no -- you know,
12 they don't affect one another, you read them parallel
13 together.

14

15 So I'm trying to remember what Jim's told
16 me, and that's the one thing that's always stuck out in
17 my mind, and this has been in terms when we were talking
18 about the Pacific Salmon Treaty and whether or not ANILCA
19 trumps the treaty and what have you. In those
20 conversations it's been that, you know, they're read
21 parallel. To the extent that they don't conflict with
22 another then they're implemented.

23

24 As kind of a side thing here is whether
25 or not, you know, the Indian Religious Freedoms Act, the
26 problem is is that it was an Act that was passed by
27 Congress, it was signed and put into law, however no
28 Federal agency ever put together implementing regulations
29 and so that's part of the problem for the Federal
30 agencies, we don't -- since nobody's put together
31 implementing regulations nobody really knows how you
32 implement it. So that's kind of the quandary, I think,
33 the Staff was in when they wrote that section that had a
34 little blooper in it, I guess, if you -- how Mr.
35 Schroeder put it.

36

37 CHAIRMAN LITTLEFIELD: Okay, follow up,
38 Mr. Hernandez.

39

40 MR. HERNANDEZ: Thank you, Mr. Chair.
41 Hearing that discussion I think I will say that I have no
42 conservation concerns with this proposal and would
43 probably vote in favor of it.

44

45 CHAIRMAN LITTLEFIELD: Okay. Mr.
46 Kookesh.

47

48 MR. KOOKESH: I have a question and my
49 question is -- well, before I say my question. Maybe we
50 haven't done enough of doing a good job about letting

1 people know who the appropriate fisheries manager is.
2 Maybe we could ask the question in the rural areas, who
3 is the appropriate fisheries manager that you contact and
4 what is that process, is it complicated or simple
5 process? Because I don't even know who the appropriate
6 person is myself. And I'm kind of wondering, who are we
7 talking about and maybe people haven't been educated or
8 given, you know, for ceremonial purposes, you know,
9 please contact prior to harvest, maybe we haven't done
10 enough of a job so that maybe it's just something that's
11 becoming something like a monster to us.

12
13 But I still go back to the fact that I am
14 of the opinion that I don't think that it should be a
15 crime to practice your religion. And I have to agree
16 with the maker of the proposal and I still have to agree
17 with Mr. Jordan, that you have to support this if -- it'd
18 be best if we amended this to support it, but maybe we
19 haven't done a good enough job on educating people like I
20 said about who the appropriate Federal fisheries manager
21 is. Even I don't know.

22
23 When I was looking in this book, we got
24 this, I believe, this is Jeff Reeves book, it says that
25 contact information can be found in the directory at the
26 back of this booklet. So I switch, here's one page and
27 then there's another page and -- but somewhere in there,
28 I think we need to find out who that person is, who we're
29 talking -- who the devil we're talking about, as we would
30 say, and I'd like to know who that is, and is it 1-800-
31 GOT-FISH or what?

32
33 (Laughter)

34
35 CHAIRMAN LITTLEFIELD: I believe it's 1-
36 800-UNLIMITED-TROUT.

37
38 (Laughter)

39
40 CHAIRMAN LITTLEFIELD: Mr. Roadkill
41 Johnson.

42
43 MR. JOHNSON: If you'll look on Page 78,
44 it states.....

45
46 MR. KOOKESH: Page 78 of what?

47
48 MR. JOHNSON: Of the regulatory booklet
49 that you have there, Mr. Kookesh and Council, for
50 Southeastern, Yakutat area the Yakutat area is the

1 Yakutat District Ranger with telephone number and
2 address. For Baranof, Chichagof and mainland of Icy
3 Straits, it's the Sitka District Ranger and the phone
4 number's there. For Admiralty Island and Northern
5 Southeast Inside Waters, it's the Juneau District Ranger.
6 And on Prince of Wales is the Craig District Ranger.
7 Kuiu, Kupreanof, Zarembo, Etolin and Wrangell Island,
8 Stikene River and Central Southeast Inside Waters,
9 Petersburg District Ranger. And for Revillagigedo,
10 Gravina, Duck Island and Southern Southeast Inside Waters
11 it's the Ketchikan District Ranger and the telephone
12 number is there.

13

14 And everyone should be receiving copies
15 of those regulations when they go into the district
16 offices, even if they're coming in for something other
17 than just a mortuary or funerary discussion, those
18 regulations are available for everyone.

19

20 CHAIRMAN LITTLEFIELD: Other Council.

21 Mr. Kitka.

22

23 MR. KITKA: Thank you, Mr. Chairman. I
24 want to say that the testimonies I heard today so far
25 have been very heart-rendering, and I realize that it is
26 important to report what we got and to document that some
27 of these events are ongoing. And as far as I can see
28 they'll be ongoing forever with the rebirth of the
29 potlatches and things that are starting.

30

31 We have the Kaagwaantaan potlatch that's
32 going to happen here in a few days on the 1st and 2nd,
33 and I know my father who is 90 went and asked to get the
34 foods and the things for the potlatch and people from all
35 over the state, the Kaagwaantaans are supplying this
36 food. And I don't know if he is different than anybody
37 else but I know he went to the proper places and asked
38 for permission before this started. But I agree with
39 this proposal.

40

41 It covers an area maybe we aren't
42 touching upon at this point. And I can't put my finger on
43 it at this point but I would agree with this proposal.

44

45 Thank you.

46

47 CHAIRMAN LITTLEFIELD: Other Council.

48 Mr. Stokes.

49

50 MR. STOKES: Mr. Chairman. I, too, agree

1 with this proposal. But I was just wondering about the
2 individuals from out of state that come in at the same
3 time. We have the same problem as you said, they
4 guaranteed 80 pounds of fillet, we have that problem in
5 Wrangell. We have charter operators going out and
6 they're getting halibut and I wouldn't call them halibut,
7 they're only about the size of a flounder, and they get
8 many, many of them. And I just don't appreciate that,
9 there's nothing I can do. I've asked them why they've
10 gotten so many and they say, well, it's halibut, isn't
11 it, and I said, yeah, but you're only allowed two a day,
12 and they said, well, we go out more than once. But they
13 have a whole -- well, they usually have about six people
14 aboard. And I'm just wondering if there's some way we
15 could address this. And I'm in favor of this proposal.

16
17 CHAIRMAN LITTLEFIELD: Mr. Bangs, would
18 you like to be next.

19
20 MR. BANGS: Thank you, Mr. Chairman. I
21 agree that there should be a separation between church
22 and state. And after hearing testimony, I feel very
23 strongly that this proposal is helping to separate that a
24 little bit more and enable the people to exercise their
25 rights and their religious freedom, and I think that
26 making fisheries management aware is a good thing and
27 we're not taking that away by this proposal. The
28 reporting requirements I don't think there's a concern
29 with conservation by the testimony of the conversations
30 that have gone on.

31
32 I think I would support this proposal.
33 And I think it's a good start to not have that burden of
34 all the paperwork that's required as it is now.

35
36 Thank you.

37
38 CHAIRMAN LITTLEFIELD: Okay, we've heard
39 from all the Council, does anybody else -- Mr. Jordan.

40
41 MR. JORDAN: Mr. Chairman, I think
42 there's a possibility to amend this to do two things.

43
44 One, is to apply it to all of Southeast.

45
46 Two, clean up the language and make it
47 simpler and reduce the paperwork.

48
49 So what I'm thinking of is two separate
50 amendments and before I offer those, so we have to go

1 through the whole process, I'll see if there's any
2 support.

3
4 But the first would be that this apply to
5 all of Southeast and Yakutat, our area.

6
7 The second rewrite point (i) so it reads
8 more in line with what is proposed so it would read prior
9 to taking fish the person or tribal government organizing
10 the ceremony will inform the Federal manager that there
11 will be an attempt to take fish for a ceremony. In other
12 words, instead of contacting and all that, it would just
13 be that there will be -- that this group will inform the
14 Federal manager. And that language is taken right from
15 the proposal. The manager only has to be informed that
16 there will be an attempt to take fish for a ceremony.

17
18 So change that to basically as proposed.

19
20 In section two, change that so it reads
21 one sentence, the Federal fisheries manager will
22 establish the number, species of taking only if necessary
23 for conservation purposes, and then strike three and --
24 strike section three. And as I understand the proposal
25 doesn't speak to section four, so that would be left. So
26 you'd basically strike section three, which is the
27 paperwork because that will be handled under two if
28 there's a conservation concern, and (i) is basically
29 written to basically as suggested by the maker's of the
30 motion.

31
32 If there's any support for amending that
33 in this manner, which I think in my best efforts sums up
34 kind of what I've heard from the Council, and apply it to
35 all of Southeast, then I would vote for it and I think we
36 have some chance to come to consensus here which would
37 help our cause before the Federal Board, which I think is
38 important because the Staff is opposing this proposal as
39 made.

40
41 CHAIRMAN LITTLEFIELD: Is there a second.
42 Dr. Garza.

43
44 DR. GARZA: I think Eric's trying to
45 figure out where we're going here and I think that's a
46 good idea but I do have a couple questions on that. And
47 I can tell that Bob's trying to put it up on the wall,
48 and that might be the best for us to look at, how it
49 might be amended.

50

1 But under the little two (ii)'s, your
2 amendment to it doesn't really affect the intent of the
3 amendment -- or the proposed change, which basically says
4 this area is excluded from this paragraph.

5
6 MR. JORDAN: Mr. Chair. Ms. Garza. This
7 is a substantial change from the proposed and this comes
8 to my concern that if necessary for conservation
9 purposes, and that's why I used the language, only if
10 necessary will the Federal manager establish the number
11 and species of taking. And based on my experience
12 working closely with both the Alaska Department of Fish
13 and Game and Federal managers, is that, sometimes that
14 there's things out there where there may be a
15 conservation issue where this would be appropriate.

16
17 Does that answer your question.

18
19 CHAIRMAN LITTLEFIELD: Dr. Garza.

20
21 DR. GARZA: Partway. Thank you, Mr.
22 Chair. It does and it doesn't. Because the intent of
23 this amendment is that they don't have to contact them
24 and so they don't have to meet this conservation ethic
25 because in their mind they already do so whether or not
26 you change it as you just proposed, doesn't matter,
27 right, so basically the intent of two as it is amended in
28 our packet implies that no matter how we read it,
29 residents of District 14(B) and 14(C) aren't obligated to
30 it. And that's much different -- that's much different
31 what they're asking for to what you're proposing.

32
33 I'm just trying to get things clear.

34
35 CHAIRMAN LITTLEFIELD: I'd like to ask an
36 at ease for a minute, Mr. Ustasiewski, we had a question
37 earlier and I'd like you to address that if you could
38 please come forward. And it had to do with on 17, we
39 referenced the Religious Freedom Act as opposed to
40 ANILCA, and actually have we got Page 64 we could -- Tom
41 has that, we were concerned -- one of the Council members
42 had a question on what was the effect of the Religious
43 Freedom Act on ANILCA or vice versa, does one paramount
44 of whatever, if you could address how we are to consider
45 that. We'll give you a second to look at that page, it
46 was on Page 64, was it, yeah, Page 64, under regulatory
47 history, the last sentence or two there, and that's what
48 we were looking at.

49
50 (Pause)

1 MR. USTASIEWSKI: Mr. Chair, Jim
2 Ustasiewski with the Office of the General Council, and I
3 recognize I'm sort of coming into this mid-stream so I'll
4 try to tread carefully.

5
6 In general, when you have two Federal
7 laws they're to be read in a way that makes them
8 consistent with one another, where that can be done. The
9 intent of Congress usually is to write laws that are
10 consistent, that work with another. Where they intend to
11 overrule or reverse or rescind a statute, another Federal
12 law, they usually do that explicitly. So ordinarily you
13 wouldn't look at one statute like the American Indian
14 Religious Freedom Act and say that it's in conflict or
15 overrules or preempts or whatever the terminology would
16 be, you would look at them as a way to make them both
17 consistent with one another.

18
19 I'm not familiar with the particular
20 provision or at least it's been awhile since I've looked
21 at that Act, I don't know which particular provision is
22 being referred to here in this sentence about the taking
23 of fish being protected, but I would look at both of
24 those statutes as consistent with one another, not one as
25 contradicting or being overruling another.

26
27 CHAIRMAN LITTLEFIELD: That's the advice
28 we got earlier. Mr. Kookesh, did you want to follow up
29 on that at all?

30
31 MR. KOOKESH: No, I didn't have any
32 question on that.

33
34 CHAIRMAN LITTLEFIELD: Thanks for
35 clarifying that for us.

36
37 MR. USTASIEWSKI: You're welcome.

38
39 CHAIRMAN LITTLEFIELD: Just a second.
40 Dr. Garza.

41
42 DR. GARZA: No, it's not for you, so I'm
43 looking up here and this little (i), is that what you
44 said pretty much Eric?

45
46 MR. JORDAN: Mr. Schroeder, what I'm
47 suggesting on (ii), is that what you're asking?

48
49 DR. GARZA: No, the one (i).
50

1 MR. JORDAN: Oh, the one (i).
2 Actually.....
3
4 REPORTER: Wait, Eric -- Eric.....
5
6 MR. JORDAN:sort of what I'm
7 suggesting exactly is.....
8
9 REPORTER: Eric.
10
11 CHAIRMAN LITTLEFIELD: Turn our mike on.
12
13 REPORTER: Eric, turn your mike on.
14
15 MR. JORDAN: Thank you, Mr. Chair. Mr.
16 Schroeder. Ms. Garza, what I'm suggesting exactly is if
17 you want to put it in prior to taking fish for a ceremony
18 the persons or tribal government organizing the ceremony
19 will inform -- I hadn't put appropriate but that's fine,
20 all right, the rest of it is exactly as I proposed.
21
22 CHAIRMAN LITTLEFIELD: Dr. Garza.
23
24 DR. GARZA: Mr. Chairman, thank you. So
25 I still have confusion because what is proposed by the
26 original proposer and what is being proposed by Eric is
27 still, from what I understand, from enforcement, all the
28 same thing.
29
30 There is no permit requirement, there is
31 only an informational requirement. That's exactly what
32 is being suggested by the maker of the proposal and that
33 is still what is being -- turn off your mike -- suggested
34 by the amendment. And so I'm not sure that we're going
35 ahead.
36
37 Thank you.
38
39 And I have comments on the other ones but
40 I just wanted to figure out, because that's the crux of
41 it, is through this proposal anything being changed in
42 subsection one.
43
44 CHAIRMAN LITTLEFIELD: Mr. Jordan.
45
46 MR. JORDAN: Mr. Chairman.
47
48 REPORTER: Wait, Eric.
49
50 MR. JORDAN: Mr. Chairman. Ms. Garza.

1 The original regulation requires the persons to describe
2 the nature of the ceremony, the parties or clans involved,
3 the species and number of fish to be taken in the Federal
4 waters from which the harvest will take place. Now, I
5 think those are all good things to provide but what's
6 being proposed and what I am proposing that we amend the
7 regulation to read is that they don't have to provide all
8 those details and that gives more flexibility to the
9 parties and I think that's why -- in my understanding
10 that would be why the makers proposed this change. So
11 that's why I am -- and that's why I think it's important
12 to change the wording more in nature of what they
13 proposed.

14

So I do believe that it is a change.

15

16

CHAIRMAN LITTLEFIELD: Mr. Kookesh.

17

18

19

MR. KOOKESH: I believe that when Eric
20 was making his motion he also stated that there was a use
21 of the word only in (ii) and it's not in there. My
22 question is is Bob going to type that in, because I'm
23 reading -- what I read earlier was that -- well, or place
24 of taking only if necessary for conservation purposes,
25 that word, only, is missing from it; is that correct?

26

27

CHAIRMAN LITTLEFIELD: I'm going to give
28 Mr. Douville a chance here and then we're going to take a
29 five minute at ease with the Council up here and we're
30 going to figure out how to put this thing together
31 correctly instead of back and forth over the microphones,
32 we'll just do it and figure it out.

33

34

So Mr. Douville.

35

36

MR. DOUVILLE: Thank you, Mr. Chairman.
37 Most of these things that we're talking about here is
38 fish and they're very seasonable in and amongst
39 themselves, I mean they're only here for a short time so,
40 you know, we're talking outside seasonal limits and
41 stuff, really doesn't apply to fish but it does to deer,
42 but this mirrors the deer one, so, you know, I mean you
43 can get a permit any time the fish are running. You
44 understand what I'm saying, because you probably wouldn't
45 get a permit for sockeye in December you know what I
46 mean.

47

48

Thanks.

49

50

CHAIRMAN LITTLEFIELD: Okay, we're going

1 to take a short break here, but before we do I want to
2 remind the Council of a few things that we have to do to
3 justify these suggested changes that you're thinking
4 about. We still have to justify these things to the
5 Federal Subsistence Board. And when we tell them that
6 there's not going to be a conservation concern, I think
7 we might get bucked back a little bit on that, so you
8 need to consider carefully how you want to do this. We
9 didn't think there was a conservation concern before but
10 we have to make that very clear in our testimony how you
11 do that and how you rewrite that.

12

13 Let's take a short five minutes. I want
14 to keep the Council up here and let's get the language
15 figured out on this. Take a five minute break.

16

17 (Off record)

18

19 (On record)

20

21 CHAIRMAN LITTLEFIELD: Take your seats
22 please.

23

24 (Pause)

25

26 CHAIRMAN LITTLEFIELD: Okay, let's come
27 back to order. For process we were doing a little bit of
28 wordsmithing that I don't know if we have to do too much
29 of it anyway. We do not have a second on this yet. We
30 were just doing some writing and may or not be the wishes
31 of the Council to even go this way. But we've been four
32 hours on Proposal 17, I thought we'd be halfway done with
33 the book right now so we're going to have to speed it up
34 a little bit. So let's take some action.

35

36 Every Council member has had the chance
37 to speak to this issue, for or against, and let's wrap it
38 up.

39

40 Mr. Jordan.

41

42 MR. JORDAN: Mr. Chairman, as a point of
43 order I had.....

44

45 CHAIRMAN LITTLEFIELD: Just a second,
46 please come to order in the back there, please.

47

48 (Pause)

49

50 CHAIRMAN LITTLEFIELD: Keep it down

1 please.

2

3

(Pause)

4

5

CHAIRMAN LITTLEFIELD: Mr. Jordan.

6

7

MR. JORDAN: Mr. Chairman, as a point of
8 order I had not offered this as a motion, I had offered
9 this as an idea for discussion.

10

11

I think the rest of the Council is aware
12 of my thinking on the matter and I know we have a
13 detailed agenda. I still think the wording that's up
14 there improves this and responds to our public proposal.
15 And I personally think that it ought to apply to all of
16 Southeast. But most of the Council members are more
17 experienced than I am in these matters and if somebody
18 else wants to offer this kind of motion I'll certainly be
19 supportive but I'll not offer it and waste anybody's
20 time.

21

22

Thank you.

23

24

CHAIRMAN LITTLEFIELD: Dr. Garza.

25

26

DR. GARZA: Thank you, Mr. Chair. I
27 would like to start by saying that I feel very badly
28 because I was so happy to see so many Native faces in the
29 room and now I'm going to be speaking against a proposal
30 brought forward by you but I have to -- I just have to.

31

32

Looking at the four criteria to evaluate
33 the proposal, Mr. Chairman, is there a conservation
34 concern, I truly believe that there would not be, that
35 Native people would not go to a stream that had two fish
36 left and take them for a potlatch, however, there is the
37 possibility that it would be perceived as a serious
38 conservation concern and I think that we will have dire
39 consequences on this proposal as it goes to the Federal
40 Subsistence Board because of this first criteria.

41

42

The second one, what is the effect on
43 subsistence users. I have not been convinced that it
44 makes it easier because there is no paper permit required
45 unless I'm being mistold, there is a requirement that you
46 contact them and you let them know what you're doing.
47 The amendment to this says exactly the same thing. So
48 I'm not sure that the opportunity to subsistence users is
49 being improved through this process.

50

1 Does substantial data support the
2 recommendation. I think that, you know, I haven't heard
3 where there have been multiple infractions against
4 potlatch people going out to get resources. There was
5 one instance we've been made aware of but I have not
6 heard that people have called in to get this and have not
7 received it. I have not received data that says that 500
8 people have hauled off to courts or let alone that 10
9 people have been and so perhaps that kind of data is
10 missing. And that makes me concerned because if there are
11 more infractions being made then we, as a Council, should
12 address that issue.

13
14 What is the effect of this proposal on
15 other users and this is my greatest concern. Because of
16 being sort of a strategy person, if you consistently use
17 a fall stream to catch your coho or kings for your
18 potlatches and you have no reporting mechanism, you don't
19 report it in any way, it will be very easy or the six-
20 pack guys and the commercial guys to come in and say we
21 want to access those resources because obviously nobody's
22 using it. And what, in my mind, the effect has, is that
23 it makes it easier for other users to say, we want that
24 resource, it's not being used. Look at, there's no
25 permits, there's no requests.

26
27 And just being in this process for the
28 number of years I have, you have to be politically
29 strategic and if we're not demonstrating we're using this
30 resource someone else is going to pick it up and we're
31 going to lose it.

32
33 So for these reasons, Mr. Chairman, I
34 will vote against the proposal I'm sorry to say.

35
36 CHAIRMAN LITTLEFIELD: Thank you. I'm
37 the only one that's not stated what I'm going to do and
38 I'd like to do that right now.

39
40 I'm going to vote against this proposal
41 even though -- if I have to vote.

42
43 I support everything that the Hoonah
44 Indian Association brought forward as well as Mike's
45 comments, they are right on. That's the way I was taught
46 too. But we have to remember what we're doing here. We
47 are the Southeast Alaska Regional Advisory Council and we
48 have a charge and that charge in .802 and .804 says that
49 we're going to mandate that we're going to take care of
50 conservation. If we were to strike this does not apply

1 in Subdistricts 14(B) and 14(C) it wouldn't make any
2 difference if we struck it or not because it's going to
3 apply. The Federal manager is going to enforce the
4 conservation issues on you whether you like it or not or
5 whether you put it in writing and if we were to endorse
6 it, it wouldn't make any difference.

7
8 We can't do it. Conservation is our
9 number 1 issue and we can't just abrogate it.

10
11 And that's the Staff's recommendation,
12 too, is that it had problems with conservation.

13
14 Notwithstanding that, I agree with your
15 issues, but this proposal, as Dr. Garza said, we've had
16 good success with this in Sitka. I know there's been a
17 half a dozen cases where we've used this and it's worked
18 well and I have not heard evidence that said it's a
19 problem yet.

20
21 And that's what I'm going to do if it
22 gets to my vote, so I'd like to put this to a vote.

23
24 MS. PHILLIPS: Chairman Littlefield.

25
26 CHAIRMAN LITTLEFIELD: Ms. Phillips.

27
28 MS. PHILLIPS: Thank you, Chairman
29 Littlefield. In my area, you know, we don't have the
30 expertise of a large tribal organization to make sure
31 that we dot our I's and cross our T's. We have people
32 living at poverty level, they don't have telephones, they
33 can't even afford calling cards, they can't call the
34 Hoonah Ranger District or the Sitka Ranger district or
35 the Juneau Ranger District to get a license.

36
37 I mean what applies in the more larger
38 communities that have strong networks of tribal
39 organization doesn't necessarily apply to the smaller
40 villages that, you know, that are just barely eeking a
41 living. And to imply that we need to document our record
42 of harvest because it's going to be taken away, that's
43 not what ANILCA's about, ANILCA's about protecting that
44 right that we already have and we already exercise.

45
46 And for that reason I'm going to continue
47 to support this proposal and I'll support the proposal
48 that Mr. Jordan puts forward.

49
50 Thank you.

1 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

2

3 MR. KOOKESH: Mr. Chairman, I was under
4 the impression that we were going down a process or
5 following an amended motion. And I felt that that.....

6

7 CHAIRMAN LITTLEFIELD: There's been no
8 amendment and according to my records we have a motion,
9 right Tina.

10

11 REPORTER: (Nods affirmatively)

12

13 MR. KOOKESH: Okay.

14

15 CHAIRMAN LITTLEFIELD: And we have a
16 second to adopt the language on Page 60.

17

18 MR. KOOKESH: Okay. But getting back to
19 the nuts and bolts of this thing, I was talking earlier
20 to people around the table here about what we do when it
21 comes to potlatches and funerals and when we do these
22 things, we do it within the season. If there's going to
23 be a potlatch, we're getting ready in the fall time with
24 gathering our deer. The ones in Angoon are held in
25 November, and we're gathering our deer in the fall time
26 and we're using our own deer tags for this because it's
27 our family and it means something to us.

28

29 When the sockeyes are running we're
30 putting up sockeyes for that party, and we're also
31 putting up coho's, herring eggs has already been put away
32 in the spring time for that.

33

34 So the other thing is that when you're at
35 the potlatches, we're also eating turkey, ham and
36 vegetables and non-Native foods, there's a lot of non-
37 Native foods. It's not like we're out there decimating
38 streams and trying to do all that and fishing outside of
39 seasons, I mean who eats slimy deer in February. I mean
40 get over it, get real, you know. It's like I said, Marty
41 was telling me, when there's no fish there's no fish out
42 there, you can't fish out of season when there's nothing
43 out there to fish for.

44

45 But I think we need to support a proposal
46 that simplifies process, that encompasses all of
47 Southeast and doesn't just blast 14(C) or (B) or
48 anything, we need to work within that system and fix it.
49 Because we're not talking about killing a whole salmon
50 stream and killing all 150 deer that are on the beach,

1 you know, we're not talking about doing stuff like that.
2 But I think we need to support the amendment that was
3 brought forth by Mr. Jordan, who wasted our time, as he
4 was saying earlier, I thought that was a waste of time,
5 we go through that whole process and we should have
6 supported something for Southeast, we shouldn't be trying
7 to second guess what the Federal Subsistence Board's
8 going to do. If we're going to sit here and speculate
9 about what they're going to do and never take a chance
10 we'll never get anywhere if we're going to be sitting
11 here and saying, well, we shouldn't take a chance because
12 we know we're going to get beat down. We're never going
13 to amount to much and that's the strength that Southeast
14 brought to the table, we didn't just lay down and die,
15 roll over and die for these guys, we're standing our
16 ground and speaking our minds. And we're doing what's
17 right, we're not -- like I said, we're not trying to take
18 this thing away.

19
20 I'm sure you came into -- Mr. Chairman,
21 I'm sure Dogpoint, at some point made you go down the
22 right road, but, you know, we have to do the right thing
23 and I felt that the Southeast amendment by Mr. Jordan was
24 the appropriate tool, vehicle, that we should be moving
25 along and we shouldn't be acting like the Federal
26 Subsistence Board's going to shoot it down. We're adding
27 -- we're complimenting our potlatches with non-Native
28 foods also. It's not all non-Native [sic] foods. You
29 can't sit there and eat all non-Native foods, you'll get
30 tired. You know, start getting sleepy.

31
32 (Laughter)

33
34 MR. KOOKESH: Thank you, Mr. Chairman.

35
36 CHAIRMAN LITTLEFIELD: Mr. Bangs.

37
38 MR. BANGS: Thank you, Mr. Chairman. I
39 agree with Mr. Kookesh. And although Dr. Garza and
40 yourself have compelling testimony, I think that there
41 was probably a ceremony since the beginning that wasn't
42 under Federal regulations and didn't have the recording
43 requirements but the streams are still there and I think
44 that it doesn't make sense that anyone would want to wipe
45 a stream out, conservation effect, I think we're calling
46 them guilty and having them trying to prove their
47 innocence, and it shouldn't be that way. We should put
48 trust in that heritage, in the streams and the people
49 that have been there. I don't think it's something that
50 we should back away from because of a conservation

1 concern or we don't trust ourselves.

2

3 And I agree with the Southeast, if we're
4 going to do this we should amend it to all of Southeast
5 if we're going to vote on the proposal as is or not. But
6 I think that it should all of Southeast if we're going to
7 go that way.

8

9 Thank you.

10

11 CHAIRMAN LITTLEFIELD: I still have the
12 main motion before me as seconded. I don't have anything
13 else. If you want to amend it, let's amend it. Let's
14 get going.

15

16 MS. PHILLIPS: Chairman Littlefield.

17

18 CHAIRMAN LITTLEFIELD: Ms. Phillips.

19

20 MS. PHILLIPS: I move to amend Proposal
21 FP05-07 under .27(c)(2)(i), little (i), I would move to
22 strike Subdistrict 14(b) and 14(C), the manager only has
23 to be informed when there will be an attempt to take fish
24 for a ceremony -- well, let's see, wait a minute.

25

26 DR. GARZA: Patty, could you let us know
27 what page you're on?

28

29 CHAIRMAN LITTLEFIELD: Page 63.

30

31 MS. PHILLIPS: Page 63, little (i).

32

33 CHAIRMAN LITTLEFIELD: Actually for the
34 record when we made the motion it was the language on
35 Page 60. It's the same language but let's just stay on
36 Page 60.

37

38 MS. PHILLIPS: Prior to taking fish for a
39 ceremony the person or tribal government organizing the
40 ceremony will inform the appropriate Federal fisheries
41 manager that there will be an attempt to take fish for a
42 ceremony.

43

44 Little (i): In Southeast Alaska, the
45 taking does not violate recognized principles of
46 fisheries conservation and uses the methods and means
47 allowable for the particular species published in the
48 applicable Federal regulations. The Federal fisheries
49 manager will establish an under -- no, only -- it should
50 say only -- oh, there it is. The Federal fisheries

1 manager will establish the number of species, places of
2 taking -- only if necessary for conservation purposes,
3 the Federal fisheries managers will establish the number,
4 species, places of taking.

5
6 CHAIRMAN LITTLEFIELD: Is your amendment
7 to provide this substitute language for the language on
8 Page 60?

9
10 REPORTER: John, your microphone.

11
12 CHAIRMAN LITTLEFIELD: Is your amendment
13 to provide substitute language stated as shown on the
14 screen for the language on Page 60?

15
16 MS. PHILLIPS: Yes, sir.

17
18 CHAIRMAN LITTLEFIELD: Is there a second.

19
20 DR. GARZA: Second.

21
22 MR. KOOKESH: Second.

23
24 CHAIRMAN LITTLEFIELD: It's been moved
25 and seconded for you and under discussion, anybody want
26 to speak to this.

27
28 DR. GARZA: Can you drop that down a
29 little so we can read it all?

30
31 CHAIRMAN LITTLEFIELD: Drop it down a
32 little bit so everybody can read it. Any discussion.

33
34 Mr. Hernandez.

35
36 MR. HERNANDEZ: For the amended motion,
37 how does the proposer wish to deal with paragraph three?

38
39 CHAIRMAN LITTLEFIELD: The maker of the
40 motion.

41
42 MS. PHILLIPS: Thank you, Chairman
43 Littlefield. Thank you, Mr. Hernandez. Move to strike
44 -- also to include striking triple (iii).

45
46 CHAIRMAN LITTLEFIELD: All right, that
47 was my recollection of what Mr. Jordan originally
48 proposed, was to strike (iii), so is that what you would
49 like to do? Is that what everybody's understanding is
50 that we're striking?

1 (Council nods affirmatively)
2
3 CHAIRMAN LITTLEFIELD: It strikes (iii),
4 it includes (iv).
5
6 DR. GARZA: Mr. Chairman.
7
8 CHAIRMAN LITTLEFIELD: Dr. Garza.
9
10 DR. GARZA: Point of clarification.
11
12 CHAIRMAN LITTLEFIELD: Go ahead, Dr.
13 Garza.
14
15 DR. GARZA: So all of (iii) is removed,
16 there is no number (iii) and number (iv) becomes number
17 (iii)?
18
19 CHAIRMAN LITTLEFIELD: That's the way I
20 read it. Mr. Jordan.
21
22 MR. JORDAN: Mr. Chairman, I want to
23 thank Council member Phillips for making this motion. I
24 will support it. And I want to speak to section (iii).
25
26 I strongly support as Ms. Garza has so
27 elegantly stated, the need for records and strongly
28 recommend that whenever
29 possible that people report their harvest. I think in
30 some cases that would be a burden and I do not believe we
31 have to require it. So that's why I support removing
32 that section even though I am strongly in favor of
33 recordkeeping. So I believe the amended motion meets the
34 conservation concern. It has a positive effect on
35 subsistence users. I think the data supports the
36 recommendation. And I think it has minimal effect on
37 other users.
38
39 Thank you, Mr. Chairman.
40
41 CHAIRMAN LITTLEFIELD: Are you ready for
42 the question.
43
44 (Council nods affirmatively)
45
46 CHAIRMAN LITTLEFIELD: All we're going to
47 do is do the substitute language, you get one more bite
48 at the apple.
49
50 Let's see the screen all the way down and

1 make sure everybody understands what's going on here.

2

3

(Pause)

4

5 CHAIRMAN LITTLEFIELD: So the process as
6 I understand it is we are substituting this language for
7 the language on Page 60 and then we will vote this
8 language up or down so you get one more bite at it.

9

10 Dr. Schroeder.

11

12 DR. SCHROEDER: Mr. Chairman, I believe
13 this is a statewide regulation, therefore the proper way
14 to craft this is to say that either in Southeast Alaska
15 or except in Southeast Alaska and Staff will work on
16 exact wording and bring that back to the Council after
17 the intent is made clear.

18

19 CHAIRMAN LITTLEFIELD: Okay. That will
20 not change the intent or meaning of the language so
21 that's appropriate to go ahead and do that.

22

23 Any other questions. Dr. Garza.

24

25 DR. GARZA: Mr. Chairman, I guess I have
26 a point of clarification and it's still also confusing
27 and the lesson to learn from this is never be the first
28 proposal on the floor.

29

30 (Laughter)

31

32 DR. GARZA: Never. You want to be the
33 last one.

34

35 Okay, in number one it basically says you
36 have to call and just let them know what you're doing.
37 Number two says, still says, okay, if there's a
38 conservation concern then something will be -- you'll be
39 told, but number one no longer requires that you say
40 where you're going so how does that conservation concern
41 kick in? I'm just sort of looking at sort of the
42 implementation of that process, if I could hear from
43 Marty on that if you have an idea.

44

45 CHAIRMAN LITTLEFIELD: Tell us how that
46 applies.

47

48 MR. MEYERS: Thank you, Mr. Chair. In
49 reading it, my interpretation is now then that the
50 informed would have to include the elements of number two

1 in order for the manager to make a decision on whether or
2 not there is a conservation concern.

3
4 Thank you.

5
6 CHAIRMAN LITTLEFIELD: Any other
7 questions.

8
9 (No comments)

10
11 CHAIRMAN LITTLEFIELD: Are you ready for
12 the question.

13
14 Dr. Garza.

15
16 DR. GARZA: I'm sorry, I still have
17 points of clarification. So even though the intent was
18 to take out the parties involved have to say where
19 they're getting their fish, blah, blah, blah, as long as
20 the conservation ethic is there they nonetheless will
21 have to do it; is that true Mr. Meyers?

22
23 MR. MEYERS: That's the way I read it. I
24 mean it's kind of ambiguous in a way. If you're trying
25 to exclude that information, yet, you're still making a
26 decision to include it further down, it kind of
27 contradicts itself.

28
29 Thanks.

30
31 CHAIRMAN LITTLEFIELD: Dr. Garza.

32
33 DR. GARZA: Thank you, Mr. Chairman. So
34 in this amendment, has anything changed from what would
35 currently be required other than number three?

36
37 MR. MEYERS: Not from my perspective.

38
39 CHAIRMAN LITTLEFIELD: Nor mine either.
40 And just remember that what we're going to do here is, if
41 there's a conservation concern, the land manager is still
42 going to act, okay, we're not going to be able to make
43 them not act, they are going to act. So are you ready
44 for the motion to do this.

45
46 (Council nods affirmatively)

47
48 CHAIRMAN LITTLEFIELD: All those in favor
49 of the substitute language, the substitute language shown
50 on the board for Proposal FP07-17 on Page 60 signify by

1 saying aye.
2
3 IN UNISON: Aye.
4
5 CHAIRMAN LITTLEFIELD: All those opposed,
6 same sign.
7
8 (No opposing votes)
9
10 CHAIRMAN LITTLEFIELD: The substitute
11 language is accepted. We have before you the main motion
12 on Page 60 as amended by the substitute language, are
13 there any further comments.
14
15 Ms. Phillips.
16
17 MS. PHILLIPS: I just want it on the
18 record that it's well known that I strongly support a
19 record of harvest, but in this circumstance, it's a
20 special circumstance, it's a mortuary. It's a funeral
21 ceremony and for that reason I'm willing to make an
22 exception.
23
24 CHAIRMAN LITTLEFIELD: And for the record
25 that was covered by our previous comments, that we knew
26 how many Koo.eex there were per year and we could
27 extrapolate those numbers fairly simply, so are you
28 ready.
29
30 (Council nods affirmatively)
31
32 CHAIRMAN LITTLEFIELD: Okay. The motion
33 before you is the substitute language shown up on the
34 board and remember that we will clarify this a little bit
35 to include in Southeast, outside Southeast or wherever so
36 that it applies to Southeast for FP05-17, all in favor
37 signify by saying aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN LITTLEFIELD: Those opposed,
42 same sign.
43
44 (No opposing votes)
45
46 CHAIRMAN LITTLEFIELD: The motion has
47 been adopted.
48
49 Mr. Turek, you're next.
50

1 Dr. Garza.

2

3 DR. GARZA: Mr. Chairman, I fear this
4 will not be the end of this concern and I guess for
5 future, part of the concern is whether or not rural
6 residents are in fact being denied opportunity because
7 they don't understand the process or they don't have
8 access to phone or whatever it is so I'd like to, over
9 the next year, have enforcement or have management or
10 Staff or whoever, try and pull together some information
11 so that we can make better, at least I need to, to help
12 me make better decisions or get a better understanding of
13 whether or not this opportunity is, in effect, being
14 denied through this process.

15

16 Thank you.

17

18 CHAIRMAN LITTLEFIELD: Can you take care
19 of that for our next meeting, because it would have been
20 helpful to know -- to see all of those requests, because
21 I've seen a whole slug of them and it would have been
22 helpful to the Council to know that they had been coming
23 in regularly. So for our next meeting, although it's a
24 wildlife meeting, I'd like to make sure that we have a
25 record of all the special action -- or the old special
26 action requests for fish and wildlife available to the
27 Council, some data.

28

29 DR. GARZA: Mr. Chairman, if I can jump
30 in, as well as infractions or even if the case was
31 dropped, whether or not there were citations attempted.

32

33 I don't know how to say that legally.

34

35 CHAIRMAN LITTLEFIELD: I think Mr.
36 Casipit gets the grasp of that correctly.

37

38 MR. CASIPIT: Yes, Mr. Chair, I
39 understand the request. We'll provide that.

40

41 CHAIRMAN LITTLEFIELD: Okay, Mr. Turek.

42

43 MR. TUREK: Mr. Chair. Council. If you
44 just give me a couple minutes to get the computer back up
45 so I can do a slide presentation.

46

47 CHAIRMAN LITTLEFIELD: Five minutes.

48

49 MR. TUREK: Five minutes will be fine.

50

1 CHAIRMAN LITTLEFIELD: Okay, you have
2 five minutes, grab a quick cup of coffee, we'll come back
3 and as soon as Mr. Turek's ready we're going to go, so
4 about five minutes. Grab a quick one.

5
6 (Off record)

7
8 (On record)

9
10 CHAIRMAN LITTLEFIELD: Okay, we'll come
11 back to order.

12
13 MR. TUREK: Good morning, Chair and
14 Council members. My name is Mike Turek. I'm with the
15 Alaska Department of Fish and Game, Division of
16 Subsistence, Southeast Region. And this morning I'll be
17 doing a presentation on the work that I've conducted on
18 Prince of Wales Island, subsistence steelhead project.

19
20 I gave you some handouts this morning,
21 one of which is the slide presentation. The other is a
22 poster on a project we've been working on for the last
23 couple of years with Sustainable Salmon Fund money, the
24 Southeast Alaska Salmon Traditional Knowledge database.
25 This year we've begun working with the Sitka Tribe on
26 that project and that's just an informational poster that
27 we put together. I also handed out a CD concerning the
28 -- it's a public review draft for the subsistence halibut
29 harvest survey. And that's what I handed out this
30 morning. Again, I handed out this slide presentation
31 I'll be presenting and you can follow along with that.

32
33 Okay, Alaska State law defines
34 subsistence uses as a non-commercial customary and
35 traditional uses of wild renewable resources by a
36 resident of the state for direct personal or family
37 consumption as food, shelter, fuel, clothing, tools or
38 transportation for the making and selling of handicraft
39 articles out of non-edible by-products of fish and
40 wildlife resources taken for personal or family
41 consumption and for the customary trade, barter or
42 sharing for personal or family consumption. Customary
43 and traditional are defined as the non-commercial long-
44 term and consistent taking of use of and reliance upon
45 fish or game in a specific area and the use patterns of
46 that fish or game that have been established over a
47 reasonable period of time taking into consideration
48 availability of the fish or game.

49
50 The State definition is a little bit

1 different than Federal. The Federal definition refers to
2 rural residents, not State residents.

3

4 But I wanted to include that in this
5 presentation because the research that I conducted on
6 Prince of Wales Island was on subsistence steelhead
7 fishing, and I just wanted to make that clear.

8

9 The project overview and focus. In
10 October 2002, the Southeast Regional Advisory Council at
11 your meeting in Hoonah recommended funding for a Prince
12 of Wales Island steelhead project. And we were
13 contracted, the Division was contracted by the Forest
14 Service and the Office of Subsistence Management to
15 conduct this research. The project is a traditional
16 ecological knowledge project and it describes the
17 customary and traditional uses of steelhead on Prince of
18 Wales Island.

19

20 The methodology, the research includes
21 tabulation of the most recent Division of Subsistence
22 steelhead harvest data for each community on Prince of
23 Wales Island. You've seen this data in the past, this is
24 data from household harvest surveys conducted from 1996
25 to 1998 on the communities on Prince of Wales Island.

26

27 DR. GARZA: Hey, there's a couple cute
28 little guys in that slide there.

29

30 MR. TUREK: These are a couple of people
31 I worked with in Hydaburg. Holding a traditional spear
32 and I'll talk about this in that next slide or two.

33

34 This project also describes a
35 contemporary method of harvesting subsistence steelhead
36 on Prince of Wales Island. This was a cooperative
37 project between the Subsistence Division and the
38 Federally recognized Alaska Native organizations of the
39 Hydaburg Cooperative Association, I worked with Tony
40 Christianson and Bob Sanderson. The Craig Community
41 Association, I worked with John Morrison. And the
42 Klawock Cooperative Association where I worked with James
43 Rowan.

44

45 The project has a historical perspective
46 but the emphasis is on contemporary practices. It's based
47 on first-hand ethnographic field work focusing on
48 participation and key respondent interviews.

49

50 This was qualitative research in contrast

1 to questionnaire surveys or similar quantitative methods
2 of social research. In other words, this was not a
3 survey project, this was an ethnographic project
4 describing the contemporary and historic use of steelhead
5 on Prince of Wales Island.

6
7 The field work was conducted by myself in
8 March, in April of this past year and also in August.
9 The key respondent interview process for this project was
10 not designed to be a statistically significant survey of
11 information or opinions. Key respondents were not
12 randomly selected. These individuals were chosen by
13 myself working with the local tribal representatives and
14 local people in the communities. These were individuals
15 with traditional and contemporary knowledge of steelhead
16 and those are the people we interviewed. They were based
17 primarily on their knowledge of Prince of Wales Island
18 steelhead and their history as a steelhead fishery. All
19 but two of the key respondents fish for steelhead today.

20
21 Researchers used an interview schedule as
22 a guide but the key respondent interviews were open-ended
23 allowing respondents to express themselves freely.

24
25 A total of 22 interviews with steelhead
26 fishers were conducted. Five interviews were conducted
27 in Hydaburg, five in Craig, seven in Klawock, one in
28 Kasaan and four in Thorne Bay. The interview time ranged
29 from 30 minutes to one hour and 30 minutes. I conducted
30 three extended interviews in Hydaburg, one in Klawock,
31 one in Craig, one in Kasaan and one in Thorne Bay.
32 Tribal staff conducted four interviews in Craig, six in
33 Klawock and one in Hydaburg.

34
35 Preliminary findings. Steelhead were
36 harvested by Tlingits and Haidas prior to European
37 contact. Steelhead have been continuously harvested on
38 Prince of Wales Island for subsistence uses for many
39 years. Customary and traditional steelhead harvest use
40 in southern Southeast Alaska was first recorded and
41 documented in 1899 by Moser, who is a gentleman that
42 worked on an early salmon survey for the Federal
43 government. And Moser documented the use of the spear
44 that's still used on Prince of Wales Island, which Mike
45 Douville brought in at the RAC meeting in Craig which can
46 be used as both a spear and a gaff.

47
48 Historically steelhead were harvested by
49 a variety of means, including gaffs, spears, and
50 handlines. They were also caught in weirs and traps

1 along with salmon. More recently, approximately the last
2 50 years, steelhead have been harvested with rod and reel
3 tackle by subsistence users.

4
5 Steelhead were traditionally harvested
6 in the winter as a source of fresh fish and they're still
7 a source of fresh fish in the winter and early spring
8 when salmon are not in the rivers and fresh fish can be
9 difficult to come by.

10
11 Steelhead continue to be eaten fresh.
12 They're rarely preserved, sometime smoked and often baked
13 and fried and considered by many people as a delicacy.

14
15 Gear. Steelhead were traditionally
16 harvested with spears and gaffs and also caught in weirs
17 and traps with salmon. Since at least 1950s and probably
18 earlier, rod and reel tackle have been used in the larger
19 rivers. Spin casting gear with or without bait are
20 commonly used since the 1950s. Fly rods and artificial
21 flies are also being used by some subsistence fishers
22 today on Prince of Wales Island.

23
24 The island's small brushlined and log
25 choked creeks are difficult to fish with rod and reel
26 tackle. Spears, gaffs and handlines or snagging gear are
27 the preferred gear for the smaller creeks on the island
28 due to the difficulty of being able to get in there and
29 use a rod and reel. The snagging gear, locally made
30 treble hooks, and you can see this in the picture, in the
31 bottom two pictures; the upper left-hand picture is a
32 traditional gaff,spear; the right-hand picture there is a
33 hook that's used on a traditional spear but it has a barb
34 on it. The traditional spear gaff didn't have a barb, it
35 was a barbless hook, but one person I interviewed uses a
36 similar spear but he has a barbed hook on it. The two
37 pictures on the bottom are the snagging gear, which are
38 three halibut hooks bound together with cotton line and
39 secured at the end of a handline. These have been used
40 for at least 75 years on Prince of Wales Island. What I
41 was told is as soon as the J-hook appeared in the
42 commercial fishery people started making these in
43 Hydaburg and Klawock.

44
45 In Hydaburg it's locally known as the
46 Hydaburg snagger and it's also used in Klawock. At one
47 time it was sold at the local store in Klawock and it was
48 referred to as the Klawock spinner. The snagger, the
49 handline and treble hook can be thrown or it can be used
50 in conjunction with a pole of various lengths. And

1 usually the pole that's used is something that's taken in
2 the field and it's usually just a limb of a tree with a
3 forked end on it. And what people will do is they'll use
4 that pole with the snagger and essentially what they'll
5 do is be using the snagging hook similar to the way the
6 old traditional spear was used. They used the pole to be
7 able to reach in and set the hook and set the hook right
8 next to the fish and be able to place the hook before
9 they snag it. When they do this it essentially -- it
10 almost becomes the same use -- used similarly, almost the
11 same kind of gear as the traditional spear.

12

13 And this is the gear, the spears and
14 gaffs and the snagging gear are the preferred gear for
15 fishing on the small creeks on Prince of Wales Island
16 because then you can get in between the downed logs, the
17 brush isn't an issue. So that's what's used on most of
18 these smaller creeks.

19

20 When using the snagging gear or the
21 spear, the harvester's approach to taking steelhead is
22 different from that of a rod and reel fisherman. The
23 steelhead are essentially stalked. It's more like
24 hunting. The harvester has to have significant knowledge
25 of the area he is fishing, the stream and the behavior of
26 the steelhead. He has to know where the fish hide along
27 the stream and also where the fish is going to go, he has
28 to be able to predict where the fish is going to go when
29 he scares it out. A harvester and a partner will
30 sometimes get into the creek and push the fish into a
31 preferred area. The spear and the snagger -- or the
32 stick that people will get for using the snagger is often
33 used to probe under logs and under stream banks to move
34 the fish out so they can harvest the fish. But the
35 harvester must be able to get close enough to the fish to
36 set the snagger. And if any of you are familiar with
37 steelhead you know they're pretty spooky fish, so it
38 takes quite a bit of skill to actually get close enough
39 to set that snagger. They do sometimes throw the snagger
40 but I didn't witness that and I think that may be more
41 common -- somebody could probably correct me, that may be
42 more common when they're snagging salmon, with the
43 steelhead I think they've got to get pretty close to the
44 fish.

45

46 The harvest locations on Prince of Wales
47 Island, the three main rivers, the Klawock River, the
48 Thorne River, and the Hydaburg River are fished for
49 steelhead. Rod and reel are quite popular on Klawock
50 River and the Thorne River. The smaller rivers, the

1 Harris River, the Staney Creek, Steelhead Creek,
2 Blackberry Rive, Karta River, Eagle Creek, the Rio
3 Beaver, Saltery Creek, Natzohinee Creek and Twelvemile
4 Creek were also mentioned as places where people fished
5 for steelhead.

6
7 Harvest levels. What I was told by
8 people that I interviewed and tribal members interviewed,
9 individual harvesters usually take several fish a year,
10 between two and five and they share that within the
11 community. Subsistence steelhead traditions are
12 strongest in the Alaska Native communities on the island,
13 Craig, Klawock, Kasaan and Hydaburg. The Federal
14 Subsistence permits that are now being issued may not be
15 accurately documenting subsistence harvest. Some
16 subsistence fishers are not getting permits while others
17 may be under-reporting. I asked people in all the
18 communities that I worked in how many fish they thought
19 were being harvested per year and only two communities
20 people felt comfortable giving me an estimation and that
21 was Hydaburg and Kasaan. In Hydaburg I was told that
22 they harvest usually between 100 and 125, maybe 150
23 steelhead a year and last year in Kasaan they harvested,
24 this past year, 25. Very few of those fish showed up in
25 the permits. And nobody on Craig or Klawock was
26 comfortable in giving me an estimation of how many
27 steelhead are taken. But it appears that the permits are
28 not collecting good information on harvest.

29
30 The larger steelhead runs occur in the
31 spring or late winter and consequently larger subsistence
32 harvest take place at that time.

33
34 The steelhead harvest -- I was told the
35 steelhead harvest have declined since the 1980s and early
36 1990s, this is for several reasons. Prior to the 1994
37 State regulatory changes more steelhead were harvested on
38 Prince of Wales Island. The '94 regulations caused a
39 decline in harvest particularly in Craig and Klawock
40 areas. Many of the Craig and Klawock subsistence
41 steelhead fisheries stopped fishing in the Klawock River
42 due to the enforcement pressures. And after '94 harvest
43 traditions were not passed down in some of the households
44 in Craig and Klawock due to these regulatory restrictions
45 and enforcement activities on the Klawock River. Also
46 the decline in logging on the island in late 1990s caused
47 many of the steelhead fishers, loggers who came up from
48 Washington and Oregon who were quite active steelhead
49 fishers and were harvesting fish, they left the island so
50 that further reduced steelhead harvest. And in the Native

1 communities, and I was told this in both Hydaburg and
2 Klawock, in particular, in the past it was pre-teens and
3 teenagers that often caught a lot of the steelhead and
4 one reason why -- one theory why the snagger became so
5 popular was because as you saw in that picture it was
6 collapsible, you could put it in your pocket so you could
7 carry it to school with your handline and you could take
8 a few steelhead on the way home from school or on the way
9 to school and bring those back to the community. Today
10 not as many young people are fishing for steelhead like
11 they did in the past. So that appears to have led to a
12 bit of a decline in the steelhead fishery.

13

14 Today there are more options for fresh
15 winter and spring fish due to changes in the halibut
16 fishery, the IFQs and the new subsistence halibut
17 regulations have made it easier for some people to get
18 winter fresh fish. But subsistence steelhead harvest
19 still continues, particularly in Hydaburg, Craig, Kasaan
20 and Klawock, but they don't appear to be growing at this
21 time.

22

23 Limited subsistence harvest have occurred
24 in Coffman Cove and Thorne Bay but the people I spoke to
25 in Coffman Cove and Thorne Bay consider themselves
26 primarily sport steelhead fishermen, catch and release,
27 and they did not support the customary and traditional
28 subsistence regulations. Unfortunately I wasn't able to
29 talk to anybody -- I know there are some people who do
30 harvest steelhead in both those communities,
31 unfortunately I wasn't able to talk to any of them,
32 interview any of them. But the people I did talk to in
33 those communities very strongly consider themselves sport
34 fishers, so they were catch and release fishers.

35

36 Stock assessment. Most of the people I
37 interviewed do not believe that steelhead stocks are
38 declining on the island. What a number of people said is
39 that steelhead runs fluctuate quite a bit so -- but they
40 think overall they're not declining. Though a couple of
41 people I did speak to, particularly in reference to the
42 Klawock River, thought that there were fewer steelhead
43 than there had been in the past.

44

45 Also a key respondent said that a 36 inch
46 or larger steelhead in the rivers on Prince of Wales
47 Island were extremely rare. Most people never saw 36
48 inch size steelhead. The big steelhead that people
49 reported to me were ones that were caught the commercial
50 nets out in the ocean, but a 36 incher is pretty --

1 fairly rare on the island's rivers.

2

3 One thing that a number of people
4 commented on and in particular in reference to the Thorne
5 River and the Klawock River was the growing sportfishery
6 and in particular the Thorne River, there seems to be a
7 lot of charter operators bringing people into the island
8 for sport steelhead fishing. And the way Prince of Wales
9 Island is with its road system and fairly inexpensive
10 access for outside fishers, there's people coming up from
11 Pacific Northwest and the mid-West for the steelhead on
12 the island and doing it themselves. And I've heard this
13 from people in Thorne Bay who don't consider themselves
14 subsistence fishers and I also heard it from one local
15 guide who himself brings people to the Thorne River. So
16 there is a concern about the growing steelhead
17 sportfishery.

18

19 That's all I have. I would like to say
20 that I have information with me on steelhead harvest from
21 our household harvest surveys for all of southeast and
22 also for trout, Dolly Varden and char which, at lunch
23 time I'll get some copies made up to distribute for your
24 other proposals. But that's all I have for my
25 presentation. If you have any questions I'm available to
26 answer questions.

27

28 CHAIRMAN LITTLEFIELD: Thank you. Are
29 there questions for Mr. Turek. Mr. Bangs.

30

31 MR. BANGS: Thank you, Mr. Chairman.
32 Yes, Mr. Turek, being's there's the information that's
33 leading to more pressure from sportfishermen, do you have
34 a survival rate for catch and release steelhead, do you
35 know what that is?

36

37 MR. TUREK: Chair. Mr. Bangs. I don't
38 but we probably have someone from the Sportfish Division
39 or the Federal program that may have some information
40 pertaining to that.

41

42 CHAIRMAN LITTLEFIELD: We should probably
43 see that under the steelhead proposal, is that correct Mr
44 Brookover?

45

46 MR. BROOKOVER: (Nods affirmatively)

47

48 CHAIRMAN LITTLEFIELD: Okay, we'll get
49 that later. Any other questions. Mr. Kookesh.

50

1 MR. KOOKESH: Mr. Turek, on your last
2 page you mentioned that there's growing competition from
3 the sportfishermen, do you know if that sportfishery is
4 leading down the road of catch and release or is that
5 take?

6
7 MR. TUREK: Chair. Mr. Kookesh. The
8 sportfishery is catch and release. And no one that I
9 talked to said that they were seeing the sportfishermen
10 harvest steelhead but there was some concern, and this
11 came actually from one of the local people who take
12 people fishing, he was concerned about some people not
13 knowing how to do proper catch and release procedures.
14 So they're not harvesting them, but there's some concern
15 that people that are fishing may not know how to properly
16 do catch and release, therefore, leading to more
17 mortality.

18
19 CHAIRMAN LITTLEFIELD: Any other Council.
20 I had a question about -- oh, Mr. Hernandez.

21
22 MR. HERNANDEZ: Yeah, Mike, you said that
23 many of your respondents indicated that the numbers
24 reported through the reporting process were inaccurate,
25 that they felt that there were a lot more steelhead taken
26 than what was reported. Did they offer any explanation
27 of why they think the required reporting is not
28 happening?

29
30 MR. TUREK: Chair. Mr. Hernandez. I
31 didn't pursue that in any depth, but in general people
32 just didn't like getting permits for doing something
33 they'd been doing their whole life. Especially most of
34 the fishermen I talked to, Native fishermen, you know,
35 they started doing this when they were kids and they
36 never had to get a permit, and so they don't -- you know,
37 why get one now was the attitude.

38
39 MR. HERNANDEZ: Thank you.

40
41 CHAIRMAN LITTLEFIELD: I think we just
42 went through four hours of that.

43
44 (Laughter)

45
46 CHAIRMAN LITTLEFIELD: Mr. Jordan and
47 then Dr. Garza.

48
49 MR. JORDAN: Thank you for the report.
50 Did you accompany and observe any of the spearing or

1 snagging that went on?
2
3 MR. TUREK: I did accompany one person
4 who went steelhead fishing using a snagger.
5
6 MR. JORDAN: Did you see him catch any?
7
8 MR. TUREK: Yes, I did.
9
10 MR. JORDAN: How many did he -- or did he
11 just cast out once and catch one steelhead or tell me the
12 story there?
13
14 MR. TUREK: He caught one steelhead that
15 day and that was the first steelhead for him for that
16 year and he took it and gave it to an elder in the
17 village that afternoon.
18
19 MR. JORDAN: Uh-huh. Was that the only
20 steelhead that he struck with the snagger that day?
21
22 MR. TUREK: Yes, it was.
23
24 MR. JORDAN: Uh-huh.
25
26 MR. TUREK: Once you strike one with a
27 snagger, the way he did it, it's not going to get away.
28
29 MR. JORDAN: Uh-huh.
30
31 (Laughter)
32
33 CHAIRMAN LITTLEFIELD: Follow up.
34
35 MR. JORDAN: What was the size of the
36 steelhead he got.
37
38 MR. TUREK: It wasn't 36 inches.
39
40 (Laughter)
41
42 MR. JORDAN: Do you think he knew what
43 the size was before he got it in terms of inches?
44
45 MR. TUREK: That wasn't an issue for him.
46
47 CHAIRMAN LITTLEFIELD: We don't have a 36
48 inch limit out there, do we?
49
50 DR. SCHROEDER: No.

1 MR. JORDAN: Uh-huh, okay, thank you.

2

3 CHAIRMAN LITTLEFIELD: Just to clarify,
4 we don't have a 36 inch limit there for subsistence
5 users, we have -- Prince of Wales you're allowed to catch
6 one, it doesn't have to be 36 inches, and the reason the
7 catch and release guys can't catch any is because .6
8 percent of them are over 36 inches, that's why they don't
9 keep any.

10

11 So I had a question about the streams.
12 You said the streams that snagging worked really well in
13 are the smaller streams, and the streams that are listed
14 we ended up -- there was quite a few of those closed, is
15 it your recollection that most of them were closed
16 streams that you have listed?

17

18 MR. TUREK: Mr. Chair. I really don't
19 know, I didn't check that with the regulations, if those
20 ones that I listed, if any of those were closed or not.

21

22 What was quite clear from my experience
23 of watching this and then also talking to fishermen is
24 that many of these small streams you can't get in there
25 with a rod and reel, it's not going to work, and so
26 that's where the spear and the snagger, it works very
27 effectively in those areas.

28

29 CHAIRMAN LITTLEFIELD: I guess following
30 up on that, did you hear any complaints about whether the
31 closures of those streams, which were normally targeted
32 by one or two people who would go in there and take a
33 fish or two out of there, was there any complaint about
34 the closure of those streams?

35

36 MR. TUREK: Mr. Chair. No, there was no
37 complaint and I didn't pursue that so, you know, I didn't
38 ask if people knew that whether or not the stream was
39 closed.

40

41 MR. KOOKESH: Go straight to jail.

42

43 (Laughter)

44

45 MR. KOOKESH: My question is when you're
46 both looking at the steelhead, did you guys both try to
47 say that's a 32 inch, 30 inch, did you try to guess
48 professionally, based on your professional opinion?

49

50 MR. TUREK: Mr. Chair. Mr. Kookesh.

1 Like I said size wasn't an issue and since it was a
2 subsistence harvest, it wasn't -- you know he wasn't
3 trying to get a 36 inch fish.

4

5 MR. KOOKESH: Did you guess?

6

7 MR. TUREK: I couldn't see the fish as
8 well as, you know, the person who was doing the fishing
9 and, you know, I don't know if he -- like I say, I don't
10 think it was an issue.

11

12 CHAIRMAN LITTLEFIELD: Dr. Garza.

13

14 DR. GARZA: Thank you, Mr. Chairman. And
15 thank you, Mr. Turek. This kind of research is exactly
16 what we need to help us in our decision-making, and just
17 a response to some of the questions it surely was not the
18 intent to look at enforcement issues through this
19 process. And so I'm sure the fish was big enough to eat
20 and I'm sure the Hydaburg elder much enjoyed it.

21

22 But the question I have is a little bit
23 broader and I could probably say the same thing to
24 myself, it probably wasn't part of your research, but
25 with the decreasing number of harvesters, one of the
26 biggest questions that Vicki LeCornu always had was, are
27 there unmet needs? Are there elders in rural communities
28 on Prince of Wales Island that sure wish they could have
29 some steelhead but they no longer have a grandson or
30 grandchild that will go out and get it for them and so
31 basically as we look at the supply and demand over the
32 next couple of proposals I want to get a feel for whether
33 or not the harvest is meeting what people are needing?

34

35 Thank you.

36

37 MR. TUREK: Mr. Chair. Ms. Garza. I
38 spent quite a bit of time in Hydaburg talking to
39 steelhead fishers and people in the community and it
40 appears Hydaburg, that's not an issue yet.
41 It could be -- I don't know, but it could be in Craig or
42 Klawock. I didn't pursue that question. But it could
43 be. But at this point, like I say, for sure not in
44 Hydaburg, probably not in Kasaan, and I can't really say
45 for sure in Craig or Klawock.

46

47 CHAIRMAN LITTLEFIELD: Ms. Phillips.

48

49 MS. PHILLIPS: Thank you, Chairman
50 Littlefield. Mr. Turek, along the same lines as Dolly

1 comments is in your presentation under harvest levels you
2 say that after 1994 steelhead harvest traditions were not
3 passed down in some households in Craig and Klawock due
4 to regulatory restrictions and enforcement activities.
5 And then further it says, in the Native communities young
6 men, pre-teens and teenagers used to fish for steelhead
7 but do not appear to be fishing as much today as in the
8 past. And I just have a comment, is that, in 1980 ANILCA
9 passed and the State regulations -- management --
10 regulatory management was in place and we lost cultural
11 traditions to pass on these -- these harvest traditions
12 within 20 years, and your report here documents that, and
13 I appreciate it.
14

15 I do have a question for you, however,
16 and I appreciate the picture that you had of Bob
17 Sanderson in your slide show. I know that he's a walking
18 encyclopedia of fish stocks on Prince of Wales Island.
19 Was he one of the key respondents who felt that steelhead
20 runs, he did not think that steelhead runs were in
21 decline?
22

23 MR. TUREK: Mr. Chair. Ms. Phillips.
24 Yes, Bob Sanderson was one of the key respondents. He
25 also wrote up some information which will be in the
26 report, and we talked quite a bit about the strength of
27 the steelhead runs, and he thinks that they're fine in
28 southern Southeast, Prince of Wales Island. He also
29 thinks that the smaller rivers have much stronger runs
30 than the biologists think. And his view of the issue on
31 Prince of Wales Island is that the biologists should
32 concentrate on the larger rivers, on those runs because
33 -- in particular the Klawock River and the Thorne River
34 because they get subsistence harvest but they get much
35 more of the sport harvest, so his view, anyway, at least
36 for the Hydaburg area was that the small creeks have
37 quite strong runs and, you know, in his 70 some years of
38 observing the fisheries he hasn't seen any decline in
39 them. And one of the reasons why is because these creeks
40 are log choked and brushy and you can't get in there with
41 a rod and reel so you've got very few people fishing
42 there.
43

44 MS. PHILLIPS: Thank you.
45

46 CHAIRMAN LITTLEFIELD: Dr. Garza.
47

48 DR. GARZA: Thank you, Mr. Chair. The
49 other point that I really appreciated about the report
50 was that it clearly does demonstrate the use of gear --

1 of historic gear. I missed seeing the spear that Mike
2 had at the Craig meeting but it's good to see that it is
3 being used and as we go forward and consider proposals
4 that are looking at expanding back to using traditional
5 gears, it's this type of research that's really valuable.
6 And so to the tribes that are looking at what kind of
7 proposals they might submit for TEK, this is exactly the
8 kind of report that we, as a Council, really benefit from
9 receiving this information and documenting these types of
10 uses because in 10 years we may not have the same people
11 using these types of resources, we may have a different
12 Council, but if we have these kind of reports, then they
13 can always be referred to.

14

Thank you so much.

15

16

CHAIRMAN LITTLEFIELD: Other Council.

17

18

(No comments)

19

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CHAIRMAN LITTLEFIELD: Thanks for a good
job, Mr. Turek.

MR. TUREK: Thank you.

CHAIRMAN LITTLEFIELD: Proposal 16, we're
going to go ahead and try to get this underway before
lunch. Mr. Casipit, is this you, 16.

MR. CASIPIT: Mr. VanAlen from the Juneau
district will be presenting this one.

MR. VANALEN: Thank you, Mr. Chairman.
So Proposal FP05-16, I'm looking at Page 55. It's
submitted by the Southeast Regional Council. It would
require Federal users to obtain a subsistence fishing
permit to take steelhead trout in the Situk and Ahrnklin
Rivers, but would not require the permit to be a Federal
permit. And the issues here are can the State issue all
the subsistence fishing permits for steelhead trout in
the Situk and Ahrnklin Rivers despite regulatory
differences and would a single permit create more
confusion and enforcement problems than currently exist.

Some regulatory changes in recent years
have resulted in both the State and Federal permits being
issued. There is an overlap in regulations. Both Alaska
Department of Fish and Game and the Forest Service manage
subsistence fisheries for steelhead and require
harvesters to have a permit. The Federal and State

1 regulations differ with the primary difference in this
2 case being that rod and reel and bait is allowed under
3 State regulations but not by the State. And this
4 proposal would eliminate the requirement of obtaining a
5 Federal subsistence fishing permit to take steelhead in
6 the Situk and Ahrnklin Rivers under Federal regulations.

7
8 A single permit system is sought to
9 promote an orderly fishery, simplify permitting, harvest
10 reporting and monitoring, however, Federal and State
11 managers could continue to issue separate permits and
12 might continue to do so given regulatory differences and
13 enforcement and eligibility concerns. Both Fish and Game
14 and the Forest Service has the authority and need to put
15 specific permit -- or conditions on their permits and
16 have the expectation that those permit conditions will be
17 followed.

18
19 Under regulatory history, Page 56, I just
20 want to point out that the State initiated a directed
21 subsistence fishery for Situk and Ahrnklin steelhead in
22 1997. And to date, as I understand, it's corrected from
23 what I had written in here, understand they have now
24 issued three permits and to date none have been fished
25 since 1997. And the Forest Service began issuing permits
26 in 2002, also the effort and harvest has been small,
27 three households were issued permits and none were fished
28 in 2002. In 2003 12 permits were issued and nine were
29 fished and eight steelhead were harvested. Preliminary
30 results from this past year are that six permits were
31 issued, five were fished and six steelhead were
32 harvested.

33
34 So I guess I'm pointing out there that
35 the effort and harvest has been relatively small to date.

36
37
38 The requirement for a Federal permit was
39 intended to address concerns about the legal use of rod
40 and reel gear.

41
42 The steelhead in the Situk and Ahrnklin
43 Rivers appear relative strong. In the past 10 years
44 there hasn't been any evidence of declining returns at
45 all. They've been fairly large, 6,000 or more kelts
46 escaping from the river. There has not been an
47 escapement goal range set for the Situk River steelhead.

48
49 So the effect of this proposal would
50 eliminate the need for Federally-qualified subsistence

1 users to obtain a Federal permit to harvest steelhead in
2 the Situk and Ahrnklin Rivers. A subsistence fishing
3 permit would still be required but either a State or a
4 Federal permit could be issued depending on current
5 regulatory differences, management and enforcement
6 concerns.

7
8 Our preliminary conclusion is to oppose
9 this proposal. And opposing this proposal will have
10 little direct effect on the steelhead stocks, the users
11 or management. However, until Federal and State
12 regulations align separate permits are still needed to
13 effectively implement and enforce these Federal and State
14 fisheries. Separate permits have worked reasonably well
15 the past three seasons and Federal and State managers can
16 share effort and harvest data in a standard format and in
17 a timely manner.

18
19 Thank you.

20
21 CHAIRMAN LITTLEFIELD: I don't know if
22 you feel qualified to answer this or not, but this
23 proposal originator says Southeast Alaska Regional
24 Council and yet you're opposing it, so you're going to
25 find that throughout the book, there's I think nine
26 proposals, do you want to address maybe the background of
27 how those came up and why they're just placeholders,
28 they're not something that the Council brought forward
29 necessarily?

30
31 MR. VANALEN: I could roughly do it, Cal
32 -- I'd like to ask Cal.

33
34 CHAIRMAN LITTLEFIELD: Okay.

35
36 MR. CASIPIT: Yes, thank you, Mr. Chair.
37 Yes, these were proposals that were worked on by the
38 subcommittee that was -- that you, Chairman Littlefield
39 assigned last year. You remember at the end of the Craig
40 meeting we -- that assignment was made and we developed
41 that subcommittee. At that point we worked with the
42 subcommittee and put together these proposals and we
43 conducted the analysis on them. And I think, you know,
44 as far as the issue of Staff opposing this particular
45 proposal, I think in a way that that was done based on
46 some information that we had got from Alaska Department
47 of Fish and Game during our preliminary meetings with
48 them, and I don't want to go on record saying why -- you
49 know, what the State said to make us change our mind, I
50 prefer that the State come forward and explain why, you

1 know, in fact, the State if you read -- well, I'm
2 skipping ahead but let's let that all play out before,
3 you know, we go much further in this discussion we're
4 having now. Suffices to say, we worked with the
5 subcommittee, we developed these proposals at the
6 subcommittee's request, the subcommittee brought these
7 proposals to the Regional Advisory Council last spring at
8 a meeting in Sitka. I think -- I wasn't there, but I
9 think the RAC decided that these would be submitted as
10 RAC proposals for us to analyze and bring more
11 information to the table to you guys and that's what
12 we're doing.

13
14 CHAIRMAN LITTLEFIELD: Okay, thank you.
15 That was more for the public because I've been asked
16 several times why we were proposing hairbrain ideas like
17 dropping the limits and stuff like that. But these were
18 more like housekeeping proposals that were presented and
19 the Southeast Regional Advisory Council has not taken a
20 position on these, they're merely housekeeping.

21
22 So are there any questions for Federal
23 Staff, either of them on this.

24
25 (No comments)

26
27 CHAIRMAN LITTLEFIELD: Good. We're going
28 to make it here. Okay, Mr. Kookesh.

29
30 MR. KOOKESH: My question is a simple
31 one. How come -- why is it we don't have any public
32 comments, is it because this is a beautiful thing or
33 what?

34
35 (Laughter)

36
37 CHAIRMAN LITTLEFIELD: I don't think you
38 can answer a negative like that, but, anyway, we'll let
39 Dr. Schroeder answer that one later.

40
41 Any other questions for Staff on his
42 report.

43
44 (No comments)

45
46 CHAIRMAN LITTLEFIELD: Okay, thank you.
47 We'll go to ADF&G.

48
49 MS. SEE: Mr. Chair. Members of the
50 Council and members of the public. My name is Marianne

1 See with Fish and Game. Our comments are brief on this
2 proposal.

3
4 We note that in cases where State and
5 Federal regulations are aligned it benefits the users and
6 the regulatory agencies to issue one permit that works
7 for both Federal and State rules. And this is a good
8 goal. It's also simpler and more reliable for reporting
9 harvest.

10
11 However, in this case, the Federal rules
12 for Federally-qualified users on Federally managed lands
13 and waters differ in a number of respects from conditions
14 on the State permit. These include gear type, use of
15 bait, annual guideline harvest limit and weekly reported.
16 Thus, we conclude, as does the Federal Staff analysis
17 that separate Federal and State permits are needed in
18 this case.

19
20 The State considers permit coordination
21 issues on a case by case basis. And I'll add that, we
22 gave this a lot of discussion within Fish and Game and
23 with our legal advice on this so that led to our
24 conclusion on this particular proposal.

25
26 Our preliminary recommendation is that we
27 concur with the Federal Staff analysis and the
28 recommendation.

29
30 Thank you.

31
32 CHAIRMAN LITTLEFIELD: Are there
33 questions for the State, ADF&G, from the Council.

34
35 (No comments)

36
37 CHAIRMAN LITTLEFIELD: Okay. I'd just
38 like to note, thank you for the report, I appreciate this
39 report on these.

40
41 Any other Federal or State agencies that
42 would like to comment on Proposal 16.

43
44 (No comments)

45
46 CHAIRMAN LITTLEFIELD: Are there any
47 tribal governments that would like to testify on Proposal
48 16.

49
50 (No comments)

1 CHAIRMAN LITTLEFIELD: Any tribes. I
2 don't have any registered but if you want to talk you can
3 come forward.

4
5 Okay, Ms. Ramos.

6
7 MS. RAMOS: Hi. I just had the comment
8 about the results that when we did our subsistence survey
9 in 2000, from 2000/2001, the results on this, I just
10 wanted to mention by gear it showed that we harvested --
11 about 12 percent of the households harvested steelhead,
12 4.3 percent received it, 58 percent were gave steelhead,
13 a total of 1,216 pounds were harvested, that's about 143
14 steelhead. Subsistence gear was 6.5 percent of the
15 households, 4.3 percent by rod and reel, 1.4 percent
16 removed from commercial catch. And if you break this out
17 by percent of steelhead harvested by harvest type, weight
18 of harvest, 9.8 percent was removed from commercial
19 catch, 1.8 percent by rod and reel and 1.4 percent by
20 gear type.

21
22 I was looking at this part here where
23 they talked about the issue in permits and things, and I
24 don't think a lot of people will -- don't bother to
25 report their catch when they turn in their surveys and
26 things, you know, a lot of people aren't really targeting
27 steelhead but if they get steelhead they would pass it on
28 to an elder and things like that, and it's not really
29 reported. When I go fishing with my kids, if we catch a
30 steelhead and we give it to a elder or just eat it, we
31 don't really report it, I mean it's not that -- you don't
32 get that many. You catch it and, you know, if you just
33 happen to be catching it and things like that, so I don't
34 think a lot of people do report how many steelhead they
35 are harvesting.

36
37 I just wanted to comment about that part
38 of the results of the permits, people don't really report
39 how many they're taking.

40
41 CHAIRMAN LITTLEFIELD: Are there any
42 questions for Ms. Ramos.

43
44 (No comments)

45
46 CHAIRMAN LITTLEFIELD: Any other tribal
47 governments present that would like to testify.

48
49 (No comments)

50

1 CHAIRMAN LITTLEFIELD: Any other tribal
2 governments.
3
4 (No comments)
5
6 CHAIRMAN LITTLEFIELD: InterAgency Staff
7 Committee.
8
9 MR. KESSLER: The InterAgency Staff
10 Committee has no comments on this proposal.
11
12 CHAIRMAN LITTLEFIELD: I was listening,
13 you didn't have anything.
14
15 MR. KESSLER: No, sir.
16
17 CHAIRMAN LITTLEFIELD: Thank you. Fish
18 and Game Advisory Committee comments.
19
20 (No comments)
21
22 CHAIRMAN LITTLEFIELD: Are there any Fish
23 and Game Advisory Committees here.
24
25 (No comments)
26
27 CHAIRMAN LITTLEFIELD: Dr. Schroeder,
28 summary of written public comments.
29
30 DR. SCHROEDER: Mr. Chairman, we haven't
31 received any written public comments on this proposal.
32
33 CHAIRMAN LITTLEFIELD: And why do you
34 think that is?
35
36 (Laughter)
37
38 CHAIRMAN LITTLEFIELD: Sorry about that.
39 Public testimony. Anybody here in the audience who would
40 like to testify on Proposal 16.
41
42 (No comments)
43
44 CHAIRMAN LITTLEFIELD: You have anybody
45 signed up, I don't have anybody.
46
47 DR. SCHROEDER: (Shakes head negatively)
48
49 CHAIRMAN LITTLEFIELD: Okay. We're at
50 Regional Council deliberations. We're also at lunch. So

1 we're going to come back at 1:00 o'clock, we'll go into
2 Regional Council deliberations at 1:00 p.m. We haven't
3 made much progress, I'll let Dr. Schroeder give an update
4 on what may be transpiring, hot off the press.

5
6 DR. SCHROEDER: I just note that we do
7 need to move along through our agenda with some
8 expedition [sic] here. Council members should contact
9 the Southeast Team if you need transportation for lunch.
10 Also the Southeast Team is hosting a subsistence potluck
11 this evening, please contact me or any member of Staff
12 for directions and what you can bring, that will be at
13 6:00 o'clock at my house. Other housekeeping notes, I
14 would really like to make sure that everyone signs in, and
15 if you can sign in daily that's even more useful, but
16 definitely make sure that you're on the sign-in list
17 which is on the table at the back.

18
19 Thank you much.

20
21 CHAIRMAN LITTLEFIELD: Bon appetit, we're
22 in recess. We'll start up again at 1:00 p.m.

23
24 (Off record)

25
26 (On record)

27
28 CHAIRMAN LITTLEFIELD: The meeting will
29 come to order. Somebody gave me a gavel, I can't handle
30 it.

31
32 MR. STOKES: I'll take mine back now.

33
34 CHAIRMAN LITTLEFIELD: Okay. Okay, what
35 we're going to do is we're on Regional Council
36 deliberation, Proposal 16. What I want to do here is
37 speed this up a little bit. We spent four hours on a
38 proposal this morning, which will put us here to about
39 Sunday at the rate we're going.

40
41 So I kept track of who was speaking and
42 everybody had two or three bites at the apple, we don't
43 want to do that anymore, we can't do it. So I'd like you
44 to speak to the motion. If you'd like to make an
45 amendment, do it, let's run this by Robert's Rules of
46 Order, if we can. The past practice has been to put on
47 the floor the proponent's proposal, and that's what we've
48 been asking the Federal Board to do and that's what we
49 should do ourselves, too.

50

1 So at this time it's in order to move to
2 adopt Proposal 16 as shown on Page 54.

3
4 DR. GARZA: Mr. Chairman, I move that we
5 adopt the Proposal 16 as shown on Page 54.

6
7 CHAIRMAN LITTLEFIELD: Is there a second.

8
9 MR. STOKES: I'll second it.

10
11 CHAIRMAN LITTLEFIELD: It's been moved
12 and seconded to adopt FP05-16 and the language is as
13 shown on Page 54 of your Board book. Council comments.
14 Like every proposal, no matter how small it is or how in
15 controversial you think it may be, we do need to cover
16 those four items, is there any conservation concerns,
17 what is the effect on subsistence users, what is the
18 amount and type of data presented for you to make your
19 substantial evidence, best guess of what's going on and
20 also the effect on other users. So if the Council will
21 cover those.

22
23 Dr. Garza.

24
25 DR. GARZA: Thank you, Mr. Chair. I
26 intend to vote against the motion. Either way there's no
27 conservation concern. The effect on subsistence users, I
28 am concerned that sometimes they'll be using the Federal,
29 sometimes they'll use the State they can use the State
30 but unless there's a difference -- or every time there's
31 a difference they'll have to go back to Federal so in the
32 end it actually makes it more confusing rather than
33 saying you're just going to use Federal. And so I don't
34 think that alleviates any problem if someone comes in and
35 they're not sure from year to year whether or not they go
36 for a Federal permit or a State permit, so that's my
37 greatest concern.

38
39 And the other two points I don't think
40 are as important in this deliberation.

41
42 Thank you.

43
44 CHAIRMAN LITTLEFIELD: Other Council. As
45 far as I'm concerned I think we've covered those
46 adequately with your comments, Dr. Garza. And I'd like
47 to note for the record that the State opposes this as
48 well as Staff, actually the State said they support
49 Staff, they could have just said they opposed it, but we
50 have two opposing as well as the Regional Advisory

1 Council saying they're opposing. Is there anybody who
2 wants to speak for this.

3

4 (No comments)

5

6 CHAIRMAN LITTLEFIELD: Are you ready for
7 the question.

8

9 (Council nods affirmatively)

10

11 CHAIRMAN LITTLEFIELD: The question
12 before you is FP05-16 as shown on Page 54, all in favor
13 signify by saying aye.

14

15 (No aye votes)

16

17 CHAIRMAN LITTLEFIELD: Those opposed,
18 same sign.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN LITTLEFIELD: The motion has
23 failed.

24

25 We're on Proposal 18, Federal Staff.

26

27 MR. CASIPIT: Thank you, Mr. Chair. I'd
28 like to call Bob Larson to the witness table, he will be
29 presenting the Staff analysis.

30

31 MR. LARSON: Good afternoon, Mr.
32 Chairman. My name is Bob Larson, I work for the Forest
33 Service in Wrangell and Petersburg. FP05-18 is another
34 that was submitted by the Alaska Subsistence Regional
35 Council Working Group, and it would allow the use of rod
36 and reel for subsistence fishing within 300 feet of a
37 fish ladder structure in Southeast Alaska.

38

39 Sportfishing regulations in Southeast
40 Alaska allow the use of rod and reel gear within 300 feet
41 of a fish ladder. The State of Alaska subsistence and
42 personal use regulations do not allow the use of rod and
43 reel nor do they allow the use of other gear types within
44 300 feet of a fish ladder.

45

46 The current situation is that Federal
47 regulations do not allow fishing within 300 feet of a
48 fish ladder with any gear but we do allow the use of rod
49 and reel. So that gives us a situation where rod and
50 reel gear can be used for sportfishing within 300 feet

1 but rod and reel gear cannot be used within 300 feet
2 while subsistence fishing. The proposal would rectify
3 that situation and allow sportfishing gear to be used
4 under both Federal and State regulations within 300 feet
5 of a fish ladder. It would not allow the use of gear
6 other than rod and reel for Federal subsistence fishing
7 within 300 feet of a fish ladder.

8

9 I'd like you to look at Page 66 for the
10 language of the proposed regulation. Subsequent to the
11 proposal -- in the Staff analysis, if you would look on
12 Page 69 we have modifications to that language that would
13 be specific to salmon and it would allow the use of
14 seines as a generic gear group as opposed to restricting
15 it to only to a beach seine. It is a very specific
16 definition. And that is the.....

17

18 CHAIRMAN LITTLEFIELD: Wait a minute, I
19 think you lost me.

20

21 MR. CASIPIT: You skipped to 19.

22

23 CHAIRMAN LITTLEFIELD: You skipped over a
24 proposal, no seines here.

25

26 MR. CASIPIT: This is rod and reel.

27

28 MR. LARSON: Oh, okay, we're still within
29 300 feet of a fish ladder, okay.

30

31 (Laughter)

32

33 MR. LARSON: Page 69 is exactly the same
34 as 66.

35

36 CHAIRMAN LITTLEFIELD: Except USDA Forest
37 Service.

38

39 MR. LARSON: Except that there is a
40 change, okay, we'll start over again now.

41

42 The change that we support is to modify
43 the regulation to say unless posted by the USDA Forest
44 Service, and that is on Page 69.

45

46 CHAIRMAN LITTLEFIELD: Are you done?

47

48 MR. LARSON: Yes.

49

50 CHAIRMAN LITTLEFIELD: Are there any

1 questions for Federal Staff from the Council.

2

3

Mr. Douville.

4

5 MR. DOUVILLE: Thank you, Mr. Chair. I
6 just have a question, it says rod and reel but it doesn't
7 say what you can put on the end of it, like Klawock
8 spinner or a Hydaburg whatever it was, is that allowable
9 gear with this change?

10

11 MR. LARSON: Mr. Chairman, no, that is
12 not included as allowable gear as defined under what
13 constitutes a rod and reel.

14

15 CHAIRMAN LITTLEFIELD: Could we have law
16 enforcement add something there if they'd like to on
17 this, Mr. Pearson.

18

19 MR. PEARSON: Yes, sir, Mr. Chair, I
20 don't have anything to add. Mr. Larson was correct,
21 under the definition of rod and reel it does not include
22 snagging, it includes only lures or artificial fly so
23 that wouldn't be allowable gear.

24

25 CHAIRMAN LITTLEFIELD: Single hook,
26 multiple hook?

27

28 MR. PEARSON: It's -- the lure can have a
29 treble hook on the lure but it has to have a lure or a
30 fly attached.

31

32 CHAIRMAN LITTLEFIELD: Any other Council
33 questions.

34

(No comments)

35

36 CHAIRMAN LITTLEFIELD: Okay, thank you.

37 ADF&G.

38

39

40 MS. SEE: Mr. Chair. Members of the
41 Council. Public. My name is Marianne See with the
42 Department of Fish and Game. Our comments on this
43 proposal follow some of the points already noted in the
44 Federal analysis that state sportfishing does currently
45 allow this activity that's proposed.

46

47 This proposal would change Federal
48 regulations by providing comparable rules for Federally-
49 qualified subsistence users as noted in the analysis.

50

1 We do note, however, that the propose
2 change would shift but not eliminate the difference
3 between State and Federal regulations, specifically
4 Federal harvest limits would not be the same as in the
5 State sportfishing regulations, which, for salmon are six
6 fish per species per day except for king salmon. Federal
7 harvest limits may also change as a result of action that
8 the Federal Subsistence Board may take on other proposals
9 in this package of proposals that you have before you at
10 this meeting.

11
12 Also under subsistence regulations for
13 the State rod and reel gear is not allowed in most areas
14 nor is fishing allowed within 300 feet of a fish ladder
15 or other structure.

16
17 We did take a look at Department's data
18 regarding customary and traditional fishing and found
19 that they're really at a broader scale than are relevant
20 to this proposal so we don't have any information that
21 will assess that fishing at a fish ladder is part of
22 customary and traditional use patterns for this proposal.

23
24
25 Because most of the more than 50
26 Southeast fish ladders are moderately difficult to access
27 and are on Federally-managed lands it's likely that most
28 Federally-qualified subsistence users previously have
29 been using State sportfishing regulations if they fished
30 with rod and reel within proximity of a fish ladder.
31 Having this new regulation would allow these same fishers
32 to conduct their fishing activities under the new rule
33 rather than State sportfishing rules. Thus, in some
34 areas the harvest could remain similar to that at
35 present. We're not aware at this point of any problems
36 with the current situation with State sportfishing rules
37 in place.

38
39 We do note, however, that there could be
40 some increased overall harvest in some sites and we'd
41 simply note here that we would urge the Council to be
42 aware and to actually flag to the Forest Service that it
43 would be beneficial to look closely at the harvest
44 potential for this rule at fish ladders, and just be aware
45 of the need to monitor the harvest to insure that if
46 there are sensitive sites that those could be managed.
47 There is a provision in this rule to post the sites to
48 insure that enough fish will pass upstream to meet
49 management goals and so we think that there's obviously a
50 way to manage this.

1 And we consider that it would be helpful,
2 just for clarity sake to use the substitute language
3 provided in the Federal analysis stating that the marked
4 site would be posted by the USDA Forest Service.
5

6 We could actually mention this next
7 comment in conjunction with several of the proposals
8 before you but just to get it on the record, for any
9 issue in which the State requirements for harvest might
10 be distinctly different than in Federal rules, we offer
11 the reminder that on the State side the process to
12 address State rules is by submitting a proposal to the
13 Alaska Board of Fisheries and any person or organization
14 can do so and I have a handout I'll over o the Council
15 and put in the back as well that notes that the Southeast
16 cycle is in fact coming up this next year, proposal
17 deadlines will be this coming April of '05 and it's a
18 three year cycle, so it's important for people in this
19 region to know that this cycle is coming around for
20 proposals to the State Board of Fisheries.
21

22 So I'll leave that for Council members
23 and the public just as an information sheet.
24

25 That concludes my comments.
26

27 CHAIRMAN LITTLEFIELD: Questions from
28 Council.
29

30 (No comments)
31

32 CHAIRMAN LITTLEFIELD: I have one
33 comment. Preliminary recommendation is neutral; is that
34 correct?
35

36 MS. SEE: Yes, Mr. Chair, that's correct.
37

38 CHAIRMAN LITTLEFIELD: Okay. And then in
39 the middle of your second, third paragraph it says,
40 thus, we have no information to access whether fishing at
41 fishing ladders is part of a customary and traditional
42 use pattern, is it your intention to ask for a request
43 for reconsideration if this proposal were to be adopted
44 by the Federal Subsistence Board?
45

46 MS. SEE: Mr. Chair, we were providing
47 that comment merely just to point out that we didn't have
48 any information one way or the other on that particular
49 issue.
50

1 CHAIRMAN LITTLEFIELD: Okay, the reason I
2 bring it up is because that, you know, that is the basis
3 of the bear claw request for reconsideration, that it
4 wasn't listed as customary and traditional.

5
6 So any other Council.

7
8 (No comments)

9
10 CHAIRMAN LITTLEFIELD: Okay, thank you.

11
12 Tribal -- excuse me, Cal.

13
14 MR. CASIPIT: Mr. Littlefield, I pardon
15 for the interruption but if you would like I would be
16 able to read you the definition of rod and reel from the
17 Federal regulations book if you would like.

18
19 CHAIRMAN LITTLEFIELD: Read away.

20
21 MR. CASIPIT: Rod and reel means either a
22 device upon which a line is stored on a fixed or
23 revolving spool and is deployed through guides mounted on
24 a flexible pole or a line that is attached to a pole, in
25 either case bait or an artificial fly is used as terminal
26 tackle, this definition does not include the use of rod
27 and reel gear for snagging.

28
29 And that is the Federal definition of rod
30 and reel.

31
32 CHAIRMAN LITTLEFIELD: Thank you. That
33 should be clear to everybody now. Any tribes. Tribes
34 are next. Any tribes that wish to testify on Proposal
35 18.

36
37 (No comments)

38
39 CHAIRMAN LITTLEFIELD: InterAgency Staff
40 Committee.

41
42 MR. KESSLER: I'm Steve Kessler with the
43 InterAgency Staff Committee and we don't have any
44 comments on this proposal.

45
46 CHAIRMAN LITTLEFIELD: Okay, thank you.
47 Fish and Game Advisory Committee comments. Are there any
48 Fish and Game Advisory Committees present.

49
50 (No comments)

1 CHAIRMAN LITTLEFIELD: Summary of written
2 public comments. Dr. Schroeder.
3
4 DR. SCHROEDER: Mr. Chairman, we have no
5 written public comments on this proposal.
6
7 CHAIRMAN LITTLEFIELD: Are there any
8 members of the public present who would like to testify
9 on Proposal 18.
10
11 (No comments)
12
13 CHAIRMAN LITTLEFIELD: Do we have any
14 sheets.
15
16 DR. SCHROEDER: None.
17
18 CHAIRMAN LITTLEFIELD: Is there anyone
19 who would like to testify on this proposal before we go
20 to Regional Council deliberations.
21
22 (No comments)
23
24 CHAIRMAN LITTLEFIELD: Okay. The
25 Regional Council has this. I would suggest that we move
26 to adopt the language on Page 66 and then amend it if you
27 want the USDA language in there, which I think you do but
28 in deference to what we -- we want to make the Federal
29 Subsistence Board do this so let's adopt the original
30 proposal and then amend it.
31
32 Is there a motion to adopt.
33
34 MR. STOKES: I so move.
35
36 CHAIRMAN LITTLEFIELD: You so move to
37 adopt the language on Page 66?
38
39 MR. STOKES: (Nods affirmatively)
40
41 MS. PHILLIPS: I second it.
42
43 CHAIRMAN LITTLEFIELD: Is that the one
44 you mean, Dick?
45
46 MR. STOKES: Yes.
47
48 CHAIRMAN LITTLEFIELD: Okay. Okay, it's
49 been moved and seconded to adopt the language FP05-18 as
50 shown on Page 66, the language is in bold and it does

1 not, at this time, include, unless posted by USDA Forest
2 Service. Any discussion.

3

4 Mr. Jordan.

5

6 MR. JORDAN: Mr. Chair, I would move to
7 amend by removing the word marked and substituting the
8 words posted by the USDA Forest Service.

9

10 CHAIRMAN LITTLEFIELD: I believe that
11 should be unless posted by USDA Forest Service; is that
12 correct?

13

14 MR. JORDAN: Well, if you just remove
15 marked and substituted that language then it would read
16 rod and reel is allowed unless posted by the USDA Forest
17 Service.

18

19 CHAIRMAN LITTLEFIELD: Okay. Is there a
20 second.

21

22 MR. KITKA: I'll second it.

23

24 CHAIRMAN LITTLEFIELD: Thank you. It's
25 been moved and seconded that by amendment we would strike
26 the word, marked, and put in posted by USDA Forest
27 Service so the language would read identical to what is
28 shown on Page 69; is there any discussion?

29

30 MR. KOOKESH: Mr. Chairman.

31

32 CHAIRMAN LITTLEFIELD: Mr. Kookesh.

33

34 MR. KOOKESH: Since we're following
35 Robert's Rules of Order, is it appropriate that the
36 makers of the motion read their motion so that we, for
37 the record, could understand what they're speaking to.

38

39 CHAIRMAN LITTLEFIELD: Unless someone
40 else is confused, I think putting the page on there, the
41 language on that page I thought was adequate so everyone
42 knew where we were but I don't have any problem with
43 reading it, it's fairly short.

44

45 Does anybody have a problem where you
46 are? Dr. Garza.

47

48 DR. GARZA: Mr. Chairman, if we're in
49 deliberations I would support the amendment. It's my
50 understanding as written on Page 69 -- the numbers --

1 subsistence fishing within 300 feet of a fish ladder with
2 rod and reel is allowed unless posted by the USDA Forest
3 Service. No person may fish from, on, or in a fish
4 ladder.

5
6 Thank you.

7
8 CHAIRMAN LITTLEFIELD: Further
9 discussion.

10
11 (No comments)

12
13 CHAIRMAN LITTLEFIELD: Hearing none, are
14 you ready for the question.

15
16 (Council nods affirmatively)

17
18 CHAIRMAN LITTLEFIELD: The question
19 before you is the amendment to strike marked and insert
20 posted by United States Forest Service. All in favor
21 signify by saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN LITTLEFIELD: All those opposed,
26 same sign.

27
28 (No opposing votes)

29
30 CHAIRMAN LITTLEFIELD: The amendment is
31 carried. The language before you now is on Page 69 in
32 bold at the top and I'll read it.

33
34 Subsistence fishing within 300 feet of a
35 fish ladder with a rod and reel is allowed unless posted
36 by the USDA Forest Service. No person may fish from, on,
37 or in a fish ladder.

38
39 Further discussion.

40
41 Dr. Garza.

42
43 DR. GARZA: Question.

44
45 CHAIRMAN LITTLEFIELD: Are you ready for
46 the question.

47
48 (Council nods affirmatively)

49
50 MR. KOOKESH: Question.

1 CHAIRMAN LITTLEFIELD: Okay. The
2 question before you is to accept the language on Page 69
3 for FP05-18, all those in favor of the following
4 language; subsistence fishing within 300 feet of a fish
5 ladder with a rod and reel is allowed unless posted by
6 the USDA Forest Service. No person may fish from, on, or
7 in a fish ladder.

8
9 All those in favor please signify by
10 saying aye.

11
12 IN UNISON: Aye.

13
14 CHAIRMAN LITTLEFIELD: All those opposed,
15 same sign.

16
17 (No opposing votes)

18
19 CHAIRMAN LITTLEFIELD: The amended motion
20 is adopted, FP05-18.

21
22 Staff 19.

23
24 MR. CASIPIT: Thank you, Mr. Chair. I'd
25 like to call Terry Suminski to the table, he will be
26 presenting the Staff analysis for FP05-19.

27
28 CHAIRMAN LITTLEFIELD: If we keep going
29 like this we may get a break today.

30
31 MR. SUMINSKI: Good afternoon, Mr.
32 Chairman. Council members. My name's Terry Suminski,
33 I'm a subsistence fisheries biologist for Sitka and
34 Hoonah Ranger Districts. You'll find FP05-19 on Page 70
35 in your books.

36
37 This proposal submitted by the Southeast
38 Regional Advisory Council would simplify the statewide
39 list of legal gear to be more reflective of gear used in
40 subsistence salmon fisheries in the Southeastern Alaska
41 area. The existing statewide regulations specifies the
42 type of gear allowed in subsistence fishing. These are
43 found on Page 71 of your book.

44
45 The proposed Federal regulation would
46 reduce the statewide list of allowable gear to those gear
47 types that are traditionally used in the fresh waters of
48 Southeast Alaska. The following would be inserted in the
49 Southeastern Alaska area section.

50

1 Unless otherwise specified in this
2 section, allowable gear in the Southeast Alaska area is
3 restricted to gaffs, spears, gillnets, beach seines, dip
4 nets, cast nets, handlines and rod and reel.
5

6 The preliminary conclusion is to support
7 the proposal with modification. This modification would
8 be to reflect the intent of the proposal to apply only to
9 salmon fisheries by adding the word, salmon, and to allow
10 all types of seines by removing the word beach from the
11 proposed regulation.
12

13 The modified regulation would read unless
14 otherwise specified in this section, allowable gear in
15 the Southeast Alaska area salmon fisheries is restricted
16 to gaffs, spears, gillnets, seines, dip nets, cast nets,
17 handlines and rod and reel.
18

19 The justification is that the gear
20 restrictions recognize fishing practices in the Southeast
21 Alaska area. The proposal would provide Federally-
22 qualified users clear concise direction on allowable gear
23 for subsistence fishing and the proposed regulation would
24 not increase the harvest of subsistence fish, therefore,
25 there is no conservation concern with adopting this
26 proposal.
27

28 Thank you.
29

30 CHAIRMAN LITTLEFIELD: By the way I'd
31 just like to say congratulations. We have a newlywed
32 here in front of us, he just got back and came in for
33 this meeting, I can't believe it.
34

35 MR. SUMINSKI: Thank you.
36

37 CHAIRMAN LITTLEFIELD: So welcome.
38

39 (Laughter)
40

41 CHAIRMAN LITTLEFIELD: Are there
42 questions for Mr. Suminski.
43

44 (No comments)
45

46 CHAIRMAN LITTLEFIELD: Thank you for your
47 report, good to have you here. State of Alaska.
48

49 MS. SEE: Mr. Chair. Members of the
50 Council. And the public. My name is Marianne See with

1 State of Alaska. For Proposal 19, we note that there's a
2 difference in approach between the proposal here as we
3 see it in which there would be deleting of possible gear
4 types from the statewide list versus how the State
5 currently manages things.

6
7 State fishery managers in Southeast
8 Alaska currently seek and consider local Advisory
9 Committee input when specifying and adjusting gear types
10 as appropriate for subsistence uses, so it's a little
11 more localized. This proposal may be a way to address
12 subsistence activities under Federal subsistence
13 regulations are in fresh waters where some gear types are
14 not practical. This also raises a question about some of
15 the terms that would be modified such as the inclusion of
16 gillnets. We were not sure what type of gillnets this
17 proposal would actually allow. In marine waters under
18 State regulations drift nets account for more than 80
19 percent of the subsistence harvest in the terminal areas,
20 set nets are generally not allowed. In most waters under
21 Federal jurisdiction gillnets would be impractical to
22 use.

23
24 We note that this proposal, because it
25 includes fewer gear types than in the State list, appears
26 to limit the options for Federally-qualified users, there
27 are two additional gear types on the proposed Federal
28 list, rod and reel and gaff as noted in the Federal
29 comments. In some, the difference in these lists thus
30 does represent divergent and generally a more restrictive
31 definition in Federal regulations compared with State
32 subsistence regulations.

33
34 Our preliminary recommendation was that
35 we weren't entirely clear about the benefits of the
36 proposal and so we did not take a position on this
37 proposed regulation.

38
39 Thank you.

40
41 CHAIRMAN LITTLEFIELD: Questions for
42 ADF&G.

43
44 (No comments)

45
46 CHAIRMAN LITTLEFIELD: Comments Council.

47
48 (No comments)

49
50 CHAIRMAN LITTLEFIELD: Okay, hearing

1 none, thank you. Tribal agencies. Are there any tribes
2 present that would like to comment on this Proposal 19.

3

4 (No comments)

5

6 CHAIRMAN LITTLEFIELD: Any tribal
7 agencies.

8

9 (No comments)

10

11 CHAIRMAN LITTLEFIELD: InterAgency Staff
12 Committee.

13

14 MR. KESSLER: Thank you, Mr. Chairman and
15 Council. The InterAgency -- I'm Steve Kessler with the
16 InterAgency Staff Committee. The Staff Committee found
17 it curious that the Council would ask to limit the gear
18 types used in Southeastern Alaska, however, the Committee
19 also concurs with the proposal unless testimony indicates
20 that this might be detrimental to subsistence users.

21

22 Another point in this proposal is that a
23 gaff is included as one of the gear types and there is no
24 Federal definition of gaff so a definition of gaff would
25 need to be devised and if this were accepted, the
26 definition of gaff should probably be part of the next
27 regulatory cycle rather than trying to come up with a
28 definition of gaff here that would not be fully aired.

29

30 That's all I have.

31

32 CHAIRMAN LITTLEFIELD: Questions of
33 InterAgency Staff.

34

35 (No comments)

36

37 CHAIRMAN LITTLEFIELD: I thought a gaff
38 was a mistake. Mr. Hernandez.

39

40 MR. HERNANDEZ: I was just going to ask,
41 is there a Federal definition for a handline?

42

43 CHAIRMAN LITTLEFIELD: Staff.

44

45 MR. KESSLER: I believe there is but I
46 don't have the book here. It looks like Ms. Phillips has
47 it there.

48

49 CHAIRMAN LITTLEFIELD: Mr. Casipit.

50

1 MR. CASIPIT: Thank you, Mr. Chair.
2 Thanks for being right on there, Patty, I think you found
3 it before I did.
4
5 (Laughter)
6
7 MR. CASIPIT: Handline means a hand held
8 and operated line with one or more hooks attached.
9
10 CHAIRMAN LITTLEFIELD: Thank you. Other
11 Council questions.
12
13 (No comments)
14
15 CHAIRMAN LITTLEFIELD: That's all we
16 have, okay, thank you. Fish and Game Advisory Committee.
17
18 (No comments)
19
20 CHAIRMAN LITTLEFIELD: Any Fish and Game
21 Advisory Committee's present.
22
23 (No comments)
24
25 CHAIRMAN LITTLEFIELD: Hearing none,
26 summary of written public comments. Dr. Schroeder.
27
28 DR. SCHROEDER: Mr. Chairman, no written
29 public comments on this proposal.
30
31 CHAIRMAN LITTLEFIELD: Any members of the
32 public that would like to testify on Proposal FP05-19.
33
34 (No comments)
35
36 CHAIRMAN LITTLEFIELD: Anyone that would
37 like to testify.
38
39 (No comments)
40
41 CHAIRMAN LITTLEFIELD: Okay, we're at
42 Regional Council deliberations. Starting on Page 70 is
43 the language that was proposed. And I would like to say
44 to one person -- or the State, they thought we were
45 strange for proposing this, again, these were placeholder
46 proposals put forward by a committee to hopefully
47 streamline some things. They were not -- this Council
48 did not say that they were supporting these in any way at
49 the last meeting, we were going to debate them fully now.
50 So the language before you is on Page 70, No. 19.

1 Council action.
2
3 (No comments)
4
5 CHAIRMAN LITTLEFIELD: I need a motion.
6
7 DR. GARZA: Mr. Chairman.
8
9 CHAIRMAN LITTLEFIELD: Dr. Garza.
10
11 DR. GARZA: I move that we support
12 Fishery Proposal 05-19 as outlined on Page 70 of our
13 packet as read 27(i)(xviii), I guess, unless otherwise
14 specified in this section allowable gear in the Southeast
15 Alaska area is restricted to gaffs, spears, gillnets,
16 beach seines, dip nets, cast nets, handlines, and rod and
17 reel.
18
19 CHAIRMAN LITTLEFIELD: Is there a second.
20
21 MS. PHILLIPS: Second.
22
23 CHAIRMAN LITTLEFIELD: It's been moved
24 and seconded to adopt the language on FP05-19 as shown on
25 Page 70 under 27(i)(13)(xviii); is there any discussion
26 on this motion.
27
28 DR. GARZA: Mr. Chairman.
29
30 CHAIRMAN LITTLEFIELD: Dr. Garza.
31
32 DR. GARZA: Mr. Chairman, I noted in the
33 report that there is recommendation from Staff to modify
34 it to make it clear that it's specific to the salmon
35 fisheries and my question there is do the salmon
36 fisheries include steelhead?
37
38 CHAIRMAN LITTLEFIELD: Staff.
39
40 MR. CASIPIT: Thank you, Mr. Chair. Dr.
41 Garza, no, steelhead is defined separately as salmon.
42
43 CHAIRMAN LITTLEFIELD: What.
44
45 MR. CASIPIT: Steelhead is defined
46 separately from salmon. We have salmon and then -- yeah.
47
48 CHAIRMAN LITTLEFIELD: Okay. Any other
49 questions or where are we -- we're on debating this.
50 Council, need to address the four criterias here.

1 Dr. Garza.
2
3 DR. GARZA: Mr. Chairman, I would move
4 that we amend the motion to accept the motion to accept
5 the recommendation from Staff as outlined on Page 73 of
6 our packet. Reading: Unless otherwise specified in this
7 section, allowable gear in Southeast Alaska area salmon
8 fisheries is restricted to gaffs, spears, gillnet,
9 seines, dip nets, cast nets, handlines and rod and reel.
10
11 MR. DOUVILLE: Second.
12
13 CHAIRMAN LITTLEFIELD: Is here a second.
14
15 MR. DOUVILLE: Second.
16
17 CHAIRMAN LITTLEFIELD: It's been moved
18 and seconded to adopt the language shown on Page 73 as
19 substitute language -- shown on Page.....
20
21 DR. GARZA: Page 73.
22
23 CHAIRMAN LITTLEFIELD: Are you ready for
24 the question on that.
25
26 (Council nods affirmatively)
27
28 CHAIRMAN LITTLEFIELD: All those in favor
29 of substituting the language on Page 73 please signify by
30 saying aye.
31
32 IN UNISON: Aye.
33
34 CHAIRMAN LITTLEFIELD: All those opposed,
35 same sign.
36
37 MR. JORDAN: No.
38
39 CHAIRMAN LITTLEFIELD: We have one no; is
40 that correct?
41
42 REPORTER: (Nods affirmatively)
43
44 CHAIRMAN LITTLEFIELD: Okay, she's got
45 it. All right, the language before you now is the --
46 that you'll be debating on the main motion is as shown on
47 Page 73, so under discussion, Mr. Jordan, did you care --
48 did you want to talk?
49
50 MR. JORDAN: (Shakes head negatively)

1 CHAIRMAN LITTLEFIELD: Okay, other
2 Council.
3
4 (No comments)
5
6 CHAIRMAN LITTLEFIELD: We need to justify
7 what we're doing here folks, okay, we can't just vote on
8 these without having some record of what's going on here.
9
10
11 So the motion before you right now is the
12 amended language, we need to justify why we're going to
13 vote one way or another and I need the Council to express
14 its views.
15
16 Dr. Garza.
17
18 DR. GARZA: Mr. Chairman, thank you. In
19 looking at the four criteria, I do not believe changing
20 the definition here will cause a conservation concern.
21 The effect on subsistence users, it will clarify to them
22 what gear that they can use. And I don't think that the
23 other two apply.
24
25 Thank you.
26
27 CHAIRMAN LITTLEFIELD: Any other Council.
28 Mr. Jordan.
29
30 MR. JORDAN: Mr. Chair, I will be voting
31 against this proposal because I think it has a
32 detrimental effect on subsistence users and provides
33 different regulations for Southeast than from the rest of
34 the state. And I think that we cannot foresee all the
35 situations where -- and all the gear options that
36 subsistence users may wish to use and I'm generally in
37 support of subsistence options. So I will be voting
38 against this because it restricts the options available
39 to subsistence users.
40
41 CHAIRMAN LITTLEFIELD: Other Council.
42
43 (No comments)
44
45 CHAIRMAN LITTLEFIELD: Are you ready for
46 the question.
47
48 MR. STOKES: Question.
49
50 CHAIRMAN LITTLEFIELD: Question's been

1 called. The language before you is FP05-19 as shown on
2 Page 73 which reads as follows: 27(i)(13)(xviii), unless
3 otherwise specified in this section, allowable gear in
4 Southeast Alaska area salmon fisheries is restricted to
5 gaffs, spears, gillnet, seines, dip nets, cast nets,
6 handlines and rod and reel. All those in favor please
7 signify by saying aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN LITTLEFIELD: All those opposed,
12 same sign.

13

14 MR. JORDAN: No.

15

16 CHAIRMAN LITTLEFIELD: No. I believe
17 the motion is carried, is there any objection to that.

18

19 (No objections noted)

20

21 CHAIRMAN LITTLEFIELD: FP05-19 is
22 carried. Proposal 20.

23

24 MR. CASIPIT: Terry will be presenting
25 the Staff analysis for 20 as well.

26

27 MR. SUMINSKI: Mr. Chairman. Council
28 members. Terry Suminski, subsistence fisheries biologist
29 Sitka and Hoonah Ranger Districts. You can find this
30 proposal on Page 74 of your books. It's Proposal FP05-20
31 submitted by Mr. Michael See of Hoonah would allow the
32 use of a handline to take salmon in Southeast Alaska.

33

34 The proponent states that subsistence
35 fishers have traditionally used a single handheld line
36 attached to one treble hook to harvest salmon from
37 streams. Recognizing the use of a handline would allow a
38 traditional, convenient, inexpensive and target specific
39 method for harvesting salmon. The proponent was
40 contacted to clarify his proposal. He purposely did not
41 include the use of rod and reel for snagging. He
42 believes snagging with a rod and reel is not as selective
43 as snagging with a handline. He stated that
44 traditionally hooking fish with a treble hook and
45 handline has been done to identify and harvest individual
46 fish such as targeting female chum salmon when eggs are
47 desired.

48

49 (Bell Ringing)

50

1 (Laughter)
2
3 DR. SCHROEDER: Time's up Terry.
4
5 MR. SUMINSKI: Yeah, it's good with me.
6
7 (Laughter)
8
9 CHAIRMAN LITTLEFIELD: You've been
10 gonged.
11
12 (Laughter)
13
14 MR. SUMINSKI: The Gong Show.
15
16 (Laughter)
17
18 MR. SUMINSKI: Okay. All right, the
19 existing Federal regulations already allow handlines as
20 an allowable gear type, however, there are three Federal
21 regulations for salmon in Southeast Alaska area that
22 specifically do not allow the use of handlines.
23
24 The proponent proposed the following
25 regulation. A single handheld line attached to no more
26 than one treble hook for snagging salmon is a legal type
27 of gear and method for taking subsistence salmon from
28 fresh water streams on Federal lands. As written the
29 proposed regulation would not change the prohibition of
30 handlines for the harvest of coho and would be redundant
31 for the other species of salmon since handlines are
32 already allowed.
33
34 As written the proposal -- oh, let's see,
35 I'm sorry, okay, the description of a handline in the
36 proposed regulation is different than the Federal
37 definition of a handline. In the Federal subsistence
38 management regulations, as you've head, a handline means
39 a handheld and operated line with no more than one hook
40 -- or with one or more hooks attached. The proponent's
41 description of a handline would allow the use of only one
42 treble hook and would be more restrictive than the
43 existing definition. The proponent's method of using
44 only one treble hook would be allowed under the existing
45 definition.
46
47 For the Stikene River sockeye salmon
48 subsistence fishery, Federal regulations do not allow the
49 use of a handline. These regulations were recently
50 established through the coordinated process with the

1 Pacific Salmon Commission. It is not necessary to expand
2 the allowable gear in the Stikene River to include
3 handline and to do so may require additional coordination
4 in the U.S./Canada process.
5

6 The preliminary conclusion is to support
7 the proposal with modification to incorporate the use of
8 handlines as an allowable gear in the coho fisheries
9 where it is now excluded but not in the Stikene River
10 sockeye salmon fishery. And the modification would also
11 add a definition of snagging, which doesn't exist in
12 Federal regulation.
13

14 That proposed modified regulatory
15 language can be found on Page 79 of your books.
16

17 Justification is that handlines have been
18 used in the Southeastern Alaska area for the last 75
19 years, for at least 75 years. The use of handlines is
20 currently allowed for the harvest of all species of
21 salmon except coho and in the Stikene River. The use of
22 a handline is an efficient method for harvesting salmon
23 in streams at locations that might not be suitable for
24 gaffs, spears or other approved means. Handlines are
25 similar in efficiency as gear presently allowed for coho
26 salmon such as spears and gaffs and would not create a
27 conservation concern due to increased harvest of coho.
28

29 The harvest of coho under Federal
30 subsistence regulations has been very low and coho salmon
31 stocks are healthy in the Southeast Alaska area.
32

33 For the Stikene River sockeye salmon
34 subsistence fishery, Federal regulations do not allow the
35 use of a handline and as I said before, these regulations
36 were recently established through a coordinated process
37 with the Pacific Salmon Commission. It is not necessary
38 to expand allowable gear in the Stikene River to include
39 handline and to do so may require additional coordination
40 in the U.S./Canada process.
41

42 Thank you.
43

44 CHAIRMAN LITTLEFIELD: Thank you. I have
45 a question for you. If we go back to the previous
46 proposal, 19, we talked about 27(i)(13)(xviii) and the
47 language that was presented at the beginning of that
48 proposal was adopted. So we adopted that language as
49 shown on Page 73, 27(i)(13)(xviii), now, if you look at
50 this language that you're proposing on Page 79, that also

1 says, 27(i)(13)(xviii) unless I'm getting one of the
2 (i)'s wrong there or something. So I'd like to clarify
3 what happened there. We just made a change there and I
4 think we need to clarify that for the record, if you
5 could, please.

6
7 MR. SUMINSKI: I guess I'd have to do a
8 little research of where exactly that would fit into the
9 regulations, I'm not sure.

10
11 CHAIRMAN LITTLEFIELD: Dr. Schroeder, did
12 you have something on this.

13
14 DR. SCHROEDER: No, I'd refer to Cal or
15 other fish Staff.

16
17 CHAIRMAN LITTLEFIELD: Yeah, we should
18 make sure these are right, I think there's something
19 goofy here, maybe you could help us out.

20
21 (Pause)

22
23 MR. CASIPIT: I was just made aware that
24 21 has the same number in there. I'm afraid what
25 happened there is when we were going down the list of all
26 the little (i)'s under Section 13 that I think what
27 happened is that since this would be a new regulation in
28 our book we just took the -- I mean the last regulation
29 that appears right now is xvii and so we just added xviii
30 for the next regulation that would appear in the book and
31 that's repeated for three separate proposals because at
32 the time when we were doing this it ends at xvii and all
33 these are new regulations beyond that so they all got
34 coded as xviii even though we have three proposals that
35 use it because these are all three new proposals, it's
36 all new language that would go in the regulation.

37
38 I don't know if I'm doing a good job
39 explaining that.

40
41 (Laughter)

42
43 MR. CASIPIT: But it's basically three
44 proposals all proposing new regulations under that
45 Section 13 and when we were doing these analyses we just
46 took the available numbering system which would be xviii.

47
48 CHAIRMAN LITTLEFIELD: Okay, I think it's
49 more than three.

50

1 MR. CASIPIT: Well, four or five.
2
3 CHAIRMAN LITTLEFIELD: If we go back to
4 18.....
5
6 MR. CASIPIT: Yeah, there's several of
7 them.
8
9 CHAIRMAN LITTLEFIELD:and all those
10 others, they all.....
11
12 MR. CASIPIT: There's actually several of
13 them that are.....
14
15 CHAIRMAN LITTLEFIELD: Okay. So I guess
16 what we're going to do is Staff is going to clarify --
17 when we're done here you're going to make that the right
18 (ii) right?
19
20 (Laughter)
21
22 MR. CASIPIT: Well, aye, aye, sir.
23
24 (Laughter)
25
26 MR. CASIPIT: Yeah, once we get ready to
27 go to the Federal Register and get these published as
28 regulations, we go through and make sure the XX and II's
29 and all our I's are dotted and our T's are crossed, I
30 guess, is all.
31
32 CHAIRMAN LITTLEFIELD: Okay, thank you.
33 Council questions for Mr. Suminski.
34
35 (No comments)
36
37 CHAIRMAN LITTLEFIELD: Okay, thanks,
38 Terry. ADF&G. Now, I see why you were unclear.
39
40 MS. SEE: Mr. Chair. Members of the
41 Council. And public. Under State permits for
42 subsistence fishing the handline gear type is not
43 specified but can be added on a case by case basis. This
44 proposal requests a specific type of handline with one
45 treble hook which is proposed for a selective form of
46 fishing in fresh water. This gear type is known to be
47 traditionally used in such situations.
48
49 We note that the Federal Staff analysis
50 of this proposal accurately notes that the Federal and

1 State regulations are not identical at this time, nor
2 would this proposal align them. We also concur with the
3 statement in the analysis that it is not necessary at
4 this time to address this gear type in the Stikene River.
5 This proposal does not appear to pose a potential
6 conservation concern which is also noted in the Federal
7 analysis.

8

9 Our preliminary recommendation is
10 neutral.

11

12 Thank you.

13

14 CHAIRMAN LITTLEFIELD: Any questions for
15 the State.

16

17 (No comments)

18

19 CHAIRMAN LITTLEFIELD: Any questions for
20 ADF&G.

21

22 (No comments)

23

24 CHAIRMAN LITTLEFIELD: Okay, thank you.
25 Tribal governments. Tribal agencies.

26

27 (No comments)

28

29 CHAIRMAN LITTLEFIELD: Any tribes who
30 would like to testify on Proposal 20.

31

32 (No comments)

33

34 CHAIRMAN LITTLEFIELD: InterAgency Staff
35 Committee.

36

37 MR. KESSLER: Mr. Chair and Council. I
38 am Steve Kessler with InterAgency Staff Committee.

39

40 Just a couple comments on this one. This
41 proposal is specifically for steelhead -- I mean for
42 salmon, but you need to recognize that if, for instance,
43 steelhead were to be added to this that that would need
44 to be part of a future regulatory proposal. Also that in
45 looking at this proposal, the spear that Mr. Douville
46 brought last year to Craig and, in fact, seems to be
47 quite similar in effect to what Mr. See is proposing for
48 the use of a handline for spearing, just some comments.

49

50 That's all I've got.

1 CHAIRMAN LITTLEFIELD: Are there any
2 questions for the InterAgency Staff Committee.

3
4 (No comments)

5
6 CHAIRMAN LITTLEFIELD: Hearing none,
7 thank you. Fish and Game Advisory Committee.

8
9 (No comments)

10
11 CHAIRMAN LITTLEFIELD: Any Fish and Game
12 Advisory Committees.

13
14 (No comments)

15
16 CHAIRMAN LITTLEFIELD: Summary of written
17 public comments. Dr. Schroeder.

18
19 DR. SCHROEDER: Mr. Chairman, we haven't
20 received written public comments on this proposal.

21
22 CHAIRMAN LITTLEFIELD: Members of the
23 public that would like to testify. Mr. See.

24
25 MR. SEE: My name is Michael See, I
26 proposed this proposal in regards to one of the people in
27 Hoonah were cited for snagging with a handline.

28
29 And when we were little kids we used to
30 pack water for this old guy in town there so he was the
31 only guy in town who seemed to know how to solder, so
32 he'd solder us up hooks, those big old halibut J hooks,
33 you know, you had the ganch, he'd make treble hooks for
34 us, and it's a very efficient way of catching fish. As
35 Mr. Suminski said, I'm opposed to rod and reel snagging
36 because basically you're blind snagging, you cast out
37 into the water, you just yank for all you're worth and
38 that's where Mr. Jordan's concerns were, you just rip
39 fish and they just get away. With this here it's very
40 selective, you look at the fish you're going to take.
41 You know, my wife wants fish for eggs, I go get her fish
42 for eggs. She wants big ones for drying, I get her big
43 ones for dried.

44
45 I think this is a very efficient way of
46 getting fish. It's very basic. It doesn't get much more
47 basic than this. Just one hook, one line, you just go
48 take your food. And that's pretty much all I have to
49 say.

50

1 Thank you.

2

3 CHAIRMAN LITTLEFIELD: Are there any
4 questions from the Council for Mr. See. Mr. Jordan.

5

6 MR. JORDAN: Mr. See, do you feel that
7 everyone who would be eligible under this proposed
8 regulation would be as experienced or knowledgeable and
9 as selective as you've learned to be?

10

11 MR. SEE: As you get down to go out with
12 a handline and a treble hook, if you're not experienced
13 at doing it or you're not proficient with doing it you're
14 not going to get any fish. I mean I don't expect
15 everyone to know how but it's -- it doesn't take a rocket
16 scientist to throw a line out and wait until a fish comes
17 by and pull on it. It's more -- it's very target
18 specific because you're not going to go out there and
19 just keep yanking on a line with your hands all day long.

20

21 I believe it's -- it wouldn't take long
22 to become proficient.

23

24 CHAIRMAN LITTLEFIELD: Okay. I suppose
25 we could just -- it's legal to snag fish and jerk on them
26 all day long with a sport's license so I don't even think
27 we need to go there under this, you can do that under
28 sportfishing.

29

30 Any other questions for Mr. See.

31

32 (No comments)

33

34 CHAIRMAN LITTLEFIELD: Okay, thank you.

35

36 MR. SEE: Thank you.

37

38 CHAIRMAN LITTLEFIELD: Other public
39 testimony. Mr. Demmert, please come forward.

40

41 MR. DEMMERT: I'd like to clarify that
42 when Mr. Turek was talking -- Mac Demmert from Klawock --
43 was speaking about the snagger being sold in the store in
44 Klawock, you know, not very many -- I don't think any
45 Natives go in any of those stores that sell sport gear in
46 Klawock so that snagger was actually sold by a person
47 that was non-Native.

48

49 So thank you.

50

1 CHAIRMAN LITTLEFIELD: We have a lot of
2 totem poles like that in Sitka, too.
3
4 (Laughter)
5
6 CHAIRMAN LITTLEFIELD: Any other members
7 of the public that would like to testify on Proposal No.
8 20.
9
10 (No comments)
11
12 CHAIRMAN LITTLEFIELD: Okay, we're at
13 Regional Council deliberations. We're going to take five
14 and come back with Regional Council, short break.
15
16 (Off record)
17
18 (On record)
19
20 CHAIRMAN LITTLEFIELD: Tina, you ready.
21
22 REPORTER: I'm ready.
23
24 CHAIRMAN LITTLEFIELD: The meeting will
25 come back to order, please.
26
27 (Pause)
28
29 CHAIRMAN LITTLEFIELD: Okay, we're at
30 Regional Council deliberations, but before we do that,
31 I'd like to make one more call for public testimony,
32 anybody in the audience that would like to testify.
33 You're the proponent, Mr. See, you can claim some time if
34 you want to and come on up here.
35
36 Please come to order in the back.
37
38 (Pause)
39
40 CHAIRMAN LITTLEFIELD: Mr. See.
41
42 MR. SEE: Mr. Chairman, Michael See
43 again. It was brought to my attention that the general
44 description up here was -- okay, to incorporate the use
45 of handlines as an allowable gear in a coho fishery, my
46 intent of the whole proposal was to include all salmon
47 that are in the streams, not just cohos.
48
49 It was also stated awhile ago that
50 there's a provision that allows snagging with a

1 sportfishing license. That only applies in salt water,
2 that doesn't apply to the streams, the fresh water
3 streams, I wanted to clarify that. We're not asking just
4 for cart blanche to go out and just terrorize everything,
5 you know, but I'd just like to note that it was just
6 specific to salmon, not just cohos.

7
8 CHAIRMAN LITTLEFIELD: Okay, just stick
9 with us for just a second. I'd like to ask Mr. Casipit
10 if there's any insurmountable problems or whether we
11 could do that, what the proponent asks, whether you see
12 that as possible.

13
14 MR. CASIPIT: Just let me have Terry do
15 that one since -- go ahead.

16
17 MR. SUMINSKI: Mr. Chairman. Council.
18 Terry Suminski, Forest Service. It's already allowed for
19 all species of salmon except where it's specifically not
20 allowed in those regulations so you don't have to do
21 anything to make it for all salmon.

22
23 CHAIRMAN LITTLEFIELD: Okay, we can snag
24 any -- well, go over that one more time, please.

25
26 MR. CASIPIT: Under our current
27 regulations you can use a handline for all salmon at this
28 point except for Stikene River sockeyes and coho. So
29 what we're trying to do here, what Terry's suggesting is
30 that we would allow it for the coho fisheries, it's
31 already allowed for the other salmon, but we wouldn't
32 allow it for the Stikene because of -- I think you're
33 aware of the, you know, coordination issues that we have
34 with the U.S./Canada Salmon Treaty process.

35
36 MR. STOKES: Can I say something.

37
38 CHAIRMAN LITTLEFIELD: Mr. Stokes.

39
40 MR. STOKES: I might add that on the
41 Stikene, it's like fishing in a bowl of pea soup, you
42 can't see a thing and you have to stay in the main river,
43 so you could fish all season with a snag and not get a
44 thing.

45
46 (Laughter)

47
48 MR. STOKES: So I don't think it should
49 even be in there.

50

1 CHAIRMAN LITTLEFIELD: We're just talking
2 about the opportunity, right.

3
4 (Laughter)

5
6 CHAIRMAN LITTLEFIELD: Okay, are there
7 any questions for Mr. See.

8
9 (No comments)

10
11 CHAIRMAN LITTLEFIELD: Okay, we
12 understand now. Are there any other members of the
13 public that would like to testify
14 on this proposal, Proposal 20 before we take it under
15 advisement.

16
17 Dr. Garza.

18
19 DR. GARZA: I do have a question for Mr.
20 See, I guess, because I want to bring something forward.
21 And the intent of this proposal, I think, is marvelous
22 and that's to provide opportunity where it hasn't been
23 provided and I've been trying to figure out where it fits
24 in, but in addition to coho the other area that is missed
25 obviously is steelhead. And what we saw in the marvelous
26 presentation from the State was that, in effect, we are
27 using handline, a version of handlines to harvest
28 steelheads in small streams and that's very important.

29
30 So the question to you is would you have
31 any objections if there is an attempt to amend, to
32 include steelhead so it would be steelhead and coho?

33
34 MR. SEE: No, ma'am, I have no objection
35 whatsoever. The way it stands now with the rules and
36 what have you, there's a steelhead run or fisheries in
37 Hoonah pe se, that none of the Natives, I don't think
38 participate in it, because of the -- you have a 36 inch
39 limit on the size of a fish. And I go out there, if I
40 catch a 35 inch steelhead, I don't know if I'd even want
41 to throw it back. And the idea of having to turn it
42 loose would be to -- you know, I wouldn't want to do it
43 to begin with so I don't even fish for steelhead. The
44 only ones who fish for steelhead now are the people that
45 come in from outside of town, the loggers, and the people
46 from down South who come up here. But as far as a Native
47 fishery, I don't even believe there's anybody who does
48 fish for them because of the restrictions.

49
50 But if you want to include that with this

1 one here, I would have no objections whatsoever.

2

3

Thank you.

4

5

6

CHAIRMAN LITTLEFIELD: Other Council
questions for Mr. See before he leaves.

7

8

(No comments)

9

10

11

CHAIRMAN LITTLEFIELD: Okay, thank you
for your testimony.

12

13

Mr. Christianson.

14

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MR. CHRISTIANSON: Good afternoon. Yeah,
Anthony Christianson with Hydaburg Cooperative
Association. I'd just like to speak in support of the
snagging, use of a single line, treble hook attached to a
single line.

It is a means and methods of harvest in
Hydaburg. It is documented by Mike Turek for steelhead
and also for coho and other species of salmon, all
species in fact, an effective means of harvest. And we
would like to see it recognized, but I guess it already
has been according to Cal through the use of a handline,
so I'm glad to see that they're clarifying it and that
it's finally becoming -- or hopefully to become a
recognized subsistence harvest method because my whole
life that's how we've done it in Hydaburg is to snag with
a handline. So that would be a good thing to see it
become a reality.

So thanks.

CHAIRMAN LITTLEFIELD: Are there any
questions. Dr. Garza.

DR. GARZA: Thank you, Mr. Chair. Tony,
you might have missed a little bit of the earlier
conservation, I did ask did salmon include steelhead and
the answer is no, so the amendment is necessary to
include coho and steelhead if we wish to include
steelhead in this opportunity.

MR. CHRISTIANSON: (Nods affirmatively)

DR. GARZA: And you're not opposed to
that?

1 MR. CHRISTIANSON: Nope, not at all.
2
3 DR. GARZA: Thank you.
4
5 CHAIRMAN LITTLEFIELD: Any other
6 questions.
7
8 (No comments)
9
10 CHAIRMAN LITTLEFIELD: Okay, thank you
11 for your testimony. Any other members of the public,
12 we're going to keep it open here, Mr. Peterson.
13
14 MR. PETERSON: Yes, Mr. Chairman.
15 Council members. On behalf of the Organized Village of
16 Kasaan, I would also support the passage of this proposal
17 with the amendment to include coho and steelhead.
18
19 Thank you.
20
21 CHAIRMAN LITTLEFIELD: Any questions.
22
23 (No comments)
24
25 CHAIRMAN LITTLEFIELD: Okay, thank you
26 very much. Mr. Truitt and Mr. Lorrigan.
27
28 MR. TRUITT: Thank you, Mr. Chairman.
29 I'm just accompanying Mr. Lorrigan.
30
31 MR. LORRIGAN: He's holding me up. On
32 behalf of Sitka we support this amendment reflecting what
33 Mr. See said. I know a lot of participants who would
34 normally like to go out in the field in spring and fish
35 for this species don't because their odds of catching a
36 fish of legal size is pretty nil and most of them I know
37 fish for food, so I think this increases an opportunity.
38 And we support the other tribes that this would really
39 benefit.
40
41 So, thank you.
42
43 CHAIRMAN LITTLEFIELD: Any questions.
44
45 (No comments)
46
47 CHAIRMAN LITTLEFIELD: Okay, thank you.
48 Mr. Sanderson and then Mr. Jackson.
49
50 MR. SANDERSON: Thank you, Mr. Chair.

1 Council. My name is Rob Sanderson, Jr. I represent KIC
2 Tribal Council.

3
4 I'm in support of this proposal. I grew
5 up in Hydaburg. We used to use the snagger as a way of
6 getting a lot of chum salmon out of the river. We used
7 to get it by the five gallon buckets, so it's an easy
8 method in terms of getting dog salmon as well as other
9 prized fish out of the river that we needed for the
10 smokehouse.

11
12 The presentation that was put on this
13 morning, I seen one of our elders there, Claude Morrison,
14 you know, a lot of these elders back home don't have the
15 means of getting down to the rivers and doing, you know,
16 with their poles and stuff so a lot of the younger kids
17 do, in fact, the teenagers, you know, they go up Hydaburg
18 River and they take their treble hooks and, yeah, it does
19 take a -- it's a little crafty thing to try and catch a
20 steelhead in the creeks, believe me I know.

21
22 Anyway, I'm in favor of supporting the
23 triple hook, it really, it's an easy method of catching
24 salmon. As far as chum salmon go this time of year, too,
25 there's a lot of chum that's taken by the snagger to go
26 ahead and get it to the elders in our communities, I was
27 speaking Hydaburg, too, having grown up there.

28
29 That's all I have to say, thank you.

30
31 CHAIRMAN LITTLEFIELD: Any questions for
32 Mr. Sanderson.

33
34 (No comments)

35
36 CHAIRMAN LITTLEFIELD: Were you talking
37 mostly chum eggs?

38
39 MR. SANDERSON: Yes, sir.

40
41 CHAIRMAN LITTLEFIELD: Okay. And then I
42 noticed earlier that there may be some consideration of
43 adding steelhead, did you have any objection to that,
44 from Hydaburg you shouldn't, but I just wanted to ask the
45 question.

46
47 MR. SANDERSON: No. No, I don't. Thank
48 you, Mr. Chair.

49
50 CHAIRMAN LITTLEFIELD: Okay, thank you.

1 Mr. Jackson.

2

3 MR. JACKSON: Thank you, Mr. Chairman and
4 Council. I'd like to speak in favor of the amended
5 process of snagging because in Kake, if you come to Kake
6 for the Dog Salmon Festival, you see kids on the bridge,
7 on the lower end, the bears up on the upper end of the
8 Konuk Creek, that's where I've learned to snag, whether
9 for trout, steelhead or salmon, any kind of salmon that
10 was there. And very selective, like Mr. See said, in
11 fact, the kids target what their parents or grandparents
12 ask them to get for them, they just don't go willy-nilly
13 and jerk on the end of a line, they're looking for the
14 right one, whether it's a female for caaxx, or whatever
15 you want.

16

17 And so I really speak in favor of that,
18 because our customary and traditional gathering is still
19 evolving, so it didn't stop at -- when we were
20 discovered, and the use of our regular gear has continued
21 to evolve, whether it's a rod or not.

22

23 So Gunaxcheesh, thank you.

24

25 CHAIRMAN LITTLEFIELD: Just a second, any
26 comments or questions for Mr. Jackson.

27

28 (No comments)

29

30 CHAIRMAN LITTLEFIELD: Okay, thank you.
31 Are there any other members of the public that would like
32 to have their say before we take this under advisement.

33

34 (No comments)

35

36 CHAIRMAN LITTLEFIELD: Any other members.

37

38 (No comments)

39

40 CHAIRMAN LITTLEFIELD: Okay. The
41 Regional Advisory Council has this. We start on Page 74
42 and it actually morphes into something quite a bit longer
43 than that on Page 79, so understanding that we normally
44 try to go with the original proposal, what we could do is
45 offer substitute language if that's what you would like
46 to do. But I think I'd still like to see for the record
47 that we go ahead and adopt the language on Page 74 and
48 use that as a mark up vehicle.

49

50 Council. Mr. Jordan.

1 MR. JORDAN: Mr. Chair, I discussed my
2 situation in regards to being eligible to vote with this
3 with Mr. Schroeder last night and if you'd care to -- for
4 me to go through that right now I would.

5
6 CHAIRMAN LITTLEFIELD: Yes, go ahead and
7 make your disclosure on this.

8
9 MR. JORDAN: After visiting with Mr.
10 Schroeder and others, I don't think I have a significant
11 conflict on this issue, but if any other Council member
12 feels I do I will certainly sit aside.

13
14 DR. SCHROEDER: Thank you, Mr. Jordan.
15 Based on our conversation and your statement at this
16 time, I rule that you do not have a significant conflict
17 of interest with respect to this proposal.

18
19 CHAIRMAN LITTLEFIELD: Council action.
20 I'd like to start on Page 74 if we could. Mr. Bangs.

21
22 MR. BANGS: I move to adopt Proposal
23 FP05-20 as reads, in Southeast Alaska area salmon, a
24 single handheld line attached to no more than one treble
25 hook for snagging salmon is a legal type of gear and a
26 method for taking subsistence salmon from fresh water
27 streams on land.

28
29 CHAIRMAN LITTLEFIELD: Thank you. Is
30 there a second.

31
32 MR. DOUVILLE: Second.

33
34 MR. STOKES: I'll second it.

35
36 CHAIRMAN LITTLEFIELD: Okay, it's been
37 moved and seconded. The language before you, the main
38 motion before you is FP05-20 and the language is as shown
39 on Page 74 under the proposed regulation. Council
40 action.

41
42 Dr. Garza.

43
44 DR. GARZA: Mr. Chairman, I guess I need
45 just some clarification. I'm not really sure why the
46 language was morphed, as you stated, between 74 and 79.
47 Considering the discussion including coho I still think
48 that that issue is addressed in the original proposal
49 because it says salmon, so it's salmon, excluding
50 Stikene, I think is still considered part of the package.

1 If we can't do it on the river, we can't do it on the
2 river so I don't see any particular problem with the
3 original proposal although I might have an amendment.

4

5 CHAIRMAN LITTLEFIELD: Okay. I would
6 like to have Mr. Suminski and Mr. Casipit come forward
7 and answer these questions that the Council has on why
8 this morphed and what is substan -- you know, whatever,
9 explain what happened here if you could please.

10

11 MR. SUMINSKI: Mr. Chairman. Council.
12 Terry Suminski with the Forest Service. I tried to lay
13 out the logic. The coho regulations, it specifically does
14 not list handlines, so just by adding another regulation
15 that says it's okay to do something, it would still be
16 restricted in those specific coho regulations, so that's
17 why we had to go through that step of adding it into those
18 two coho regulations.

19

20 Let's see, was there another part of
21 that, too, that.....

22

23 CHAIRMAN LITTLEFIELD: Okay, I think the
24 proponent originally asked for snagging salmon and now
25 we're talking about coho and adding other salmon, maybe
26 clarify that.

27

28 MR. SUMINSKI: Yeah, and that's what we
29 tried to explain earlier, that it presently is allowable
30 to use a handline for all salmon except for where it
31 specifically wasn't included for coho.

32

33 CHAIRMAN LITTLEFIELD: Dr. Schroeder --
34 or excuse me, Dr. Garza.

35

36 (Laughter)

37

38 DR. GARZA: Okay, so then in the modified
39 language on Page 79, it actually refers to a different
40 section that is specific to coho regulations?

41

42 MR. SUMINSKI: Yeah, that's correct.

43

44 DR. GARZA: So if it is my intent, which
45 it will be to amend the proposal to include steelhead,
46 then that would have to be included someplace else.

47

48 MR. SUMINSKI: Yeah, without doing a
49 thorough review of the regulations, I believe you would
50 have to go the Prince of Wales Steelhead regulations and

1 insert it there as an allowable gear type, maybe other
2 places, but I think that's it.
3
4 CHAIRMAN LITTLEFIELD: Follow up.
5
6 DR. GARZA: (Shakes head negatively)
7
8 CHAIRMAN LITTLEFIELD: Mr. Stokes.
9
10 MR. STOKES: Just a little clarification.
11 It says there is no closed season, but there isn't a
12 season on the Stikene for coho, could you explain that?
13
14 MR. SUMINSKI: What page?
15
16 MR. STOKES: Page 79.
17
18 MR. SUMINSKI: I'm sorry, I'm not sure
19 where you're talking about where there's no closed
20 season.
21
22 MR. STOKES: Yes, it says, there is no
23 closed season for the taking of coho salmons for
24 subsistence, but we don't have a subsistence season on
25 the Stikene.
26
27 MR. SUMINSKI: Okay, the regulation that
28 you're referring to only applies to areas 3(A), (B) and
29 (C) on Prince of Wales Island for coho. That regulation
30 doesn't apply to the Stikene.
31
32 CHAIRMAN LITTLEFIELD: Excuse me, I think
33 that regulation applies to everywhere but 3(A), 3(B) and
34 3(C); is that not correct?
35
36 MR. STOKES: Well, I was just wondering
37 why they've got it even written in when we're not
38 eligible.
39
40 MR. SUMINSKI: Yeah, actually the
41 regulation above that is the one that applies to
42 everyplace else. The one with no closed season is the
43 one that applies to Prince of Wales.
44
45 MR. CASIPIT: Mr. Chair, may I please
46 take a shot at this.
47
48 CHAIRMAN LITTLEFIELD: Go ahead.
49
50 MR. CASIPIT: You're right, there are --

1 and you're going to be discussing this issue later, these
2 two separate, but let's save that discussion for that.
3 What we have here is we have a regulation for everywhere
4 in Southeast Alaska except for the west coast of Prince
5 of Wales and the Stikene and the Taku River, and then we
6 have a separate section for the west coast of Prince of
7 Wales, which is that 3(A), 3(B) and 3(C). You know,
8 there is no closed season, that was from a Council
9 recommendation, that we shouldn't have closed seasons for
10 cohos with this type of a management regime. But you can
11 see that in that top one, which is everywhere else but
12 the west coast of Prince of Wales Island, that 3(A), 3(B)
13 and 3(C), the Stikene and Take are expressly accepted
14 from this coho regulation, so there is no coho fishery on
15 the Stikene, Taku Rivers and if you want to fish on the
16 west coast of Prince of Wales Island 3(A), 3(B) and (C),
17 you comply with the paragraph that's underneath that.

18

19 Did I explain that well or.....

20

21 CHAIRMAN LITTLEFIELD: Dr. Garza. I got
22 it right that time.

23

24 DR. GARZA: Thank you, Mr. Chair. Yeah,
25 I think I'm getting it Cal.

26

27 But under Section 27(i)(13) -- six -- for
28 the Prince of Wales 3(A), (B) and (C), is that section
29 still specific to coho or is that to salmon?

30

31 MR. CASIPIT: That is specific to coho
32 only, it says you may take coho salmon in 3(A), 3(B) and
33 3(C), so it is only specific to coho.

34

35 CHAIRMAN LITTLEFIELD: I guess what we're
36 trying to ask you folks is if we can add steelhead there
37 under these regulations, if there's a vehicle to do it?

38

39 MR. CASIPIT: Mr. Chairman, certainly you
40 are allowed to add steelhead for use of handlines. What
41 you would have to do, though, is add that into the Prince
42 of Wales regulation. You could do that now, you could do
43 it later. You can find the regulations for Prince of
44 Wales on Page -- you could find the existing Federal
45 regulations for Prince of Wales and Kosciusko Islands on
46 Page 132 of your book.

47

48 DR. SCHROEDER: Mr. Chairman. Cal, I
49 think if the Council's intention was very clear on this
50 matter, Staff could craft the language to make this work

1 in the regulatory scheme of things.

2

3 MR. CASIPIT: Yeah, no question at all, I
4 mean we can do that. I just wanted to let the Council
5 know where the existing regulations for steelhead for
6 Prince of Wales are repeated so that they can see what's
7 there for themselves for now, how they want to make those
8 changes or how they want to do it. As Staff, we'll work
9 to make your recommendations known to the Board, I mean
10 that's what we're here for.

11

12 CHAIRMAN LITTLEFIELD: Okay, without
13 wordsmithing this to death, that's what we'll do, we'll
14 just go ahead and make the intentions clear from the
15 Council, what they want to add, what they want to take
16 away and we will expect you guys to come forward with the
17 correct regulations.

18

19 So let's move on here, right now we --
20 where are we, somebody's moved and adopted that, right?

21

22 At ease for a couple minutes Tina.

23

24 (Off record)

25

26 (On record)

27

28 CHAIRMAN LITTLEFIELD: I need to get the
29 Council back here, we're waiting a second.

30

31 (Pause)

32

33 CHAIRMAN LITTLEFIELD: Tina, you ready?

34

35 REPORTER: Yep, go ahead.

36

37 CHAIRMAN LITTLEFIELD: Thanks for bearing
38 with us here, folks, just a second.

39

40 (Pause)

41

42 CHAIRMAN LITTLEFIELD: Okay, we're back
43 to order.

44

45 MR. STOKES: It's alive.

46

47 (Laughter)

48

49 DR. SCHROEDER: It's a lure.

50

1 CHAIRMAN LITTLEFIELD: When we went.....

2

3 (Laughter)

4

5 CHAIRMAN LITTLEFIELD: When we went at
6 ease there what we were trying to do is determine the
7 language and I believe the language is before you, the
8 mark up vehicle is on the screen before you, and where we
9 are process wise is on Page 74, we made a motion to adopt
10 the language as shown on Page 20 [sic], and that's where
11 we said we were trying to come up with some proposed
12 substitution language, we have not done that yet. So
13 that would be what's in order now is to either move on on
14 this main amendment or make some kind of adoption.

15

16 And we talked to Staff and they're going
17 to interpret the will of the Council, that the will of
18 the Council is clear. So in other words, if you want to
19 insert this word, handlines, and we have the wrong
20 paragraph cited, they're not going to fault us for that,
21 they're going to put it in the right paragraph for the
22 Federal Subsistence Board meeting. I just want to make
23 sure that the Council is clear on what they want and
24 Staff will help us do that, one or two of us will make
25 sure via the emails that that meets the intent of what
26 the Council is doing. But our intent will be made so if
27 we inadvertently pick the wrong (ii) the Staff will
28 correct that for us.

29

30 Dr. Garza.

31

32 DR. GARZA: Mr. Chairman, I'm going to
33 talk really slow until Patty sits down -- okay.

34

35 I would like to amend Proposal 20 as we
36 have on the table listed on Page 74 and substitute the
37 language that is on the powerpoint in front of us.

38

39 CHAIRMAN LITTLEFIELD: Do I have a
40 second.

41

42 MR. DOUVILLE: Second.

43

44 CHAIRMAN LITTLEFIELD: Okay, it's been
45 moved and seconded to substitute this language and I want
46 everybody -- maybe for the record, Dr. Schroeder, if you
47 could read that, the language that we're going to be
48 substituting for the language on Page 74.

49

50 DR. SCHROEDER: Mr. Chairman, this has

1 two parts. The one is what I believe the objective is of
2 the Council, to incorporate the use of handline as an
3 allowable gear in the coho fisheries where it is now
4 excluded but not in the Stikene River sockeye salmon
5 fisheries, so we're keeping the Stikene off of the table.

6
7 Secondly, the intent of the Council is to
8 have this snagging regulation apply to steelhead as well,
9 and the Council recognizes that steelhead may need to be
10 covered in another place in the regulations from where
11 coho are covered.

12
13 The rest reads exactly the way Staff have
14 it on Page 79, 27 without all the (iii)'s, unless
15 otherwise specified you may use a handline for snagging
16 salmon and this says, and steelhead, and we recognize
17 that and steelhead may need to be in a different section,
18 and then the word handline is inserted in the next two
19 paragraphs on Page 79 and the final part of the Staff
20 recommendation is to provide a definition for snagging,
21 which Terry Suminski says is needed to get this
22 regulation to work.

23
24 CHAIRMAN LITTLEFIELD: Okay, that seems
25 fairly clear to me. Is all the Council on board on what
26 this motion is -- Dr. Garza.

27
28 DR. GARZA: Thank you, Mr. Chair. I do
29 apologize, I did try and bring it up in a round about way
30 when we were considering Proposal 19 because had we
31 included steelhead in there or the -- the original
32 language was for did not -- was not specific to salmon
33 and had we stayed in that direction steelhead might have
34 been included.

35
36 But it certainly is my intent to include
37 steelhead as a subsistence resource that we can take
38 using this means and methods since it is already being
39 employed by many subsistence users and I see this more as
40 a clean up in terms of recognizing what already exists.

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN LITTLEFIELD: Okay, other
45 Council. We're just going to do the substitute language
46 right now. Mr. Hernandez.

47
48 MR. HERNANDEZ: Mr. Chairman, I don't
49 feel comfortable in adding the steelhead to this
50 amendment. I think that steelhead should be dealt with

1 as a separate proposal. I think that it needs to go out
2 to public comment and review before we talk about
3 steelhead. I think that there probably would be more
4 issues that would come forward with a steelhead proposal
5 that would need to be dealt with at a separate meeting.

6
7 CHAIRMAN LITTLEFIELD: Okay, remind you
8 we have two steelhead proposals coming up later that will
9 authorize steelhead fishing but this is just talking
10 about a gear type which may or may not exist for a
11 steelhead fishery. The fishery has to be adopted first
12 or it doesn't apply.

13
14 Other Council.

15
16 (No comments)

17
18 CHAIRMAN LITTLEFIELD: Are you ready for
19 action on the substitute language.

20
21 (Council nods affirmatively)

22
23 CHAIRMAN LITTLEFIELD: Okay, the motion
24 before you is to substitute the language that was shown
25 on the screen, and as read by Dr. Schroeder. Substitute
26 that language for FP05-20 as shown on Page 74. All in
27 favor of using that substitute language as a mark up
28 vehicle, please signify by saying aye.

29
30 IN UNISON: Aye.

31
32 CHAIRMAN LITTLEFIELD: Those opposed,
33 same sign.

34
35 MR. HERNANDEZ: Aye.

36
37 MR. JORDAN: No.

38
39 CHAIRMAN LITTLEFIELD: I read it two, and
40 I say that the motion has been accepted, is there any
41 challenge to that?

42
43 (Council shakes head negatively)

44
45 CHAIRMAN LITTLEFIELD: The motion has
46 been accepted, so you can debate now all of the language
47 that's on the screen at this time, that would be in
48 order. Mr. Jordan.

49
50 MR. JORDAN: Mr. Chair, I have a

1 procedural thing. I noticed in the minutes last time
2 that it's just written that the Council supported or the
3 Council did not support, you know, a lot of times we do
4 things unanimously but sometimes, as in this case,
5 there's at least one or sometimes two dissenters, and I
6 would ask that that be noted in the record.

7
8 CHAIRMAN LITTLEFIELD: It is in the
9 record. It's on the transcript. The transcripts are
10 fairly -- I don't know if you've reviewed them, but
11 they're fairly inclusive and I'm looking over there and
12 Tina says, yes, yes, Tina, it will be on the record.....

13
14 REPORTER: (Nods affirmatively)

15
16 CHAIRMAN LITTLEFIELD:exactly what
17 happened here and there'll be no attempt to suppress the
18 minority viewpoint. And in fact if the minority would
19 like to state a viewpoint that's certainly in order for
20 any of these issues, for this or any other issue where
21 there's a minority that would like to state a viewpoint,
22 it's all in the open.

23
24 Go ahead.

25
26 MR. JORDAN: Mr. Chair. Then my
27 understanding is, that that will be noted in the minutes
28 too?

29
30 DR. SCHROEDER: (Nods affirmatively)

31
32 CHAIRMAN LITTLEFIELD: The minutes are a
33 compilation of a book this size and whether it gets in
34 there or not I'm not entirely certain but probably there
35 will be something in there that there was a minority
36 dissention.

37
38 Dr. Garza.

39
40 DR. GARZA: Mr. Chairman, two points.
41 The additional option you have, Eric, is to request a
42 roll call vote, which we have done many, many times, and
43 so that's certainly available.

44
45 Mr. Chairman, specific to the proposal
46 and the draft substitute language, I would speak in favor
47 of the motion. And while I understand the concern of Don,
48 my point is still in Proposal 19 steelhead was included
49 initially in the definition before Staff recommended
50 changing it to salmon, steelhead would have simply fell

1 in with all those gear types and so I don't think that
2 we're stretching beyond what we said we would cover in
3 this meeting, and I think that it's okay to vote on it at
4 this time and that's certainly my intent.

5
6 If it isn't, we will probably hear about
7 it and we'll probably have to bring it back to this
8 Board, but if we can get it through in this round it
9 would just make life go a little smoother.

10
11 Thank you.

12
13 CHAIRMAN LITTLEFIELD: We are talking
14 about Proposal 20 at this time but comments on 19 were
15 probably appropriate. Because if we looked at 19, and I
16 think what we should do after this, if you'd give me a
17 minute, is probably pull that back up for
18 reconsideration. Proposal 19 was an all inclusive
19 proposal. And what this Council did is we tightened it
20 up and made it salmon only, certain types of gear, we
21 could have easily have said, salmon and steelhead because
22 it was an all inclusive thing, and I think we may well
23 address that if the Council wishes.

24
25 But right now we're on Proposal 20, the
26 substitute language is before you. Council comments, we
27 need to justify the four criteria.

28
29 Mr. Douville.

30
31 Let's put that language back up on the
32 board if we could, Dr. Schroeder.

33
34 MR. DOUVILLE: Thank you, Mr. Chairman.
35 I support the proposal No. 20. There's, in my opinion, no
36 conservation concern. It has a positive effect on
37 subsistence users. It adds another effective vehicle to
38 use. There's substantial data to support the
39 recommendation and it has no effect on other users that I
40 can see.

41
42 CHAIRMAN LITTLEFIELD: Thank you. Other
43 Council.

44
45 (No comments)

46
47 CHAIRMAN LITTLEFIELD: That summarized
48 most of it, are you ready for the question. Mr. Jordan.

49
50 MR. JORDAN: Mr. Chairman, I will be

1 voting against this motion. I had the opportunity to
2 walk numerous streams, both with the Department and both
3 as a fly fisherman for both steelhead and coho salmon and
4 also have used spinners and bait when it was legal, and
5 have spent virtually hundreds of hours in a wetsuit
6 and/or waders in numerous small creeks in Southeast
7 Alaska from the Situk in the Yakutat area to the Naha and
8 Karta and the Hydaburg River and the Klawock River in
9 southern Southeast and it is my opinion that there is a
10 conservation issue here, especially for some of the
11 smaller streams where we have small numbers of coho
12 and/or steelhead that are especially vulnerable to
13 snagging.

14
15 One of the things that protects these
16 fish in these small streams is the fact that especially
17 as they get up towards the reds they don't bite. This
18 regulation, as I understand it, would go from the
19 smallest spring to salt water, and I think there's a lot
20 of areas where the fish when they reach sanctuary there
21 probably shouldn't even be sportfished on with lures, and
22 especially in Southeast what commonly happens with cohos
23 in the fall is they move out of salt water into their
24 first holding pool or slough, fresh water slough or
25 something right near salt water where they don't bite
26 very well but they're especially vulnerable to snagging.

27
28 So for those reasons I'm going to vote
29 against it. I've waited until last to speak because I
30 understand the direction of the Council and I'm not
31 trying to influence your direction but I am registering
32 the reasons why I am opposed to this proposal.

33
34 CHAIRMAN LITTLEFIELD: Thank you. Other
35 Council.

36
37 (No comments)

38
39 CHAIRMAN LITTLEFIELD: Are you ready for
40 the question.

41
42 (Council nods affirmatively)

43
44 CHAIRMAN LITTLEFIELD: Okay, the question
45 before you is the substitute language as shown on the
46 screen and it's the substitute language for FP05-20 that
47 was originally shown on Page 74. And just for this final
48 record I would like Dr. Schroeder to read that language
49 so that everybody's clear exactly what it says, the
50 motion.

1 DR. SCHROEDER: Mr. Chairman, the motion
2 before you includes an objective. The objective is to
3 incorporate the use of handlines an allowable gear in the
4 coho fisheries where it is presently now excluded but not
5 in the Stikene River sockeye salmon fishery.

6
7 The second intent of the Council is to
8 have this snagging regulation apply to steelhead as well.
9 And the Council notes that steelhead may need to be
10 covered in another place in the regulation.

11
12 The first part adding a definition of
13 snagging, unless otherwise specified you may use a
14 handline for snagging salmon (and steelhead).

15
16 The second paragraph as included on Page
17 79, the second and third paragraphs, adding the word
18 handline into those paragraphs and the final paragraph
19 defining snagging. Snagging means hooking or attempting
20 to hook fish elsewhere than in the mouth.

21
22 CHAIRMAN LITTLEFIELD: Okay, that's the
23 motion before you, all those in favor signify by saying
24 aye.

25
26 IN UNISON: Aye.

27
28 CHAIRMAN LITTLEFIELD: All those opposed,
29 same sign.

30
31 MR. JORDAN: Aye.

32
33 MR. HERNANDEZ: Aye.

34
35 CHAIRMAN LITTLEFIELD: Mr. Jordan.

36
37 MR. JORDAN: Mr. Chairman, I feel that I
38 would like a roll call so my vote on this issue is
39 recorded.

40
41 CHAIRMAN LITTLEFIELD: Okay. I have not
42 announced the results yet so let's do that, will the vice
43 Chair take care of this, we don't have a secretary.

44
45 DR. GARZA: On Proposal 20.....

46
47 REPORTER: Dolly.

48
49 DR. GARZA: Excuse me. On Proposal 20 as
50 modified up on the board here, Bert Adams is not here.

1 Floyd Kookesh.
2
3 MR. KOOKESH: Yes.
4
5 DR. GARZA: Donald Hernandez.
6
7 MR. HERNANDEZ: No.
8
9 DR. GARZA: Richard Stokes.
10
11 MR. STOKES: Aye.
12
13 DR. GARZA: Mary Rudolph is not able to
14 be here. Patricia Phillips.
15
16 MS. PHILLIPS: Yes.
17
18 DR. GARZA: Michael Douville.
19
20 MR. DOUVILLE: Yes.
21
22 DR. GARZA: Harvey Kitka.
23
24 MR. KITKA: Yes.
25
26 DR. GARZA: Eric Jordan.
27
28 MR. JORDAN: No.
29
30 DR. GARZA: Dolly Garza votes yes.
31 Michael Sofoulis is excused. Michael Bangs.
32
33 MR. BANGS: Yes.
34
35 DR. GARZA: John Littlefield.
36
37 CHAIRMAN LITTLEFIELD: Yes.
38
39 DR. GARZA: The motion passes.
40
41 CHAIRMAN LITTLEFIELD: FP05-20 as amended
42 by the language on the board has been accepted and has
43 passed, and the minority comment, is there any other
44 comment that you would like to add at this time.
45
46 MR. JORDAN: Mr. Chair, my comments
47 during deliberations suffice for me.
48
49 CHAIRMAN LITTLEFIELD: Thanks. And
50 there's no intent at all to stifle any debate or keep

1 anybody from speaking on this. Everybody, we appreciate
2 everybody's opinion here so the motion has been accepted
3 -- recommendation, put it that way.

4
5 Did you have something, Mr. Douville.

6
7 MR. DOUVILLE: Thank you, Mr. Chairman.
8 Just one little comment is that current regulations
9 address all of your concerns Mr. Jordan.

10
11 Thank you.

12
13 CHAIRMAN LITTLEFIELD: Okay. If the
14 Council wishes we can reconsider 19 and take care of this
15 going backwards, it's fairly easy, if you'd like to do
16 that.

17
18 DR. GARZA: Mr. Chairman, I would move
19 that we reconsider Proposal 19.

20
21 MS. PHILLIPS: Second.

22
23 CHAIRMAN LITTLEFIELD: It's been moved
24 and seconded to reconsider our action on Proposal FP05-
25 19. All those in favor signify by stating aye.

26
27 IN UNISON: Aye.

28
29 CHAIRMAN LITTLEFIELD: All those opposed,
30 same sign.

31
32 (No opposing votes)

33
34 CHAIRMAN LITTLEFIELD: Proposal FP05-19
35 as adopted by the Council, and I believe the language was
36 on Page 73 is now before you as if it had not been
37 accepted the first time. Council action.

38
39 DR. GARZA: Mr. Chairman.

40
41 CHAIRMAN LITTLEFIELD: Dr. Garza.

42
43 DR. GARZA: In working from Page 73 at
44 the top, 27(i)(13)(xviii) unless otherwise specified in
45 this section allowable gear in Southeast Alaska salmon I
46 would amend to salmon and steelhead fisheries is
47 restricted to gaffs, spears, gillnets, seines, dip nets,
48 cast nets, handlines and rod and reel.

49
50 This is an amendment, Mr. Chair.

1 CHAIRMAN LITTLEFIELD: Is there a second
2 to that amendment.

3
4 MR. DOUVILLE: I'll second it.
5

6 CHAIRMAN LITTLEFIELD: Okay, it's been
7 moved and seconded to add the word steelhead in 27 (iii)
8 and again, like the previous one we don't know if this is
9 the right (iii)'s but we do want to make clear that the
10 Council's intent is to cover steelhead under the -- the
11 Council's amendment was to include steelhead in what was
12 previously an exclusive action that we took. We excluded
13 everything and only talked about salmon when the
14 regulation that existed included all of them.

15
16 So if you would like to speak to that
17 steelhead now's your time.

18
19 Dr. Garza.

20
21 DR. GARZA: Mr. Chairman, thank you. And
22 that is correct. If you compare Page 70, the original
23 proposal that went out for public comment and had ample
24 opportunity for public to respond to was not specific to
25 salmon and could indeed and did indeed, in my reading
26 included steelhead and so in that sense steelhead is not
27 new. Through the Staff recommendation we actually
28 excluded steelhead by saying only salmon and I'm assuming
29 that was just somewhat of an oversight and so I don't
30 think that we're doing anything beyond what the public
31 might have expected.

32
33 Probably the easiest way would have just
34 been to stick with Page 70 but in going with Page 73 I
35 wanted to make it clear that it does include steelhead.
36 That was the intent through our process of voting for 20
37 and I just wanted to make it clear through every avenue
38 possible that steelhead is included as a handline gear.

39
40 Thank you.

41
42 CHAIRMAN LITTLEFIELD: Any other Council
43 like to comment on the amendment to add steelhead.

44
45 MR. DOUVILLE: Mr. Chairman.

46
47 CHAIRMAN LITTLEFIELD: Mr. Douville.

48
49 MR. DOUVILLE: Thank you, Mr. Chairman.
50 I just have a question, we'll just include them, I

1 believe it says Southeast, would that include Sections
2 (A), (B) and (C).

3

4 CHAIRMAN LITTLEFIELD: Mr. Casipit.

5

6 MR. CASIPIT: Could you repeat that
7 again.

8

9 CHAIRMAN LITTLEFIELD: Mr. Douville.

10

11 MR. DOUVILLE: Does this language here
12 include the Sections (A), (B) and (C).

13

14 MR. CASIPIT: Oh, I'm sorry, I
15 misinterpreted what you meant by sections, I was trying
16 to look for A, B and C here. No, this would apply to all
17 fisheries in Southeast Alaska. This would be kind of
18 like, if you will, the starting point for all Southeast
19 Alaska fisheries. So adding steelhead there would make
20 it clear to us that you mean you want all these gears to
21 apply steelhead and then we would have to go through, you
22 know, as Staff it would be our responsibility to go
23 through all the regulations that appear along with this
24 to make sure that steelhead is -- that handlines would be
25 applied to both all salmon and steelhead fisheries.

26

27 That's the way I interpret it anyway.

28

29 CHAIRMAN LITTLEFIELD: Mr. Jordan.

30

31 MR. JORDAN: My understanding of the
32 reading of the rule is that it wouldn't just be
33 handlines, it would be gaffs, spears, gillnets, seines,
34 dip nets, cast nets, handlines and rod and reel.

35

36 CHAIRMAN LITTLEFIELD: Okay, let me give
37 you my interpretation of this, I thought Dr. Garza tried
38 to cover this.

39

40 The regulation that's shown on Page 71 is
41 all inclusive, all Alaska, all subsistence. In other
42 words, those are the allowable types of gears that are
43 shown on Page 71 and if we have not adopted any of the
44 stuff on Page 73 we wouldn't be in this fix right now
45 because handlines would have been an allowable gear.

46

47 The effect of the proposal is to add
48 gaffs, it's the only difference I see is we inserted
49 gaffs which are not a previous allowable gear under the
50 27(C)(1), so that's the way I see it. We start out with

1 Alaska, all subsistence 27(c)(1) and what we did is we
2 said wait a minute we just want to use this for salmon,
3 adding only gaffs, that's the only thing we've added.
4 Now, what we've done, what we're trying to do with this
5 reconsideration is to say, no, we would like to put in
6 steelhead in there.

7

8 Does that make it clear or not?

9

10 Mr. Jordan.

11

12 MR. JORDAN: Right, I follow you but my
13 understanding would be if you put Southeast Alaska area
14 salmon and steelhead fisheries then you've got things
15 that apply to them which includes gaffs, spears,
16 gillnets, seines, dip nets, cast nets, handlines and rod
17 and reel, and if you're adding them what's legal gear for
18 steelhead, it would include all of those.

19

20 CHAIRMAN LITTLEFIELD: I'm going to let
21 Staff handle this.

22

23 MR. CASIPIT: Hold on a minute, let me
24 flip to what's.....

25

26 (Pause)

27

28 CHAIRMAN LITTLEFIELD: Yeah, I think the
29 language.....

30

31 MR. CASIPIT: I'm probably jumping ahead
32 of ourselves again because I'm referring to a Staff
33 analysis, you know, that appears later in your agenda.
34 But at least on Prince of Wales, anyway, we already do
35 allow dip nets, spear, rod and reel with artificial lure
36 -- or fly, so -- and that's already the restrictions that
37 are in place for Prince of Wales Island. And it says,
38 unless otherwise specified in this section, that's above
39 this, and so you get down to steelhead for Prince of
40 Wales and you look at the list of gear for steelhead for
41 Prince of Wales and it says dip nets, spear, rod and reel
42 with artificial lure or fly, now with your action that
43 you took on 20, Staff is going to have to add handline in
44 that list for Prince of Wales of steelhead at least
45 because that's what your intent on 20 was. I think what
46 -- and I don't want to put words in what Dr. Garza is
47 trying to do is at least in the overall, you know, this
48 overall regulation that's going to appear above it is
49 that at least steelhead is included as a species that all
50 these gears can be used for unless otherwise specified.

1 And the otherwise specified appears later in our
2 regulations.

3
4 I don't know if I'm being clear on that
5 but that's where we're at. I know the intent of the
6 Council is to include handlines for steelhead, I can live
7 with that, I know what that says, I saw it written up
8 there, I know what that means. I know what adding
9 steelhead to salmon -- salmon and steelhead fisheries,
10 it's just in this overall general rule that unless
11 otherwise restricted you can use these gears. It so
12 happens we otherwise restrict when we get to steelhead.

13
14 CHAIRMAN LITTLEFIELD: Mr. Jordan.

15
16 MR. JORDAN: So in other words, the rules
17 on Prince of Wales for steelhead would be more
18 restrictive than the rest of Southeast?

19
20 MR. CASIPIT: That's the way it is now,
21 correct.

22
23 CHAIRMAN LITTLEFIELD: Are you ready for
24 the question on the amendment.

25
26 (Council nods affirmatively)

27
28 CHAIRMAN LITTLEFIELD: Hearing no
29 objection, the amendment before you is to add the word
30 steelhead after salmon so that the language on Page 73,
31 Proposal FP05-19 will read unless otherwise specified in
32 this section, allowable gear in the Southeast Alaska
33 salmon and steelhead fisheries is restricted to gaffs,
34 spears, gillnets, seines, dip nets, cast nets, handlines
35 and rod and reel; all those in favor of adding the word,
36 steelhead, please signify by saying aye.

37
38 IN UNISON: Aye.

39
40 CHAIRMAN LITTLEFIELD: All those opposed,
41 same sign.

42
43 MR. JORDAN: No.

44
45 CHAIRMAN LITTLEFIELD: The motion -- the
46 amendment has passed. Are you ready for the action on
47 the amended main motion.

48
49 MR. STOKES: Question.

50

1 CHAIRMAN LITTLEFIELD: Okay, the motion
2 before you is the language I just read, we added the
3 word, steelhead, that's in there now officially by
4 amendment. The language is unless otherwise specified in
5 this section, allowable gear in the Southeast Alaska area
6 salmon and steelhead fisheries is restricted to gaffs,
7 spears, gillnets, seines, dip nets, cast nets, handlines
8 and rod and reel; all those in favor of the amended
9 motion please signify by saying aye.

10

11 IN UNISON: Aye.

12

13 CHAIRMAN LITTLEFIELD: All those opposed,
14 same sign.

15

16 (No opposing votes)

17

18 CHAIRMAN LITTLEFIELD: The motion has
19 been accepted FP05-19 recommendation is to accept. We're
20 on Proposal 21.

21

22 MR. LARSON: Good afternoon, Mr.
23 Chairman. My name is Bob Larson with the Forest Service.

24

25 Proposal FP05-21 was submitted by the
26 Southeast Regional Advisory Council and it would allow
27 Federally-qualified users to harvest fish under
28 sportfishing regulations after taking an annual
29 subsistence harvest for that species under Federal
30 subsistence regulations.

31

32 The current statewide Federal subsistence
33 harvest regulations specify that once an annual limit is
34 taken, no additional fish of that species may be
35 harvested under any other regulations. This proposal
36 would benefit subsistence users because of increased
37 fishing opportunity. This proposal would also align
38 Federal and State regulations because there is not a
39 similar State prohibition in subsistence personal use or
40 sportfishing regulations.

41

42 Currently Federal regulations specify
43 annual harvest limits in several fisheries in Southeast.
44 The first is the Prince of Wales steelhead fisheries, the
45 non-section 3(A), 3(B), and 3(C) coho fisheries and
46 sockeye fisheries in selected locations, Salmon Bay,
47 Virginia Lake, the Stikene River, Thoms Creek. There's
48 not an annual harvest limit for steelhead, coho, sockeye
49 salmon in other systems. There's not an harvest limit
50 for other salmon, trout or char anywhere in Southeast

1 Alaska.

2

3

4 At the December 2003 Federal Subsistence
5 Board meeting in Anchorage, the Board adopted a similar
6 proposal for Prince William Sound, that proposal allowed
7 the accumulation of Federal subsistence and sportfishing
8 limits for salmon in the Copper River Drainage upstream
9 of Haley Creek.

9

10

11 The effect of this proposal would be that
12 the current Federal subsistence regulations that now
13 prevent any additional harvest opportunities by Federal
14 subsistence fishermen and members of their household by
15 any means once an annual subsistence harvest is taken.
16 The current regulation is an unnecessary restriction to
17 subsistence users and because of the low additional
18 harvest would not result in a conservation concern.

18

19

20 The Federal Staff supports the proposal
21 and note that it will align State and Federal subsistence
22 fishing regulations by allowing a sportfishery subsequent
23 to a Federal subsistence fishery.

23

24

That's all I have.

25

26

CHAIRMAN LITTLEFIELD: Thank you. Are
27 there any questions for Staff from the Council.
28 Questions or comments.

29

30

(No comments)

31

32

CHAIRMAN LITTLEFIELD: Okay, thank you.
33 ADF&G.

34

35

MS. SEE: Mr. Chair. Members of the
36 Council. And the public. Our comments on this include
37 the fact that we support the intent of the proposal to
38 align State and Federal regulations. The Federal Staff
39 modification for wording in the first line we think is
40 clearer than the original language. In addition we
41 propose that the last line of the existing regulation
42 would also be amended and rephrased for clarity.

43

44

45 And I'll read the proposed language here,
46 recognizing whatever the actual section is has to be
47 determined by Staff. So we're proposing the language
48 that would say, this means if you have taken the Federal
49 harvest limit for a particular species whether under a
50 subsistence season specified under this section under a
51 State season or under a combination of the two, you may

1 not, after that, take any additional fish of that species
2 under Federal regulations.

3
4 Our preliminary recommendation then is to
5 support the proposal with these modifications.

6
7 That concludes my comment.

8
9 CHAIRMAN LITTLEFIELD: Are there
10 questions from ADF&G from the Council.

11
12 (No comments)

13
14 CHAIRMAN LITTLEFIELD: And your
15 recommendation is to add this additional language on Page
16 4 of your review?

17
18 MS. SEE: Mr. Chair, our recommendation
19 is to modify so that that statement reads as I read it
20 into the record which is on your written version of the
21 comments. It's to clarify what's actually being
22 addressed here, that it's addressing Federal regulations.
23 It's just a rephrasing to make the reference correct.

24
25 CHAIRMAN LITTLEFIELD: Okay, are there
26 any questions for ADF&G on their intent here or comments.

27
28 Dr. Garza.

29
30 DR. GARZA: Thank you, Mr. Chair. Thank
31 you for the comment. I guess I'm trying to think of how
32 this would work so you can -- you can get like 20 coho,
33 you go in, you get six, so then you go out to the ocean
34 and you get six, so that means you can't go back in and
35 get six more under this current proposed language; is
36 that correct?

37
38 MS. SEE: I believe that's correct and I
39 will look back to other Fish and Game Staff to make sure
40 the math is correct. Is that right? I'm not seeing a
41 wave, so I think that's correct.

42
43 DR. GARZA: Well, and the math, I was
44 just trying to guess low so it's not -- we're not getting
45 the maximum?

46
47 MS. SEE: The intent is to actually
48 insure if you're subsistence fishing in this section,
49 which would be Federal subsistence and then you want to
50 fish under a State season or a combination of the two,

1 that you're then not going back for additional Federal
2 regulatory provisions.

3

4 Tom Brookover has joined me who may be
5 able to clarify this.

6

7 MR. BROOKOVER: Mr. Chair, I all I have
8 to add at this point is that the intent, I think, with
9 this modification is that Federal regulations would no
10 longer prevent someone that has attained their harvest
11 limit under Federal regulations from partaking in the
12 sportfishery after they have done so. I mean in other
13 words, Federal rules would not preclude that with this
14 modification.

15

16 CHAIRMAN LITTLEFIELD: Dr. Garza.

17

18 DR. GARZA: Okay, that didn't clarify so
19 I'm starting to understand a little bit more. Okay, so
20 this means that if you're taking the Federal harvest
21 limit, so that means you need to have taken the 20 coho
22 that you can take, so the question is, what if you only
23 get 10 in river, you're out camping so you say, well, you
24 know they're still out in the ocean I'm going to go out
25 and take six for sport, so you can't come back in and
26 take additional -- I mean can you come back -- I mean if
27 you're out there -- out camping, can you come back in if
28 you've got your full limit or not, that's where I'm
29 confused. So I'm trying to figure out if this is a
30 further restriction.

31

32 CHAIRMAN LITTLEFIELD: Could we have Mr.
33 Casipit answer this.

34

35 MR. CASIPIT: Let me try to simplify this
36 a bit.

37

38 Under our regulations, under our Federal
39 regulations we have several places where we have an
40 annual limit listed for, for instance, cohos other than
41 3(A), 3(B), and 3(C), the Stikene River, some other
42 locations where we have an annual limit in there for
43 sockeye, there's also, as you know, an annual limit for
44 steelhead and such; what this regulation does -- and
45 there is a portion of the Federal regulations that says,
46 once you have obtained a Federal limit you can no longer
47 fish for that species under any regulations, State or
48 Federal. So what that does is that somebody -- let's say
49 somebody goes out and they go out -- let me use coho, for
50 instance, they go out and they get their annual limit for

1 coho under the Federal regulations under Federal
2 jurisdiction, by our regulations they would be prohibited
3 from participating even in a sportfishery for coho be it
4 in fresh water or salt water, so what this proposal
5 attempts to do is it removes that prohibition so that
6 we're not telling people they cannot sportfish anymore
7 under our Federal regulations.

8
9 DR. GARZA: Okay. But the concern I have
10 there is, okay, so you're out camping you can get say 10
11 coho, I'm just pulling that number out of the air, okay,
12 you only get six, you go out and you do sportfishing and
13 you get your full six, can you go back and get your other
14 four?

15
16 MR. CASIPIT: I'm not sure -- okay,
17 you're camping and you're going to get your extra four
18 from State jurisdiction?

19
20 DR. GARZA: I'm in river -- I'm in river
21 and I go out and I get six, I can get 10 but I can only
22 get six, I mean there's not much fish in the.....

23
24 MR. CASIPIT: Under the State?

25
26 DR. GARZA: Under Feds. Under Feds.
27 This is fresh water subsistence harvest and 10 I'm just
28 pulling out of the air.

29
30 MR. CASIPIT: Okay.

31
32 DR. GARZA: Probably 10 doesn't apply
33 anywhere.

34
35 MR. CASIPIT: Okay.

36
37 DR. GARZA: Okay. Okay, so I can see
38 that the salmon are still out in the ocean so I go out in
39 my skiff and I get my six, which I can get through
40 personal use or whatever, okay, so I've maxed out on my
41 State but I still don't have enough for my smokehouse, so
42 can I go back in to the fresh water with my Federal
43 permit and get the additional four so that I have my 10
44 limit?

45
46 MR. CASIPIT: Correct, yes.

47
48 CHAIRMAN LITTLEFIELD: The answer is in
49 one day you can have 46 coho salmon in Southeast Alaska.
50 You can have 40 from your annual limit and additionally

1 that day go out and take six on your sport license,
2 that's the way I read this.

3

4 MR. CASIPIT: As long as you have your
5 sport license, as long as you've complied with the sport
6 regulations, correct.

7

8 CHAIRMAN LITTLEFIELD: Okay. Just stick
9 with us for a minute, any other Council, Mr. Jordan.

10

11 MR. JORDAN: Yeah, John, but I thought
12 the daily limit was 20, so you couldn't have 46 in one
13 day, you could only have 26.

14

15 CHAIRMAN LITTLEFIELD: You're correct.
16 You could have 20 in one day and 26 the next day, we're
17 talking about an annual limit not a bag limit here, an
18 annual limit.

19

20 MR. CASIPIT: This regulation only
21 applies to annual limits, we're only talking about annual
22 limits. What we found was that we have put in a bunch of
23 annual limits in our regulations and we also have
24 something in our regulations and you can see them there
25 that prohibits you from taking additional fish if you've
26 reached your annual limit and we didn't think it was
27 right -- we thought it was an unnecessary restriction for
28 folks to be prohibited from sportfishing just because
29 they had obtained their Federal annual limit.

30

31 CHAIRMAN LITTLEFIELD: Okay, just to be
32 clear there is no possession limit on coho you could have
33 40 if you felt like it.

34

35 Okay, are there any other questions for
36 ADF&G on this, I think it's clear but if you don't we'll
37 hammer it out here.

38

39 DR. GARZA: I have one more question Mr.
40 Chair, I'm confused.

41

42 CHAIRMAN LITTLEFIELD: Dr. Garza.

43

44 DR. GARZA: So we have an annual limit
45 and we have a daily limit but this just says harvest
46 limit so can I go 20, six and then 20 over the course of
47 my two days or do I have to do 20, 20, six and then I'm
48 done?

49

50 MR. CASIPIT: Well, there's another part

1 of our regulations that I didn't mention here because I
2 -- maybe we should have, is that we still have a portion
3 of the Federal regulations that prohibit you from having
4 sport caught and subsistence caught fish on the same day,
5 okay. What we're trying to explain here is that all that
6 other stuff is going to apply, you still can't have sport
7 fish and subsistence fish in your possession on the same
8 day, all that other stuff, but what we're saying is that
9 just because you have reached your 40 fish, in this case,
10 coho, just because you've reached your 40 fish annual
11 limit doesn't mean that tomorrow or the day after
12 tomorrow you can't go out sportfishing. The way our
13 regulations read right now once you have reached your 40
14 fish annual limit you cannot go out and fish for cohos
15 anymore under any season under any set of regulations.
16 What this tries to do is say irrespective of all that
17 other stuff, you know, if you've reached your 40 fish
18 annual limit on the Federal regs, we don't want to stop
19 you from going out and fishing for spot for the same
20 species and that's the way the regulations read right
21 now.

22
23 You would be prohibited from taking fish
24 under any other set of regulations.

25
26 CHAIRMAN LITTLEFIELD: Okay, yeah, the
27 way I look at this the state of Alaska -- let's just say
28 we had a 100 day season for cohos under the State regs,
29 well, theoretically if I was good fisherman I could go
30 out and sportfish, six times 100, I could take 600 fish
31 as my annual limit under the State regs, what we're
32 trying to correct here is if we were to have taken 40
33 earlier in the year sometime under the Federal
34 regulations, we could not go access those fish ever
35 again. That's the problem here. But if you did not go
36 subsistence fishing you could take six fish a day all
37 year long until the cohos went away and it's an injustice
38 that we're trying to correct here, that's what we're
39 trying to do.

40
41 Mr. Jordan.

42
43 MR. JORDAN: Mr. Chair, just to make
44 sure, I'm supportive of trying to get this straightened
45 out. I'm supportive of the intent here, and I see the
46 language here, but we also have a State subsistence
47 opportunity for coho, I have right here where the daily
48 limit is 20 and the annual limit is 40 and as this
49 regulation reads here under preliminary conclusion on
50 Page 84, it says you may accumulate annual Federal

1 subsistence harvest authorized for Southeast Alaska with
2 harvest limits authorized under State of Alaska
3 sportfishing regulations. Now, what does that say in
4 regards to this, does that mean you could not go and get
5 your Federal limit of 40 and your State limit of 40?

6
7 CHAIRMAN LITTLEFIELD: State do you want
8 to try that or -- yeah, Mr. Casipit.

9
10 MR. CASIPIT: Sorry, I was trying to hold
11 a conversation with Bob, he was trying to get me
12 straightened out.

13
14 CHAIRMAN LITTLEFIELD: He was laughing at
15 you.

16
17 (Laughter)

18
19 MR. CASIPIT: Now, would somebody repeat
20 that question I am sorry I was talking to Bob.

21
22 CHAIRMAN LITTLEFIELD: Mr. Jordan.

23
24 MR. JORDAN: Mr. Chair, what I would like
25 to see is people able to go get their annual limit of
26 subsistence, whatever it is, and then be able to continue
27 to go sportfishing for that species, I think that's what
28 everybody here wants. But the language is unclear and we
29 also have both Federal rules for annual limits on
30 subsistence and State and I have a State subsistence form
31 here where the daily limit is 20 and the annual limit is
32 40, can we accumulate both Federal and State subsistence
33 permits; is the regulation clear on that? Because I'm
34 not in favor of that.

35
36 CHAIRMAN LITTLEFIELD: There's two parts
37 here, we need to ask the State to address Mr. Jordan's
38 question on their amendment as well as the Federal Staff
39 addressing how this goes to their suggestion so there's
40 two parts to this. So if the State, ADF&G would go
41 first.

42
43 MS. SEE: Mr. Chair, we did discuss this
44 with our advisor from the attorney of law, who provided
45 this language as proposed and we would appreciate an
46 opportunity to go back and just clarify with that person
47 about the particular question you raise. We were not
48 entirely sure as we looked at this again this morning, we
49 think that we transcribed this correctly from our
50 conversation with him but we want to be sure that the

1 question that came up that Mr. Jordan raised gets a
2 correct answer, so we appreciate if if we could make a
3 phone call or two and then you could allow for us to
4 respond back on that.

5
6 CHAIRMAN LITTLEFIELD: I don't want to be
7 here on Sunday. Mr. Casipit.

8
9 MR. CASIPIT: I want to answer Mr.
10 Jordan's question directly, I will call your attention to
11 Page 82 of your book. You can see that under the
12 existing Federal regulation, I'll just read the last
13 paragraph, this means that if you have taken the harvest
14 limit for a particular species under a subsistence season
15 specified in this section you may not, after that, take
16 additional fish of that species under any harvest limit
17 specified for a State season.

18
19 Now, what we have done with the proposed
20 regulation, let me read that sentence. This means that
21 if you have taken the harvest limit for a particular
22 species under a subsistence season specified in this
23 section, you may not, after that, take additional fish of
24 that species under any other harvest limit specified for
25 a State season, but then at least for the Southeast
26 Alaska area we are providing exception that says, you may
27 accumulate annual Federal subsistence harvest limits with
28 annual harvest limits under State of Alaska sportfishing
29 regulations. So we can say you can only take more than
30 the Federal harvest if you're doing the sportfishing, we
31 still have the prohibition about accumulating subsistence
32 harvest limits, State and Federal.

33
34 CHAIRMAN LITTLEFIELD: Mr. Jordan.

35
36 MR. JORDAN: Mr. Chair, that answers my
37 question and with that answer I don't think the State
38 needs to go any further for my benefit and I'm prepared
39 to support the language offered by the Staff with the
40 modification.

41
42 CHAIRMAN LITTLEFIELD: Let's let the
43 State speak for themselves. Ms. See.

44
45 MS. SEE: Thank you, Mr. Chair. The
46 concern we'd note about that language which we agree has
47 a clear intent is that legally speaking it speaks to
48 authorizing a State -- what's authorized under State
49 rules, and the way that's worded it's not something that
50 we feel legally you can actually say under the Federal

1 rules, it has to be reframed so that it's speaking to
2 what's allowed under the Federal rules. And that was
3 what our proposed language was intended to do. What we
4 were speaking to earlier was that we wanted to be sure
5 that was, in fact, what this did with the language that
6 we proposed or whether, in fact, that needed to say State
7 subsistence season. Because that would be the obvious
8 way that we think that might be corrected, if, in fact,
9 it's not correct as written.

10

11 CHAIRMAN LITTLEFIELD: Would it be
12 possible to proceed on this as we did earlier on the
13 (iii)'s to make our intent clear on this by what we
14 intend to do and what we intend to authorize or not,
15 whether we intend to authorize the State permit as well,
16 allow Staff to go ahead and clarify those and get them to
17 a couple Council members to review and compare them with
18 their records and make sure that -- I think rather than
19 trying to wordsmith this and going to get the legal Staff
20 to run through it, I don't want to be here Sunday.

21

22 Mr. Stokes.

23

24 MR. STOKES: Supposing I don't go
25 subsistence fishing under the State and Federal
26 regulations, but I do go sportfishing and I'm allowed six
27 a day, I'm not going to stop at 40 if I can, I mean just
28 supposing?

29

30 MR. CASIPIT: Thank you, Mr. Stokes. I'm
31 not the expert on sportfishing regulations but I'm not
32 aware of a season harvest or an annual harvest limit for
33 sportfishing, I know there's a daily limit, there's a
34 possession limit, I'm not sure that there's any annual
35 limits.

36

37 CHAIRMAN LITTLEFIELD: Okay.

38

39 MR. STOKES: Thank you. I wanted to give
40 Ken something to do.

41

42 (Laughter)

43

44 CHAIRMAN LITTLEFIELD: Okay, I don't know
45 the legality of the State making amendments or suggesting
46 amendments to the Federal FP05-21 that was presented to
47 us and I think it's somewhat murky, at best, we have a
48 proposal before us. You could make a recommendation of
49 what you'd like us to do but adding amendments, I don't
50 know if I want to go there.

1 So I think I'd rather just go with making
2 the intent of what you would like to do and we'll capture
3 that intent under our language.

4
5 Mr. Jordan.

6
7 MR. JORDAN: Mr. Chair, I'm with you. I
8 don't want to be here a long time so where are we right
9 now, as I understand it we have a motion to adopt the
10 proposal as listed on Page 81.

11
12 CHAIRMAN LITTLEFIELD: No. We're on
13 ADF&G comments. We're on bullet number 2.

14
15
16 MR. JORDAN: Oh, okay, I'm sorry, I'm
17 lost.

18
19 (Laughter)

20
21 CHAIRMAN LITTLEFIELD: Your GPS is off
22 today.

23
24 (Laughter)

25
26 CHAIRMAN LITTLEFIELD: Okay, we will work
27 this out so capture what the Council intends here.

28
29 Okay, tribal agencies. Is there any
30 tribal agencies that would like to comment on this
31 proposal, and it's Proposal 21.

32
33 (No comments)

34
35 CHAIRMAN LITTLEFIELD: Any tribes.

36
37 (No comments)

38
39 CHAIRMAN LITTLEFIELD: InterAgency Staff
40 Committee.

41
42 MR. KESSLER: Mr. Chairman and Council,
43 I'm Steve Kessler with InterAgency Staff Committee and we
44 don't have any comments on this proposal.

45
46 CHAIRMAN LITTLEFIELD: Proposal 21. It's
47 not much of one but there is something in the book that
48 I'm looking at. Or is that just Staff, is that just
49 Staff or InterAgency Staff.

50

1 MR. KESSLER: That's Staff.
2
3 CHAIRMAN LITTLEFIELD: Okay. And get rid
4 of the other annuals, okay, that's not you, that's good,
5 okay, thank you.
6
7 Fish and Game Advisory Committees. Any
8 Fish and Game Advisory Committees.
9
10 (No comments)
11
12 CHAIRMAN LITTLEFIELD: Summary of written
13 public comments. Dr. Schroeder.
14
15 DR. SCHROEDER: Mr. Chairman, we don't
16 have written public comments on this proposal.
17
18 CHAIRMAN LITTLEFIELD: Public testimony.
19 Any members of the audience, it's your last chance to
20 testify on Proposal 21, anybody want to speak to this,
21 for or against. Mr. Demmert, please come forward.
22
23 MR. DEMMERT: I think how about where
24 some of these hatcheries, like in our village, you know,
25 for this here bag limit, you know, we have a hatchery
26 that produces cohos so I have a hard time -- you know,
27 because I know some of these people will use more than 20
28 cohos and I know damn well that they're not going to go
29 out there and fish for six of them a day, so I don't know
30 how that would be included in the Federal regulations.
31
32 It's just more of a point, I don't know
33 if you guys could do anything about that or not.
34
35 CHAIRMAN LITTLEFIELD: We have a proposal
36 later on that will address that by eliminating the annual
37 limit on coho.
38
39 Mr. Douville.
40
41 MR. DOUVILLE: Thank you, Mr. Chairman.
42 As our regulation reads now I think you can take 20 day
43 and there is now annual limit for coho there.
44
45 CHAIRMAN LITTLEFIELD: 3(A), 3(B), and
46 (C).
47
48 MR. DOUVILLE: 3(A), (B) and (C).
49
50 MR. DEMMERT: All right, thank you.

1 CHAIRMAN LITTLEFIELD: And we will be
2 addressing a Southeast wide, removing the annual limit
3 which would apply to all of Southeast, to include the
4 remainder of Southeast.

5
6 Any other tribes, go ahead.

7
8 MR. DEMMERT: Well, maybe I can just make
9 another point here if you don't mind, all right, you
10 know, and I guess maybe we're kind of Klawock because our
11 corporation, the stream goes through the waters, now --
12 so that's State jurisdiction for Klawock River, I think,
13 but maybe enforcement can answer that. Because the Feds
14 say that you have the water but then you read in some of
15 these here proposals, it's on Federal land, well, with
16 ours it goes through State jurisdiction land, I believe,
17 which is corporation land and so I don't know where the
18 distinction would be as far as what the regulations might
19 be.

20
21 CHAIRMAN LITTLEFIELD: Mr. Casipit.

22
23 MR. CASIPIT: We've discussed this before
24 but we probably haven't discussed this in the past two or
25 three years but I'll say it again, when we asserted our
26 jurisdiction in 1999 we asserted jurisdiction over all
27 waters within the exterior boundary of the Tongass
28 excluding marine waters. So that means any waters
29 flowing through the Tongass, irrespective of upland
30 ownership is under Federal jurisdiction.

31
32 Now, that's a little different than how
33 we asserted our jurisdiction for wildlife but that's the
34 way we've done it for fish.

35
36 MR. DEMMERT: All right, back to that
37 question, so in other words, the Klawock River would be
38 in Federal jurisdiction?

39
40 MR. CASIPIT: Correct. Klawock River and
41 Lake is under Federal jurisdiction.

42
43 MR. DEMMERT: And we can walk through the
44 State land with our product without getting arrested,
45 right?

46
47 (Laughter)

48
49 MR. PEARSON: As long as you caught those
50 fish under Federal regulations and you make that clear.

1 CHAIRMAN LITTLEFIELD: Any other members
2 of the public like to testify.

3
4 (No comments)

5
6 CHAIRMAN LITTLEFIELD: Okay, let's take a
7 short break and we'll come back at Regional Council
8 deliberation. If anybody in the public wants to testify
9 this is your final chance, you can grab me and we'll put
10 you here before the Council takes this. So we'll take a
11 short break.

12
13 (Off record)

14
15 (On record)

16
17 CHAIRMAN LITTLEFIELD: Okay, let's take
18 your seats.

19
20 (Pause)

21
22 CHAIRMAN LITTLEFIELD: Let's take our
23 seats and come back to order please.

24
25 (Pause)

26
27 CHAIRMAN LITTLEFIELD: Is there anybody
28 in the audience that wants to testify on Proposal 21.
29 I'm not going to let you.

30
31 (Laughter)

32
33 CHAIRMAN LITTLEFIELD: Okay, I think we
34 have enough to come back to order here, if you could hold
35 it down in the back there please. Okay, we're on
36 Proposal 21, Regional Council deliberation,
37 recommendation and justification.

38
39 I think what we need to do on these
40 proposals, especially like this one which has
41 recommendations from the State, recommendations from
42 Council is that we should make ourselves clear what we
43 are trying to do and just direct the Staff to make it so.
44 For me, personally, what I have heard here, leads me to
45 believe that I want the Federal permit to allow me to go
46 get 40 cohos and I want to go get 40 cohos on the State
47 permit and I want to get six, so personally that's what
48 I'd like to have. I'd like to have none of them exclude
49 you from going out and take that opportunity away from
50 others.

1 So I don't know how to proceed on this, I
2 would like to put the proposal on Page 21 -- or 81
3 forward but then I think you need to clarify in your
4 remarks what you would like to see and we'll talk those
5 over. So I'm looking for a motion on Proposal 21.

6
7 MR. DOUVILLE: Move to adopt FP05-21.

8
9 MR. BANGS: Second.

10
11 CHAIRMAN LITTLEFIELD: On Page 81.

12
13 MR. DOUVILLE: On Page 81.

14
15 CHAIRMAN LITTLEFIELD: I believe there
16 was a second?

17
18 REPORTER: (Nods affirmatively)

19
20 CHAIRMAN LITTLEFIELD: Okay. It's been
21 moved and seconded to adopt the language on Page 81 for
22 FP05-21 and the language is shown in bold to say you may
23 accumulate annual Federal subsistence harvest limits with
24 annual harvest limits under a State of Alaska
25 sportfishing regulation, that's the motion before you.
26 And again during our discussion it was noted that it did
27 not address any of the State subsistence.

28
29 Mr. Bangs.

30
31 MR. BANGS: Thank you, Mr. Chairman.
32 Could we discuss the option of maybe amending this to
33 include, just simply add Alaska sport and subsistence
34 fishing regulations.

35
36 CHAIRMAN LITTLEFIELD: I believe we could
37 do that and then the intent of that under the language is
38 you would make it clear that we want to be able to allow
39 the people to go ahead and use the State subsistence
40 permit; would that be correct?

41
42 MR. BANGS: (Nods affirmatively)

43
44 CHAIRMAN LITTLEFIELD: Okay, if you would
45 like to make that motion we'll look for a second.

46
47 MR. BANGS: Yes, I would like to make the
48 motion to include the word subsistence along with Alaska
49 sportfishing regulations.

50

1 MR. STOKES: I'll second it.
2
3 CHAIRMAN LITTLEFIELD: Okay, it's been
4 moved and seconded. I'm going to put the word and
5 subsistence after the word, sport, is that correct?
6
7 MR. BANGS: (Nods affirmatively)
8
9 DR. SCHROEDER: Mr. Bangs, do I have it
10 correct on the screen, in the Southeast section of
11 regulations, you may accumulate annual Federal
12 subsistence harvest limits authorized for Southeast
13 Alaska with harvest limits authorized under State of
14 Alaska sportfishing and subsistence regulations; is that
15 your intention?
16
17 MR. BANGS: Yes, that's correct. Thank
18 you.
19
20 DR. SCHROEDER: There was one wording
21 change that Staff suggested and I don't know if that's
22 part of your amendment or not, to take out the second
23 annual.
24
25 CHAIRMAN LITTLEFIELD: Make it so, that's
26 what I think.
27
28 DR. SCHROEDER: Make it so?
29
30 CHAIRMAN LITTLEFIELD: Yeah, we don't
31 want any annual annuals, that's not proper style.
32
33 Is that your motion on the screen?
34
35 MR. BANGS: Correct.
36
37 CHAIRMAN LITTLEFIELD: Okay, that's the
38 motion before you and I think under discussion here we
39 want to make clear that the intent of what we expect
40 Staff to come back with here.
41
42 Mr. Jordan.
43
44 MR. JORDAN: Mr. Chair, if I understand
45 the proposed regulation it reads then you would be able
46 to go out and get your 20 on your Federal permit on day
47 one and then your 20 on day two, which gets you to your
48 40 annual limit on your permit, on day three you could
49 take 20 for the State permit and on day four you could
50 take 20 for the State permit which gets you up to your 40

1 annual limit on your State permit, in addition on each
2 day you could go out and day one you could take six in
3 addition to your Federal permit, day two you could take
4 six additional, and then on your State permit on day
5 three and four you could take six additional if I'm
6 understanding that right.

7
8 CHAIRMAN LITTLEFIELD: Other than the --
9 I think I'd like Cal to talk to that because we're not
10 supposed to have -- we still have the other stuff, like
11 he said, you can't have State -- or sport and subsistence
12 the same day, so I think maybe you could clarify that,
13 but that's really close to what I have but I just want to
14 make sure.

15
16 MR. JORDAN: Okay, so on the State day
17 you couldn't take subsistence and sport but you could on
18 the Federal days?

19
20 CHAIRMAN LITTLEFIELD: No, you can't.
21 Mr. Casipit will you please clarify that so that
22 everybody knows what we're talking about here.

23
24 MR. CASIPIT: Well, our regulations still
25 prohibit and we have no proposal to change, that you
26 cannot have sport caught and subsistence caught fish in
27 your possession in the same day.

28
29 MR. JORDAN: Okay, I see. Yeah, I
30 follow.

31
32 CHAIRMAN LITTLEFIELD: Other Council, are
33 you clear on what the intent of the motion is. We need
34 to make sure that we go through our four rationale here
35 for the justification for why we think this is good, bad
36 or ugly.

37
38 Okay, before we -- we don't need to do
39 that just to add the words and subsistence, so we have an
40 amendment, let's take care of that first. The amendment
41 was to add the words and subsistence, are you ready for
42 the question.

43
44 (Council nods affirmatively)

45
46 CHAIRMAN LITTLEFIELD: The question
47 before you is to add the words, and subsistence, after
48 the State of Alaska and the language is as shown on the
49 screen. All those in favor signify by saying aye.

50

1 IN UNISON: Aye.
2
3 CHAIRMAN LITTLEFIELD: All those opposed,
4 same sign.
5
6 (No opposing votes)
7
8 CHAIRMAN LITTLEFIELD: The amendment has
9 carried. What we have before us now is the amended
10 motion as shown on the screen and it will meet with the
11 previous discussion by Mr. Jordan and Mr. Casipit, it
12 will meet those discussions of harvest limits.
13
14 Are you ready for action or do you want
15 to talk about this -- rationale, that's where we are,
16 rationale, it's getting late folks, rationale.
17
18 I need some rationale.
19
20 (Pause)
21
22 CHAIRMAN LITTLEFIELD: Dr. Garza.
23
24 DR. GARZA: Mr. Chairman, I would speak
25 in favor of the motion as amended on Page 81 as amended
26 up here that basically includes the word, subsistence, I
27 think for fishing.
28
29 Is there a conservation concern, no, I
30 don't think there is. There are already conservation
31 measures in terms of numbers and seasons, both for State
32 and Federal.
33
34 What is the effect on subsistence users,
35 it is my understanding that it provides a subsistence
36 user the opportunity to fish as an Alaska resident as a
37 non-subsistence user once subsistence is met and so that
38 clearly increases the benefit to subsistence users.
39
40 Is there substantial data, I don't think
41 that that is necessary.
42
43 I don't thin that there's any affect on
44 any other users.
45
46 So I speak in favor of the motion.
47
48 Thank you.
49
50 CHAIRMAN LITTLEFIELD: Thank you. Would

1 any other Council like to add any comments.

2

3 (No comments)

4

5 CHAIRMAN LITTLEFIELD: Are you ready for
6 the question.

7

8 Mr. Jordan.

9

10 MR. JORDAN: Mr. Chair, I'm going to vote
11 opposed to this. I was in favor of allowing sportfish
12 bag limits in addition to annual Federal limits,
13 accumulate those, but now we've added subsistence permits
14 so we've gone from an annual limit of 40 to an annual
15 limit basically of 80 and this is in fresh water, and I
16 just don't think the coho resource around Southeast
17 Alaska, at least, and I've walked hundreds of these --
18 not hundreds, but I've walked dozens and dozens of these
19 creeks, a lot of times these runs are less than 100 fish,
20 and I think allowing this in fresh water is just too much
21 for that resource.

22

23 So I'm opposed to it.

24

25 CHAIRMAN LITTLEFIELD: Okay. I'd like to
26 clarify something, the State of Alaska regs, I can fish
27 at Cape Fairweather for those coho if I want to; is that
28 correct, there's no terminal area, no fresh water area
29 defined for the coho subsistence fishery; Mr. Brookover.
30 Okay, we have Mr. Davidson, Mr. Davidson, would you
31 please address that for us so we -- we need to know a
32 little additional information here, thank you.

33

34 MR. DAVIDSON: Yeah, hi, my name is Bill
35 Davidson. I'm with the State of Alaska Commercial
36 Fisheries Division and I manage the State subsistence by
37 permit, and you're correct there is no restriction on
38 where within State waters you can harvest coho for
39 subsistence.

40

41 CHAIRMAN LITTLEFIELD: Thank you. So
42 that should cut down half of your objection, Eric. When
43 we discussed this earlier the intent with the State when
44 we went through that was to spread that coho fishery out
45 everywhere so that hopefully the 20 fish you caught could
46 conceivably come from 20 different streams recognizing
47 the problem you had, but that doesn't exist for half of
48 those fish.

49

50 Any other follow up comment on that or

1 other Council.

2

3

(No comments)

4

5

6

the question.

7

8

(Council nods affirmatively)

9

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CHAIRMAN LITTLEFIELD: Are you ready for

CHAIRMAN LITTLEFIELD: Okay, the question before you is FP05-21 language on Page 81 and as modified on the screen and as amended to add those words, all those in favor, please signify by saying aye.

IN UNISON: Aye.

CHAIRMAN LITTLEFIELD: All those opposed, same sign.

MR. JORDAN: Aye.

CHAIRMAN LITTLEFIELD: Okay, the motion has passed, FP05-21 as amended is recommended for yes action. We're on Proposal 22, Federal Staff.

MR. LARSON: Mr. Chairman, Proposal FP05-22 is another of the package that was submitted by the working group of the Southeast Regional Advisory Council. It establishes a means of controlling incidental harvest in the Southeastern Alaska subsistence fisheries.

The intent of this proposal is to minimize the opportunity for users to exceed established harvest limits for one species under the guise of fishing for another.

The proposal addresses the current lack of harvest limits for species caught incidentally in a directed fisheries. The Regional Council working group developed this proposal identified three possible solutions.

The first is that we could assign seasons or fishing areas to each fishery to minimize the opportunity for harvesting non-targeted fish. The other is to recognize that there's a wide range of dates that species may be harvested and provide for an incidental harvest limit for each species. The solution recognizes the mixed composition of a subsistence fishery and provides guidelines to prevent management's concern for

1 becoming management problems. The third is a no option
2 alternative in that there's been no documented instances
3 where Federal subsistence users have used the current
4 regulations to circumvent the intent of management
5 restrictions and cause either management or conservation
6 a problem.

7
8 A cap on incidental harvest would also
9 greatly diminish the need for interpretation of what
10 constitutes a directed fishery by law enforcement
11 officers. The concerns expressed by Federal and State
12 managers about this proposal is that the added burden on
13 Federal subsistence users to become familiar with harvest
14 limits for various fish species for all State sport,
15 personal use and subsistence regulations and the variety
16 of permits of which there at least four in the State
17 system in Southeast Alaska in addition to Federal
18 subsistence fishing regulations. There's also a possible
19 issue with wastage of fish taken during the conduct of a
20 subsistence fishery by forcing users to discard fish that
21 may be mortally injured.

22
23 I'd like to note that there's a related
24 proposal, FP05-23 that addresses a similar concern, but
25 specific to chinook salmon. If adopted, that proposal
26 would establish a two chinook incidental harvest limit or
27 Southeast Alaska unless you otherwise indicate.

28
29 Federal Staff is on record as opposing
30 this regulation.

31
32 CHAIRMAN LITTLEFIELD: Questions for
33 Staff on 22.

34
35 (No comments)

36
37 CHAIRMAN LITTLEFIELD: Good. Thank you
38 very much. ADF&G, Proposal 22.

39
40 MS. SEE: Mr. Chair. Members of the
41 Council. The public. On this proposal, it appears to be
42 more restrictive than the State personal use or
43 subsistence regulations for incidental harvest of trout.

44
45 State subsistence permits, unlike Federal
46 regulations specify fishing seasons which helps to limit
47 incidental harvest. We appreciate that this proposal was
48 intended to prevent potential management problems however
49 there does not seem to be a conservation issue that this
50 proposal would address at this time, thus the resulting

1 divergence between State and Federal regulations could be
2 burdensome for Federally-qualified subsistence fishers as
3 noted in the Federal Staff analysis.

4
5 Our preliminary recommendation on this
6 proposal as it stands is neutral.

7
8 CHAIRMAN LITTLEFIELD: Are there any
9 questions for ADF&G.

10
11 (No comments)

12
13 CHAIRMAN LITTLEFIELD: Thank you. Tribal
14 agencies. Tribal governments. Any tribes that would
15 like to testify on 22. Go ahead and come forward.

16
17 MR. DEMMERT: Okay, if I understand this
18 here, you can't -- on your incidental catches, all right,
19 in Federal waters, this is to oppose catching other
20 species in order to keep you in your limit, right? Is
21 that what I'm reading here?

22
23 CHAIRMAN LITTLEFIELD: Mr. Casipit, would
24 you capture this, please.

25
26 MR. CASIPIT: Thank you, Mr. Chair. The
27 proposed regulation you see there on Page 85, that second
28 block, it basically would institute incidental harvest
29 limits by basically harvest and possession limits for
30 incidental species must not exceed those allowed under
31 either sportfish, personal use or subsistence fisheries
32 regulations, whichever limit is more liberal, allowed for
33 that species time and area. Our Staff recommendation is
34 to oppose that, that we would put no incidental limit --
35 incidental harvest limit on any of the other species.

36
37 Mainly for reasons outlined by Mr.
38 Larson, but basically I guess one of the major reasons
39 why Staff is opposed to this is that it would require
40 users to be familiar with, like Mr. Larson said, be
41 familiar with not only the Federal regulations but also
42 be familiar with State sportfish regulations and also the
43 permit conditions listed on four to five separate State
44 subsistence permits -- State subsistence personal use
45 permits and we didn't feel that making subsistence users
46 be familiar with all those different regulations,
47 wouldn't be very good, that's putting too much of a
48 burden on them to, you know, figure out what they need to
49 do.

50

1 So that's why we're opposing putting
2 those harvest limits for incidental species in there.

3
4 MR. DEMMERT: Yeah, right. Yeah, if
5 you're opposing that then I -- I was, maybe,
6 misinterpreting that. But, you know, then in some
7 instances some of the fish that go up these streams might
8 be detrimental to the stream itself, so I guess
9 apparently some time some king salmon get up here in
10 Klawock and, you know, that, alone could be harmful to
11 the stream. So I would think you'd want to take those
12 out of there rather than keep them in, so that's what I
13 was concerned about.

14
15 Thank you.

16
17 CHAIRMAN LITTLEFIELD: Thank you. And I
18 think under the next companion proposal we may talk about
19 hatchery kings because it's specific to chinook.

20
21 Are there any other members of a tribe
22 that would like to testify to this proposal.

23
24 (No comments)

25
26 CHAIRMAN LITTLEFIELD: InterAgency Staff
27 Committee.

28
29 MR. KESSLER: Mr. Chair. Members of the
30 Council. The InterAgency Staff Committee doesn't have
31 any comments on this proposal.

32
33 CHAIRMAN LITTLEFIELD: I'm just giving
34 you your exercise today.

35
36 MR. KESSLER: I know you are.

37
38 CHAIRMAN LITTLEFIELD: Thank you, very
39 much.

40
41 MR. KESSLER: Appreciate being able to
42 walk around a little bit.

43
44 CHAIRMAN LITTLEFIELD: Okay. Fish and
45 Game Advisory Committee comments.

46
47 (No comments)

48
49 CHAIRMAN LITTLEFIELD: Summary of written
50 public comments. Dr. Schroeder.

1 DR. SCHROEDER: Mr. Chairman, no written
2 public comments on this proposal.

3
4 CHAIRMAN LITTLEFIELD: Thank you. Any
5 members of the public that would like to testify on
6 Proposal 22.

7
8 (No comments)

9
10 CHAIRMAN LITTLEFIELD: I don't have any
11 sheets up here, anybody want to testify.

12
13 (No comments)

14
15 CHAIRMAN LITTLEFIELD: Okay. The
16 Regional Council now has Proposal 22, recommendation, the
17 language starts on Page 85. I need a motion.

18
19 Mr. Hernandez.

20
21 MR. HERNANDEZ: Mr. Chairman, I move to
22 adopt Proposal FP05-22 as written on Page 85 of our
23 booklet.

24
25 MS. PHILLIPS: Second.

26
27 CHAIRMAN LITTLEFIELD: Okay, it's been
28 moved and seconded to adopt the language shown on Page 85
29 for FP05-22, and I will go ahead and read the language.
30 Actually I'll ask Dr. Schroeder to read the language.

31
32 DR. SCHROEDER: He's giving me some
33 exercise as well.

34
35 This is 25(i)(13)(vii), if you take
36 salmon, trout or char incidentally with gear operated
37 under terms of a subsistence permit for other than salmon
38 they may be kept for subsistence purposes. You must
39 report any salmon, trout, or char taken in this manner on
40 your permit calendar.

41
42 The new section would read harvest and
43 possession limits for incidental species must not exceed
44 those allowed under either sportfish, personal use or
45 subsistence fisheries regulations, whichever limit is
46 more liberal allowed for that species, time and area.

47
48 CHAIRMAN LITTLEFIELD: Thank you. That's
49 the motion before you. Council wishes.

50

1 (No comments)
2
3 CHAIRMAN LITTLEFIELD: We still need the
4 justification.
5
6 (No comments)
7
8 CHAIRMAN LITTLEFIELD: I need help. Mr.
9 Hernandez.
10
11 MR. HERNANDEZ: Mr. Chairman, I will be
12 voting against this proposal. I don't believe this
13 proposal really addresses a conservation concern. This
14 proposal would have -- or could have negative impacts on
15 subsistence users, it could cause confusion with reading
16 regulations.
17
18 I don't think we need much data to
19 support this recommendation.
20
21 And I don't see any effects on other
22 users.
23
24 CHAIRMAN LITTLEFIELD: Okay, thank you.
25 Any other Council that would like to comment on this
26 proposal. Are we ready for the question. Mr. Stokes.
27
28 MR. STOKES: Well, I agree with this
29 because if you're using a gillnet and you catch -- and
30 you're after sockeye, there's occasional king salmon in
31 there and you get the kings all tangled up in the net and
32 he's dead and you throw it away, I just don't agree with
33 it.
34
35 CHAIRMAN LITTLEFIELD: I think I'm a
36 little confused there. You're opposed to this; is that
37 correct?
38
39 MR. STOKES: (Nods affirmatively)
40
41 CHAIRMAN LITTLEFIELD: Tina, did you get
42 that?
43
44 REPORTER: Yes.
45
46 CHAIRMAN LITTLEFIELD: Other Council.
47 Are you ready for the question.
48
49 (Council nods affirmatively)
50

1 CHAIRMAN LITTLEFIELD: The motion before
2 you is FP05-22 and the language is on Page 85 and it is
3 if you take salmon, trout or char incidentally with gear
4 operated under terms of a subsistence permit for other
5 than salmon they may be kept for subsistence purposes.
6 You must report any salmon, trout, or char taken in this
7 manner on your permit calendar.

8
9 The added language would be harvest and
10 possession limits for incidental species must not exceed
11 those allowed under either sportfish, personal use or
12 subsistence fisheries regulations, whichever limit is
13 more liberal allowed for that species, time and area.

14
15 All those in favor of adding that
16 language, please signify by saying aye.

17
18 (No aye votes)

19
20 CHAIRMAN LITTLEFIELD: All those opposed,
21 same sign.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN LITTLEFIELD: FP05-22 has
26 failed. 23.

27
28 MR. SUMINSKI: Mr. Chairman. Council
29 members. Terry Suminski with the Forest Service. You'll
30 find the Staff analysis for FP05-23 on Page 90 in your
31 booklets.

32
33 This proposal submitted but the Southeast
34 Regional Advisory Council would close subsistence fishing
35 for chinook salmon and set an incidental harvest limit
36 for chinook salmon in Southeast Alaska. Current Federal
37 regulations do not restrict the harvest of chinook salmon
38 in waters under Federal jurisdiction in the Southeastern
39 Alaska area. The intent of this proposal is to establish
40 a general regulation for the Southeastern region that
41 closes directed chinook salmon fishing unless otherwise
42 specified. The proposal recognizes that chinook may be
43 harvested while targeting other species and sets an
44 incidental harvest limit.

45
46 Current Federal regulations do not
47 restrict the harvest of chinook in waters under Federal
48 jurisdiction, however, in the Stikene River the
49 incidental take of chinook salmon is specifically not
50 limited while targeting sockeye salmon. Efforts are

1 underway to implement a directed chinook fishery in the
2 Stikene River through the Pacific Salmon Commission.

3
4 State sportfishing, State subsistence
5 fishing and State personal use fishing regulations close
6 the directed fishery for chinook salmon in fresh waters
7 within the Southeast Alaska area, the one exception is
8 Blind Slough. The chinook salmon harvested incidentally
9 while fishing under the authority of State personal use
10 or subsistence fishery permits may be retained. The
11 daily limit for chinook salmon harvested incidentally in
12 personal use fisheries is two fish. There's no limit for
13 incidentally harvest chinook salmon in State subsistence
14 fisheries.

15
16 Chinook salmon harvested in State
17 subsistence and personal use fisheries must be reported
18 on fishing permits.

19
20 In the Stikene River, under recent
21 Federal regulations, the incidental take of chinook
22 salmon is specifically not limited while targeting
23 sockeye salmon -- I'm sorry, that's redundant.

24
25 The preliminary conclusion is to support
26 the proposal with modification to allow for specific
27 exceptions such as those regulations that apply to the
28 Stikene River. This would be done by proceeding the
29 proposal by adding the words, unless otherwise specified.

30
31 The justification is that the proposal
32 would help protect chinook salmon spawning stocks.
33 Closing subsistence fishing to the harvest of chinook
34 salmon in waters under Federal jurisdiction in the
35 Southeastern Alaska area would not change where users
36 obtain chinook salmon, which is primarily from marine
37 waters. Closing the directed Federal chinook subsistence
38 fishery in fresh waters would align State and Federal
39 regulations. The incidental limit would allow some
40 incidental harvest while limiting the effect on the
41 chinook salmon stocks but may be more restrictive than
42 State subsistence incidental limits.

43
44 In the Stikene River it is not necessary
45 to limit the harvest of chinook salmon caught
46 incidentally while targeting sockeye salmon because the
47 season dates are in effect. Efforts are under way to
48 establish a directed chinook fishery in the Stikene Rive.

49
50 Thank you.

1 CHAIRMAN LITTLEFIELD: Are there
2 questions for Federal Staff.

3
4 Mr. Kitka.

5
6 MR. KITKA: Thank you, Mr. Chairman. Is
7 there any regulation already on the books that says
8 there's no subsistence for chinook and why is that?
9 Because I know history tells us that the Chilkat Indians,
10 as well as the Taku and various other places where there
11 was a chinook run were able to get chinook as part of
12 their livelihood and part of their subsistence. And I
13 was just wondering if this was all inclusive on all these
14 rivers.

15
16 MR. SUMINSKI: Under Federal regulations
17 I believe other than the Stikene, there is no limitation
18 on chinook salmon fishing. Cal may have more detail on
19 how the Stikene regulation works. But, yeah,
20 traditionally that's correct, that there is much evidence
21 that -- especially in the mainland rivers, that's where a
22 lot of the chinook were taken.

23
24 Mostly what we're dealing with in this
25 proposal would be the rivers that aren't mainland rivers.
26 I'm not sure if that answers your question.

27
28 MR. KITKA: (Nods affirmatively)

29
30 CHAIRMAN LITTLEFIELD: Did you want to
31 follow up, Mr. Kitka.

32
33 MR. KITKA: (Shakes head negatively)

34
35 CHAIRMAN LITTLEFIELD: Okay. Mr.
36 Hernandez.

37
38 MR. HERNANDEZ: Well, I guess I had kind
39 of a similar question to Mr. Kitka there, I guess I'm a
40 little unclear on -- I realize there's only very few
41 island systems that have chinook but there are a number
42 of mainland rivers that have chinook, Chilkat, Ferrigat
43 River, there's rivers in Bradfield Canal that have
44 chinook, the Unuk, the Chickaman have some chinook and
45 are all of those rivers covered under the TransBoundary
46 Treaty? I mean we always talk about Taku and Stikene,
47 but what about these other mainland rivers, are they
48 considered TransBoundary rivers or not necessarily?

49
50 MR. SUMINSKI: I'd have to refer to Cal,

1 I'm not up on that.

2

3 MR. CASIPIT: It's my understanding that
4 in Southeast Alaska the only TransBoundary Rivers that
5 are covered by the U.S./Canada Treaty are the Alsek, the
6 Taku and the Stikene.

7

8 MR. HERNANDEZ: Okay. So then it's my
9 understanding that regulations that we adopt for chinook
10 salmon would apply to other mainland systems that do have
11 chinook salmon.

12

13 MR. SUMINSKI: That'd be correct, other
14 than the TransBoundary Rivers.

15

16 MR. HERNANDEZ: Okay.

17

18 CHAIRMAN LITTLEFIELD: Just remembering
19 this is an incidental catch where you were targeting some
20 other species, this is an incidental catch, we're not
21 targeting the chinooks with this particular proposal.

22

23 MS. PHILLIPS: Chairman Littlefield.

24

25 CHAIRMAN LITTLEFIELD: Ms. Phillips.

26

27 MS. PHILLIPS: Thank you, Chairman
28 Littlefield. Mr. Suminski, this is sort of like a what
29 if question, but these farm salmon that get loose from
30 Canada and end up in our systems, I mean for instance, I
31 got a farmed salmon -- I mean I got one of those kind of
32 salmon in Lizieanski River. I mean, you know, is that
33 something we should be -- I mean I wouldn't -- need to
34 catch those things and get them out of our system.

35

36 MR. SUMINSKI: That farmed salmon would
37 be Atlantic Salmon. I believe you can kill as many of
38 those as you can catch.

39

40 (Laughter)

41

42 CHAIRMAN LITTLEFIELD: Okay, just a
43 second. I have one that's not an Atlantic salmon, and
44 that would be in Sitka we have many, many streams,
45 smaller streams that have king salmon in them and this is
46 because of the hatchery and they're in Sawmill Creek,
47 they're in Salmon Lake, they're all over the place. And
48 if we could only kill two of those, I think maybe Mr.
49 Demmert was maybe alluding to this earlier. Did you guys
50 do any studies on what the effect of those hatchery kings

1 were, say, we had a thousand hatchery kings in a stream,
2 it's obviously probably not good for that stream, did you
3 address any of that at all?

4
5 MR. SUMINSKI: I think the way that would
6 be handled would be on an individual stream by stream
7 basis, you know, this is just an overarching closure and
8 then as you've probably seen where you have excess king
9 production or excess strays that go into a stream that,
10 you know, by emergency order or special action that would
11 be opened up, you know, for harvest.

12
13 CHAIRMAN LITTLEFIELD: Mr. Jordan.

14
15 MR. JORDAN: Well, this area includes the
16 Situk, too, and there's a substantial run of king salmon
17 on the Situk and there's no interest in a subsistence
18 fishery on those fish there?

19
20 CHAIRMAN LITTLEFIELD: No, but this is an
21 incidental catch while you were targeting some other
22 fish. In other words, if I was to be targeting sockeye
23 at -- I think, isn't it?

24
25 DR. SCHROEDER: This proposal is the
26 Southeast Alaska area, not.....

27
28 CHAIRMAN LITTLEFIELD: It's only -- well,
29 the Situk's in Yakutat first off, okay. But this
30 proposal, the way I read it, maybe you can clarify this,
31 if I was targeting cohos at Catlean and I managed to
32 catch four king salmon there, they're not supposed to be
33 there, they're all going to be hatchery fish, this says
34 it would be illegal if we were to accept this proposal;
35 is that correct, we would be in violation if we had those
36 four king salmon with us even if they were not supposed
37 to be there?

38
39 MR. SUMINSKI: I think you'd be limited
40 to two, two incidental.

41
42 CHAIRMAN LITTLEFIELD: I'm sorry, Mr.
43 Jordan, the Situk is, of course, in Yakutat, but go
44 ahead, did you want to follow up on that.

45
46 MR. JORDAN: Well, Mr. Chair, I -- you
47 know, I'm concerned about king salmon and I was part of
48 when we had the plan years ago for the Board of Fisheries
49 to rebuild those, in fact, right here in Juneau one of my
50 first actions on an Advisory Committee was on a king

1 salmon subcommittee to recommend closing areas around
2 Juneau to trolling and a lot of those areas haven't been
3 opened up yet. And so I've been really concerned about
4 conserving king salmon, but especially in light of how
5 wide open we're being on coho's and steelhead. My
6 feeling is if there's adequate king salmon in some of
7 these rivers for a subsistence fishery and I don't know
8 why we wouldn't allow it.

9
10 I mean why not? I mean what is the
11 thinking here, is it just totally conservation and it
12 seems to me that that should be handled on a stream by
13 stream basis. I don't know, on the other hand there's a
14 precautionary principle that, you know, don't open it up
15 until you know or sure. So I -- you know, I'm wondering
16 why the direction of the Council is so much this way on
17 chinook and so wide open on some of these others; what's
18 going on here?

19
20 CHAIRMAN LITTLEFIELD: Dr. Garza, would
21 you like to try that.

22
23 DR. GARZA: Mr. Chairman. And thank you,
24 Eric, I have the exact same concerns here. And I think,
25 you know, the lesson we have to learn from this is we
26 shouldn't create anymore subcommittees to go and clean up
27 the language because we're muddling through these
28 proposals that probably should been done one by one as
29 communities felt they needed.

30
31 (Laughter)

32
33 DR. GARZA: In terms of this proposal, it
34 is beyond incidental, I mean it closes all small streams
35 to king salmon fishing, period. And people may have
36 their secret little spots that all of a sudden they will
37 be denied access to. And I think that my intent would be
38 to vote against it because it reduces the opportunity for
39 subsistence fishers, but it also, in my opinion, does not
40 have substantial data. We should have information on the
41 number of streams that have kings, what the harvest is on
42 them, whether or not there's incidental harvest, whether
43 or not there's concern for conservation of stocks on
44 those streams, and without that kind of information I
45 don't feel comfortable going forward because we're
46 reducing an opportunity based on insufficient data.

47
48 Thank you.

49
50 CHAIRMAN LITTLEFIELD: Okay. Questions

1 for Mr. Suminski. We'll get to that under discussion, I
2 agree with you, but Mr. Suminski, questions.

3

4 (No comments)

5

6 CHAIRMAN LITTLEFIELD: Okay, thank you.

7 ADF&G.

8

9 MS. SEE: Mr. Chair. Members of the
10 Council. Members of the public. My name is Marianne See
11 with Fish and Game.

12

13 For Proposal 23 we note that in the
14 Southeast, there are very limited numbers of stock of
15 chinook salmon that are in waters under Federal
16 management. And many of these stocks are small. This
17 proposal will align with State regulations to close
18 fishing for chinook salmon. It would also provide
19 incidental harvest limits that would align with most
20 State personal use limits. However, the State's
21 subsistence rules for incidental harvest are less
22 restrictive, and it's very important to recognize that
23 that's a set of rules that apply to marine waters.
24 Although the State generally voices concern about
25 divergent regulations, this particular case highlights
26 the corresponding differences between marine and fresh
27 water environments. In this case, specifically it would
28 be addressing protecting the spawning stocks in streams.

29

30

31 The Department commends the Council for
32 proposing this distinct regulatory provision as a
33 conservation measure for chinook salmon stocks.

34

35 We also note that the Federal Staff
36 analysis contains some important language about the fact
37 that most of the subsistence fishing actually occurs in
38 marine waters, notwithstanding that we may stand to learn
39 other information that comes through Council discussion
40 about fresh water uses, but in fact our information is
41 consistent with what's in the Federal analysis about
42 where chinook salmon occurs under subsistence rules.

43

44 Our preliminary recommendation at this
45 time is to support this proposal.

46

47 Thank you.

48

49 CHAIRMAN LITTLEFIELD: Wow, you're
50 supporting us.

1 (Laughter)

2

3 CHAIRMAN LITTLEFIELD: Well, I just
4 wanted to go over one comment.

5

6 I mentioned earlier, we did not support
7 any of these proposals before they were put in, they were
8 put in as housekeeping proposals. And this was an answer
9 to Mr. Jordan's question, these were proposed by the
10 subcommittee and that's why they're before us. But the
11 Council has not taken a position on this yet, so you're
12 commending us too early.

13

14 Okay, are there any questions for ADF&G.
15 Dr. Garza.

16

17 DR. GARZA: Thank you, Mr. Chair. And
18 thank you for your comments. The question I have, I
19 guess, is fairly specific. Is there a Southeast king
20 salmon report that identifies streams of risk or small
21 rivers of risk for king salmon that would be beneficial
22 to a decision in the future?

23

24 MS. SEE: I'll ask my colleagues here
25 from Fish and Game if there is such a report, and if
26 anyone knows to please come up and join me.

27

28 CHAIRMAN LITTLEFIELD: Tom.

29

30 MR. BROOKOVER: Mr. Chair. Ms. Garza.
31 We have, in fact, we've recently compiled a report that
32 summarizes the stock status for chinook salmon in
33 Southeast. It's done in a fashion to evaluate how the
34 stocks are faring compared to the escapement goals that
35 have been developed on chinook in Southeast and we can
36 sure provide that to the Council. I know we did it as
37 recently as the 2003 Board meeting and we may have an
38 update since then.

39

40 CHAIRMAN LITTLEFIELD: Other Council
41 questions for ADF&G while they're here.

42

43 (No comments)

44

45 CHAIRMAN LITTLEFIELD: Okay, thank you.
46 Tribal governments. Any tribes that want to comment.
47 Mr. Demmert please come forward.

48

49 Yeah, before you get started, Mr.
50 Demmert, we're going to let Mr. Douville.

1 MR. DOUVILLE: I sat on this committee
2 and these were like housekeeping. I believe their intent
3 was to keep you from targeting more or less a species
4 that a permit you happened to have was not issued for the
5 -- am I correct, was that what the intent was?

6
7 CHAIRMAN LITTLEFIELD: Yes.

8
9 MR. DOUVILLE: And I believed that at the
10 time. So in putting these restrictions on that's what it
11 was, so you wouldn't get a sockeye permit and go get a
12 100 king salmon. And that was kind of the thinking. I
13 just wanted to make that clear.

14
15 Thanks.

16
17 CHAIRMAN LITTLEFIELD: Mr. Demmert.

18
19 MR. DEMMERT: The incidental catch of
20 these are fish like chinook in these rivers, you know,
21 I'm not a biologist but it seems like it would be harmful
22 to the system. And we have been having them reported,
23 and the Klawock River, all right, well, these guys that
24 get them, you know, they're going to run out and tell the
25 fish cops, hey, we got a king up the river because they
26 can get a citation because it would kind of be like the
27 elk and the moose coming onto the island. Well, if you
28 get one of those things, you show it to the cop, he'll
29 give you a ticket and then you have to go to court, well,
30 they're not going to do that.

31
32 But we are experiencing the problem and
33 because of the economic development that's going to be
34 coming down the pike here in Craig, they're going to be
35 having hatchery fish down there towards Port St. Nick, if
36 they put a million fish, king salmon down there I'm sure
37 some of these here fish will start working their way up
38 the stream and I think in a few years we might have a
39 major problem. We might be like the guys in Sitka, I
40 don't know.

41
42 So I think the incidental catch is --
43 might start at two, but, you know, pretty soon they might
44 be growing.

45
46 Thank you.

47
48 CHAIRMAN LITTLEFIELD: Are there any
49 questions for Mr. Demmert.

50

1 (No comments)
2
3 CHAIRMAN LITTLEFIELD: Any other tribes
4 like to comment.
5
6 (No comments)
7
8 CHAIRMAN LITTLEFIELD: InterAgency Staff
9 Committee, exercise.
10
11 MR. KESSLER: Mr. Chair and Council. I'm
12 Steve Kessler with the InterAgency Staff Committee and we
13 don't have any comments on this one.
14
15 CHAIRMAN LITTLEFIELD: Dr. Garza.
16
17 DR. GARZA: Thank you, Mr. Chair. I
18 guess I have to ding you for the same reason the State
19 was. I mean we appreciate the comments from the Staff,
20 we take into account the comments from our Staff as to
21 whether or not there's a recommendation, from ADF&G,
22 whether it fits in with whatever they're doing and from
23 the InterAgency and those kinds of comments are
24 absolutely important to us. And so to have you come up
25 here proposal after proposal with no comment makes me
26 wonder if you're doing any work, but that work isn't
27 benefiting us.
28
29 Thank you.
30
31 CHAIRMAN LITTLEFIELD: I have him written
32 down as supporting us every time he doesn't come up and
33 say anything.
34
35 (Laughter)
36
37 CHAIRMAN LITTLEFIELD: So go ahead.
38
39 MR. KESSLER: Well, when we say we don't
40 have any comments we think that all the information that
41 needs to be out on the table for you is there and it's
42 been presented in the Staff analysis. And it means that
43 we can agree with the Staff recommendation that's there.
44 It doesn't mean that we wouldn't disagree with something
45 that is different than the Staff recommendation so that
46 it may be that the Council takes a different action and
47 we could agree with that too.
48
49 Mostly what we want this to be is being
50 able to bring up any points that we think are important

1 for your consideration as you go through your
2 deliberation process on these and so that there aren't
3 any surprises. But otherwise we don't have a specific
4 opinion one way or the other necessarily on which -- on
5 how these need to go.

6
7 CHAIRMAN LITTLEFIELD: Follow up.

8
9 DR. GARZA: Then I don't know if that's a
10 new process because I've never known the InterAgency
11 Staff to be unopinionated in terms of the proposals in
12 the past. But perhaps what we do need is just to say
13 that we have no objections to the materials presented by
14 Staff so that we understand that. I mean just no
15 opinion, if John wants to say, okay, then they support
16 it, if the proposal is -- if the recommendation is to not
17 support the proposal, then I'm not sure which part you
18 have no objection to. The part that says we're voting
19 against -- you know, we don't support the proposal or we
20 don't have a problem with the proposal, so it still makes
21 it confusing to me.

22
23 Thank you.

24
25 CHAIRMAN LITTLEFIELD: Anybody else for
26 the Interagency Staff.

27
28 (No comments)

29
30 CHAIRMAN LITTLEFIELD: Thank you for your
31 report. Fish and Game Advisory Committee.

32
33 (No comments)

34
35 CHAIRMAN LITTLEFIELD: Any Fish and Game
36 Advisory Committees present.

37
38 (No comments)

39
40 CHAIRMAN LITTLEFIELD: Summary of written
41 public comments. Dr. Schroeder.

42
43 DR. SCHROEDER: Mr. Chairman, we have no
44 written public comments on this proposal.

45
46 CHAIRMAN LITTLEFIELD: Public testimony.
47 Any member of the public like to testify on Proposal 23.

48
49 (No comments)

50

1 CHAIRMAN LITTLEFIELD: Okay. The Council
2 has Proposal 23. Proposal FP05-23 begins on Page 90, the
3 executive summary and it was on 27 -- the one that's been
4 iii, 18 used before, it was to add the language, the
5 subsistence fisheries for chinook salmon in Southeast
6 Alaska is closed, and I think that strayed from what Mr.
7 Douville said, and the incidental harvest limit of
8 chinook salmon is two fish in possession, which is what I
9 thought it was. So Council action on that page, please.

10

11 DR. GARZA: Mr. Chairman, I would move
12 that we table this proposal until we have information on
13 the stocks.

14

15 CHAIRMAN LITTLEFIELD: I don't think you
16 can table it until you bring it up, in which case it's
17 not been brought up, but we do have to address it, we
18 can't just leave it hanging there.

19

20 Mr. Jordan.

21

22 MR. JORDAN: Mr. Chair, I move that we
23 adopt FP05-23, Southeastern Alaska area chinook salmon as
24 suggested on Page 90.

25

26 MR. DOUVILLE: Second.

27

28 CHAIRMAN LITTLEFIELD: Is there a second.

29

30 MR. DOUVILLE: I seconded it.

31

32 CHAIRMAN LITTLEFIELD: It's been moved
33 and seconded to adopt FP05-23 as shown on Page 90, that's
34 the language before you. Council wishes.

35

36 Mr. Jordan.

37

38 MR. JORDAN: Mr. Chair, I'm thinking that
39 we ought to delete the first sentence there and establish
40 that the incidental harvest limit of chinook salmon is
41 two fish in possession. I guess it's clear that that
42 would be for subsistence. I don't think we just want to
43 blanket close that. I think we've got to be very careful
44 when we open or establish any of these recognizing the
45 nature of the.....

46

47 CHAIRMAN LITTLEFIELD: Hold on, I'm going
48 to take over for a minute. Are you making an amendment
49 to delete the first sentence? Let's go through this
50 correctly here.

1 MR. JORDAN: Yes.
2
3 CHAIRMAN LITTLEFIELD: Okay. We have an
4 amendment to delete the first sentence under 18, the
5 subsistence fisheries for chinook salmon in Southeast
6 Alaska is closed; is that correct?
7
8 MR. JORDAN: Yes.
9
10 CHAIRMAN LITTLEFIELD: Okay. Is there a
11 second to that amendment.
12
13 MR. HERNANDEZ: I'll second it.
14
15 CHAIRMAN LITTLEFIELD: Okay, it's been
16 moved and seconded to delete the first sentence in 18,
17 the subsistence fisheries for chinook salmon in Southeast
18 Alaska is closed. Mr. Jordan.
19
20 MR. JORDAN: Thank you for your help, Mr.
21 Chairman. I think, and I would defer to Mr. Douville, I
22 hope he can help me here, but from listening to his
23 comments I think the intent of the subcommittee was to
24 establish an incidental harvest limit in this proposal
25 and not to blanket close all of Southeast to chinook
26 salmon. And if that was the intent of his subcommittee
27 then I sure would urge us all to vote for the amendment.
28
29 CHAIRMAN LITTLEFIELD: Mr. Douville,
30 would you care to respond to that.
31
32 MR. DOUVILLE: Unless somebody wants to
33 correct me that was on that committee, that was the
34 intent, that there is a wide open window for you to get a
35 permit for one thing and completely load up on another
36 without any restriction. And it may or may not be a
37 concern to you, but it was a concern of some of the Staff
38 so here we are.
39
40 CHAIRMAN LITTLEFIELD: Mr. Hernandez,
41 were you on that committee, would you like to comment.
42
43 MR. HERNANDEZ: Yeah, that's correct, Mr.
44 Chairman, that was the intent of the committee to just
45 try and clear up that loophole, if you will.
46
47 CHAIRMAN LITTLEFIELD: Okay, so the
48 amendment before you is to strike the first sentence.
49 Does anybody else want to speak to that.
50

1 (No comments)
2
3 CHAIRMAN LITTLEFIELD: Are you ready for
4 the question.
5
6 (Council nods affirmatively)
7
8 CHAIRMAN LITTLEFIELD: Mr. Douville.
9
10 MR. DOUVILLE: I may or may not be out of
11 order, but that was the purpose of the permit prior to
12 this and I didn't comment on it which I certainly should
13 have, and it addressed the same thing and the same lines,
14 which we voted against.
15
16 CHAIRMAN LITTLEFIELD: Okay. It's my
17 understanding, that would correct and comply with the
18 intent of the subcommittee if we were to do this, so any
19 other Council.
20
21 (No comments)
22
23 CHAIRMAN LITTLEFIELD: Are you ready for
24 the question on the amendment.
25
26 (Council nods affirmatively)
27
28 CHAIRMAN LITTLEFIELD: Okay, the
29 amendment before you is on Page 90 of 18 in bold, FP05-23
30 and that is to strike the first line that begins the
31 subsistence fishery and strike all the way through that
32 line, for chinook salmon in Southeast Alaska is closed.
33 So the remaining language will read, the incidental
34 harvest limit of chinook salmon is two fish in
35 possession.
36
37 All those in favor signify by saying aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN LITTLEFIELD: All those opposed,
42 same sign.
43
44 (No opposing votes)
45
46 CHAIRMAN LITTLEFIELD: You have the main
47 motion before you as amended. Further discussion, and
48 don't forget we need to justify these.
49
50 I have one comment and that was, Mr.

1 Demmert's comment, if someone feels like doing it, I
2 think it would be really appropriate to insert the word
3 wild in front of chinook because we have areas where we
4 have hatchery access that we know that there are well
5 over -- areas where there are not supposed to be king
6 salmon and they're in there and I really think it's good
7 if you were to clean up those -- four or eight king
8 salmon, or whatever, out of those little streams, is
9 probably a good idea, but I'll leave that up to the
10 Council, but that would be my wishes.

11

12 Mr. Jordan.

13

14 MR. JORDAN: Mr. Chair, I agree with your
15 intent but I just don't think there's any way to
16 distinguish between wild and hatchery king salmon in a
17 fishery in the field like that in Southeast Alaska. Only
18 a small percentage of our hatchery chinook are -- fin
19 clip, and I think most of the time, too, would allow that
20 -- if we see people, for example, in Sitka or Craig or
21 other places getting more than two and that comes to the
22 attention of the Council then I think we could up the
23 limit.

24

25 CHAIRMAN LITTLEFIELD: Other Council.
26 And then the effect of this, if we read what's left, the
27 incidental harvest limit of chinook salmon is two fish in
28 possession. And if we don't do anything else, this is
29 going to apply to the Stikene sockeye fishery, even
30 though we have -- it's been said that there is no
31 incidental catch, we know there is some incidental catch
32 there, but is that the Council's intent, that this apply
33 to the Stikene as well, the new fishery?

34

35 MS. PHILLIPS: Chairman Littlefield.

36

37 CHAIRMAN LITTLEFIELD: Ms. Phillips.

38

39 MS. PHILLIPS: I will be voting against
40 the proposal as amended. I don't participate in a
41 subsistence chinook fishery but I do get a lot of chinook
42 salmon given to me and I know they're not reported. And,
43 you know, I don't know if villagers travel great
44 distances to go to systems that have another fishery
45 where they would get chinook as incidental but, you know,
46 being that chinook is a prized food, if they incidentally
47 got three chinook while they were doing their subsistence
48 fishing, they should have the right to keep those three
49 in my opinion.

50

1 Thanks.
2
3 CHAIRMAN LITTLEFIELD: Other Council.
4
5 (No comments)
6
7 CHAIRMAN LITTLEFIELD: Personally I would
8 have to agree with Patty and say that if you caught three
9 fish I'd like you not to be arrested for that. There are
10 areas where this just really is a no problem, I don't see
11 the problem with this particular two or three fish, or
12 whatever, if it was even four fish, and those fish are
13 either -- if they're in the Salmon River in Sitka, any
14 king salmon in there to me is fair game because he's
15 either lost and he shouldn't propagate his species or
16 he's a hatchery fish because they're not supposed to be
17 there.
18
19 But anyway, I would not support this
20 motion as it's written.
21
22 Other Council.
23
24 (No comments)
25
26
27 CHAIRMAN LITTLEFIELD: Are you ready for
28 the question as amended.
29
30 (Council nods affirmatively)
31
32 CHAIRMAN LITTLEFIELD: Okay. FP05-23 as
33 amended, the language is on Page 90 that reads (xviii) in
34 bold, the incidental harvest limit of chinook salmon is
35 two fish in possession.
36
37 All those in favor, please signify by
38 saying aye.
39
40 MR. BANGS: Aye.
41
42 MR. DOUVILLE: Aye.
43
44 MR. HERNANDEZ: Aye.
45
46 MR. JORDAN: Aye.
47
48 MR. STOKES: Aye.
49
50 CHAIRMAN LITTLEFIELD: Those opposed,

1 same sign.
2
3 DR. GARZA: Aye.
4
5 MR. KITKA: Aye.
6
7 MR. KOOKESH: Aye.
8
9 CHAIRMAN LITTLEFIELD: Aye.
10
11 MS. PHILLIPS: Aye.
12
13 CHAIRMAN LITTLEFIELD: All right, let's
14 have a roll call on this. I can't make up my mind, so
15 all those in favor please raise your right hand and I'd
16 like to ask the vice Chair to take the roll -- or note
17 what's going on here, please. So all those in favor of
18 the motion -- amended motion please raise your right
19 hand.
20
21 (Hands raised: Mr. Bangs, Mr. Douville,
22 Mr. Hernandez, Mr. Jordan, Mr. Stokes)
23
24 DR. GARZA: Okay.
25
26 CHAIRMAN LITTLEFIELD: Okay. All those
27 opposed same sign, right hand.
28
29 (Hands raised: Dr. Garza, Mr. Kitka, Mr.
30 Kookesh, Chairman Littlefield, Ms. Phillips)
31
32 CHAIRMAN LITTLEFIELD: What is it?
33
34 DR. GARZA: A tie.
35
36 CHAIRMAN LITTLEFIELD: A tie, motion
37 fails.
38
39 DR. GARZA: Mr. Chairman, the vote is
40 5/5, the motion fails.
41
42 CHAIRMAN LITTLEFIELD: Okay, the vote is
43 5/5, the motion failed. FP05-23 is not recommended for
44 adoption.
45
46
47 At this point, we've got 10 minutes to
48 5:00 and I'm going to say -- I'm going to leave Dr.
49 Schroeder with the last word here to give any updates.
50 Dr. Schroeder.

1 DR. SCHROEDER: Mr. Jordan.
2
3 CHAIRMAN LITTLEFIELD: Mr. Jordan, did
4 you have a comment.
5
6 MR. JORDAN: Oh, well, if we could raise
7 that to three and we got a positive vote I'd do that,
8 but, I don't know you were the one that said three, Mr.
9 Chairman. If we amended it to three.....
10
11 CHAIRMAN LITTLEFIELD: We could address
12 that tomorrow if you want to do that tomorrow, but not
13 tonight, we're not doing anymore tonight.
14
15 Dr. Schroeder.
16
17 DR. SCHROEDER: Let's see I think we're
18 closing at 5:00, are we starting at 8:30 in the morning
19 tomorrow, Mr. Chairman.
20
21 CHAIRMAN LITTLEFIELD: 8:30, I think
22 we're going to make it, maybe.
23
24 DR. SCHROEDER: Okay. And I'd like to
25 confirm that we have a number of things that are time
26 fixed tomorrow and also to ask our State representatives
27 to confirm with me that Deputy Commissioner Bedford will
28 be here at 10:00 tomorrow morning. He's slated in at
29 that time, and I haven't spoken with him to discuss
30 Stikene River fisheries issues. At 1:00 o'clock tomorrow
31 we'll be looking at our FIS projects. And at 3:00
32 o'clock we'll be dealing with a number of wildlife
33 issues. Other scheduling, we possibly, but are unlikely
34 to get to two environmental issues that are also on our
35 agenda, a presentation by SEACC and Mr. Jordan has some
36 concerns about mixing zones.
37
38 Let's see, those are the only
39 announcements I have concerning the meeting.
40
41 Once again, the Southeast Team would
42 invite you to a subsistence potluck this evening, which
43 is at my house, and see one of the team members or
44 Melinda for directions.
45
46 Thank you. Mr. Chairman.
47
48 CHAIRMAN LITTLEFIELD: We stand in recess
49 until 8:30 tomorrow morning.
50

1
2
3

Thank you.
(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)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 13th day of October 2004.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 03/12/08 _