

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6
7 VOLUME I

8
9
10 Crowne Plaza/USFWS, Gordon Watson Conference Room
11 Anchorage, Alaska
12 November 5, 2013
13 8:30 a.m.

14
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16
17 COUNCIL MEMBERS PRESENT:

18
19 Ralph Lohse, Chairman
20 Judy Caminer
21 Greg Encelewski
22 Robert Henrichs
23 Andrew McLaughlin
24 Mary Ann Mills
25 Herman Moonin
26 Michael Opheim
27 James Showalter
28 Gloria Stickwan

29
30 SC Regional Council Coordinator, Donald Mike

31
32 SOUTHEAST COUNCIL MEMBERS PRESENT:

33
34 Bertrand Adams, Chairman
35 Cathy Needham

36
37 SE Regional Council Coordinator, Robert Larson

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44
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46 135 Christensen Drive, Suite 2
47 Anchorage, AK 99501
48 907-243-0668/sahile@gci.net

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P R O C E E D I N G S

(Anchorage, Alaska - 11/5/2013)

(On record)

CHAIRMAN LOHSE: I'd like to call this delayed October 1st through the 3rd, 2013 meeting of the Southcentral Regional Subsistence Advisory Council that's been postponed until November 5th, 6th and 7th to order. And with that I'd like to ask Gloria if she'd give us an invocation.

Thank you, Gloria.

MS. STICKWAN: (Invocation)

CHAIRMAN LOHSE: With that, I'd like to ask Donald Mike to make a roll call and establish a quorum.

MR. MIKE: Thank you, Mr. Chair. Donald Mike, Regional Council Coordinator. Roll call for the Southcentral Regional Subsistence Advisory Council.

Mr. Robert Henrichs.

MR. HENRICHS: Here.

MR. MIKE: Doug Blossom.

CHAIRMAN LOHSE: Doug Blossom, as most of you know in the Council know, Doug Blossom passed away just recently and he's been a good member of this Council, been real active and real nice to have on the Council. And what I'd like to ask is I'd just like to ask us as a Council to remember him, take a minute of silence and just think about Doug and give him that kind of respect.

(Pause)

CHAIRMAN LOHSE: Thank you. I look around at the Council, and I look around at the Council and I look around at the people that are here and I see that there's a lot of us that are Doug Blossom's age or close to it, and I always think of the -- I always think of the Bible passage that says that we're like grass and sometime, someplace along the way we're going

1 to wither away and the place that knows us isn't going
2 to know us anymore. But the only thing that we're
3 going to leave is we're going to leave memories with
4 other people and we're going to leave impact on the
5 world around us with the things that we did and the
6 things that we said. And I just hope and pray that
7 each one of us leaves an impact that's positive and
8 that people remember us with fondness and with respect
9 and that's how I remember Doug.

10

11 Okay. Would you like to go on with the
12 roll call then, Donald.

13

14 MR. MIKE: Thank you, Mr. Chair.

15

16 Just for the Council's information, I
17 was able to attend Mr. Blossom's service in Ninilchik
18 and I provided a card for the family on behalf of the
19 Regional Advisory Council and I signed everyone's name
20 and Mr. Greg Encelewski was there and he signed the
21 card himself, and he spoke on behalf of the Regional
22 Advisory Council at Mr. Blossom's contributions to this
23 Council and his good service.

24

25 Thank you, Mr. Chair.

26

27 CHAIRMAN LOHSE: Thank you, Greg and
28 thank you Donald for what you did.

29

30 MR. MIKE: Mr. Greg Encelewski.

31

32 MR. ENCELEWSKI: Here.

33

34 MR. MIKE: Mr. Mary Ann Mills.

35

36 MS. MILLS: Here.

37

38 MR. MIKE: Mr. Lee Adler.

39

40

41 (No comments)

42

43

44 MR. MIKE: Mr. Chair. Mr. Adler had
45 his vacation down South.

46

47 Ms. Gloria Stickwan.

48

49 MS. STICKWAN: Here.

50

1 MR. MIKE: Mr. Mike Opheim.
2
3 MR. OPHEIM: Here.
4
5 MR. MIKE: Mr. James Showalter.
6
7 MR. SHOWALTER: Here.
8
9 MR. MIKE: Mr. Andrew McLaughlin.
10
11 MR. MCLAUGHLIN: Here.
12
13 MR. MIKE: Ms. Judy Caminer.
14
15 MS. CAMINER: Here.
16
17 MR. MIKE: Mr. Ralph Lohse.
18
19 CHAIRMAN LOHSE: Here.
20
21 MR. MIKE: Mr. Thomas Carpenter.
22
23
24 (No comments)
25
26 MR. MIKE: Mr. Chair. Mr. Carpenter is
27 on vacation at this time.
28
29 Mr. Herman Moonin, Jr.
30
31 MR. MOONIN: Here.
32
33 MR. MIKE: Mr. Chair. You have 10
34 members present, you have a quorum.
35
36 CHAIRMAN LOHSE: Thank you, Donald.
37 And with that I'd like to also introduce our guest
38 Council members that are sitting at the front table
39 with us right now and I'm just going to ask them to
40 introduce themselves and say a little bit about
41 themselves.
42
43 MR. ADAMS: Gunalcheesh, Mr. Chairman.
44 Would it be appropriate if I introduced myself in our
45 language.
46
47 CHAIRMAN LOHSE: Sure.
48
49 MR. ADAMS: (In Tlingit)
50

1 That means self-respecting honorable
2 people.

3
4 (In Tlingit)

5
6 But what I told you is that I am
7 addressing honorable people and my Tlingit name is
8 Kadashan. I always like to put in this story, I was
9 named after my great-grandfather, John Kadashan. John
10 Kadashan was a great leader. And he died at the age of
11 80, you know. And -- is that better Mr. Larson.

12
13 (Technical issues)

14
15 MR. ADAMS: John Kadashan he died
16 (indiscernible) a great explorer, world traveler,
17 guided him up the Inside Passage, all the way up into
18 Glacier Bay. Him and another guy by the name of Sitka
19 Charlie and then another individual, I can't remember
20 his name, but there was three of them that took the
21 trip. So I always like to say this, you know, even
22 though John (indiscernible) might get credit for the
23 stuff in Glacier Bay we all know who took him there.

24
25 And I also told you that I am a Raven
26 of the Raven Clan, and that my roots come from a place
27 called the Dry Bay, that's where my ancestral roots
28 come from. That my father was a Sitka Kaagwaantaan
29 from Sitka and that my grandfather was also Kiks.adi
30 from Sitka. So with that short introduction, like I
31 said earlier, you know, people get a pretty good
32 understanding of your roots and your history and your
33 culture by telling who you are, your name, your clan,
34 your father and your grandfather. The fact that I am a
35 (In Tlingit) means that my mother is of the Raven Clan
36 as well. We follow down through the mother's lineages.

37
38 So with that introduction, Mr.
39 Chairman, I want you to know that we're happy to be
40 here. Our Council has been spending a lot of time with
41 this issue on customary and traditional use and
42 hopefully, you know, we can shed some more light on
43 some of your concerns, some of your questions.

44
45 I have with me, and will introduce
46 herself after me, Cathy, and she was the Chairman of
47 the working group that put together, you know, the
48 information on C&T. So hopefully we'll be able to help
49 you have a better understanding, and we hope you have a
50 lot of questions, too. I need to tell you the same

1 thing that I tell the people at the Federal Subsistence
2 Board that I don't answer hard questions so I'll defer
3 that to Cathy. We also have a gentleman over here who
4 is our coordinator, Mr. Robert Larson, that we can rely
5 on as well.

6

7 But anyhow, Mr. Chairman, and members
8 of the Council, we appreciate having the opportunity to
9 be here and hopefully we can help you understand a
10 little bit more about this important issue.

11

12 So thank you very much, Mr. Chairman.

13

14 CHAIRMAN LOHSE: Thank you, Bert.

15

16 Cathy.

17

18 MS. NEEDHAM: Thank you, Mr. Chairman.

19

20 My name is Cathy Needham. I was born
21 and raised in Ketchikan, Alaska. I am Tsimshian and
22 descendent of Haida and German and Irish. And I now
23 reside in Juneau, Alaska where I run a small
24 environmental consulting firm. And I have been serving
25 on the Southeast Regional Advisory Council since 2010
26 and it's a pleasure to be here and I thank you for the
27 invitation.

28

29 CHAIRMAN LOHSE: Thank you. Well, with
30 that we had -- Donald.

31

32 MR. MIKE: Thank you, Mr. Chair. We
33 just got over the Bristol Bay Regional Advisory Council
34 meeting last week and they discussed the C&T use
35 determination at length and they wanted more
36 information before they can take final action and we
37 invited one of our Council members, Mr. Dan O'Hara,
38 he'll be in later on this afternoon, or Ms. Molly
39 Cythlook, so when they get here we'll acknowledge their
40 presence.

41

42 Thank you.

43

44 CHAIRMAN LOHSE: When he gets there
45 we'll seat him at the table, too.

46

47 Okay, with that we need to go on to a
48 welcome to all of you people who are out in the
49 audience and we thank you for being here. And we know
50 that a lot of you have something to contribute to this

1 meeting, a lot of you we couldn't get along without
2 because of the work that you do before we ever even
3 have a meeting and we just thank you for being here.
4 And what we're going to do right now is we're going to
5 go around, we've had the introductions from our two
6 guests and we're going to go around the Council and
7 introduce ourselves and then we would like the audience
8 to introduce themselves too.

9

10 So we'll start with Donald and we'll go
11 around this way and then we'll just go up and down the
12 rows and we'll get to know who everybody is here and
13 what your interest is at the meeting or what your part
14 in the meeting is.

15

16 Donald.

17

18 MR. MIKE: My name is Donald Mike. I
19 am the Regional Advisory Council coordinator for
20 Southcentral as well as Bristol Bay and I work here in
21 Anchorage.

22

23 MR. ENCELEWSKI: My name is Greg
24 Encelewski and I'm a Council member here and I'm from
25 Ninilchik down there.

26

27 MR. SHOWALTER: My name's James
28 Showalter. I was born and raised in Kenai and now I
29 live in the Sterling area. And, of course I'm on the
30 Council and hopefully I can help out.

31

32 Thank you.

33

34 MS. CAMINER: Judy Caminer. Council
35 member from Anchorage and former National Park Service
36 employee.

37

38 CHAIRMAN LOHSE: Ralph Lohse. Copper
39 Basin, from Cordova to McCarthy.

40

41 MR. HENRICHS: Bob Henrichs. Native
42 Village of Eyak from Cordova. And I'd like to remind
43 the Chairman that, you know, we did lose a member who I
44 remember with great respect but my theory is that if
45 everybody likes you then you haven't pushed the
46 envelope for social change hard enough.

47

48 (Laughter)

49

50 CHAIRMAN LOHSE: Thank you, Mr.

1 Henrichs.

2

3 MR. OPHEIM: Mike Opheim. Seldovia.
4 Council member.

5

6 MR. MOONIN: I'm Herman Moonin and I'm
7 originally from Port Graham, now I reside in Ninilchik.
8 I'm a Council member.

9

10 MR. MCLAUGHLIN: I'm Andy McLaughlin
11 from the village of Chenega Bay and an advocate for
12 subsistence in Prince William Sound.

13

14 MS. MILLS: Mary Ann Mills. I am
15 presently a Council -- on the Council here. An
16 advocate -- very much an advocate for subsistence
17 fishing and I am also -- and for food rights, and I'm
18 also presently the Chair for Kenaitze Indian Tribe in
19 Kenai Alaska.

20

21 MS. STICKWAN: Gloria Stickwan from
22 Tazlina and on the Council.

23

24 MS. PENA: I'm Mary Pena (ph), a
25 citizen of Anchorage.

26

27 MS. BULLOCK: Sara Bullock, wildlife
28 biologist for the BLM out of Glennallen.

29

30 MR. CRAWFORD: Drew Crawford, Alaska
31 Department of Fish and Game, Federal Subsistence
32 Liaison Team, Anchorage.

33

34 MR. LARSON: I'm Robert Larson. I'm
35 the Council's coordinator for the Southeast Council. I
36 live in Petersburg.

37

38 MR. TODD**: Todd ** Kenai National
39 Wildlife Refuge. Andy and Steve, the managers wanted
40 to tell everybody they were sorry they couldn't make it
41 so they sent me.

42

43 MR. BERG: Jerry Berg. I'm a member of
44 the InterAgency Staff Committee and representing Fish
45 and Wildlife Service and I'm from Anchorage.

46

47 MS. PETERSON**: Good morning. My name
48 is Jennifer Peterson**. I work for the National Park
49 Service here in Anchorage in the regional office as
50 program manager for cultural resources.

1 MS. PETRIVELLI: Good morning. I'm Pat
2 Petrivelli. The BIA subsistence anthropologist and I
3 work out of Anchorage.

4
5 MR. EVANS: Good morning. My name is
6 Tom Evans. I work for the Office of Subsistence
7 Management and I'm the wildlife biologist for the
8 Southcentral Council.

9
10 MS. KENNER: My name's Pippa Kenner. I
11 work out of the Anchorage office of the Office of
12 Subsistence Management and I'm your Staff
13 anthropologist.

14
15 DR. CHEN: Aloha. My name is Glenn
16 Chen.

17
18 (Laughter)

19
20 DR. CHEN: I'm the subsistence chief,
21 Bureau of Indian Affairs and I live in Homer.

22
23 MS. O'REILLY-DOYLE: Good morning. I'm
24 Kathy O'Reilly-Doyle. I'm the Deputy Assistant
25 Regional Director for the Office of Subsistence
26 Management. And I would like to thank all the Council
27 members here today for the dedication to this process
28 and being -- being a Council member is -- for those of
29 you that don't know, after the furlough this Council
30 was able to reconvene a quorum and reschedule their
31 meeting in two days, so thank you very much.

32
33 MR. HILDRETH: Good morning. I'm
34 Derrick Hildreth, Office of Subsistence Management. I
35 am the new Michelle Chivers, permitting specialist.

36
37 MR. BURCHAM: Milo Burcham. Wildlife
38 biologist for the Chugach Forest, subsistence lead for
39 the Chugach and, yeah, I'm here for many of the
40 proposals in Unit 6.

41
42 MS. CELLARIUS: I'm Barb Cellarius.
43 I'm the cultural anthropologist and subsistence
44 coordinator for Wrangell-St. Elias National Park and
45 Preserve. I live and work in Copper Center.

46
47 MR. JOHNSON: I'm Carl Johnson with the
48 Office of Subsistence Management here in Anchorage and
49 I'm the Council coordination division chief so what
50 that means for this meeting is I'm Donald's boss.

1 DR. JENKINS: Good morning. My name's
2 David Jenkins and I'm an anthropologist and I seem to
3 work in a variety of capacities for the Office of
4 Subsistence Management.

5
6 MR. ARDIZZONE: Good morning. I'm Chuck
7 Ardizzone. I'm the Wildlife Division Chief for OSM.

8
9 MS. INGLES: I'm Palma Ingles. I'm the
10 anthropologist and the coordinator for the Partners
11 Program for OSM.

12
13 MR. KESSLER: Good morning. Steve
14 Kessler with the US Forest Service. I serve on the
15 Interagency Staff Committee and I'm the subsistence
16 program lead for the region.

17
18 MR. BROOKS: Thank you, Mr. Chair.
19 Good morning everyone. My name is Jeff Brooks and I am
20 new to the Office of Subsistence Management and I work
21 as a social scientist there and I'm here in Anchorage
22 with my wife and children. I've been here about six
23 years and I'm looking forward to working with you today
24 and in the future. I'd like to thank you very much for
25 your service to the Council and also express my
26 gratitude for your patience during the furlough that we
27 just experienced.

28
29 CHAIRMAN LOHSE: Thank you. Now, if we
30 can all remember what everybody's name is and what
31 they're doing we'll be in good shape.

32
33 (Laughter)

34
35 CHAIRMAN LOHSE: But if we can't we'll
36 ask you second time.

37
38 (Laughter)

39
40 CHAIRMAN LOHSE: But I would like to
41 inform our Deputy Manager that it wasn't the Council
42 that was capable of getting a meeting going in two
43 days, it was Donald Mike. And Donald deserves the
44 credit and everything for it because he's done the work
45 that got us here, and I'd like to give him a hand.

46
47 (Applause)

48
49 CHAIRMAN LOHSE: And, Greg, too.

50

1 (Laughter)
2
3 MR. ENCELEWSKI: He patted me on the
4 back. I told him I had other meetings and he just
5 ignored it.
6
7 (Laughter)
8
9 MR. ENCELEWSKI: But that's cool.
10
11 (Laughter)
12
13 MR. MIKE: Mr. Chair. I am very
14 grateful for the Council's ability to be able to move
15 their schedules and prior to the shutdown I was able to
16 contact you and look at possible future meeting dates
17 and without planning for the future this wouldn't have
18 happened in two days, so.....
19
20 CHAIRMAN LOHSE: Thank you, Donald.
21 You know I do my best to keep out of communications. I
22 have no email or anything like that and you still get
23 me.
24
25 (Laughter)
26
27 CHAIRMAN LOHSE: Bert.
28
29 MR. ADAMS: I want to thank you, Mr.
30 Chairman. I would like to make everyone aware of the
31 fact that one of our Council members, Mr. Floyd
32 Kookesh, has been battling cancer, you know, for
33 several years now and we just got word that he had
34 taken a turn for the worse so if we can remember him in
35 our thoughts and prayers we would appreciate it.
36
37 CHAIRMAN LOHSE: Thank you, Bert.
38
39 Okay, with that we're going to review
40 and adopt the agenda, and we have a few revisions that
41 we need to make to it and as we go through the agenda
42 we're open to revisions from other Council members.
43
44 I'm going to bring a few things to your
45 attention right now.
46
47 Donald.
48
49 MR. MIKE: Mr. Chair. I'd like to
50 request of the Council to stand down for five minutes,

1 we're having technical difficulties with our
2 teleconference calling in. So if we can stand down for
3 five minutes.

4

5 CHAIRMAN LOHSE: We can stand off and
6 go see if there's coffee or treats or anything like
7 that over there and take five minutes.

8

9 Thank you.

10

11 (Off record)

12

13 (On record)

14

15 CHAIRMAN LOHSE: I'd like to call this
16 meeting back into order. I've been informed that our
17 technical difficulties have been solved. I've been
18 informed we have people on our teleconference that
19 haven't identified themselves so at this point in time
20 we're going to open it up for them to introduce
21 themselves.

22

23 Donald.

24

25 MR. MIKE: Thank you, Mr. Chair. We
26 had an individual calling in on teleconference, if you
27 can identify yourself for the Council, please, thank
28 you.

29

30 MS. PATTON: Good morning, Donald and
31 Council. This is Eva Patton, OSM, I'm just listening
32 in.

33

34 MR. MIKE: Can you state your name
35 again, please, you got cut off.

36

37 MS. PATTON: Eva Patton, OSM.

38

39 MR. STOVAL: Hello, this is Robert.

40

41 MR. MIKE: Robert, what's your last
42 name?

43

44 MR. STOVAL: Robert Stoval.

45

46 MR. MIKE: Robert Stoval, thank you.
47 Anybody else.

48

49

50

1 (No comments)
2
3 CHAIRMAN LOHSE: Was there anybody
4 else, Donald. Was that Ivy that was on there before
5 or.....
6
7 MR. MIKE: Eva. Eva Patton on line and
8 Robert Stoval.
9
10 CHAIRMAN LOHSE: Okay.
11
12 Okay, with that, we're going to review
13 and approve the previous minutes -- meeting minutes.
14
15 MR. HENRICHS: Have we adopted the
16 agenda yet?
17
18 CHAIRMAN LOHSE: Oh, we haven't adopted
19 the agenda, my fault, thank you Mr. Henrichs for the
20 reminder that we broke up right in the middle of that.
21 Okay.
22
23 MR. HENRICHS: I'll make a motion we
24 adopt the agenda.
25
26 CHAIRMAN LOHSE: We first have to put
27 some changes on it.
28
29 MR. HENRICHS: Sure.
30
31 CHAIRMAN LOHSE: And then we can adopt
32 it.
33
34 Here are some changes that have been
35 recommended. We're going to, when we have Council
36 remember reports, we're going to ask -- again, we're
37 going to ask Bert Adams and Cathy to give us a little
38 recommendation for a mutual meeting and maybe we can
39 take some action on that.
40
41 Under old business are customary and
42 traditional use determinations, we want a time certain
43 for 1:00 o'clock this afternoon, if that's okay with
44 everybody.
45
46 (Council nods affirmatively)
47
48 CHAIRMAN LOHSE: The Susitna/Watana
49 Hydro Dam Project is going to be off of old business
50 and put under agency reports and it'll be on November

1 7th, because the person that was going to give it is
2 not available today.

3
4 And we're also going to take Schedule C
5 that's down there and proposed changes to regulatory
6 cycle status report and we're going to put them on the
7 OSM briefing page.

8
9 And so those two will be off of old
10 business.

11
12 And under new business we're going to
13 have an A, which is a report on tribal consultation by
14 Jack Lorrigan when we get to that, again, if that's
15 okay with the rest of the Council.

16
17 (Council nods affirmatively)

18
19 CHAIRMAN LOHSE: And then we have a
20 crossover proposal, No. 16, on Page 194 and we have a
21 proposal that kind of has impact on that, which is
22 Proposal No. 11, and Judy is suggesting that we handle
23 both of those at the same time. So we move 11 to the
24 bottom of our proposal list so we can deal with it
25 right before the crossover proposal, if that's
26 agreeable.

27
28 Chuck.

29
30 MR. ARDIZZONE: Mr. Chair. You're
31 talking about the number proposal 15-45, right?

32
33 CHAIRMAN LOHSE: Yes, 15-45. We'll
34 move 15-45 to the bottom of our regional proposal list
35 so we can deal with it just prior, or at the same time
36 that we deal with the crossover proposal.

37
38 Anybody else have any other changes
39 that you would like to see or that you see necessary on
40 this agenda as we have it before us.

41
42 Chuck, did you have something that you
43 were going to recommend.

44
45 MR. ARDIZZONE: Mr. Chair. I was just
46 making sure we had those proposals you recommended. I
47 think there's one more, Chugach National Forest is
48 listed under OSM reports, that should be a separate
49 item.

50

1 CHAIRMAN LOHSE: Okay. I see what you
2 mean, that should be a separate agency.
3
4 MR. ARDIZZONE: Yes, sir.
5
6 CHAIRMAN LOHSE: Okay, that's Forest
7 Service. Okay. So we'll move No. 5 under OSM down to
8 No. 2 under US Forest Service -- oh, wait we don't have
9 US Forest Service on there -- we'll just make it US
10 Forest Service.
11
12 And we have a time certain for getting
13 out of here. We lose this place at 4:00 o'clock on the
14 7th so that means the rest of you don't talk too long,
15 leave it up to me and then we'll.....
16
17 (Laughter)
18
19 CHAIRMAN LOHSE:see if we can't
20 get out of here by the 7th, okay, Mr. Henrichs.
21
22 MR. HENRICHS: It's fine with me.
23
24 (Laughter)
25
26 CHAIRMAN LOHSE: No, I'm just joking.
27
28 Anyhow with that, a motion to adopt the
29 agenda is in order.
30
31 MR. HENRICHS: I'll make that motion.
32
33 MS. MILLS: Second.
34
35 CHAIRMAN LOHSE: It's been moved and
36 seconded to adopt the agenda as amended. We have first
37 and second, any discussion.
38
39
40 (No comments)
41
42 CHAIRMAN LOHSE: All in favor signify
43 by saying aye.
44
45 IN UNISON: Aye.
46
47 CHAIRMAN LOHSE: Opposed signify by
48 saying nay.
49
50 (No opposing votes)

1 CHAIRMAN LOHSE: Motion carries.
2
3 Okay. Now, we go on to the review and
4 the approval of the previous meeting minutes, which I
5 know you all read. So a motion to adopt is in order
6 and then we can suggest any changes or amendments that
7 are needed.
8
9 MR. HENRICHS: I'll make the motion.
10
11 CHAIRMAN LOHSE: It's been moved that
12 we adopt the minutes of the previous meeting, do we
13 have a second.
14
15 MR. ENCELEWSKI: Second it.
16
17 CHAIRMAN LOHSE: It's been seconded by
18 Greg. Okay, discussion.
19
20 MS. CAMINER: Mr. Chair.
21
22 CHAIRMAN LOHSE: Yes, Judy.
23
24 MS. CAMINER: I believe this is a
25 slight correction but on the top of Page 7 where it
26 talks about the next meeting date of October 2012, I
27 think we mean 2013 there, that would be today's
28 meeting.
29
30 CHAIRMAN LOHSE: Yeah, right. Yep.
31
32 MS. CAMINER: Or theoretically today's
33 meeting.
34
35 (Laughter)
36
37 MS. CAMINER: And I'll also note and I
38 can bring this up later that there are some followup
39 topics that we weren't able to squeeze into this agenda
40 because we had so many proposals, which is fine, and
41 I'll just bring those up later for future meetings.
42
43 CHAIRMAN LOHSE: That we can add on to
44 future meetings.
45
46 MS. CAMINER: Yes.
47
48 CHAIRMAN LOHSE: So that was just a
49 slight typo, any other thing.
50

1 MS. STICKWAN: Yes.
2
3 CHAIRMAN LOHSE: Gloria.
4
5 MS. STICKWAN: Page 8 it says Chair
6 Lohse opened nominations for Secretary seats, it's
7 misspelled.
8
9 CHAIRMAN LOHSE: Okay, again, on Page 8
10 last paragraph -- is it the last paragraph, which
11 paragraph are we on?
12
13 MS. STICKWAN: Next to the last
14 paragraph it says.....
15
16 CHAIRMAN LOHSE: Okay.
17
18 MS. STICKWAN:Chair Lohse opened
19 nominations for the Secretary seat is misspelled.
20
21 CHAIRMAN LOHSE: Okay.
22
23 MS. CAMINER: I'm not finding it.
24
25 CHAIRMAN LOHSE: I'm missing that,
26 Gloria.
27
28 MS. STICKWAN: It's S-E-A-S-T.
29
30 MS. MILLS: Page 6.
31
32 CHAIRMAN LOHSE: Page 6, okay, we were
33 on Page 8, okay. Okay. Second to the last, okay, for
34 seat, yeah. Okay.
35
36 MS. CAMINER: Mr. Chair.
37
38 CHAIRMAN LOHSE: Yes, Judy.
39
40 MS. CAMINER: I believe, Donald, on
41 Page 8 old business we're talking about Susitna/Watana
42 and I think it's the Alaska Energy Authority not the
43 Regulatory Commission that's working on this.
44
45 CHAIRMAN LOHSE: Alaska Energy
46 Authority.
47
48 MS. CAMINER: I believe so.
49
50 MS. MILLS: Alaska Energy what?

1 CHAIRMAN LOHSE: Alaska Energy
2 Authority.
3
4 Any others.
5
6
7 (No comments)
8
9 CHAIRMAN LOHSE: If not, question's in
10 order.
11
12 MR. ENCELEWSKI: Question.
13
14 CHAIRMAN LOHSE: Question's been
15 called, all in favor signify by saying aye.
16
17 IN UNISON: Aye.
18
19 CHAIRMAN LOHSE: All opposed, signify
20 by saying no -- nay.
21
22 (No opposing votes)
23
24 CHAIRMAN LOHSE: Motion carries.
25 Minutes are adopted.
26
27 Now, we go on to reports. Do any of
28 our Council members have any reports.
29
30 Gloria.
31
32 MS. STICKWAN: We had a recent meeting
33 of the Wrangell-St. Elias Subsistence Resource
34 Commission and Barbara Cellarius has letters that she
35 will present.
36
37 CHAIRMAN LOHSE: Thank you.
38
39 Mr. Henrichs.
40
41 MR. HENRICHS: I just would like to
42 share information with our king salmon research with
43 our wheels at Baird Canyon and Canyon Creek, we do
44 capture and recapture and we estimate the run and our
45 informal data at this point estimated that the king run
46 on the Copper would be between 41 and 47,000 but the
47 interesting fact is we have 48-inch long troughs that
48 we put the salmon in and several of the king salmon
49 were too big to fit into our troughs so I think we had
50 some that were over 100 pounds this summer.

1 And on the moose front we released
2 three orphan moose calves that were picked up and
3 raised up in Willow and then we hauled them back, like
4 the 60th anniversary of the release of the moose calves
5 that started the herd on the Copper River Delta and we
6 released three of them down there this summer. So it
7 was great to see that happen again. We want to have --
8 change the genetic make up of the herd because the
9 antlers are getting weird on some of them and I was
10 real pleased we were able to do that.

11
12 But that's about all I got right now.

13
14 CHAIRMAN LOHSE: Thank you, Mr.
15 Henrichs.

16
17 If I understood correctly it's not even
18 just the concern about the antlers, it's the fact that
19 the genetics started with a pretty small pool.....

20
21 MR. HENRICHS: Sure.

22
23 CHAIRMAN LOHSE:and we're trying
24 to put some new genetics in there just for diversity.

25
26 MS. MILLS: Yes. I sit on the Alaska
27 Federation of Native Subsistence Council that they've
28 enacted and just for general information they are
29 speaking about the Alaska Native food security and they
30 also are looking into the ANILCA, which envisioned a
31 State implementation of the Federal priority on all
32 lands and waters in Alaska through a state law
33 implementing the priority. They're also looking into
34 changing ANCSA and ANILCA to include hunting and
35 fishing for Alaska Natives to insure tribal subsistence
36 preference in all lands and waters in Alaska and to
37 provide a co-management role for Alaska. And there was
38 also hearings with Senator Begich at AFN that took
39 place and I know that there will also be discussion at
40 the tribal leader summit in Washington, D.C., with
41 President Obama and his Cabinet.

42
43 Thank you.

44
45 CHAIRMAN LOHSE: Greg.

46
47 MR. ENCELEWSKI: Yeah, Mr. Chairman, I
48 just got a couple things to report from Ninilchik.

49
50 First of all it was a great loss to

1 lose Doug, our Friend, and fellow Council member, and
2 he did have a wonderful, huge sendoff, he had a large
3 family and many people from all over, from the Feds,
4 Andy Loranger was there, there were people from the
5 State and he was well talked about. We told quite a
6 few stories, even one of the rangers, which tickled me,
7 he said that he noticed five violations in one story by
8 a grandson but.....

9

(Laughter)

10

11
12 MR. ENCELEWSKI:so Doug had been
13 holding out on me, he'd give me a bad time.

14

(Laughter)

15

16
17 MR. ENCELEWSKI: But, anyway, I just
18 thought I'd tell you that to enlighten you a little bit
19 on it, but he was a great advocate for fishing rights
20 and hunting down there.

21

22 One other thing, Mr. Chairman, and
23 we'll hear about it, but Andy Loranger called me, the
24 Federal hunt for brown bear was shut down a week or so
25 ago so that happened.

26

27 Ninilchik's fishwheel, we did fish it
28 without success again, very little effort was put in
29 this year, though, so I'll just report you that.

30

31 And you'll see a proposal on here we'll
32 take up later on on a potential cow hunt later and I
33 think I'll probably have to present that because a lot
34 of our members that were going to be here are unable
35 because of the change so I'll just mention that.

36

37 Then also on the AEA thing, I don't
38 know, we're going to leave here Thursday, but I need to
39 leave around noon, Mr. Chairman, if that's okay, but on
40 the AEA thing, I just wanted to mention to you I've
41 been heavily involved with that as the president and
42 chairman of the Ninilchik Natives and I actually flew
43 the whole thing and I could probably enlighten you on
44 some of that development if you would like, later.

45

Thank you.

46

47
48 CHAIRMAN LOHSE: Thank you, Greg. Can
49 you give us a little short report now on it or would it
50 be.....

1 MR. ENCELEWSKI: Sure.

2

3 CHAIRMAN LOHSE:I mean that would
4 be -- I think now's a fitting time as a Council member
5 if you've got something of concern for us.

6

7 MR. ENCELEWSKI: Well, yeah, and what I
8 wanted to tell and everyone probably knows, you've been
9 seeing things come out with the Alaska Energy Authority
10 and the proposed Watana/Susitna Dam is proposed
11 basically -- I think it's Mile 189 it's -- I should
12 have brought some maps, but, anyway, they have a
13 working group with Cook Inlet Region and it's made up
14 of all the village corporations that own land in there
15 and the majority of the land where that dam is built,
16 it's all Native land, including Ninilchik owns a lot of
17 land up there that will be flooded and impacted and so
18 what they did is they got together with all the
19 villages and they actually took choppers. I flew for
20 five hours, flew that whole Susistna drainage, looked
21 it over, looked at some of their reports, they've been
22 doing intense studies for fish, coho escapements, into
23 the different tributaries and streams and they've been
24 doing all kinds of work in rivers and there's proposed
25 studies again next year so I don't want to take their
26 thunder but I'm just telling you that there is a lot of
27 work there. There was concern brought up of, you know,
28 displacement of animals and displacement of -- well,
29 how do you replace that lost land and so on and so
30 forth but it appears that they've gained some ground
31 and it's definitely funded from the State and I think
32 they had 150-160 Million dollar last year studies and
33 they propose the same for this upcoming year.

34

35 And that's just barely touching on it
36 but there's a lot more to it. But, yeah, they are
37 looking at everything and I know where the kings go now
38 up there.

39

40 (Laughter)

41

42 CHAIRMAN LOHSE: Yeah.

43

44 (Laughter)

45

46 CHAIRMAN LOHSE: Well, thank you Greg.
47 Would we be out of line to ask, you know, that you've
48 been working with the different tribal groups that have
49 land and everything up there, what is -- do they have
50 pretty great concern over it, or do they have a lot of

1 support for the dam or are there more questions than
2 support?

3

4 MR. ENCELEWSKI: Yeah, Mr. Chairman,
5 I'll tell you they're actually having a land meeting
6 over CIRI today I was supposed to be at. But the
7 working group has actually worked with CIRI on
8 supporting the proposal but we have a lot of concerns,
9 we have concerns for private property and trespass and
10 how they're going to treat the land and how they're
11 going to do it. So we're in negotiations for permits
12 and other things of that nature. But in concept, you
13 know, no one in any of the six villages that own the
14 property in the dam site are opposing it.

15

16 CHAIRMAN LOHSE: Thank you, Greg.

17

18 Judy.

19

20 MS. CAMINER: Mr. Chair. Well, just
21 kind of as a good followup and I'll pass this around,
22 but in the Anchorage Daily News sometime in the last
23 few weeks there was this little booklet and I know
24 we'll hear more about it when the folks come here but
25 sometime this summer the Energy Authority did release
26 the subsistence report of their ongoing studies. And I
27 don't know if Donald had a chance to circulate that to
28 everybody but I'm sure, again, hopefully, we'll hear
29 about that from the people coming on Thursday and if
30 they don't give it to us we can dig it out again and
31 make sure you all get a copy.

32

33 CHAIRMAN LOHSE: Thank you. Have you
34 anything else to report Judy.

35

36 MS. CAMINER: (Shakes head negatively)

37

38 CHAIRMAN LOHSE: Anybody else have
39 anything that they would like to bring up as Council
40 member reports, concerns, nice pieces of information
41 that are enlightening, like what Mr. Henrichs brought,
42 the fact that we have fish that size.

43

44 (Laughter)

45

46 CHAIRMAN LOHSE: We can compete with
47 the Kenai.

48

49 MR. ENCELEWSKI: They must be from the
50 Kenai.

1 (Laughter)
2
3 MR. ENCELEWSKI: They got displaced.
4
5 (Laughter)
6
7 CHAIRMAN LOHSE: No, they're from the
8 Klutina.
9
10 (Laughter)
11
12 CHAIRMAN LOHSE: Hearing none, I'd like
13 to invite our guest Council members to bring up the
14 idea of the joint meeting and their thoughts on it and
15 possibly we, as a Council, can make a motion to support
16 that idea if we wish after hearing from them.
17
18 Cathy, Bert, we'll turn it over to you
19 as Council member reports.
20
21 MR. ADAMS: Thank you very much, Mr.
22 Chairman.
23
24 I forgot to mention that it's good to
25 see some people that I know here, Gloria, Bob, and you.
26 I just need to mention the fact, too, that when we go
27 to our Federal Subsistence Board meetings they always
28 put Ralph and I together and we have a lot of fun at
29 the Board and I missed you the last time Ralph.
30
31 (Laughter)
32
33 MR. ADAMS: Let me see, the Council has
34 been talking about maybe after you came to Sitka, you
35 know, for our meeting, somebody came up with the idea
36 that we should have a joint meeting and we thought it
37 was a good idea. So we needed to find something that
38 we all have in common to meet about. And so I think
39 I'm going to let Cathy, you know, address those issues
40 that we identified that we could meet together in
41 common. So, Cathy, why don't you go ahead and share
42 that with us, please.
43
44 MS. NEEDHAM: Thank you, Mr. Chair, and
45 members of the Southcentral Council.
46
47 We just brainstormed some ideas where
48 we thought we had common interest between our Councils
49 and so I'll just give you that list. I'm sure there
50 are things that we haven't thought of and we're hoping

1 that during this meeting we'll be able to identify
2 additional things. I think we'll have some talking
3 points that Mr. Larson, our Council coordinator, will
4 be handing out at some point during the meeting, and if
5 you guys have the opportunity to take a look at that
6 you may find some bullet points that are in our talking
7 points that are handed out that also might be added to
8 this list.

9
10 So some common ground issues we felt
11 that could be potentially put on an agenda for a joint
12 meeting would be budgets. Of course that's a big one
13 I'm sure that your region is just as concerned as our
14 region is, about the budget cuts that have taken place
15 in, not just Council operations, but OSM operations,
16 Staffing operations. And then with budgets we also --
17 I noticed that it was on your guys' annual report, and
18 it's also been a common issue on our annual report,
19 that we have no budget to collect wildlife information,
20 wildlife information needs. We've been talking down in
21 Southeast Alaska a lot about the need for having data
22 in order to make the important decisions that we make
23 on regulatory proposals and with no projects going on
24 at either the Federal or State side that that leaves a
25 huge gap in information needs that we need in order to
26 manage resources wisely.

27
28 We have a common Park, the Wrangell-St.
29 Elias Park where I believe Bert and Gloria both are
30 involved in and that would -- I know Bert gives us
31 regular reports back from that meeting that happens and
32 I'm sure Gloria does the same for you and I think
33 having an understanding of how that joint work goes on
34 would be a good agenda topic item.

35
36 It may not be a current issue with the
37 Southcentral Council, but it's a really big issue in
38 our region and it has been a big issue in Southcentral
39 in the past and that's sea otters. And so having some
40 common discussion on an agenda item of sea otters might
41 be appropriate.

42
43 You know we also both have National
44 Forests in our regions, you guys with the Chugach and
45 down in Southeast it's the Tongass, and so we have
46 common agencies that manage lands within each of our
47 regions that we -- you know, I think can benefit
48 learning from one another about how those interactions
49 can go.

50

1 And that was my short bullet list and I
2 don't know if Bert remembers anything more about what
3 we talked about and then, again, we'll have that
4 briefing paper.

5
6 CHAIRMAN LOHSE: Thank you. Bert.

7
8 MR. ADAMS: Thank you. I think also,
9 you know, we talked -- and we're going to be talking
10 about that today, I think also I can add a couple
11 things, you know, to things that we have in common.

12
13 She mentioned a budget, but I think we
14 have C&T, you know, as well as rural determination.

15
16 CHAIRMAN LOHSE: Right.

17
18 MR. ADAMS: So I think, you know,
19 that's a pretty strong reason why we should be able to
20 have the joint meeting.

21
22 CHAIRMAN LOHSE: Thank you, Bert.

23
24 MR. ADAMS: And, you know, another
25 thing too.

26
27 CHAIRMAN LOHSE: Go ahead.

28
29 MR. ADAMS: You know I'm on the
30 Wrangell-St. Elias Subsistence Resource Commission,
31 too, and I always thought it was a real interesting
32 discussion, we have caribou that go back and forth, you
33 know, from Canada into the Park and one of the things I
34 thought, you know, would maybe help the situation a
35 little bit is make sure that those caribou have -- what
36 do you call it -- a passport to get back and forth and
37 so forth, you know, just food for thought.

38
39 CHAIRMAN LOHSE: Thank you, Bert. I
40 think they do need passports and we should be able to
41 say these are ours or these are theirs, you know, but
42 at this point in time Canada is not agreeing to that.

43
44 (Laughter)

45
46 CHAIRMAN LOHSE: Cathy.

47
48 MS. NEEDHAM: Thank you, Mr. Chair.

49
50 I just wanted to add that at our

1 Southeast Council meeting this fall, we did discuss the
2 option to have a joint meeting with the Southcentral
3 Council and voted to make it so and I don't know if
4 Robert could speak more towards this or not, but I
5 believe that the thought and idea is in place and has
6 approval from the Office of Subsistence Management and
7 really just needs this Council to make a decision about
8 whether or not they would like to have a joint meeting
9 March 11th through the 13th of 2014. I think that
10 that's the dates that the Southeast Council picked in
11 the hopes that we would be able to do it jointly here
12 in Anchorage.

13

14 CHAIRMAN LOHSE: Okay. That was a
15 question I was going to ask you, Cathy, is were you
16 thinking the meeting would be held like in Anchorage
17 where we have central airplanes and everything else to
18 come to?

19

20 MS. NEEDHAM: Mr. Chair. I think
21 Anchorage was chosen as the venue because it's two
22 Councils and the cost considerations for travel and
23 budget it would be the cheaper of the venues to hold a
24 meeting. I think that's why Anchorage was chosen.

25

26 CHAIRMAN LOHSE: I agree with you
27 there. I think there's also more facilities available
28 and a lot of the Staff lives in Anchorage so we don't
29 have to move Staff back and forth quite the same way.
30 And so it would be agreeable to Southeastern to come to
31 Anchorage.

32

33 Bert.

34

35 MR. ADAMS: I've always advocated that
36 we should have it in Yakutat, period.

37

38 CHAIRMAN LOHSE: Bert, after having
39 spent two nights in Yakutat just in the last couple
40 weeks, I would like to know where we were going to have
41 it in Yakutat, I couldn't find a place to get a bite to
42 eat and there was only -- it looked kind of quiet
43 there, let me say.

44

45 MR. ADAMS: It is quiet. It is indeed
46 quiet this time of year but we have a beautiful ANB
47 hall where we always have our meetings, it's been
48 renovated and we're really proud of it. We can have
49 some of the establishments -- you know, they'll be
50 open, I know the Glacier Bear has certain days but if

1 they know we're going to have a meeting, they're, you
2 know, of any sort during the middle of winter they -- I
3 think they can make it so that they can accommodate it
4 but that was only a joke, you know.

5

6 (Laughter)

7

8 MR. ADAMS: I'm agreeable to having it
9 in Anchorage, although I think Yakutat is very
10 beautiful, particularly that time of the year, and we
11 do have things in common. I know when I was on the
12 tribal council Mr. Henrichs and I, you know, we would
13 meet and we would talk about common things, you know,
14 so there's a lot of commonality there between
15 Southcentral and the Southeast regions. So thank you
16 for allowing me to make that comment.

17

18 CHAIRMAN LOHSE: Thank you, Bert. And
19 I did not mean it as an insult that I couldn't find a
20 place to go out and eat in Yakutat while I was there,
21 but -- and you do have a real nice hall, we did go
22 look, and I'm totally willing to go there with a
23 sleeping bag and my little butane stove but I don't
24 know if you can get everybody else to go do that.

25

26 MR. ADAMS: Just a followup.

27

28 CHAIRMAN LOHSE: But in the meantime --
29 go ahead.

30

31 MR. ADAMS: You know the community, if
32 they know there's going to be a big meeting there, the
33 community gets together and they have dinners, you
34 know, the ANB, the basketball team, the sports
35 programs, you know, they'll have breakfast, lunch and
36 dinner for you, you know, and you put \$10 in the pot,
37 you know, and it helps them enhance their own coffers
38 but they enjoy doing that as well. But, you know, I'm
39 not trying to advocate for it.....

40

41 (Laughter)

42

43 MR. ADAMS:I'm agreeable to
44 coming to Anchorage for that meeting, you know.

45

46 CHAIRMAN LOHSE: No, I know that, Bert.
47 And I know good and well having been in those kind of
48 communities and even like Cordova, about the time you'd
49 have enough people come there, somebody would make sure
50 we got fed and we could all bring -- you know there's

1 nothing wrong -- Mr. Henrichs just told me that Native
2 Village of Eyak just got a buffalo and we could just
3 ask everybody to, you know, bring some kind of food and
4 we could get by real -- we could probably get by better
5 than we could in Anchorage, but I'm glad you're willing
6 to come to Anchorage. I think it's, from an economical
7 standpoint, when I look at Staff and everything I think
8 it's actually our only option, really, at this point in
9 time. I hope the day comes that we can go down to
10 Southeastern because I happen to really enjoy
11 Southeastern after having been down there, both in
12 Yakutat and Petersburg, Wrangell and Sitka, I mean it's
13 a beautiful place to go.

14

15 MR. ADAMS: Yeah, and just as an
16 afterthought, you'll have the privilege of being able
17 to see one of the best dancers in all of the state and
18 even the whole country through the St. Elias dancers
19 there, great entertainers.

20

21 CHAIRMAN LOHSE: Now you better -- you
22 better argue that with Gloria as to whether they're the
23 best, you know, I mean.....

24

25 (Laughter)

26

27 MR. ADAMS: We used to have contests
28 with one another.

29

30 CHAIRMAN LOHSE: I know that's what I
31 mean and I don't know if it's been settled and I'm not
32 going to enter into that.

33

34 (Laughter)

35

36 CHAIRMAN LOHSE: But with that, Bert, I
37 thank you guys for the invitation and having done some
38 of the prework and I would like to approach my Council
39 and see if anybody would be willing to make a motion
40 that we should seek a joint meeting. I think we have a
41 lot in common myself. You and I have a lot in common,
42 we sit and argue about the same things all the time.

43

44 (Laughter)

45

46 CHAIRMAN LOHSE: Anybody -- what does
47 the rest of the Council think, I'm leaving it up to the
48 rest of the Council.

49

50 Mr. Henrichs.

1 MR. HENRICHS: You know I've been down
2 to Yakutat when they had Southeast RAC meetings and boy
3 they treated us really well. It was a lot of fun and
4 if this is going to be a historic meeting I would like
5 to see it in Yakutat and if we can't do it there,
6 Cordova, somewhere pretty close there, I think it would
7 be great. And we could work out -- I know in Cordova
8 we have video and teleconference, you could get a bunch
9 of the Staff people on video and teleconference.

10

11 MS. CAMINER: Mr. Chair.

12

13 CHAIRMAN LOHSE: Yes, Judy.

14

15 MS. CAMINER: I believe Mr. Henrichs
16 was saying we should have a joint meeting and I'll
17 second that.

18

19 I guess I would mention a couple of
20 topics that we had postponed from past meetings that
21 would probably be of interest to Southeast as well.
22 That's Interior's Climate change Strategy. We wanted
23 to talk about customary trade. And also further
24 discussions, perhaps on hydro-power because Southeast
25 is very familiar with hydro-power and maybe we could
26 hear that from a different perspective.

27

28 But having said that, I think while
29 there's many issues in common, I think depending how
30 the agenda ends up sorting out it would seem like we
31 may have one day where we would meet as a Council and
32 Southeast probably has two days where you need to meet
33 as a Council on separate issues.

34

35 CHAIRMAN LOHSE: Oh, make this both our
36 Council meeting and our joint meeting?

37

38 MS. CAMINER: Yes.

39

40 CHAIRMAN LOHSE: That sounds -- well,
41 how does that sound to you from Southeastern, does that
42 sound like a reasonable alternative?

43

44 MR. ADAMS: Will Cathy and I be able to
45 vote?

46

47 (Laughter)

48

49 CHAIRMAN LOHSE: In the Southeastern
50 meetings, yes.

1 (Laughter)

2

3 MS. NEEDHAM: Mr. Chair. I do remember
4 our discussion is that we left that, and Robert can
5 correct me if I'm wrong, but we left that week
6 flexible. That was the week that we chose so we could
7 secure it in our calendar because it was an action item
8 for our Council but I think that we left the dates for
9 the whole week and I think that it might make sense, as
10 you've spoken, that we have separate meetings and then
11 a joint meeting for a day or a day and a half in
12 Anchorage and center our separate ones around that.
13 But I don't know if there's someone -- I'm just
14 speaking from what I remember from our Council but
15 somebody from OSM may need to weigh in on this, I
16 believe that they were amenable to it, to the proposal
17 of having a joint meeting in Anchorage, that they would
18 be able to -- that that was cost feasible for them and
19 in my opinion it was approved, but I don't know now.

20

21 CHAIRMAN LOHSE: Thank you, Cathy.
22 That was -- I'll -- go ahead, Chuck.

23

24 MR. ARDIZZONE: Mr. Chair. I think
25 there is support for a joint meeting and I was just
26 going to mention that in past joint meetings we have
27 done exactly what you've discussed. We've had a joint
28 meeting at the beginning with multiple cancels and then
29 have breakout sessions for the Councils to cover their
30 own business but trying to get the joint meeting done
31 either at the beginning or at the end, however you want
32 to set it up.

33

34 CHAIRMAN LOHSE: Donald, you said
35 something -- you and I were talking about it and you
36 said that, if I understood correctly, that OSM can find
37 a way to work this into their budget if we do it as
38 economically as possible.

39

40 MR. MIKE: Yes, that's correct, Mr.
41 Chair. I'm trying to recall if this was an annual
42 report item for the Southcentral requesting a joint
43 meeting, and our office gave its blessing, I believe.
44 But I've been working with Robert Larson, the
45 coordinator for Southeast and we've been talking on and
46 off about it but we can make the agenda where it's very
47 -- we can have a separate Council meeting as well as a
48 joint meeting so Robert has a lot of work to do.

49

50 (Laughter)

1 CHAIRMAN LOHSE: Right. That would
2 seem to me like that would be from an OSM standpoint,
3 more cost effective because instead of having to have
4 three meetings we could have one meeting and one set of
5 travel and one set of accommodations. The meeting
6 might have to last a day longer or something like that
7 but from an -- but do I have anybody other than Donald
8 from OSM that can make any comment on that kind of a --
9 whether it's feasible money-wise in other words.

10

11 Donald.

12

13 MR. MIKE: Yeah, Mr. Chair, Mr. Larson
14 and I, we can help develop the agenda for the RAC
15 Chairs to look at and approve and then we'll go from
16 there and we'll make it happen.

17

18 MR. ARDIZZONE: We can make it work.

19

20 CHAIRMAN LOHSE: You can make it work.
21 Okay, now all we got to do is see if Southcentral will
22 approve it.

23

24 MS. CAMINER: Mr. Chair.

25

26 CHAIRMAN LOHSE: Judy.

27

28 MS. CAMINER: I'll just note that it's
29 different dates from what we attempted to set at our
30 last meeting so maybe if folks just could take a second
31 to think about whether those dates are okay with them.
32 It's fine with me. I just bring that up that it's just
33 different than what we talked about.

34

35 MS. MILLS: The dates March 11th
36 through 13th, you're speaking on.

37

38 CHAIRMAN LOHSE: Or the week of March
39 11th through 13th, it doesn't have to be exactly the
40 11th to 13th, I think it's the 10th through the 14th,
41 isn't it something like that.

42

43 MS. CAMINER: Yes.

44

45 CHAIRMAN LOHSE: But what they're doing
46 there is they're putting a travel day at each end of
47 it.

48

49 Greg.

50

1 MR. ENCELEWSKI: Yeah, Mr. Chair. I
2 just wanted to make a comment. I'm all for a joint
3 meeting. I would love to see one, I'd love to go to
4 Southeastern but I just want to make one point, you
5 know, we're kind of behind the eight ball on our own
6 meetings and it seems like our agendas get very long
7 and get extended, so if we could work it that we could
8 get caught up or maybe have an extra day or two for a
9 joint meeting I think would be prudent because at this
10 time we're having a hard time even getting through our
11 agendas.

12
13 MS. O'REILLY-DOYLE: Mr. Chair. I don't
14 think this mic is on.

15
16 REPORTER: Yes, it's on.

17
18 MS. O'REILLY-DOYLE: Yeah, I'm not
19 hearing it through the speakers. All right, I'll just
20 speak really loud. Okay, that's much better, thank
21 you.

22
23 REPORTER: I didn't do anything just so
24 you know.

25
26 (Laughter)

27
28 MS. O'REILLY-DOYLE: Whatever works.
29 But speaking on behalf of OSM, OSM does support a joint
30 meeting and if the Councils think they need an extra
31 day for that we would be supportive of that as well.

32
33 I just want to point out that in your
34 book on Page 281 is the calendar for that series -- for
35 the winter Council meetings, so if the Council wanted
36 to refer to that when they're making that decision,
37 it's there.

38
39 CHAIRMAN LOHSE: Thank you.

40
41 MR. ADAMS: Mr. Chairman.

42
43 CHAIRMAN LOHSE: Yes, Bert.

44
45 MR. ADAMS: Why don't we go to Maui.

46
47 (Laughter)

48
49 CHAIRMAN LOHSE: I don't think Obama
50 would approve.

1 (Laughter)
2
3 CHAIRMAN LOHSE: It's not a bad idea.
4
5 (Laughter)
6
7 CHAIRMAN LOHSE: Okay. So we would
8 have to take a look and see whether we could fit that
9 in. Okay. If we look on Page 281, somebody's already
10 written in that there would be time available on that
11 week of the 10th through the 14th. Now it's a
12 question, we were originally scheduled back in
13 February, what does the rest of the Council think about
14 -- well, first of all, is the rest of the Council -- we
15 need a motion that we're supportive of a joint meeting
16 first or we might as well not go any farther.
17
18 MS. CAMINER: I think we had the
19 motion.
20
21 REPORTER: Yes.
22
23 MS. CAMINER: We had the motion
24 but.....
25
26 CHAIRMAN LOHSE: We did have a motion
27 already, okay, I'm sorry. I'm sorry as a Chair.....
28
29 MS. CAMINER: And a second, but we
30 haven't voted.
31
32 CHAIRMAN LOHSE:I didn't know we
33 had a second, so, okay.
34
35 We have a motion and a second to
36 support the idea of a joint meeting. Do I have any
37 further discussion.
38
39 MR. HENRICHS: Question.
40
41 CHAIRMAN LOHSE: Question's been
42 called. All in favor signify by saying aye.
43
44 IN UNISON: Aye.
45
46 CHAIRMAN LOHSE: Opposed, signify by
47 saying nay.
48
49 (No opposing votes)
50

1 CHAIRMAN LOHSE: Motion carries
2 unanimously. Now it's up to our Council to see if we
3 can get together and approve a time that's available
4 for everybody else and when I look at the schedule
5 right here it looks like that's the open week. How
6 does that fit into the rest of the Council's agenda.
7
8 Greg.
9
10 MR. ENCELEWSKI: It would fit my agenda
11 fine if it was -- well, my birthday's the 10th, but I
12 mean if it was earlier in the week we have a regular
13 tribal council meeting on the 13th, but other than that
14 it's fine.
15
16 CHAIRMAN LOHSE: Anybody else, any
17 comments.
18
19
20 (No comments)
21
22 CHAIRMAN LOHSE: That's so far --
23 that's so far away I don't even know what year that is.
24
25 (Laughter)
26
27 MR. ENCELEWSKI: I'm just consulting
28 with Donald, how about that first week in March.
29
30 CHAIRMAN LOHSE: The first week in
31 March. The first week in March.....
32
33 MR. ENCELEWSKI: The 3rd through the
34 7th.
35
36 CHAIRMAN LOHSE: How does that fit with
37 Southeastern, is there a problem there with
38 Southeastern on the first week in March.
39
40 Cathy.
41
42 MS. NEEDHAM: Mr. Chair. I'm not
43 positive if we discussed alternative dates. I think
44 one of the reasons why we chose that timeframe was
45 because of the limitations of Staff and multiple
46 meetings in a week and since they would have two
47 Councils with a joint meeting to do that was an open
48 week for them, but I would have to ask them to clarify
49 that. And then I'm not sure how flexible the Southeast
50 Council was in terms of the scheduling, that might be a

1 question better suited for Mr. Larson.
2
3 CHAIRMAN LOHSE: Gloria.
4
5 MS. STICKWAN: We have a SRC meeting on
6 March 4th and 5th.
7
8 CHAIRMAN LOHSE: Right.
9
10 MS. STICKWAN: Bert won't be able to
11 make it.
12
13 (Laughter)
14
15 CHAIRMAN LOHSE: Well, I'm agreeable to
16 either one of them at this point in time. It's so far
17 off that my calendar's not filled, it's probably not
18 empty either.
19
20 MS. CAMINER: Mr. Chair. I suggest
21 that perhaps we just go about an agenda and hopefully
22 that will work with Greg's schedule within that week of
23 the 10th because it sounds like it would just be
24 impossible the previous week because of Bert and
25 Gloria's commitments.
26
27 CHAIRMAN LOHSE: Yeah.
28
29 MR. ENCELEWSKI: Yeah, Donald said that
30 earlier in the week would work and he'll throw me a
31 birthday party.
32
33 (Laughter)
34
35 CHAIRMAN LOHSE: Well, that's what I
36 was thinking, if we started already on Monday we might
37 be done in time for you to get out for yours.
38
39 MR. ENCELEWSKI: Yeah.
40
41 CHAIRMAN LOHSE: And so if.....
42
43 MR. MCLAUGHLIN: Mr. Chair. The middle
44 of the week works better in my schedule because my
45 travel flights are only possible Mondays and Fridays so
46 I'd be missing the Monday if it was earlier.
47
48 CHAIRMAN LOHSE: Well, if we're going
49 to have a four day meeting or a five day meeting, you
50 know, we may just have to have people come in -- I

1 think we're going to have a hard time with as many
2 people involved as we've got involved in this to find a
3 time that's perfect for everybody.

4
5 Bert.

6
7 MR. ADAMS: Yeah, just to make you
8 aware that I'll be at that same Wrangell-St.Elias
9 meeting as Gloria.

10
11 CHAIRMAN LOHSE: Yeah.

12
13 MR. ADAMS: March 5th and 6th.

14
15 CHAIRMAN LOHSE: Well, personally I
16 would probably go with the one somewhere in the week of
17 the 10th through the 14th and we're just going to have
18 to all bounce around it and see how we can fit in or
19 not fit in because -- Mr. Larson.

20
21 MR. LARSON: Thank you, Mr. Chair.
22 There's been a lot of discussion and negotiations
23 between the Office of Subsistence Management and the
24 Southeast Council and between Donald Mike and myself
25 already, and these dates are selected as one of the few
26 dates that will actually work. And the week previous,
27 because of other commitments of the Staff and having
28 more other Council meetings that are scheduled it would
29 really be impossible. Regarding whether we meet on a
30 Monday or a Tuesday. Mondays are problematic in that
31 those people that travel, you end up incurring
32 additional costs that would be unnecessarily if we were
33 to meet on a Tuesday. So internally it's the most cost
34 effective way to have a meeting, is to start on
35 Tuesdays, and that week we already have permission to
36 meet in that week and we really don't in other weeks.

37
38 CHAIRMAN LOHSE: Mr. Larson. Now, if
39 it costs additional to travel on Sunday, then does it
40 cost -- I mean then if we end up having a four day
41 meeting and end on Friday, does it cost additional to
42 travel on Saturday?

43
44 MR. LARSON: Mr. Chair. It does but I
45 would like to note that because it's a winter meeting
46 and it's not a regulatory meeting, that the agenda
47 items, I think, are not going to be as extensive as
48 they are at the fall meetings. And I think that our
49 thoughts on the process and the topics that you'd need
50 to discuss, they could be done in a three day meeting,

1 that's what our plans would be.

2

3 CHAIRMAN LOHSE: Well, I think that's a
4 good thing to shoot for. Again, I can't make the
5 decision for my Council, but if that's the only time
6 available and we're in favor of having a joint meeting,
7 we may just have to work around that time and I would
8 think that if we find that we're overloaded we have
9 been known to have evening sessions before and, you
10 know, if the Council feels like there's something that
11 needs to get done I am not hesitant to call an evening
12 session so we can make a three day meeting have as much
13 time as a four day meeting if we need to.

14

15 So with that on the table, I need a
16 motion from somebody on my Council one way or the other
17 as to whether or not we shoot for this joint meeting on
18 the week of the 10th through the 14th, and it would
19 probably be the middle of the week, the 11th through
20 the 13th.

21

22 Do I hear a motion.

23

24 MR. SHOWALTER: I'll make that motion.

25

26 CHAIRMAN LOHSE: It's been moved that
27 we agree to have our joint meeting on the week of the
28 10th through 14th and we'll have our meeting on the
29 11th through the 13th.

30

31 MR. MCLAUGHLIN: Second.

32

33 CHAIRMAN LOHSE: And I have a second
34 from Andrew.

35

36 Okay. Now, we have a motion on the
37 table, further discussion.

38

39 Mr. Henrichs.

40

41 MR. HENRICHS: Yeah, that's great and
42 this is November and we're talking about March, I have
43 no idea what my schedule in March is right now. It
44 changes daily so I'm in favor of having the meeting,
45 whether those days will work I don't know yet, but we
46 can usually work around it.

47

48 CHAIRMAN LOHSE: Judy.

49

50 MS. CAMINER: Mr. Chair. And I would,

1 I guess, just sort of say again that we don't need to
2 fill up those three days just because we're having a
3 joint meeting, we do have topics that we do want to
4 speak jointly to the Council, we probably have some
5 specific to our Council so I'll leave it to the agenda
6 makers to sort that out but I do think we'll need some
7 time on our own as well within those three days.

8

9 CHAIRMAN LOHSE: Thank you. I'll just
10 make one comment. I know you guys all got along very
11 well without me when I didn't come to the meeting last
12 year and so if somebody can't make this meeting it's
13 not the end of the world, we have to do the best we can
14 for the most of us and even like this meeting today,
15 we're missing some Council members. We know that all
16 of our schedules don't work out all of the time and I'm
17 like Mr. Henrichs, I have no idea what I'm going to be
18 doing on the 11th through the 13th at this point in
19 time but if I have this meeting then I'll have an idea
20 of something I should be doing.

21

22 (Laughter)

23

24 CHAIRMAN LOHSE: So further discussion.

25

26 Bert.

27

28 MR. ADAMS: I know what I'm going to be
29 doing, I'm going to be going to a Wrangell-St.Elias
30 meeting on March 4th and 5th and then I'm going to be
31 here during the week of March 10th.

32

33 (Laughter)

34

35 CHAIRMAN LOHSE: Okay. Okay. No
36 further discussion, the question's in order.

37

38 MR. HENRICHS: Question.

39

40 CHAIRMAN LOHSE: Question's been
41 called. All in favor signify by saying aye, and what
42 we're voting on is the fact that we agreed to the
43 meeting on the 11th through the 13th.

44

45 IN UNISON: Aye.

46

47 CHAIRMAN LOHSE: Opposed.

48

49 (No opposing votes)

50

1 CHAIRMAN LOHSE: Motion carries.
2
3 Okay. With that we're going to the
4 Wrangell-St.Elias SRC report.
5
6 MS. CELLARIUS: Mr. Chair. My name is
7 Barbara Cellarius, I'm the subsistence coordinator for
8 Wrangell-St.Elias National Park and Preserve. I
9 believe that you had a written report from our spring
10 meeting in your meeting packet that Gloria put together
11 so I really wasn't going to go over that. I don't know
12 if Gloria had anything in particular she wanted to say
13 about that meeting. We do have minutes from all our
14 meetings and if you'd like me to forward copies of the
15 minutes to Donald to share with you we're happy to do
16 that.
17
18 And then the Commission met just last
19 week, I'm still working on some of the letters that
20 have emerged from that meeting, you have copies of
21 three or four of them in your meeting packets. Rural
22 determination, there's a comment on the rural
23 determination process. There's a letter to Bert Adams
24 about the C&T. And there's a letter about the wildlife
25 proposals, and actually I'll come up and present
26 specific comments on things like the wildlife proposals
27 as it is appropriate on your agenda.
28
29 So any questions or if there's anything
30 Gloria wants to add at this point, I think we can move
31 on.
32
33 MS. STICKWAN: No, I don't need to add
34 anything.
35
36 CHAIRMAN LOHSE: No. Any questions for
37 the SRC.
38
39
40 (No comments)
41
42 CHAIRMAN LOHSE: I had one, I noticed
43 that a lot of the SRC things dealt with things like
44 green logs and firewood and availability for
45 subsistence users in the Park and have we been having
46 any -- have subsistence users in the Park been feeling
47 like they're having any hardship in obtaining what they
48 need? I mean was that presented at your -- did you
49 have many people or much input as to the fact that this
50 is something that really needs to be addressed because

1 this is something they're having a hard time getting?

2

3 MS. CELLARIUS: You know in terms of
4 the house logs we just happened to have received a
5 couple of permit requests for house logs. Maybe I
6 should back up first and say that the Wrangell-St.
7 Elias National Park Subsistence Resource Commission was
8 created under the provisions of ANILCA and it is
9 basically an advisory council like yourselves that
10 advised the Park managers on subsistence management.
11 And you'll get my agency report on Thursday, I assume,
12 and I actually have a little explanation of what the
13 SRC is in that report. So it operates in a similar
14 fashion to you but one of the differences is there are
15 things that the Park Service manages in terms of
16 subsistence that aren't under the auspices of the
17 Federal Subsistence Board so things like plant
18 materials, including firewood and house logs, and so we
19 have provisions in our regulations that people who live
20 within the Park can request house logs. We happened to
21 have a couple of house log permits this year, it's not,
22 you know, it's -- it's not that there was a big issue,
23 there has been some discussion about firewood and
24 portable motors. That is not based on a feeling that
25 people can't get their resources that they need but
26 they would like some clarification of the regulations
27 about house logs.

28

29 We also spend a lot of time talking
30 about fish and wildlife, the same kinds of things that
31 you guys do but there's some additional things the SRC
32 deals with that are out of the purview of the Federal
33 Board.

34

35 CHAIRMAN LOHSE: Thank you, Barbara.

36

37 That's what I wanted to bring to the
38 attention of the Council is that there are other
39 subsistence issues other than fish and game management,
40 or fish and game resources, in our National Parks. And
41 I also understand the portable motor thing, it's not so
42 much that anybody's been having a rough time using
43 portable motors, which we call chainsaws, for a lack of
44 a better way of putting it, it's the fact that people
45 who live in the Park in-holdings and stuff like that,
46 would like to have their right to use them protected in
47 the future. Because I think under current National
48 Park Service regulations in the rest of the country,
49 portable motors are out, not.

50

1 MS. CELLARIUS: There is an audio
2 disturbance regulation that says if you want to use a
3 portable motor, like a chainsaw, you need a permit, and
4 we're having a lot of discussion about this.

5
6 CHAIRMAN LOHSE: Okay.
7

8 MS. CELLARIUS: But there's not a
9 prohibition on the use of portable motors.

10
11 CHAIRMAN LOHSE: Okay.
12

13 MS. CELLARIUS: And so it really is a
14 matter of whether or not you need a permit. Currently
15 we're not set up to issue permits.

16
17 CHAIRMAN LOHSE: Right. I guess that's
18 -- thank you for the clarification. It's not so much
19 there's a prohibition against them, but any time that
20 you need a permit, a permit is at the discretion of the
21 person giving the permit and I know some of the people
22 would like to have some protection that that permit
23 will be available in the future unless there's some
24 real big problem with it because it'd be awful hard --
25 I spent a winter in Wrangell-St.Elias cutting my
26 firewood with a handsaw, I don't think there's many
27 people that want to do it today and most of the houses
28 are a lot bigger than the 12 by 14 foot cabin I was
29 living in, and chainsaws are pretty important up in
30 that country.

31
32 Any other comments, questions for
33 Gloria [sic].
34

35
36 (No comments)
37

38 CHAIRMAN LOHSE: But see that's the
39 plant material, the antlers, the horns, all these
40 things come under SRC and that's something that we
41 don't deal with that much on a regular basis here on
42 the Council.

43
44 Thank you.

45
46 Oops, we got a question.

47
48 MS. MILLS: Does portable motors also
49 include your.....

50

1 CHAIRMAN LOHSE: Kickers on skiff.
2
3 MS. MILLS: No, I was wondering.....
4
5 CHAIRMAN LOHSE: Power.....
6
7 MS. MILLS:about, you know, for
8 your electricity, generators.
9
10 CHAIRMAN LOHSE: Generators, uh-huh.
11
12 MS. CELLARIUS: One might consider a
13 portable -- a generator a portable motor, depending on
14 how big it is. Most, you know, this is on NPS managed
15 land, a lot of the people who live within the Park
16 boundaries are not -- they're living on private land
17 that occurs within the Park boundary so it wouldn't
18 affect somebody at their house because everybody's --
19 you know the permanent residents of the Park are living
20 on private land, they're not on Park land, and so the
21 Park regulations don't apply. This is really strictly
22 on NPS managed land within the Park boundaries.
23
24 CHAIRMAN LOHSE: And this applies to
25 Preserve land too, doesn't it?
26
27 MS. CELLARIUS: Yes. National Park and
28 National Preserve lands.
29
30 CHAIRMAN LOHSE: Thank you.
31
32 MS. CELLARIUS: It's a national -- it's
33 a national regulation but it only applies on the NPS
34 lands, it doesn't apply on private lands within the
35 boundaries.
36
37 CHAIRMAN LOHSE: Any other questions
38 for Gloria [sic].
39
40
41 (No comments)
42
43 CHAIRMAN LOHSE: Thank you, Gloria.
44 Gloria, I mean thank you, Barbara.
45
46 (Laughter)
47
48 CHAIRMAN LOHSE: The next thing we have
49 is the Chair's report and the Chair has nothing to
50 report at this point in time other than the fact that I

1 extremely appreciate Donald and I appreciate the work
2 that he does getting ready for these meetings, I
3 appreciate the way he stepped in for the Council with
4 Doug Blossom, and I just appreciate Donald and I would
5 like to express that appreciation both to the OSM Staff
6 and to the rest of the Council and I think as Council
7 members, stop and say thank you to him once in awhile
8 because he does more work than the rest of us put
9 together and that's this Chair's report at this point
10 in time.

11
12 Council coordinator, administrative --
13 let me put my glasses on -- administrative items and
14 that's Donald again. See we put him back on the spot
15 every time we turn around.

16
17 MR. MIKE: Thank you, Mr. Chair.

18
19 This morning I placed a blue folder in
20 front of you and in it has Wrangell-St.Elias wildlife
21 proposal comments, it's the salmon-colored pages; and a
22 comment from Michael Vigel from Chenega Bay on the
23 proposals, his comment; and a letter that's from
24 Wrangell-St.Elias comments on rural -- rural comments
25 and that's on pink paper; and then another letter from
26 Wrangell-St.Elias to Tim Towarak and this is the letter
27 is on the consultation process. And on the right side
28 you have the Northwest Landscape Conservation
29 Cooperative and that will be under agency reports later
30 on in this meeting and we'll have Staff presenting that
31 from our office on climate change information.

32
33 CHAIRMAN LOHSE: Thank you. Any
34 questions for Donald at this point in time.

35
36 MR. MIKE: And, Mr. Chair, the public
37 hearing tonight will start at 7:00 p.m., at the Alaska
38 Pacific University and we have a map for everybody, in
39 front of them, it'll be at the Carr-Gottstein Hall and
40 it'll give you some routes to how to access the Alaska
41 Pacific University to the Carr-Gottstein Hall and if
42 you have any questions we'll have Staff available to
43 help you get there tonight. The press release was
44 issued for the public notifying them of the venue for
45 the public hearing tonight and the Council will be
46 there to listen in on the public and then tomorrow
47 morning we'll be discussing rural determination for
48 this Council to discuss and take action.

49
50 CHAIRMAN LOHSE: Thank you.

1 MR. MIKE: And is there anything else.

2

3

4 (No comments)

5

6 CHAIRMAN LOHSE: Go ahead, Donald.

7

8 MR. MIKE: Mr. Chair. We have a full
9 meeting agenda and it'll be up to the Chair and Council
10 if they want to have an evening session either tomorrow
11 or the next day.

12

13 That's all I have, thank you, Mr.

14 Chair.

15

16 CHAIRMAN LOHSE: Thank you, Donald.
17 We've already got something scheduled for tonight so
18 let's wait and see how we go through things tomorrow
19 before we make any kind of decision on that.

20

21 Thanks again for your help.

22

23 If we look we're going to try to move a
24 little bit on things that -- on things that you can
25 read we probably aren't going to do a real lot of
26 talking, and if we look at the next thing we have on
27 our agenda is the annual report reply from the Federal
28 Subsistence Board, you can find it on Page 16. Does
29 anybody on the Council have any comments on the replies
30 that we got or any additions that they think needed
31 added to it, any thoughts for our next report.

32

33 Judy.

34

35 MS. CAMINER: Mr. Chair. Trying not to
36 be too negative here but I was a little disappointed
37 with a few of the answers.

38

39 I think we brought up these topics and
40 we expressed the need for this to be relayed to the
41 Board and then the Board just seemed to write back
42 saying, well, you could write to us about this.

43

44 For example, we asked last year that a
45 letter be sent from this Council to the Eastern
46 Interior on the Chitina personal use proposal that's
47 going to the Board of Fisheries and it was drafted and
48 I'm not sure that it ever went and so to say well we
49 could send a letter at any time, but that's kind of
50 what we were doing last year, so I think that still

1 needs to be resolved.

2

3 For the second one, wildlife
4 information, if the Council desires Forest Service
5 could work with the Council in determining whether
6 there are any priority wildlife projects on Forest
7 Service lands higher than funded fishery projects. So
8 I would think the Council does want to do that and we
9 should pursue that.

10

11 And, lastly, on Page 18, I mean I
12 thought last year we pretty carefully crafted how we
13 wanted delegation of authority to read and how we were
14 disappointed with how things had worked and so to say
15 to us then, well, we can make suggestions or we would
16 like to hear about specifics, I felt like we did that
17 last year.

18

19 So I don't know for this year if we
20 have to do it again or if whether we can just say refer
21 to last year's comments.

22

23 CHAIRMAN LOHSE: That's an idea, Judy.

24

25 Any other comments. Mary.

26

27 MS. MILLS: Yes, on issue two, wildlife
28 information, it says it has also provided significant
29 benefits to tribal organization and other non-
30 governmental organizations in the form of capacity
31 building. You know one of the things that the tribes
32 are concerned with is the government to government
33 relationship between the tribal governments and the
34 United States government and we recognize that there is
35 a difference between tribal government and tribal
36 organizations.

37

38 Thank you.

39

40 CHAIRMAN LOHSE: So, Mary, what you're
41 saying right there is that what we were thinking when
42 we were talking about this is it wasn't tribal
43 organizations it was tribes, because tribal
44 organizations are not tribes.

45

46 MS. MILLS: Correct, uh-huh.

47

48 CHAIRMAN LOHSE: That could be
49 something that we can include in our next report is
50 just a clarification of that and its application to

1 fishery management and wildlife management.

2

3 Greg.

4

5 MR. ENCELEWSKI: I just wanted to
6 comment on the delegation of authority. I also agree
7 with Judy on that, that I don't believe it was answered
8 to what I feel it should have been. I think we were
9 very specific on the delegation of authority that we
10 were concerned of it getting it out of hand and that's
11 why we were specific about it. I do know that the
12 delegation of authority on the Kenai and there's some
13 controversy even over some of the closures now so I
14 still think it's an issue.

15

16 CHAIRMAN LOHSE: That is a hard one,
17 Greg. We recognize that it was necessary but we also
18 recognize that there was, you know -- you know, and,
19 again, we all know that nothing that anybody does is
20 going to please everybody.

21

22 MR. ENCELEWSKI: No, but.....

23

24 CHAIRMAN LOHSE: Yeah, I know.

25

26 MR. ENCELEWSKI:it should come
27 from here.

28

29 CHAIRMAN LOHSE: Yeah.

30

31 Okay. Any other comments on our
32 response to our letter for subsistence, and any
33 comments -- and Mary, I think we'll make sure we
34 include what I said in our next letter, to remind them
35 that, you know, it's just not the capacity building
36 with tribal organizations, it's capacity building with
37 tribes that we're interested in also.

38

39 MS. MILLS: Yes. Because the tribes do
40 have that government.....

41

42 REPORTER: Hold on, MaryAnn, your
43 microphone.

44

45 MS. MILLS:to government
46 relationship with the Federal government.....

47

48 REPORTER: MaryAnn.

49

50 MS. MILLS:which is very

1 significant and a little more powerful, you know, for
2 our tribal government.

3
4 CHAIRMAN LOHSE: And the organizations
5 don't.

6
7 MS. MILLS: And the organizations do
8 not.

9
10 MS. CAMINER: I think Carl has a
11 comment.

12
13 CHAIRMAN LOHSE: What.

14
15 MS. CAMINER: I think Carl has a
16 comment.

17
18 MR. JOHNSON: Mr. Chair. Carl Johnson
19 with OSM. I think I'm probably one of the few people
20 that's involved from the beginning to the end in the
21 initial drafts of annual reports to the final revisions
22 of annual report replies so I want to give some
23 guidance to the Council on the issue of the delegation
24 of authority that might help you understand the Board's
25 reply better and, that is, upon reviewing the annual
26 report from the Council, it was unclear whether or not
27 the Council had a problem as a general concept with
28 delegations of authority as an idea or if there was a
29 specific delegation that had been given to a particular
30 Refuge manager and what those concerns specifically
31 were. So that's what you're seeing in the reply from
32 the Board, is whether or not the Council has a general
33 problem or a specific problem, and if there is a
34 specific problem then they were seeking information as
35 to what that particular problem was.

36
37 CHAIRMAN LOHSE: So if I understand you
38 right, the way we drafted it was a little ambiguous,
39 just it didn't really specify in detail what we were
40 after -- well, what we were trying to do is we were
41 trying to put a concept on the table and that was the
42 whole thing and I guess concepts aren't specific and it
43 wasn't -- and I think we went over that in our meeting
44 quite directly, that we weren't applying this to any
45 single decision or any single manager's action, it was
46 a concept of what we thought delegation of authority
47 should be.

48
49 Am I correct in that from the memory of
50 the rest of the Council.

1 Judy.

2

3 MS. CAMINER: Mr. Chair. Yes, I
4 believe you're correct. And I would also add if there
5 was a question during the discussions, because I know
6 these letters get reviewed quite a bit before they get
7 sent, could have gotten back to the Chair or anyone who
8 was at the meeting or checked the minutes to see what
9 the specific intent was because we discussed it quite
10 thoroughly.

11

12 CHAIRMAN LOHSE: Yep. I think the only
13 objection that actually the Council has on what we got
14 back in return is possibly it's as ambiguous as our
15 recommendation to start off with and we were hoping to
16 get something a little bit more positive, or not
17 positive, specific out of it and I can -- I guess we'll
18 have to refer them to our discussions from the past and
19 hope that as we -- this might come back up on the table
20 again and we can be a little bit more specific next
21 time. I know that the issue -- the issue's going to
22 resurface almost every time the delegation of authority
23 is used and that's just the nature of the beast, I
24 think. Because, again, like I said -- well, I think
25 Mr. Henrichs said it pretty clearly just before, you
26 can't please all of the people all of the time, and
27 some of the people you can't ever please but if you're
28 going to do something you're going to have to step on
29 some toes sometimes, and I think that's what you were
30 getting at.

31

32 MR. HENRICHS: Not me.

33

34 (Laughter)

35

36 CHAIRMAN LOHSE: Ha. Anyhow, Greg.

37

38 MR. ENCELEWSKI: Yeah, I'll just make
39 one other comment and it's on this delegation of
40 authority but now that we have used it in several
41 cases, I think we have a little bit more to refer back
42 to and look at in how it actually performed. I know
43 personally from what I remember of the Council, you
44 know, it was we had a grave concern of it getting
45 carried away, we wanted that concept refined so it
46 didn't get out of hand and that we had the right to
47 review this delegation.

48

49 CHAIRMAN LOHSE: Yeah. And we came
50 across something in our area that even when it's

1 reviewed by Council Chairs and stuff like that, the
2 Council Chairs can make mistakes, too, just like -- or
3 maybe not mistakes, maybe see things different than
4 somebody else that's looking at it a different way, so,
5 consequently, I know from the experience that we've
6 just had in Prince William Sound that you can't please
7 all of the people all of the time and some of the
8 people you can't ever please and sometimes you just
9 plain make a mistake or say too much or say too little.
10

11 MR. ENCELEWSKI: Yeah, and I guess I'll
12 just -- to clarify where I'm going at it, you know, we
13 just had a recent one and I had a call from the Refuge
14 manager and I was at AFN and I mean I get a word that
15 there's a potential closure and the next day it's in
16 the paper it's closed, I mean you don't have a lot of
17 time to react or know some of the facts in it so you
18 really got to -- once we give that delegation of
19 authority it's pretty much in the hands of whoever you
20 delegated it to.....

21
22 CHAIRMAN LOHSE: Yeah.

23
24 MR. ENCELEWSKI:so it's -- once
25 it's given it's given.

26
27 CHAIRMAN LOHSE: Mary.

28
29 MS. MILLS: I remember at the last
30 meeting we were talking about the Federal Subsistence
31 Board not giving the deference that we thought they
32 should on some of the recommendations and that's also a
33 concern of Alaska Federation of Natives, that the
34 Regional Advisory Councils, Section .805 of ANILCA
35 mandates that the Federal Subsistence Board follow the
36 recommendations of the RACs unless the recommendations
37 are not, quote, supported by substantial evidence;
38 violates recognized principles of fish and wildlife
39 conservation; or would be detrimental to the
40 satisfaction of subsistence needs; and the Federal
41 Subsistence Board takes the position that it need only
42 give deference to recommendations that invoking the
43 taking of fish and wildlife, the Board does not defer
44 to the RACs on other critical decisions, for example,
45 whether a community should qualify as a rural or
46 whether a specific practice qualifies as customary and
47 traditional use of fish and wildlife within the RACs
48 region; the Federal Subsistence Board should be
49 directed to give deference to the RAC's recommendations
50 on all matters related to subsistence uses including,

1 among other things, rural determinations, customary and
2 traditional use of determinations, issues that arise
3 out of the normal regulatory cycle and specific actions
4 and emergency regulations.

5
6 Thank you.

7
8 CHAIRMAN LOHSE: Judy.

9
10 MS. CAMINER: Mr. Chair. As a followup
11 to what MaryAnn just said, I was going to ask during
12 this meeting that we have a report on the Secretarial
13 Review, which asked that the Board look at the specific
14 due deferences that MaryAnn was talking about,
15 especially before we discuss rural and before we
16 discuss customary and traditional use determinations.

17
18 Thank you.

19
20 CHAIRMAN LOHSE: Thank you, Judy.

21
22 Okay. Any other further discussion on
23 our annual report reply.

24
25
26 (No comments)

27
28 CHAIRMAN LOHSE: I don't think we need
29 a motion on this, this isn't an action item, this was
30 an informational item. We've come up with a couple
31 things out of it, I think that we can address in our
32 next report. If anybody sees anything else on it we
33 can go from there.

34
35 Now, as part of moving this meeting
36 along, do we want to go to public and tribal comments
37 on non-agenda items and then have a break or do we want
38 to have a break and then go to public comments.

39
40 MR. HENRICHS: Break.

41
42 CHAIRMAN LOHSE: I have one Council
43 member that said break.....

44
45 MR. SHOWALTER: Break.

46
47 CHAIRMAN LOHSE:I have another
48 one that nodded the head and a third that said break, I
49 think that sounds like a majority so in that case we're
50 going to have a 10 minute break.

1 MR. ENCELEWSKI: Thank you.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN LOHSE: I'd like to call this
8 meeting back into session. At this point in time we
9 have public and tribal comments on non-agenda items.
10 We've had a few of those comments already, like from
11 MaryAnn, but do we have any other public or tribal
12 comments on non-agenda items, things that aren't on our
13 agenda.

14

15 Mr. Henrichs.

16

17 MR. HENRICHS: Yeah, in case a lot of
18 you didn't notice, at the recent AFN Convention there
19 was a changing of the guard. The new co-Chairs are
20 both women, first time in history, and they're both
21 after borns, that were born after ANCSA. And I really
22 like that because the good 'ol boys tried to change the
23 election and they got roughed up pretty good by the
24 delegates. So I was one of the first seiners to hire
25 women in seine crews and I hired them because they
26 would not be out worked by men and then the guys were
27 determined not to be out worked by the women so I'd
28 just sit back and watch them and the hardest part was
29 keeping a straight face.

30

31 MR. ENCELEWSKI: Good story.

32

33 CHAIRMAN LOHSE: Thank you, Mr.

34 Henrichs.

35

36 So the idea is that we should get women
37 to do the work and the rest of us can try to keep up
38 with them.....

39

40 (Laughter)

41

42 CHAIRMAN LOHSE:or should we get
43 women to do the work and sit back and watch.

44

45 (Laughter)

46

47 MR. HENRICHS: The skipper sit back and
48 watch, the workers have to work harder.

49

50 (Laughter)

1 CHAIRMAN LOHSE: Thank you. Mr. Adams.

2

3 MR. ADAMS: I do that in my Council.

4

5 (Laughter)

6

7 MR. ADAMS: If I want something done,
8 you know, it's the women who get their heads together
9 and they come up with, you know, the solutions so,
10 yeah, I love them.

11

12 CHAIRMAN LOHSE: Mary.

13

14 MS. MILLS: Are you saying the men are
15 gloaters then.

16

17 (Laughter)

18

19 MR. ADAMS: No comment.

20

21 (Laughter)

22

23 CHAIRMAN LOHSE: Okay. With that we're
24 going to leave that discussion right where it is before
25 any of us get in trouble because we can have
26 repercussions on both sides and we don't want that to
27 happen.

28

29 (Laughter)

30

31 CHAIRMAN LOHSE: But that was a tribal
32 comment on non-agenda items and now we -- and it all
33 came from tribal members. Now, do we have any public
34 comments.

35

36

37 (No comments)

38

39 CHAIRMAN LOHSE: Hearing none -- Mr.
40 Adams.

41

42 MR. ADAMS: If you don't mind I'd like
43 to just kind of elaborate on what MaryAnn was alluding
44 to a little while ago about recognized tribes and
45 tribal organizations.

46

47 It's true when she says that a
48 recognized tribe has that unique government to
49 government relationship with the Federal government.
50 And that's a very powerful statement and responsibility

1 that tribal -- recognized tribes have, you know, to be
2 accountable for to their tribal members. And so I
3 think, you know, that those other tribal organizations
4 and we're talking about like the ANCSA Corporations,
5 you know, and other, you know, tribal organizations
6 that might be in existence today should work through
7 tribal governments to get their issues, you know, taken
8 care of. The Secretary of Interior, you know,
9 recognized that, for instance, ANCSA Corporations has
10 the rights to sit down in consultation with the Federal
11 Subsistence Board, you know, regarding subsistence
12 issues and I have disagreed with that right from the
13 very beginning when that issue came out. And can you
14 imagine the power that would come out of tribes if
15 those other tribal organizations, you know, would go
16 through tribal governments to get their issues
17 addressed and taken care of.

18

19 Thank you, Mr. Chairman.

20

21 CHAIRMAN LOHSE: Thank you.

22

23 Gloria.

24

25 MS. STICKWAN: I guess as a tribe I
26 want to see that letter sent to the Eastern Interior
27 that we discussed. I would like to see that done.

28

29 CHAIRMAN LOHSE: Okay.

30

31 MS. STICKWAN: And as a RAC member.

32

33 CHAIRMAN LOHSE: Did you get that

34 Donald.

35

36 MR. MIKE: (Nods affirmatively)

37

38 CHAIRMAN LOHSE: Any other public

39 comments.

40

41

42 (No comments)

43

44 CHAIRMAN LOHSE: With that we're going
45 to go on to the next order of -- the next item on our
46 agenda and the next item on our agenda is -- oh, the
47 next item is customary and traditional -- oh, that's at
48 1:00 o'clock, so we're going to have to skip all the
49 way down to a report on tribal consultation which is a
50 good time since we just had some comments on that.

1 And, Jack, is going to give us -- Jack Lorrigan, not
2 here -- Donald.

3

4 MR. MIKE: Mr. Chair, thank you.
5 Donald Mike. I'm trying to get a hold of Jack
6 Lorrigan, I don't know where he is but he said he's
7 going to be here today so if can move on to the next
8 item.

9

10 CHAIRMAN LOHSE: We will postpone No.
11 10, which is the report on tribal consultation until
12 Jack Lorrigan's here, probably this afternoon and
13 probably after our time certain that we have at 1:00
14 o'clock, so postpone.

15

16 Okay. With that, it looks to me like
17 we're ready to go.....

18

19 MS. PATTON: Mr. Chair. This is Eva
20 Patton with -- Jack is on his way over to the meeting
21 right now, that's Jack Lorrigan, the Native liaison.

22

23 CHAIRMAN LOHSE: Okay, Jack's on his
24 way over to the meeting right now?

25

26 MS. PATTON: Yes, that's correct, Jack
27 is heading over there right now.

28

29 CHAIRMAN LOHSE: Okay, well, thank you.

30

31 MS. PATTON: You're welcome.

32

33 CHAIRMAN LOHSE: Okay. If he's headed
34 on his way over here right now, do we have anything
35 that we can put in to discuss real quick without going
36 on to our proposals. Donald, have you got a
37 suggestion.

38

39 MR. MIKE: We can -- the Council can
40 bring up annual report items for its 2013 report and
41 then we can continue to add to that.

42

43 Thank you, Mr. Chair.

44

45 CHAIRMAN LOHSE: Okay. So we can go to
46 No. F, which is identify issues for the 2013 annual
47 report. And we've already identified one, which is an
48 emphasis on tribal consultation versus tribal
49 organizations.

50

1 Do we have any other identifiable
2 issues that we can put on our annual report at this
3 point in time. I know we're a little bit out of the
4 agenda right now but while we're waiting for Jack to
5 get here we can go ahead.

6

7

8

(No comments)

9

10 CHAIRMAN LOHSE: Some of those issues
11 are going to come up as we discuss our proposals and we
12 get our reports so it's kind of hard to come up with
13 those issues at this point in time unless somebody has
14 something that's really identifiable. If we'd have
15 known Jack was going to be coming later we could have
16 taken our break just a little later but we didn't.

17

18

MS. CAMINER: Mr. Chair.

19

20

CHAIRMAN LOHSE: Okay, go ahead.

21

22

MS. CAMINER: Well, I assume we can
23 either repeat some of the ones we just had but be more
24 specific about them though I'd like to have responses
25 earlier than next year on it but my suggestion might be
26 if we do the statewide proposal and then maybe Jack
27 will be here and then we can start on the regional
28 proposals.

29

30

31

32

33

Chuck.

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

Evans with OSM Wildlife Division and I will present the

1 information on this proposal.

2

3 CHAIRMAN LOHSE: Thank you.

4

5 MR. EVANS: Okay. If everyone's ready
6 I'll just go ahead.

7

8 Proposal 14-01 was submitted by Kevin
9 Bopp of Nome and requests the establishment of a new
10 statewide provision for the Federal trapping
11 regulations that require trapper identification tags
12 for all traps and snares, establish a maximum allowable
13 time limit for checking traps and establish a harvest
14 trapping report form to collect data on non-target
15 species captured in traps and snares.

16

17 The proposal requirements could lead to
18 more humane trapping methods under Federal regulations,
19 however these regulatory provisions would not likely be
20 manageable on a statewide basis due to the vast
21 differences in land ownership, population
22 concentrations and habitats. Regulations of this
23 nature would be better suited in response to issues in
24 an area specific basis such as the Kenai Wildlife
25 Refuge special use permits like similar restrictions in
26 current State and Federal trapping regulations.
27 Alignment issues would require a substantial increase
28 in law enforcement and public education efforts. Also
29 requiring trappers to check traps during inclement
30 weather could lead to health and safety issues. Any
31 many instances Federally-qualified subsistence users
32 could simply trap under the State regulations and avoid
33 the additional proposed Federal restrictions.

34

35 While the information gathered from a
36 harvest report form on non-target species caught in
37 traps and snares would provide useful information for
38 biologists and for management purposes, it would be an
39 unnecessary requirement for Federally-qualified
40 subsistence users. The report would require additional
41 time commitments from the Federally-qualified
42 subsistence users, Federal Staff, which are currently
43 unwarranted. Similar reports would be more useful in
44 areas with specific issues with the capture of non-
45 target species, such as areas with threatened or
46 endangered species or other areas which might have some
47 user conflict issues.

48

49 OSM's preliminary conclusion is to
50 oppose WP14-01.

1 So that's it.
2
3 CHAIRMAN LOHSE: I have one question
4 and that is, this regulation would be stricter than the
5 State regulation, am I correct in that?
6
7 MR. EVANS: That is correct.
8
9 CHAIRMAN LOHSE: Any discussion. Any
10 questions.
11
12 MS. CAMINER: Mr. Chair.
13
14 CHAIRMAN LOHSE: Judy.
15
16 MS. CAMINER: Mr. Chair. Tom. I'm not
17 sure if you know or how many Councils were able to meet
18 because of the furlough, but comments from other
19 Councils on this one.
20
21 MR. EVANS: As far as I know all the
22 other Councils that have met on this one have gone
23 along with OSM's preliminary conclusion to oppose this
24 proposal.
25
26 MS. CAMINER: Thank you.
27
28 CHAIRMAN LOHSE: Discussion by members
29 of the Council. Oh, first we need to put it on the
30 table. A motion to put WP14-01 on the table is in
31 order.
32
33 MR. ENCELEWSKI: Mr. Chairman, I'll so
34 move to put 14-01 on the table.
35
36 MS. CAMINER: Second.
37
38 CHAIRMAN LOHSE: And it's been moved
39 and seconded to put WP-01 proposal to have tagging and
40 time limits on snares and traps and harvest report.
41 That's a rough summary of it -- of non-target species.
42
43 MS. CAMINER: Mr. Chair.
44
45 CHAIRMAN LOHSE: Judy.
46
47 MS. CAMINER: From what we've been
48 presented it would seem that we don't necessarily have
49 a conservation concern, that this proposal would
50 further restrict subsistence users and uses and does

1 not seem necessary so I would oppose the idea of the
2 proposal.

3

4 CHAIRMAN LOHSE: Thank you, Judy. And
5 as it's been pointed out to me and even with my glasses
6 I can't see this, I am kind of out of order in how I
7 did this. I got to get stronger glasses again, I
8 absolutely couldn't see it out there.

9

10 We had introduction of the proposal and
11 presentation of the analysis, and, thank you.

12

13 I need to ask for agency comments,
14 Alaska Department of Fish and Game and Federal
15 agencies, and Native tribal, village and others, and
16 InterAgency Staff Committee.

17

18 So do I have any comments from the
19 Alaska Department of Fish and Game on this one.

20

21 MR. CRAWFORD: Yes, sir. This is Drew
22 Crawford, the Alaska Department of Fish and Game.

23

24 Regarding Wildlife Proposal 14-01, the
25 State also opposes this proposal. We agree with the
26 Federal assessment of the proposal and the conclusion
27 not to support it.

28

29 CHAIRMAN LOHSE: Thank you. Any
30 questions for the Alaska Department of Fish and Game.

31

32

33 (No comments)

34

35 CHAIRMAN LOHSE: Thank you. Federal
36 agencies. Do we have any Federal agencies that wish to
37 speak to this proposal.

38

39

40 (No comments)

41

42 CHAIRMAN LOHSE: Other than OSM, no.

43

44 How about Native village, tribal
45 councils and others, do we have any of them that wish
46 to speak to this proposal.

47

48 I see the SRC is coming up here.

49

50 MS. CELLARIUS: Thank you, Mr. Chair. I

1 wasn't sure when you wanted the SRC to comment. But,
2 again, I'm Barbara Cellarius, I'm the subsistence
3 coordinator for Wrangell-St.Elias National Park and
4 Preserve. And one of the things I do is I provide
5 Staff support to the Wrangell-St.Elias SRC.

6

7 And so the SRC -- and you should have a
8 copy of this letter but the Wrangell-St.Elias National
9 Park Subsistence Resource Commission unanimously
10 opposes the proposal. A statewide proposal that would
11 make Federal trapping regulations more restrictive than
12 State regulations is not needed. Additionally,
13 enforcing the requirement that traps be checked every
14 six days would be difficult. If there are local
15 problems with trappers, those problems should be
16 addressed locally. The Alaska Department of Fish and
17 Game's annual trapping survey already collects
18 considerable information from trappers in Alaska, an
19 additional reporting requirement is not needed.

20

21 CHAIRMAN LOHSE: Thank you, Barbara.
22 Any questions for the SRC.

23

24

25 (No comments)

26

27 CHAIRMAN LOHSE: Thank you. Do we have
28 any advisory group comments.

29

30

31 (No comments)

32

33 CHAIRMAN LOHSE: Any neighboring
34 Regional Council comments.

35

36 (No comments)

37

38 CHAIRMAN LOHSE: Neighboring Regional
39 Councils would include those from Southeast. Any
40 comments from them.

41

42

43 (No comments)

44

45 CHAIRMAN LOHSE: No comments from them.
46 And local Fish and Game Advisory Committees.

47

48

49 (No comments)

50

1 CHAIRMAN LOHSE: None. And then do we
2 have a summary of written comments.

3

4 MR. MIKE: Thank you, Mr. Chair.

5

6 On Wildlife Proposal 14-01 you will
7 find written public comments on Pages 46 and 47.

8

9 We received three public comments, Miki
10 and Julie Collins of Lake Minchumina opposes the
11 proposal. The AHTNA Customary and Traditional Use
12 Committee opposes the proposal. And David Woodruff of
13 Eagle opposes the proposal.

14

15 Thank you, Mr. Chair.

16

17 CHAIRMAN LOHSE: Thank you, Donald.

18

19 So the summary is basically that all
20 written comments oppose.

21

22 MR. MIKE: Yes, sir.

23

24 CHAIRMAN LOHSE: Okay. Public
25 testimony, do we have any public testimony on this
26 proposal at this point in time.

27

28

29 (No comments)

30

31 CHAIRMAN LOHSE: Hearing none, it is
32 now time for what we've already done.....

33

34 (Laughter)

35

36 CHAIRMAN LOHSE:which is having a
37 motion to put it on the table, but we have it on the
38 table, do we have any discussion by Council members.

39

40 The question is, is there a
41 conservation concern that this addresses; do we see any
42 conservation concern that's being addressed by this
43 proposal.

44

45 MS. MILLS: Call for the question.

46

47 CHAIRMAN LOHSE: You're calling for the
48 question. Question's been called. All in favor of
49 Proposal WP14-01 signify by saying aye.

50

1 (No aye votes)
2
3 CHAIRMAN LOHSE: All opposed, signify
4 by saying nay.
5
6 IN UNISON: Nay.
7
8 CHAIRMAN LOHSE: Motion fails
9 unanimously.
10
11 Okay. Is Jack here? Good. We will
12 now go back to new business, tribal consultation.
13
14 Jack. Presentation.
15
16 MR. LORRIGAN: Good morning, Mr. Chair
17 and Council. I apologize for being late.
18
19 My presentation to you this morning is
20 a report back from the consultations we held this
21 summer with -- we started out with the North Slope and
22 Northwest Arctic regions to hear comments from them on
23 the proposals in their area and also on rural
24 determination because they have a hunting season
25 separate -- different needs up there for hunting. So
26 they went first. And then we had another one for the
27 rest of the regions on September 11th. And the YK-
28 Delta also had a hunting situation where they requested
29 a consultation later in the month to accommodate their
30 proposals.
31
32 So with your indulgence what I've been
33 doing for all the RACs has been reading the
34 consultations into the record so that they all have the
35 same information so I've got some material to read
36 through but I'll try to make it as quick as I can.
37
38 CHAIRMAN LOHSE: Thank you, Jack.
39
40 MR. LORRIGAN: Consultations were held
41 August 14th, Sue Masica who's the Regional Director for
42 the National Park Service; she was the Board member
43 that was present.
44
45 So we had representatives from three
46 villages call in and comment on a number of wildlife
47 proposals. The participating villages were Kotzebue,
48 Ft. Yukon and the Native Village of Tanana.
49
50 A representative from Ft. Yukon was

1 first to comment on Proposal WP14-15 to allow taking of
2 brown bear over bait. The caller said the proposal
3 would legalize an activity already being practiced.
4 People aren't in the woods as much as they used to be
5 and there seems to be a lot of bears of both species in
6 their area. The OSM preliminary conclusion was to
7 oppose the proposal because the most current population
8 data is 20 years old. The caller agreed that the
9 population data needed to be updated.

10

11 The caller also commented on WP14-51,
12 which was to rescind the Arctic Village Sheep
13 Management Area closure. This caller feels the
14 proposal is good to keep and there were problems with
15 trespass and littering on Native allotments. They
16 didn't feel the idea of a half hour class was adequate
17 enough to alleviate the problems. They know about the
18 low harvest reported from the area and thinks some
19 people just don't get permits or licenses so the actual
20 use of sheep is underreported. OSM Staff reported that
21 there seems to be enough sheep for the other harvest,
22 however, the cultural aspect of this hunt carried
23 significant weight with the Board, which is why the
24 Office of Subsistence Management preliminary conclusion
25 is to oppose this proposal as well. The caller said
26 they would look into whether the current closure is
27 allowing local residents to better access sheep because
28 the original compliant was that.....

29

30 (Off record)

31

32 (Power Outage at Crowne Plaza)

33

34 (On record)

35

36 (Meeting venue change to Gordon Watson
37 Conference Room, USFWS)

38

39 CHAIRMAN LOHSE: Okay. We will call
40 this recessed meeting back into session after our long
41 lunch break. With that we had a time certain thing for
42 1:00 o'clock, Donald do we have the people here that we
43 needed for that?

44

45 MR. MIKE: Mr. Chair. Our
46 representative from Bristol Bay Council can't make it
47 due to other business commitments and Mr. Dan O'Hara,
48 who was scheduled to be here, he's got other business
49 matters he needs to attend. But what I'll do later on
50 in discussion is just summarize what the Bristol Bay

1 Regional Advisory Council discussed at their meeting
2 and what their recommendation was to go forward and
3 have the Southeast Council here, and what the Bristol
4 Bay Council did and when the time comes I'll present
5 that summary.

6

7 Thank you, Mr. Chair.

8

9 CHAIRMAN LOHSE: Thank you. With that
10 we are going to go on to -- oh, here comes another one
11 of our members.

12

13 (Laughter)

14

15 CHAIRMAN LOHSE: We are going to go on
16 to our place that we're supposed to be, sorry, Jack,
17 and we're going to go on to our customary and
18 traditional use determination on Page 19, and our
19 discussion at this point in time.....

20

21 DR. JENKINS: Mr. Chair. My name is
22 David Jenkins with the Office of Subsistence Management
23 and I'll walk through this customary and traditional
24 use determination briefing for you.

25

26 As you know this was something that the
27 Southeast Council has felt quite strongly about and we
28 have given the same briefing to all the other Regional
29 Advisory Councils or we will.

30

31 So the Federal Subsistence Board and
32 also the Southeast Alaska Subsistence Regional Advisory
33 Council would like your recommendation on the current
34 customary and traditional use determination process.
35 The Federal Board last asked the Councils a similar
36 question in 2011 as directed by the Secretary of the
37 Interior and the Secretary of Agriculture. And all of
38 the Councils with the exception of the Southeast
39 Council indicated that the existing customary and
40 traditional use determination process was working. But
41 at the request of the Southeast Council, this
42 additional review is being conducted for your input at
43 this time.

44

45 So what I'll do is briefly describe the
46 history of customary and traditional use
47 determinations, talk a little bit about the differences
48 between those determinations and ANILCA Section .804
49 analysis; and then ask for the Council's discussion and
50 recommendations. And our focus -- let me emphasize

1 this, our focus is not on how customary and traditional
2 use determinations are made, our focus is on why they
3 are made.

4
5 The Southeast Council would like you to
6 recommend as a Council, to eliminate or amend or make
7 no changes to the current customary and traditional use
8 determination process.

9
10 Now, as you know the Alaska National
11 Interest Lands Conservation Act does not require
12 customary and traditional use determinations.
13 Customary and traditional use regulations were adopted
14 from the State when the Federal Subsistence Program was
15 established in 1990. In the 1992 Record of Decision
16 the Federal Subsistence Board considered four customary
17 and traditional use options and recommended to the
18 Secretaries of the Interior and Agriculture that State
19 customary and traditional use determinations continue
20 to be used. The State's eight criteria for determining
21 customary and traditional use were subsequently
22 slightly modified for use in Federal regulations.
23 Since the establishment of the Federal Subsistence
24 Management Program the Board has made about 300
25 customary and traditional use determinations throughout
26 the state.

27
28 Now, the Board initially adopted the
29 State's customary and traditional use criteria, renamed
30 them factors, because the Board anticipated the
31 resumption of State management of subsistence on
32 Federal public lands and intended to minimize
33 disruption to traditional State regulation and
34 management of fish and wildlife. The State has not
35 resumed subsistence management on Federal public lands
36 and it appears that the Federal Program is permanent.

37
38 Let me point out that the Board does
39 not use customary and traditional use determinations to
40 restrict amounts of harvest. The Board makes C&T use
41 determinations relative to particular fish stocks and
42 wildlife populations in order to recognize a community
43 or area whose residents generally exhibit eight factors
44 of customary and traditional use. Now, the Southeast
45 Council is concerned that the effect is to exclude
46 those Federally-qualified rural residents who do not
47 generally exhibit these eight factors from
48 participating in subsistence harvest in particular
49 areas.

50

1 In 2009 the Secretary of the Interior,
2 Ken Salazar, announced a review of the Federal
3 Subsistence Program and part of that review focused on
4 customary and traditional use determinations. In 2010
5 the Secretary of the Interior, with the concurrence of
6 the Secretary of Agriculture asked the Board, and I'm
7 going to quote, to review with RAC input the customary
8 and traditional use determination process and present
9 recommendations for regulatory changes. If you recall
10 all 10 Regional Advisory Councils were asked for their
11 perspective on C&T during their 2011 winter cycle.
12 Nine Councils did not suggest changes to the process,
13 the Southeast Council, however, suggested one
14 modification at that time, which was included in its
15 annual report, and you can see that at the top of Page
16 20. The modified regulation reads; and I'm going to
17 read through this:

18
19 The Board shall determine which fish
20 and wildlife have been customarily and traditionally
21 used for subsistence. These determinations shall
22 identify the specific communities or areas use of all
23 species of fish and wildlife that have been
24 traditionally used in their past and present geographic
25 areas. For areas managed by the National Park Service
26 where subsistence uses are allowed, the determination
27 may be made on an individual basis.

28
29 So you can see with the strikeouts and
30 in the bold where the Southeast Council would like to
31 suggest a modification to the regulation.

32
33 So in other words, once a customary and
34 traditional use determination is made for an area,
35 residents in that area would have customary and
36 traditional use for all species and there would be no
37 need for a customary and traditional use determination
38 for specific fish stocks and wildlife populations or on
39 a species by species basis.

40
41 Subsequently, the Southeast Council
42 formed a work group and we have Cathy here to tell us
43 about that, and, Bert, too, if he appears later. He's
44 coming. Bert's coming.

45
46 (Laughter)

47
48 DR. JENKINS: Formed a work group to
49 analyze the customary and traditional use determination
50 process and the Southeast Council work group conducted

1 an extensive review of RAC transcripts and determined
2 that Councils were not adequately briefed on the
3 Secretary's request for Council recommendations on this
4 process. The Southeast Council drafted a letter and a
5 briefing document, which was included -- which you got
6 access to earlier and these were all provided to all
7 the Councils during their 2013 winter meeting cycle,
8 they're also in your materials here for your review.

9

10 Pursuant to the work group findings the
11 Southeast Council emphasized the following, and I'm
12 going to read through this as well, because this was
13 really important to the Council and they wanted us to
14 emphasize this for the rest of the Regional Advisory
15 Councils.

16

17 Quote.

18

19 The current customary and traditional
20 use determination process is being used to allocate
21 resources between rural residents, often in times of
22 abundance. This is an inappropriate method of deciding
23 which residents can harvest fish or wildlife in an area
24 and may result in unnecessarily restricting subsistence
25 users. The Southeast Council has a history of
26 generally recommending a broad geographic scale when
27 reviewing proposals for customary and traditional use
28 determinations. Subsistence users primarily harvest
29 resources near their community of residence and there
30 is normally no management reason to restrict use by
31 rural residents from distant communities. If there is
32 a shortage of resources, Section .804 of ANILCA
33 provides direction and the correct method of allocating
34 those resources.

35

36 The Southeast Council does not support
37 retaining the current customary and traditional use
38 determination process, instead the Council suggests
39 that, when necessary, the Board restricts harvest by
40 ANILCA Section .804 criteria and there are three of
41 them, and they are these.

42

43 1. Customary and direct dependence
44 upon the populations as a mainstay of
45 livelihood;

46

47 2. Local residency;

48

49 3. The availability of alternative
50 resources.

1 At this point the Federal Subsistence
2 Board and also the Southeast Council would like your
3 recommendations on the current C&T determination
4 process, and, specifically the Southeast Council would
5 like you to consider whether to eliminate customary and
6 traditional use determinations and, instead, use, when
7 necessary, ANILCA Section .804 criteria, or change the
8 way such determinations are made by making area wide
9 customary and traditional use determinations for all
10 species, not on a species by species basis or by
11 particular stocks and wildlife populations; or to make
12 some other change that you may recommend as a Council;
13 or to make no change.

14
15 So Council input will then provide the
16 basis for a briefing for the Federal Subsistence Board
17 in response to the Secretary's directive to review the
18 C&T determination process. And the Board could then
19 make recommendations to the Secretaries to eliminate or
20 amend or make no change to the current C&T use
21 determination process.

22
23 Mr. Chair, thank you.

24
25 CHAIRMAN LOHSE: Thank you. Any
26 questions.

27
28 (No comments)

29
30
31
32 CHAIRMAN LOHSE: Hearing none -- oh,
33 Judy.

34
35 MS. CAMINER: Mr. Chair. I mean I
36 guess we'll hear from Southeast first, but I would like
37 to then hear what other Councils, who have met, have
38 said too -- this second time around.

39
40 Thank you.

41
42 CHAIRMAN LOHSE: Have we had input from
43 some of the other Councils at this point in time.

44
45 DR. JENKINS: We have had input from
46 some of the other Councils and several of them have
47 said we need more information and we would like more
48 explicit information on what would happen in our
49 particular regions if we shifted from a C&T
50 determination to an .804 style determination. I think

1 one Council was okay with the current process. But in
2 general people are saying we'd like to hear more and
3 we'd like to know what the consequences are.

4

5 CHAIRMAN LOHSE: Thank you.

6

7 Donald.

8

9 MR. MIKE: Thank you, Mr. Chair.

10

11 We made available to the rest of the
12 Council members -- the rest of the regions to call in
13 if they have an opportunity to do so and I think now
14 would be the time for you to acknowledge if there are
15 any RAC Members on line to provide their position.

16

17 Thank you, Mr. Chair.

18

19 CHAIRMAN LOHSE: Thank you, Donald.

20

21 Do we have any call in RAC members on
22 line.

23

24

25 (No comments)

26

27 CHAIRMAN LOHSE: Do we have any
28 teleconference RAC members from other Councils.

29

30

31 (No comments)

32

33 CHAIRMAN LOHSE: Do any members of
34 other Councils hear me.

35

36 MR. DUNAWAY: Yeah, this is Dan Dunaway
37 from the Bristol Bay RAC. I'm trying to figure out my
38 phone here. Yeah, we approved to have an extended
39 comment period. I think we want to approach this very
40 carefully and I'm really not prepared to say much more
41 than that. I was hoping to get more info by listening
42 in on this meeting.

43

44 Thank you.

45

46 CHAIRMAN LOHSE: Thank you. Do we have
47 any other comments from RAC members.

48

49

50 (No comments)

1 CHAIRMAN LOHSE: Hearing none we'll --
2 Donald.

3
4 MR. MIKE: Thank you, Mr. Chair. I can
5 provide the summary for the Bristol Bay Regional
6 Advisory Council's discussion.

7
8 The Council deferred this action and is
9 seeking additional input from Bristol Bay Advisory
10 Committee's, SRCs, tribal and local government leaders
11 and BBNA. The Bristol Bay Council planned to address
12 this issue again at their winter cycle meeting. And we
13 have Mr. Dan Dunaway from Bristol Bay Regional
14 Advisory, as a member, sitting in and listening.

15
16 Thank you, Mr. Chair.

17
18 CHAIRMAN LOHSE: Thank you. Okay.
19 With that, Cathy, would you like to give us a review
20 and a -- oh, I thought he was tapping me on the
21 shoulders because he wanted to say something -- and
22 give us kind of a catch up on where Southeast is
23 sitting on this and what was the impetus for putting
24 this whole thing forward and just catch our Council up.

25
26 MR. ADAMS: Thank you, Mr. Chairman.

27
28 I apologize for coming in kind of late.
29 I went out to get a rental truck -- or I mean a rental
30 car and got stuck in traffic and then I got lost, got
31 in the wrong lane and then you know how hard it is to
32 get back on track again.

33
34 (Laughter)

35
36 MR. ADAMS: So I had to give my buddy
37 Robert Larson a call to give me directions how to get
38 here but I made it.

39
40 (Laughter)

41
42 MR. ADAMS: The Southeast Regional
43 Advisory Council has done some real extensive work on
44 this issue of C&T and I want to refer you to the letter
45 that's found in your book on Page 28.

46
47 I'll just highlight parts of it and
48 then Cathy will take care of some nuts and bolts as she
49 headed the committee that -- or the working group, you
50 know, that developed, you know, the issues that we have

1 before us at this point.

2

3

4 But this letter was to all of the
5 Regional Advisory Council Chairs. And the one that's
6 in your book is the one that's addressed to Mr. Lohse.

6

7

8 The Secretary was doing some reviews of
9 the Federal Subsistence Program and so they, you know,
10 wanted input from the Federal Subsistence Board -- or
11 Regional Advisory Councils on customary and traditional
12 use determinations. And so my Council -- let me say
13 before I go any further here, is that I have a Council
14 that I can depend on to help me through sometimes some
15 very difficult issues, and when we started talking
16 about this, you know, we had no idea, you know, what
17 the heck we were getting into here, it was pretty
18 ambiguous, you know, what the Secretary was asking for
19 and so one of the things the Council did was, hey, we
20 need to take a break and look at this a little bit and
21 so we took a little break, it was probably no more than
22 a little one, but there's a certain group of my Council
23 members who can come together, and I saw them in a
24 caucus over there and I know if I just leave them
25 alone, you know, they'll come up with something. So
26 they started talking about, you know, this issue and as
27 confused and, you know, uniformed as anyone, you know,
28 about this particular issue but they started
29 brainstorming and low and behold they started to come
30 forth, you know, with what we have before us now.

30

31

32 The thing that they discovered is that
33 they did not agree. They did not agree with the
34 process of how C&T was being implemented. As you all
35 know, you know, the Federal Subsistence Board adopted
36 the State regulations on C&T and so we saw some issues
37 in that program that did not really, in our opinion,
38 you know, address the needs of the subsistence users.
39 And so the thing that they did, and we did is we came
40 up with some ideas and the biggest one of them all was
41 that we should, you know, contact all of the -- write a
42 letter to all of the Regional Advisory Councils and to
43 have them look at it and come back with what they
44 thought on this particular issue.

44

45

46 We were surprised to know that many of
47 the Regional Advisory Councils were pretty satisfied
48 with the way C&T was working, you know, they didn't
49 have any problem with it, and so my working group, you
50 know, they thought it would be, number 1, a good idea
51 to eliminate the regulation as adopted by the State and

1 then from there we would try to figure out where we
2 would go. However, you know, they use Section .804 in
3 ANILCA, Title VIII in ANILCA to focus their attention
4 on this issue of customary and traditional use and they
5 felt that, hey, we don't need any other regulations
6 than this to help us determine how C&T should be
7 administered in our regions.

8
9 So the working group, you know, they
10 worked -- they reviewed the 2007 draft customary and
11 traditional use determination policy, they did some
12 other surveys, you know, on certain policies and
13 comments and so forth from the 10 regional meetings, 10
14 Council meetings -- let me go back -- the public
15 comments on this policy, the 2011 transcripts from all
16 10 Regional Council meetings and the 2012 Board
17 transcripts where each of the Council's input was
18 summarized. And then the Southeast Council working
19 group noted that there was some inconsistencies, you
20 know, in the C&T process. They felt that they were
21 inconsistent particularly in, I think, the document of
22 2011 regarding the input from other Council members,
23 different Staffs presented different levels of
24 information and in some instances Councils were led to
25 believe that other Councils thought the process was
26 working okay. So in addition there was a lack of
27 direction or background information provided to the
28 Councils that would necessarily formulate an informed
29 opinion. There was no mention or discussions of the
30 strength and deficiencies of the current customary and
31 traditional use determinations process as determined in
32 the review of the 2007 draft customary and traditional
33 use determination policies. One of the things that
34 they did notice is that ANILCA does not require that we
35 have C&T, you know, regulations. So I guess they felt
36 like we do that Section .804 would suffice.

37
38 Here is the following recommendation
39 that our Council made after all of these many meetings
40 and everything they tweaked it down to one paragraph.
41 It says that:

42
43 Given that ANILCA does not require the
44 Board make customary and traditional
45 use determinations, the Council
46 recommends the Federal Subsistence
47 Board eliminate the current regulations
48 for customary and traditional use
49 determinations and task the Office of
50 Subsistence Management with drafting

1 regulations which adhere to provisions
2 contained within Section .804 of
3 ANILCA.

4
5 So one of the things that we had a
6 problem with, and I had a problem with right from the
7 very beginning when I started dealing with C&T in our
8 Council was the eight factors that was adopted, you
9 know, from the regulations and so I think that's one of
10 the reasons why they recommended that we eliminate that
11 regulation and then either, you know, figure out how we
12 want to address it through Section .804.

13
14 There's another paragraph here that I'd
15 like to kind of refer to:

16
17 The current Federal customary and
18 traditional use determination
19 regulations and the eight factors were
20 based on preexisting State regulations.
21 Customary and traditional use
22 determinations are a necessary step in
23 State of Alaska's management because
24 only fish and wildlife with a positive
25 determination are managed for the
26 subsistence preference and those with a
27 negative determination do not have the
28 preference.

29
30 I'm really amazed at how the working
31 group was able to single that out and come up with that
32 idea because, you know, as I was looking at, you know,
33 everything that we had before us with C&T at that point
34 I probably wouldn't have been able to figure that out,
35 so my compliments to that working group for bringing
36 out that as an important issue.

37
38 The decision whether there is not a
39 subsistence priority is not necessary under Federal
40 rules because ANILCA already provides rural residents a
41 preference; it's in ANILCA. It's been there right from
42 the very beginning, it's the law of the land. And so
43 we didn't think it was necessary to have any other type
44 of regulation, whether State, Federal or otherwise, you
45 know, to address those issues.

46
47 So Section .804 of ANILCA says that if
48 there is a shortage, for instance, there is a method
49 that provides direction on the current allocated
50 resources if there is a shortage of resources, you

1 know.

2

3

4 Let me see, one of the items in the
5 letter we wrote was that we request your Council
6 reconsider its recommendations to the Board on how well
7 the current customary and traditional use process is
8 serving the needs of the residents in your region. The
9 Southeast Council is interested in either eliminating
10 or improving the process. But since this is a
11 statewide issue we do not want to propose a solution
12 that is not supported by other Councils. And so what
13 we're doing is trying to, you know, get responses from
14 all of the 10 Regional Advisory Councils and see what
15 they think, you know, about how C&T is furnishing their
16 needs, you know, in their regions and so forth. We
17 encourage them to read all of the papers, information
18 that we have had before us and then we came up with,
19 you know, some ideas or suggestions on how we could
20 address it.

20

21

22

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50

No. 1 Is to eliminate C&T as we know
it today. And to address that
particular issue we would request that
maybe OSM, you know, develop a
regulation that would be run off of
Section .804 of ANILCA.

No. 2 Another thing that we could do
is we could change the way customary
and traditional use determinations are
made to fit, you know, our needs,
particularly in our own regions.

No. 3 Or another idea was, you know,
just don't make any changes at all,
leave it as it is because we did get a
lot of feedback, you know, from many of
the other Council members [sic] that
they felt that there's really no need
at all, you know, to change it, just
leave it as it is because they seem to
be satisfied.

So I hope that, you know, we have put
before you and whoever else might be listening in the
audience and on teleconference an important issue that
we think is important for us. We don't want to
complicate things. Just my own personal feeling is
that the less regulations we have the better off we
are. And we're always talking about how we should not

1 restrict. And then we do have some proposals, you
2 know, that come before us that restricts intake of fish
3 and wildlife resources, but I always like to look at it
4 as keep it as unrestrictive as possible so that the
5 subsistence users will be able to go out and partake of
6 their hunting and fishing, you know, in a manner that
7 they have practiced since time immemorial. And if we
8 can bring, you know, that back into our lives and not
9 be so regulated I think that that would be our purpose
10 at this point.

11

12 So, you know, Cathy here Chaired the --
13 we were talking a little bit earlier, now, how did we
14 get into this process and she told me when they were
15 talking about it, I said well we'll get a committee
16 going and you're going to be the leader and so she was
17 able to get a couple other people, you know, to work
18 with her and they had several meetings and I attended a
19 couple of their teleconferences and I was really amazed
20 from where we were when we first started talking about
21 it and how far they came along with, you know, where we
22 are right now.

23

24 So my thanks to Cathy and her committee
25 for doing a great job and I'm going to turn some time
26 over to her now so she can offer you some of the
27 talking points and maybe further comments on this
28 issue.

29

30 So, Cathy, please.

31

32 CHAIRMAN LOHSE: Cathy.

33

34 MS. NEEDHAM: Thank you, Mr. Chair.
35 Members of the Southcentral Council.

36

37 Bert did a really good job summarizing
38 where we've come from from the Southeast Region. The
39 Council has been very supportive of the work group
40 efforts. I do want to acknowledge the other members of
41 the work group, Patty Phillips really is the worker bee
42 of our Council especially when it comes to ANILCA, she
43 knows ANILCA backwards and forwards and I've learned a
44 lot from her through this process and she always tries
45 to bring everything that we do on a working basis back
46 to how does it apply to ANILCA, which is why this is
47 one of the subject matters that have become a big
48 working thing on our Council. We also have Tim
49 Ackerman who has been participating in the work group.
50 We've had some OSM Staff assisting us, Pat Petrivelli

1 with Bureau of Indian Affairs and Pippa Kenner from
2 Office of Subsistence Management. Bert's been coming
3 to our meetings. And then, of course, we have our
4 Council coordinator who helps keep us on track and
5 takes minutes and follows through with recommendations
6 and suggestions that we have and gives us counsel on a
7 lot of different things.

8
9 We understand that this is -- one of
10 the reasons why we asked for this issue to come back to
11 the RACs after the Secretarial Review was because we
12 didn't believe that the subject matter was given due
13 diligence and that the RACs throughout the state were
14 -- when we started addressing the information we were
15 like we were supposed to give input on C&T
16 determination use process but we have no materials in
17 front of us to review, what are we making a
18 recommendation on, we didn't even know, just whether or
19 not the process was working but some of us were so new
20 we had never even been through the process before. And
21 so we were working through how it was working in
22 Southeast, we -- actually Patty went back through and
23 read all of the transcripts and realized that briefings
24 were inconsistent with Regional Advisory Councils and
25 then the type of information that was coming out of the
26 Regional Advisory Councils were very different from one
27 another and so that's why we made the request that this
28 topic be a continued topic, at least to the point where
29 each of the Councils can get the background that they
30 need to make the decision and if it's still the same
31 decision that it was back in 2011, that the process was
32 working for them, that's fine, but at least we've given
33 them our due diligence.

34
35 In the mean time in our region we've
36 spent a lot of time looking at why it hasn't worked for
37 us and earlier on in the process the work group was
38 told, well, this was a statewide thing and so really
39 Southeast can't change something that's going to impact
40 the entire, all of the regions all together. And so
41 that was another reason why we were like, okay, then
42 that's why we sent the letter to each of the Regional
43 Advisory Councils to ask you guys to put it back on
44 your agenda to consider it because we think that we
45 need to make some changes in the Southeast region for
46 the C&T process to work better for our subsistence
47 users.

48
49 Since then, though, however, we have
50 asked the question of Office of Subsistence Management

1 whether or not each region can develop their own
2 regulations on the C&T process, their own C&T process
3 that works for them and as of our meeting in the fall
4 the answer was yes. I think Mr. Jenkins can answer
5 that question for you as well that, if a Council wants
6 to move forward with proposing its own C&T regulations,
7 that we could put a proposal forth, something that
8 represents our region that wouldn't necessarily bring
9 all of the other Councils, it wouldn't force them to
10 have to go through our process. But as with all the
11 proposal process, when you put a proposal through it
12 has to go through an analysis and so we're still a long
13 ways from doing that. Our Council did vote at our
14 meeting to move forward ourselves within our own region
15 to draft a proposal essentially because we want to see
16 what that analysis is going to look like, how it is
17 going to change the process for us and if it is going
18 to work for subsistence users within our region.

19
20 Also during our Council meeting this
21 fall we had the opportunity, like you do today with OSM
22 giving you this briefing, to ask for information back
23 from them. And so we took advantage of that and we
24 have -- I think you were all passed out this briefing
25 paper a few moments ago and if you look on it, on the
26 end of the first page at the last bullet item it says
27 at the fall 2013 meeting the Southeast Council asked to
28 provide additional information and there was some
29 additional bullet points. Those are the things that
30 we've asked OSM to come back to us with for our next
31 meeting, answers or an analysis to some of these bullet
32 points because we feel that they're important where our
33 Council is headed and so these include -- the first one
34 we just went over but the second one is;

35
36 Provide a summary of the discussion and
37 decisions that the Regional Advisory Councils are
38 having during this cycle. So obviously Mr. Adams and I
39 are here and we'll hear your discussion but we'd also
40 like a summary to hear from the other Councils now that
41 they've had this full briefing, what are their -- what
42 came out of their meeting as well. I mean we don't
43 want to necessarily step on toes if it becomes a
44 statewide type process.

45
46 We asked OSM if they could actually
47 find examples where the C&T determination process has
48 been at a detriment to subsistence users. Because not
49 every region -- some regions have used C&T use
50 determinations to their region -- it works well in the

1 region and it has been to their advantage and they
2 don't see that maybe this process is actually working
3 against subsistence users in other regions. And so we
4 thought, well, maybe having a case in point, because we
5 have an example in Southeast Alaska where C&T use
6 determinations has not worked for a couple of
7 communities in the way that it has been applied and so
8 if we could have a couple case studies and then share
9 those with the other Regional Advisory Councils so that
10 members of the other RACs could see how that -- why
11 this process may be a problem or may limit subsistence
12 users that we could start thinking about creative ways
13 to address that issue.

14

15 We asked OSM to provide the Central
16 Council -- or Central Council -- the Southeast Council
17 a Staff analysis of the previously made C&T
18 determinations within our region and that request
19 actually came from me. I've only been on our Regional
20 Advisory Council for four years and I have not been
21 through a C&T process, we have not had one during those
22 four years and so here I am the Chair person of this
23 work group and a lot of times I'm like I don't quite
24 get how it works because I haven't seen it work yet,
25 and so I don't know that -- I mean I know that -- I
26 hear that it doesn't necessarily work well for us and I
27 kind of hear examples but it's not clicking for me
28 because I need to go through the process to understand
29 it a little better. So we have -- so we've asked for
30 them to put together an analysis for us about our C&T
31 determinations for our region.

32

33 And then a big question we had,
34 especially in regions up north where they have gone
35 through C&T determinations that, you know, we hear that
36 maybe they've been contentious within the region, we --
37 and that some people -- they've fought to get their C&T
38 use determination, they don't want to give that up now
39 and that's why they feel the process is working fine
40 because they don't have any more to go through and so
41 why would we get rid of it when we've gotten our own
42 determination now and so a big question we had is can
43 the current determinations that have been made, can
44 those be grandfathered and then if we change the
45 process -- and we don't know how this would work, these
46 are questions. This is why we put these questions
47 forward to OSM and hopefully they can give us an
48 analysis or answers or give us feedback so that we can
49 see if that is something that's a potential in terms of
50 a recommendation.

1 And so with that, I think that I'll
2 let -- I hope that you guys ask -- you have this
3 opportunity now, if there are other things that you can
4 think of in terms of information needs that you have on
5 this we can certainly answer questions of what the
6 Southeast Council has discussed in the past but I think
7 now is your opportunity if you have information needs
8 about this particular topic, to ask them on the record
9 now and for the next meeting hopefully we get that
10 information back.

11
12 CHAIRMAN LOHSE: Thank you, Cathy. Any
13 questions for Cathy.

14
15
16 (No comments)

17
18
19 CHAIRMAN LOHSE: Any comments for her
20 at this point in time. Do you, Mary?

21
22 MS. MILLS: You know we did discuss the
23 C&T and we had a lot of dialogue and a lot of different
24 viewpoints, it's been about a year ago, I believe and
25 also I think Wilson Justin was also at our meeting.
26 And, you know, we -- when I was really examining the
27 C&T I thought that Alaska did not -- the state of
28 Alaska did not conform to the traditional and legally
29 accepted meaning of the words customary and traditional
30 but instead that they redefined them and changed the
31 intent and meaning by asserting land had the customary
32 and traditional and not the people, where I thought the
33 people would possess the customary and traditional.

34
35 And so I looked in the Webster's New
36 World Dictionary which defines customary as:

37
38 In keeping with custom or usage or
39 usual, habitual, and, two, holding law
40 or held by custom a collective of laws
41 established by customs for a manner or
42 region.

43
44 Webster also defines traditional as:

45
46 Handed down by or conforming to
47 tradition.

48
49 Black's Law Dictionary defines
50 customary as:

1 A record of all the established legal
2 and quasi-legal practices within a
3 community;

4
5 And defines customary law as:

6
7 Law consisting of customs that are
8 accepted as legal requirements or
9 obligatory rules of conduct; practices
10 and beliefs that are so vital and
11 intrinsically a part of a social and
12 economic system that they are treated
13 as if they were law.

14
15 And Black Law defines traditional as:

16
17 Past customs and uses; usages that
18 influence or govern the present acts
19 and practices.

20
21 And I thought that the Webster's New
22 Dictionary and Black's Law Dictionary definitions were
23 more appropriate than the State's redefining customary
24 and traditional, and I thought that their redefinition
25 was flawed and a far stretch from its true meaning.
26 And I say this because anthropologist Dr. Alan Borris'
27 research established the fact that the DNA of salmon is
28 the DNA of Alaska Native peoples and to deprive us of
29 our right to our traditional diet is to deprive us of
30 our right to be who we are genetically.

31
32 And so I know there is a lot of
33 discussion on customary and traditional but I see also
34 in our packet there's going to be another question
35 coming up with the community on the Kenai Peninsula
36 that some of us do have concern. So with that and with
37 due respect I would like to just bring this out.

38
39 Thank you.

40
41 CHAIRMAN LOHSE: Thank you, Mary.

42
43 Greg, were you going to say something.

44
45 MR. ENCELEWSKI: Oh, you don't want me
46 to get started.

47
48 (Laughter)

49
50 CHAIRMAN LOHSE: Oh, I want you to get

1 started, you had your hand halfway up like you were
2 thinking.

3
4 MR. ENCELEWSKI: No, I want to thank
5 Bert and Cathy for their presentation and their
6 opinions.

7
8 You know I'm from Ninilchik and
9 customary and traditional use to us is, you know, I
10 think MaryAnn put it pretty well there, we've, in my
11 opinion, our tribe and Councils down there have had to
12 go an extra mile in defining what our customary and
13 traditional use is to the point of hundreds of
14 thousands of dollars and lawsuits and et cetera, but,
15 you know, I think the process basically -- I mean I've
16 heard it both ways, could be thrown out, you could go
17 to .804. The fact of the matter remains that we are in
18 a time of shortage, we are in a competing for the
19 resource and customary and traditional use, I truly
20 believe if you have a customary and traditional use of
21 a resource in your area that it should be for
22 everything. We had to prove it for every species, from
23 a spruce hen to a moose.

24
25 But, anyway, that said, it's a very
26 touchy subject and it's a tough one. I mean we've said
27 if it's not broke, you know, we went through -- one of
28 the things and the late Doug Blossom always said, and
29 we argued at this Council, is that, people with
30 customary and traditional use, wanting customary and
31 traditional use had to come before this Council and
32 prove that they had that use. In other words it wasn't
33 just someone that Johnny come lately or a rural
34 resident that got added to the list, and show that they
35 were eligible, that they had customary and traditional
36 to use those resources, and it's been a big battle on
37 this Council. I don't want to date myself but I've
38 been here for 10 years and I've seen a lot of them go
39 through here. And so, you know, we thought we refined
40 a process, I think we've had it working fairly well and
41 I'm a little bit concerned of going the other way and
42 creating disenfranchising people there.

43
44 So I'm going to be quiet for now, but,
45 anyway, I just want to throw that out.

46
47 CHAIRMAN LOHSE: Well, we have lots of
48 discussions ahead of us.

49
50 Cathy.

1 MS. NEEDHAM: Thank you, Mr. Chair.

2

3 I also -- I mean I appreciate your
4 comments and like I said, I don't think we expect that
5 there is probably not one cookie-cutter way of doing
6 this for the entire state, each region knows its region
7 the best and the issues that are there. With that
8 being said, one question I think I would have back for
9 you, at one point in time we -- you know the Southeast
10 Council's original recommendation was eliminate what we
11 have and let's start over and use Section .804 as the
12 process but we were -- we had good advisers that said,
13 well, we're probably never going to be able to just
14 eliminate it, is there a potential regulation change
15 that could be made that addresses the core of the
16 problem and with some help with Staff we did put forth
17 a potential regulation change as well. That was to
18 modify 50 CFR, it's in the center of that handout that
19 we gave you, it's the modified 50 CFR 110.16(a), that
20 regulation, you can read through that. But the reason
21 why it reminded me of this regulation change is because
22 you said that for Ninilchik you believe that all
23 species -- you should have customary and traditional
24 for all species wildlife, and I'm wondering if that
25 regulation actually gets at that and still takes away
26 -- because I think one of the things we're dissatisfied
27 with is this eight factor analysis and having to prove
28 that you meet all eight factors at a specific level,
29 that becomes ambiguous when you have State and Federal
30 agencies arguing over it. And so if we perhaps just
31 change that regulation I think it might open up for
32 what you were saying in that.

33

34 And so it was just a secondary -- you
35 know, we had our original recommendation, but we were
36 also putting other ideas on the table for other regions
37 to consider, things that might work for them.

38

39 And I don't think the Southeast Council
40 thinks that the whole state will agree on how C&T use
41 determinations should be made as a cookie-cutter type
42 process, I think it needs to be individualized to each
43 region.

44

45 CHAIRMAN LOHSE: Thank you, Cathy.

46

47 And this is something, what you said in
48 that modified regulation, is something this Council has
49 said time and time and time and time again and we've
50 especially had to deal with that when we deal with

1 issues on the Kenai where not only did -- not only did
2 we have to go to specific species, we had to go to
3 specific species and specific bodies of water, which,
4 you know, if you're a subsistence user and you're
5 fishing on the river, it really doesn't matter whether
6 it's a grayling, a rainbow, a Dolly or a salmon, you
7 know, it's food but how do you prove that, you know,
8 you took Dollys or rainbows or something like that in
9 the past and to me, there's two issues that you've hit
10 on that I think are very, very good.

11
12 One is the fact that it should not be
13 species by species, it should be -- you know if I eat
14 cranberries I should have subsistence on nagoonberries
15 too even if -- you know even if I consider
16 nagoonberries better than cranberries, you know, but I
17 have no record that I ate nagoonberries, you know, so I
18 mean to me I really support Southeastern on that.

19
20 The other thing that I really was an
21 advocate right from the start is that it should be
22 geographic, not so broad that it's not geographic.
23 Subsistence, originally, and you say that in the thing
24 that's written here in the letter to me, you've got
25 down subsistence users primarily harvest resources near
26 their community of residence and there's no management
27 reason to restrict their use by rural residence. This
28 is extremely true, and this is your cookie-cutter
29 thing, this would be extremely true in Southeastern,
30 your communities are comparatively isolated. You can
31 go from community to community by boat but, you know,
32 even the boat that I've got would be welcome in
33 Southeastern and it travels at six and a half knots.
34 Now, they don't want it up in Prince William Sound but
35 down there they do, but at six and a half knots, you
36 know, you're isolated from each other by time and
37 distance. When we get up here in Southcentral, we have
38 a road system that goes everywhere and it's just like
39 we've talked about it before and this thing -- just
40 like on our caribou herd up on the Nelchina, the local
41 subsistence hunter has a hard time because when caribou
42 season opens, if you're on the -- if you're at the hub
43 or you're on the road from Anchorage or Fairbanks, you
44 have a steady stream of cars and motorhomes coming back
45 towing fourwheelers, nodwells, and all of the rest of
46 it and the caribou hunt, if you're going to hunt
47 caribou early in the season you better have one of
48 those pieces of equipment because they're going to have
49 everything moved a long ways away from the road, you
50 don't have that in Southeastern. I mean the access in

1 our area is totally -- I mean, and I'll just say from
2 Southcentral's standpoint, our access is so
3 instantaneous, I mean anybody can hop in their car and
4 go anywhere. And that's why I really -- like I said,
5 personally, and this is strictly personal and not the
6 Council, I love your geographic area idea. I mean to
7 me, if I could, and I am never going to do that, but I
8 would say you had to be within X miles of your home
9 community, of your home, and I'd probably make that
10 distance how far you can carry it in one day, but that
11 would never go, but it makes sense that it should be a
12 geographic thing and it should make sense that if
13 you're qualified for subsistence when -- when we go
14 out, you know, we might come home with a rabbit, we
15 might come home with a grouse, we might come home with
16 a moose, we might just come home with a bucket full of
17 berries, you know, and -- or fish, and -- and that, to
18 me, is, you know, you shouldn't have to have a C&T for
19 each one of those, you know, and if you take -- if you
20 go to the river to go fishing, maybe today you catch a
21 burbot, yesterday you caught a silver salmon, you know,
22 it's still subsistence.

23

24 So I would really -- I don't know if I
25 could support throwing it out and starting all over, I
26 don't know if I could support having a Federal
27 organization try to apply .804 in unnecessary -- you
28 know, in every situation, I'm not sure I have that much
29 confidence and trust in them. I'd much rather see our
30 Council -- we're going to have to hassle over three C&T
31 things on this regulatory cycle and we're going to be
32 dealing with local people with local knowledge trying
33 to decide whether -- you know, do they -- how do we --
34 and ours has always been how do we include them, not
35 how do we exclude them, you know, and so from that
36 standpoint I agree with you, that I don't see any way
37 we can have a cookie-cutter thing simply because our
38 region's so different from the North Slope and we're so
39 different from you and we're definitely different than
40 Bristol Bay that I'm not -- I'm not saying that our --
41 I'm not saying that C&T is working for us, I'll say
42 that we have tried our best to make C&T work. Now
43 whether it's working for us -- I would be interested in
44 seeing if our Council hasn't made more C&T
45 determinations than any other Council, simply because
46 we cover a very broad area and it's road accessible and
47 it has urban populations and, and, and -- and from that
48 standpoint, you know, I'd have to ask the rest of the
49 Council if they feel like it's working.

50

1 I'd like some modifications but I sure
2 wouldn't want to throw it out at this point in time and
3 try to start over.

4
5 Judy.

6
7 MS. CAMINER: Mr. Chair. Following up
8 on what Ralph was just saying. I mean our history with
9 C&T determinations and we have several proposals we'll
10 be talking about today actually have to do with adding
11 communities so I guess it can be said maybe in the past
12 we restricted because we went from perhaps all rural
13 residents to certain ones or we went from an area that
14 hadn't hunted or fished a particular species before and
15 we opened it up but maybe we didn't have all the data
16 to say 10 communities, so now maybe we gave it to seven
17 and a couple more are coming in each time and we've
18 spent money and there have been studies to determine
19 that those communities were eligible. So that's more
20 how -- in general how it's been working right now for
21 us.

22
23 I think you could see from our meeting
24 notes from our last discussion that, yeah, I think we
25 were supporting in concept the proposed regulation
26 change that you've suggested.

27
28 I, too, would be hesitant if 300 C&T
29 determinations have been made, I mean hopefully there
30 would be a mechanism to keep those rather than think
31 about reanalyzing all of those or starting again.

32
33 And, lastly, those C&T determinations
34 have held up in court over the years and part of that
35 has to do with the analysis that went into them and the
36 deliberations that the Council and the Board made. So
37 we need to be a bit cautious in that regard about
38 making a severe change if we might be worried that that
39 would put previous determinations in jeopardy or new
40 ones in jeopardy.

41
42 Thank you.

43
44 CHAIRMAN LOHSE: Bert.

45
46 MR. ADAMS: This has been a real
47 interesting discussion as I sit here and listen to, you
48 know, you all share your experiences and your knowledge
49 and insight.

50

1 I like what MaryAnn said about
2 customary and traditional use, what it really means.
3 And what she was describing to us is something that is
4 known as the Common Law. You know this country was
5 founded upon the Common Law and upon statutes.
6 Statutes are the written laws that we have before us.
7 The Common Law are laws that are handed down
8 traditionally from one generation to another, and
9 that's what I think, you know, she was trying to
10 address. Is that, we have had these resources
11 available to us by the Creator since time immemorial
12 and we are the stewards of those resources, we have to
13 take care of them in order that we might insure that
14 our children and our grandchildren and their children
15 and their grandchildren have those same resources that
16 we have right now.

17
18 I also agree with you on the fact that
19 we shouldn't have, you know, one blanket bunch of
20 regulations, you know, for all of the 10 regions or,
21 you know, and -- and it should be, you know, on a
22 regional basis.

23
24 Another thing that our country was
25 founded upon was everything begins, you know, with the
26 individual and as we try to solve those problems and we
27 can't, we go to somebody else and ask them and then it
28 goes up into larger groups of people. And so our
29 government, you know, was founded upon that and I think
30 we have drifted away from a lot of that because in many
31 cases, you know, it's not from the bottom up anymore,
32 it's from the top down and, you know, we have, I think
33 a real big challenge.

34
35 I want to show you something. I'm
36 reading this book, and what do you see here, anybody,
37 tell me what you see. A sun. And what else. 5,000.
38 Oh, yeah, that's the title. It's the founder's vision
39 of America, this would be the sun rising, okay. Today
40 if the Founders were here it would be the sun setting.
41 Because of the many laws and regulations that we have
42 before us. And we have so many of them that we cannot,
43 you know, address them all and we don't know whether
44 we're going out and break a law or not because of the
45 many laws that are on the books, you know, and I am a
46 real strong supporter of things begin from the
47 community and working their way up and I think that you
48 can solve your problems more locally than you can than
49 having Big Brother taking care of you. Felix Cohen was
50 a lawyer and an expert on Indian Law and we wrote when

1 the Indian Reorganization Act came into being years
2 ago, he wrote an article about it and I don't have, you
3 know, the exact quotations but he says that self-
4 government, you know, means many different things by
5 different people. However, it is not laws that are
6 made in Washington or Heaven, but they are made by the
7 people who are most affected by them and that's you and
8 me who live in these villages and communities and we
9 see what's going on there and if we see something, you
10 know, that we need to -- that needs to be addressed we
11 try to solve it ourselves first.

12

13 Okay.

14

15 And I can go on and on here but let me
16 just end by this:

17

18 Did you know that the Federal system of
19 government was copied after the Confederate Tribes of
20 the Arikara Nation, many people know that, but let me
21 give you an example, everything began from the bottom.
22 The tribal councils, okay. And if they couldn't solve
23 it then it was sent up to a group called the Younger
24 Brothers. And if the Younger Brothers couldn't handle
25 it then it went up to the Elder Brothers. And if the
26 Elder Brothers didn't have any answers for it it went
27 to the Fire Keepers or the administrators. The Younger
28 Brothers is representative of the House of
29 Representatives in our government. The Elder Brothers
30 are the Senate. The Fire Keepers are the
31 administrators.

32

33 Okay.

34

35 And so they copied that. And it was
36 amazing how that system, you know, was so successful
37 over the past, I'd say 150 years, and now we're going
38 backwards, the sun is setting. And I'm going to get
39 off my soap box now and just let you know that I
40 support you on that idea because everything does begin
41 from the bottom and we should have rules and
42 regulations that are regional rather than a blanket one
43 across the country.

44

45 Thank you.

46

47 CHAIRMAN LOHSE: Thank you, Bert. You
48 and I would probably get along real good, that is why
49 we get along good because now that you've said
50 something I've got something to say in return.

1 (Laughter)

2

3 CHAIRMAN LOHSE: I really liked your
4 idea of the no laws. My neighbor's got a bumper
5 sticker sitting on his store and it says, you know, the
6 Founding Fathers went too far when they wrote the Bill
7 of Rights, the first line in the Bill of Rights is
8 Congress shall make no laws.

9

10 (Laughter)

11

12 CHAIRMAN LOHSE: But anyhow, I was
13 thinking from what you're talking -- and what we're
14 talking about, customary and traditional, what Mary was
15 talking about, there's no question in my mind that the
16 customary and traditional use of our resources goes
17 back to the indigenous people who have lived here, but
18 at the same time there were people who came here who
19 then adopted a lot of those same things and added to
20 those same things and became part of the customary and
21 traditional. So when we start talking customary and
22 traditional at this point in time when we're dealing
23 with ANILCA, we got to start from what was customary
24 and traditional when ANILCA was written. And that's
25 why ANILCA says rural residents, Native and non-Native,
26 because we had a customary and traditional non-Native
27 population that didn't extend back as far as the Native
28 population and most of them had learned from the Native
29 population that was there. But at the same time what
30 ANILCA did is it recognized that that lifestyle, that
31 rural lifestyle that Alaska had was something we need
32 to preserve, if, for no other reason, that somebody
33 someplace could dream about doing it. And in order for
34 it to be preserved you have to preserve the resources
35 that it takes in order for it to happen.

36

37 And to me that's the greatest thing
38 about it, is it preserves the idea, the dream, for a
39 lack of a better way of putting it, of people who may
40 never -- Native or non-Native may never get around to
41 living that lifestyle, but the dream is there, they
42 can, and we'll preserve the resources so that they can.
43 Because without the resources the dream is gone.

44

45 And I think of it all the time. I
46 think of it -- because, again, I've got kids, and I've
47 got grandkids and now I've got grandkids that have the
48 same DNA that Mary's talking about, you know, and I
49 want to see this lifestyle available even if they
50 decide to move to New York City, heaven forbid, but I

1 want the idea that the choice is there, the resources
2 are there, the availability of the dream is there and
3 it's there for the rural residents of Alaska and that's
4 why, to me, when I see customary and traditional, I can
5 go back a long, long way and see what the customary and
6 traditional was because I love to study that kind of
7 thing. And at the same time I look at the customary
8 and traditional of the people who lived there at the
9 time that the law was written, and some of them, like
10 my in-laws, they were only third generation, you know,
11 or something like that, but, you know, it was there,
12 and that was part of their lifestyle and it's worth
13 preserving and the people who wrote the law said, this
14 is worth preserving, let's preserve it for rural
15 Alaskans, let's put the subsistence priority in there
16 and now the only thing that we're -- one of the things
17 we're mandated to do is to make sure we mandate -- that
18 we maintain the resources. We treat the resources with
19 enough respect that they're there for the next
20 generation and the next generation and the next
21 generation and the next generation.

22

23 And that's what I see when I see
24 ANILCA. And I know I can't see back as far as Mary can
25 but I see it as something that we're trying to
26 preserve, this opportunity, like you've said, for the
27 rural people who are there in that area for the
28 generations to come.

29

30 MS. MILLS: Thank you. And, you know,
31 I agree with you.

32

33 And I think, you know, without the
34 resources our dream is gone and that goes back to
35 management, or the lack of management. And when we
36 look at the climate change and when we look at things
37 like the devastation the factory trawlers are having on
38 our waters and the amount of edible food that they are
39 throwing out it's shameful and it's so shameful that in
40 -- in the Native culture you would have never have seen
41 something like that occur. And, you know, it's -- in
42 our culture we do believe in sharing and we believe in
43 sharing so much that now we have nothing.

44

45 And, you know, with regard to ANILCA
46 and the new laws, I'd also like to draw people's
47 attention to the right of food and the right to self-
48 determination is based on Article I of the
49 International Covenant on Civil and Political Rights,
50 which is an international treaty that was ratified by

1 Congress. When ratified, international treaties carry
2 the same weight as the United States Constitution. And
3 Article 1.2 of the Covenant on Civil and Political
4 Rights state:

5
6 That in no case may a peoples be
7 deprived of their right to subsistence.
8

9 In no case may a people be deprived of
10 their right to subsistence.
11

12 It doesn't just say only rural or only
13 this person or only that person.
14

15 Thank you.
16

17 CHAIRMAN LOHSE: Greg.
18

19 MR. ENCELEWSKI: Yeah, very good
20 discussion.
21

22 I guess I just want to point out a
23 little something. I'm not sure how you guys are down
24 in Southeast but one thing on the Kenai, if you could
25 take a quick look at that map, and you can see if I had
26 to subsist under Ralph's -- what he would like to
27 see.....
28

29 (Laughter)
30

31 MR. ENCELEWSKI:I wouldn't catch
32 nothing. I would love to see that but the State don't
33 allow it. The State don't allow us, they own all the
34 land. They took over all the main streams, the fish,
35 the harvest. In our area the clams are gone. Clams
36 are gone. They restricted them in 25 -- the kings are
37 gone, the moose are gone, the shrimp are gone. You
38 know it's a real shortage and it's a -- you know, we're
39 forced to hunt and subsist on Federal lands and now
40 it's becoming a battle and it's becoming a battle --
41 you hear it in the cries of the AFN, you hear it in the
42 cries of all our people, there's not enough food. And
43 it's, to me, Native food is more than that, and no one
44 can quite understand subsistence. They say subsistence
45 people argue -- I mean it's a soul. It's a passed on
46 tradition. I couldn't live without my smoked fish. I
47 got a pack up in the room, I might even share it with
48 all you guys when we get done here.
49

50 But, anyway, you know, it's a.....

1 UNIDENTIFIED VOICE: You can't bring it
2 in the building.

3
4 MR. ENCELEWSKI: You can't bring it in
5 the building, oh, it's in the other building.

6
7 (Laughter)

8
9 MR. ENCELEWSKI: Anyway it's a real
10 tough one. And I would love to see a way to make it
11 fair.

12
13 I know when the State has got open
14 hunting in vehicles and traveling, there's very little
15 left for the subsistence users. We fight and argue
16 over subsistence on the Kenai, Ninilchik area on the
17 moose in the one's and two's.

18
19 Thank you.

20
21 CHAIRMAN LOHSE: Mr. Henrichs.

22
23 MR. HENRICHS: You know in the '50s we
24 raised some orphaned moose calves and we started the
25 moose on the Copper River where there were no moose
26 before that and we have harvested over 5,000 moose from
27 that herd. And let me tell you something, if the Fish
28 and Game was in existence then they would have found so
29 many regulations to stop us we would have never been
30 able to do it. And that is a fact. But I'll tell you
31 right now 5,000 moose can't be wrong.

32
33 When I was a kid I used to set a net
34 under the ice on Lake Eyak and we'd eat the fish we
35 caught. If you did that today there'd be a big fight
36 and the fight would be over who got to arrest you, the
37 city policy, the State Troopers or the Forest Service
38 enforcement guys. We used to do that all the time and
39 now they won't even let us do it.

40
41 CHAIRMAN LOHSE: Judy.

42
43 MS. CAMINER: Thank you, Mr. Chair.

44
45 David, back to some of my questions.

46
47 One would be what have some of the
48 other Councils said in this latest round, because I
49 think we're pretty -- I think we're pretty clear that
50 we would support a broadening of the C&T per the draft

1 regulation you have here.

2

3 And, secondly, maybe you can talk a
4 little bit about the eight factors. Some of the things
5 I heard -- it might be beneficial to explain how
6 important they are to an analysis, or how critical it
7 is that all eight be, quote, met.

8

9 DR. JENKINS: Thank you, Ms. Caminer.
10 Carl will speak to your first question about what the
11 other Councils have said and then I'll be happy to talk
12 about the eight factors.

13

14 MR. JOHNSON: Thank you. Carl Johnson
15 for the record.

16

17 The North Slope and the Northwest
18 Arctic Council essentially both punted on the issue
19 because they wanted to have more time to think about it
20 and also take the issue back to their communities to
21 get feedback from their communities.

22

23 As you already -- you heard already
24 from the Bristol Bay Council on what their approach is.

25

26 The Kodiak/Aleutians Council considered
27 this and essentially agreed to keep things as they are
28 regarding the current status of C&T.

29

30 And then also you've had an opportunity
31 to hear from the Southeast Council. So those are all
32 the Councils that have met thus far in the fall meeting
33 cycle.

34

35 Thank you.

36

37 CHAIRMAN LOHSE: Bert.

38

39 MR. ADAMS: I just want to point out,
40 you know, we've been talking about various ways in how
41 we want to address this issue, whether we want to
42 eliminate it or change the regulations or whatever, but
43 when it all comes down to it, if we do eliminate it,
44 Section .801, Title VIII of ANILCA will still be there
45 for us to follow, you know, that is the law of the
46 land.

47

48 So I just wanted to point that out. No
49 matter what we do, you know, that's always going to be
50 the reference point in how we are going to address this

1 issue.

2

3

Thank you.

4

5

DR. JENKINS: And let me add one more
6 detail from the North Slope. The North Slope Council
7 asked for an analysis of how an .804 versus a customary
8 and traditional use determination would affect their
9 region. So these are the concerns that people have
10 been raising.

11

12

Let me respond to your question about
13 the eight factors.

14

15

You can see these eight factors on Page
16 22 of your book. I'm happy to talk about this. Of
17 course the Southeast Council's briefing was not on how
18 customary and traditional use determinations are made
19 but why. And let me respond to your question, Judy,
20 with this why question. The definition of subsistence
21 in ANILCA speaks to customary and traditional
22 subsistence uses. And in 1980, at a Board of Fisheries
23 meeting, the Board of Fisheries asked the, then very
24 new, Division of Subsistence at ADF&G to define
25 customary and traditional uses. The head of that
26 division in 1980 was a man named Tom Lonner. Tom
27 Lonner, over lunch literally on the back of a napkin
28 wrote out 10 factors of customary and traditional use,
29 that's the origin of the eight factors because the
30 Board of Fisheries a year later reduced those 10
31 factors to eight factors. So this is a history that's,
32 to me, quite interesting, that it came out of the mind
33 of Tom Lonner. I called him up a few years ago and I
34 asked him, well, what was your intention and he told me
35 that his intention was to come up with a way of
36 thinking about customary and traditional use that spoke
37 to the integrity of local rural economies. His effort
38 was not to exclude people, his effort was to talk about
39 the economic functioning of rural communities.

40

41

The State then began to use these eight
42 factors on top of a rural determination, so you had two
43 thresholds; you had to be a rural user and then you had
44 to also exhibit customary and traditional uses. And as
45 I understand it the State used it to exclude people,
46 and when the Federal Program took over it renamed the
47 criteria, renamed them factors as I mentioned before,
48 and then instituted a way of thinking about these, not
49 as a checklist of eight factors but as a holistic way
50 of looking at customary and traditional practices so

1 you didn't have to have each one of these eight factors
2 but you just had to generally exhibit customary and
3 traditional use and then the Federal Program, as I
4 mentioned, uses species by species, or fish population
5 by fish population look at these -- for this customary
6 and traditional use determination.

7
8 So in a nutshell that's sort of the
9 history of where that is.

10
11 And since then, as I mentioned, the
12 Councils and the Federal Subsistence Board have made
13 300 of these determinations.

14
15 I find your discussions quite
16 interesting because in some ways you're talking about
17 they're useful for us because they exclude other people
18 and they make the integrity of our resources more
19 accessible to us and in other instances the question is
20 well why should we exclude people if there are plenty
21 of resources, we should go to ANILCA .804 and we
22 shouldn't limit other people from getting access --
23 other rural people from getting access to these
24 resources.

25
26 So I could talk about each of these
27 eight factors but that might get you off your topic.

28
29 MS. CAMINER: Thanks. That's exactly
30 what I was looking for, thank you.

31
32 CHAIRMAN LOHSE: Yeah, like Judy said
33 that's what she was looking for.

34
35 And, again, we have to go back to the
36 why and not the how. I know this Council has argued
37 and argued time and time again that this is not a
38 checklist, that this is something we look at as a
39 characteristic, not as did you meet all of these eight
40 things. And I can say that -- and that goes back a
41 long way on this Council, and I can say that because I
42 go back a long way on this Council.

43
44 (Laughter)

45
46 CHAIRMAN LOHSE: But I do think that
47 the real question is why like Southeast brought up, and
48 the other question is, you know, is it working and what
49 would we replace it with that would work. And from
50 that standpoint that's what this Council's going to

1 have to discuss.

2

3 Gloria.

4

5 MS. STICKWAN: I have a question. IF
6 we did away with C&T and I guess I'm not sure how to
7 ask this question -- if we go to .804, we would have to
8 base our decisions on past C&T determinations for those
9 communities that do have it, for those communities that
10 don't have C&T are studies done -- if we did away with
11 C&T -- I don't know, would we still have the C&T with
12 studies to revert back to or would we still be doing
13 C&T studies, or would that be done away with since we
14 did away with the process.

15

16 DR. JENKINS: I can try to answer that.
17 I think that would remain to be determined, we don't
18 know. But, however, if you look at the first criteria
19 of an .804 analysis it does refer to customary and
20 direct dependence, so the analysis of customary and
21 traditional use could be used to inform that first
22 criteria in an .804 analysis that speaks to customary
23 and direct dependence upon populations as a mainstay of
24 livelihood.

25

26 MS. STICKWAN: So it would still be
27 done but it wouldn't be done according to the eight
28 factors, if we did away with C&T?

29

30 DR. JENKINS: Yes.

31

32 MS. STICKWAN: Because we have
33 communities in our area that don't have C&T studies
34 done on them.

35

36 CHAIRMAN LOHSE: Basically, Gloria, as
37 I understand it and correct me if I'm wrong, if we do
38 away with C&T and we go to the requirement that it's a
39 rural resident, all rural residents in the state of
40 Alaska have access to any stock unless we determine
41 that that stock is in shortage and then at that time we
42 can actually go right down to communities and we have
43 to end up deciding who has the most direct dependence
44 on it and how much is available, you know, to meet that
45 dependence and then you allocate it to the resource
46 users who have the most direct dependence. And I would
47 say that we'd end up using some of the information that
48 we have accumulated forming C&Ts but we're going to
49 need a lot more information and there's going to be a
50 lot more detailed information to go to .804 than there

1 is to C&T.

2

3 C&T says that this community has
4 basically a history, a customary and traditional use of
5 this thing. Under .804, you're saying this resource is
6 in short supply, how do we best allocate this resource
7 to those who have the most dependency on it, and that's
8 going to take a lot more analysis I would think. Maybe
9 it wouldn't in Southeastern but I think it would take a
10 lot more analysis here where we're more mobile, but I
11 might be wrong on that.

12

13 MS. STICKWAN: Could you respond to
14 that.

15

16 DR. JENKINS: I think you expressed it
17 quite well, I think that is exactly what would happen.
18 And, of course, it's not just direct dependence, there
19 are two other criteria, local residency is one and the
20 availability of alternative resources.

21

22 Let me point out that the State system
23 has definitions for all of these criteria because they
24 use them. The Federal Program doesn't have definitions
25 of them. So part of the analysis would be trying to
26 figure out how to define these terms. And we have, I
27 think, seven or eight .804 analysis at present, we've
28 done very few of these so far.

29

30 CHAIRMAN LOHSE: Bert.

31

32 MR. ADAMS: I'm telling you, Mr.
33 Chairman, if you don't get me right as soon as I hold
34 up my hand, you know, I forgot my train of thought
35 already.

36

37 (Laughter)

38

39 MR. ADAMS: I'm getting to that age
40 now.

41

42 CHAIRMAN LOHSE: No, no, you're not
43 that old yet.

44

45 MR. ADAMS: I was looking at these
46 eight factors again and I was sure happy that I was
47 able to get reminded about them. You know, if Gloria
48 and MaryAnn and the rest of us on the Council here
49 would look back and see how our fathers and our
50 grandfathers and their grandfathers and so forth, you

1 know, practiced their traditions, they did every one of
2 these.

3

4

CHAIRMAN LOHSE: Yeah.

5

6 MR. ADAMS: We did every one of these
7 and they taught it to us so that, you know, we don't
8 have to be regulated. And I think -- and, you know, as
9 I think about it now we don't -- I have a stronger
10 opinion of, you know, doing away with it. Because why
11 make a law about something that we have been doing
12 since time immemorial. Look at it, we do all of them.
13 Long-term consistent pattern of use. Pattern of using,
14 recurring and specific seasons for many years. It's
15 all there. A pattern of use consisting of methods and
16 means, you know, our people had methods and means of
17 harvesting their own resources.

18

19

I'll give you a good example.

20

21

22 Down in the Dry Bay area when they
23 built a cannery there and they hired the Native people
24 to do the fishing for them because they didn't know how
25 to catch the fish and so, yeah, we'll go out and fish
26 for you and so they started when the king salmon came
27 in and they'd make their deliveries to the cannery,
28 they'd get paid. Then all of a sudden they'd stopped.
29 And the cannery people would say, hey what are you
30 doing the fish are going up the river, you know, get
31 out there, time's a wasting. And then the sockeye's
32 would come in, the same thing would happen. They would
33 fish there for awhile and then they would stop. The
34 same way with the other species. And what they were
35 doing, is that, they knew -- they knew when it was time
36 for those salmon to spawn, okay. They would look at
37 all the bushes, when they are full grown, that's when
38 they are spawning. They knew that when all the bushes
39 were -- the salmonberry bushes are in full bloom,
40 that's when you don't fish for those resources because
41 they have to go up and do their business.

41

42

43 And then when you look at the Situk
44 River in the early 1900s, even prior to that, any of
45 you familiar with Nitrogen 15. They found that prior
46 to the commercial industry coming in there were 500,000
47 sockeyes that came into that river every year.
48 Nitrogen 15 is something that the salmon, when they go
49 up and spawn, and then they go out into the ocean they
50 pick up this Nitrogen 15 and then they come back in to
51 the rivers and they spawn and they die and the only

1 thing that's surviving there is that Nitrogen 15. So
2 just like, you know, you drill a hole in a tree, you
3 can count the numbers of that Nitrogen 15 on each -- on
4 top of each other and you can tell, you know, how many
5 of those sockeye went up into that stream and spawned
6 that year. And it started to decline in the 1900s, you
7 know, when fish trapping came in and so forth.

8
9 So they had ways and means of managing
10 the resource and not only with the salmon but with
11 wildlife as well.

12
13 Another example is on the Situk River,
14 we had a guy by the name of Situk Jim, he was the Fish
15 and Game, one person who regulated, managed the fish
16 resources, and when the fish came in, when the leaves
17 are in full bloom, he pulled up a flag, fishing is
18 stopped for now and he would let it happen for -- let
19 it go for about two weeks and then he would pull it
20 down and people would go back and fish.

21
22 Okay.

23
24 So they had ways and means of managing
25 the resources insuring that those resources would come
26 back to their future generations. And, you know, I see
27 the regulations from the State and Feds, you know,
28 patterning that. You know, they regulate so that, you
29 know, those resources, you know, can be assured of
30 coming back but I think a lot of the damage was done,
31 you know, years ago when our resources were -- our
32 salmon resources were outfished.

33
34 Anyhow, I just wanted to make that an
35 important point, we did these things. They were taught
36 to us and now I'm teaching it to my children. Every
37 one of these eight factors.

38
39 So just food for thought for you guys
40 to think about. Because -- well, I'll just leave it
41 there.

42
43 Thank you, Mr. Chair.

44
45 CHAIRMAN LOHSE: Thank you, Bert. And
46 I don't think that there's, you know, at least I don't
47 think anybody can have any question that the indigenous
48 Native population in the state of Alaska exhibits
49 those eight factors. The problem I have is we try to
50 apply them to individual species as if they didn't, you

1 know, that didn't make use of everything that was
2 there, that's where I have a problem. But at the same
3 time I recognize the fact that, at least, like in our
4 area, or in Southcentral, that we do have this other
5 population I was talking about. We have people like my
6 in-laws and neighbors and stuff like that and so we
7 look at this as a community, does the community exhibit
8 these factors. We can't sit down and say does my
9 neighbor exhibit these factors, we say do we as a
10 community exhibit these factors, and that's where
11 ANILCA came in, in my way of thinking when it said
12 rural Native and non-Native because the fact is that
13 I've got a neighbor -- I've got a neighbor that doesn't
14 exhibit these factors at all, he lives in my community,
15 he doesn't exhibit these factors, we feed him sheep or
16 deer meat and it's, oh, this stuff tastes funny, you
17 know, because he was raised on pork and pig. But that
18 doesn't change the fact that I got a neighbor on the
19 other side that puts up some of the nicest smoked
20 salmon around and he's taught his kids how to do it and
21 his daughter sews sea otter skins and she's fighting so
22 that her granddaughter can sew sea otter skins because
23 she comes just a little -- too little bit in the gene
24 pool to qualify for it, and so she's part of my
25 community, she's my neighbor. And as a community this
26 is what we do. But we all don't go back a thousand
27 years doing it here. And some of us, like myself,
28 don't go back quite 50 and yet I would consider the
29 fact that I live in that rural community and I make use
30 of these resources and eat these resources that that's
31 a customary and traditional thing for my community to
32 do.

33
34 And so that's where I think when they
35 come up with the criteria you can apply it to a
36 community, you can't apply it to an individual and
37 anybody that wants to apply -- nobody can apply it to
38 the indigenous population because otherwise they
39 wouldn't have been here, you know, I mean they wouldn't
40 have lasted long enough to be here. I mean I can
41 always remember -- I had a good friend in Chitina,
42 Suzie Bell, and I've used her a lot of times as an
43 example, she died at 104, and her comment on how
44 important the salmon was, was, you know, if the salmon
45 were late, people died. That was just a fact of life.
46 If the salmon were late people died. We were looking
47 at a thing that the local high school kids put up on
48 Kennicott and Nikolai showing them where Bonanza was,
49 you know, where the Copper mines up the Chitina was,
50 the reason that happened is Trawel (ph) was extremely

1 hungry that spring, the salmon were late and they
2 traded the knowledge of where the copper was in order
3 to have food. That's how important those resources
4 were. And she talked about all the time going up into
5 the hills in fall and they didn't come out of the hills
6 until the snow drove them out and then they had nothing
7 left except dried salmon until spring. And so without
8 using those resources they wouldn't have been there, so
9 there's no question there.

10

11 But how do you apply it to the
12 population that we have today and that's where I
13 sometimes think this comes in.

14

15 The population that we have today
16 includes me, includes my neighbors, includes a lot of
17 people who came and it includes a lot of people like my
18 grandson who are part, you know, and we've got to have
19 some way of handling it to make sure that that
20 lifestyle is available.

21

22 Judy.

23

24 I'll get you next, Bert, don't forget
25 what you're going to say.

26

27 MS. CAMINER: No, go ahead.

28

29 CHAIRMAN LOHSE: No, you were first.

30

31 MS. CAMINER: Sorry, Mr. Adams. I'm
32 just wondering if it's appropriate now for our Council
33 to make a recommendation now that we've heard a lot of
34 this information and, if so, I would go ahead and do
35 that, make a motion.

36

37 CHAIRMAN LOHSE: We had another hand up
38 -- we have two hands up.

39

40 MS. CAMINER: Okay.

41

42 CHAIRMAN LOHSE: Let's let Bert and
43 Gloria comment and then.....

44

45 MR. ADAMS: I appreciate what you just
46 got through sharing with us and you've brought it up
47 several times.

48

49 My grandfather was a full-blooded
50 Swede. He came over from Sweden when he was -- well,

1 he landed in Yakutat when he was 19 but when he was 15
2 he got into trouble with the law, I guess he injured a
3 tax collector or someone like that after he came home
4 from school.....

5

6 MR. HENRICHS: Good for him.

7

8 MR. ADAMS:and saw him harassing
9 his mother so he beat him up. He was about the size of
10 Big Bob over there, and he was.....

11

12 (Laughter)

13

14 MR. ADAMS:he threw him out the
15 door and down the stairway, the guy broke a leg or
16 something and he was brought to court and sentenced to
17 serve five years in the Swedish Navy. To me that would
18 have been a blessing, you know, but he sailed the four
19 corners of the Earth and when his term was up that ship
20 was anchored in Yakutat so he got off as a 19 year old
21 and he woo'd all of the women in town, so he grew up
22 there, you know, we're talking late 1800s, okay. So he
23 integrated into the community, married my grandma and
24 so he learned from the people there the traditional way
25 of living. He also brought some of his customs over,
26 you know, and one of the things that my mother learned
27 from him and my mother taught to me was how to make
28 salted king salmon, you know, the smoked strips, the
29 Scandinavian way. And so, you know, he taught us
30 things and also, you know, he became a part of the
31 community. And so he, in my opinion, you know, is a
32 part of those, like you said, people who can enjoy, you
33 know, the resources around them because they have C&T.
34 And I just wanted to share that with you, you know, I
35 remember when I used to go with him everywhere, you
36 know, and he'd be talking away at me and he'd say, ya,
37 grandson, just when I learned how to say jam, they
38 changed it to jelly, you know, and he would share
39 little incidents like that with me all the time. But
40 he was a traditional person.

41

42 CHAIRMAN LOHSE: Gloria.

43

44 MS. STICKWAN: I forgot what I was
45 going to ask.

46

47 (Laughter)

48

49 MS. STICKWAN: No, I'm just joking.

50

1 (Laughter)

2

3 MS. STICKWAN: I guess I don't really
4 understand a recommendation, you're asking us to make a
5 recommendation on whether we want C&T to be removed, is
6 that what we're doing? Are we trying to make
7 recommendations now to change it. And also I had a
8 question for Ralph, I wasn't -- I walked out of the
9 room while you were talking because the phone rang so I
10 didn't hear everything you said and I didn't
11 understand. You said something about geographic area.
12 I guess I don't understand what you mean, what you were
13 talking about there.

14

15 CHAIRMAN LOHSE: Well, and like Greg
16 said, if we went to the limitation that I would, you
17 know, personally go to probably a lot of us wouldn't be
18 able to do anything. But geographic area means where
19 you live. And when I say the geographical area, to me
20 I look at my geographical area as the Copper Basin. I
21 would look at your geographical area as the Copper
22 Basin. I wouldn't look at my geographical area as the
23 Kenai Peninsula. I wouldn't look at my geographical
24 area as the Matanuska Valley. To me a geographical
25 area, if I really want to define it I would have to
26 say, you know, as far as I can walk in a day, that used
27 to be pretty standard but we can't apply that in this
28 day and age. And so I look at -- the watershed that I
29 deal in is the Copper River Basin and so I kind of
30 consider that my geographical area. I wouldn't feel
31 right going down to Yakutat and saying that I had
32 rural subsistence preference in Yakutat. That would be
33 -- that's -- and this is, again, just me personally,
34 I'm not saying that that's not the way it should be but
35 to me a geographical area is what do you consider your
36 home or your home area. And in some cases people --
37 some -- you know, people have a bigger geographical
38 area than others simply because that's what they
39 consider their home area. Where have you used. What
40 do you consider close to home.

41

42 And that would be my feeling, that when
43 they talk about geographical area, if I'm on the Kenai
44 and I have subsistence for king salmon on the Kasilof,
45 more than likely I should have C&T for king salmon on
46 the Kenai, it's not that far away and I'm going to get
47 king salmon, what's wrong with red salmon, or, well,
48 coho -- I mean if I can have king salmon I'm not going
49 to eat coho but, anyhow, we can do that, or Dollys or
50 grayling, but it should be for fish. And it should be

1 for game. Not -- well, let's see I've got C&T for
2 brown bear but I don't have C&T for black bear, and if
3 I want to eat a lynx, I better -- well, I don't have
4 C&T for that so I got to get that under State hunting
5 regulations. I think geographical areas should be your
6 home area and how we define that I don't know Gloria.

7

8 MS. STICKWAN: That's what I was trying
9 to ask you what you meant by.....

10

11 CHAIRMAN LOHSE: Yeah.

12

13 MS. STICKWAN:what's your
14 definition.

15

16 CHAIRMAN LOHSE: What would you
17 consider your geographical area?

18

19 MS. STICKWAN: Copper Basin area.

20

21 CHAIRMAN LOHSE: Yeah. And see, that,
22 to me, would be what most of us, if we were realistic
23 would say. You know, Andy would say Prince William
24 Sound. You know, he would say.....

25

26 MR. ENCELEWSKI: The Kenai Peninsula.

27

28 CHAIRMAN LOHSE:the Kenai
29 Peninsula, you know.....

30

31 MR. ENCELEWSKI: Including the Kenai.

32

33 (Laughter)

34

35 CHAIRMAN LOHSE: Yeah, but that's
36 within reasonable.....

37

38 (Laughter)

39

40 MS. STICKWAN: Can I ask Barbara to
41 come up here and for her to say what the Wrangell-
42 St.Elias SRC -- she can say it better than me so I'd
43 rather have her say it.

44

45 CHAIRMAN LOHSE: Yeah. So anyhow --
46 but, again, I'm not proposing that, I'm just saying
47 that that's what I would understand when Southeastern
48 was saying geographical area, I would think they were
49 talking this is my home area. I don't know if they
50 would consider somebody in Ketchikan having a home area

1 in Yakutat Bay. I don't know Southeastern that well.

2

3

MR. ADAMS: Just to follow up on that.

4 In the olden days, you know, we had our geographical
5 area and we were very rich in resources and other clans
6 would come in from Southeast part of Alaska, you know,
7 to hunt and fish in our area, but they would never come
8 in without our permission. They met with the clan
9 leaders, they met together and they determined, you
10 know, how many salmon they were going to take out, how
11 many seal they were going to handle, how many, you
12 know, whatever, fish and games or berries or whatever,
13 you know, they were very -- and they sent out a person
14 along with them to hunt and fish so that they would be
15 successful. When they got their quota they were sent
16 on their way, you know, but you never went into another
17 area, another clan owned area without their permission
18 or being invited.

19

20 CHAIRMAN LOHSE: And that was pretty
21 consistent. If you look back into tribal history, even
22 on the Copper River, that was pretty consistent any
23 place you went where there is, I'll say tribal
24 government, is basically there were areas that were
25 recognized that this was their tribal ground, if you
26 went on there without permission you were in danger of
27 ending up starting a war, for a lack of a better way of
28 putting it, but if you wanted to go there you went and
29 got permission. And that's part of what I -- we can't
30 go that far today but that's part of -- if you want to
31 look at it that way, that's what we have when we put --
32 when AHTNA puts up no trespassing signs. I mean we're
33 applying it to personal property at this point in time
34 and we've applied it all over the country. This is --
35 if you want to hunt here come ask my permission.

36

37 Mary.

38

39 MS. MILLS: Yes. And among the Native
40 people it is still a practice today.

41

42 CHAIRMAN LOHSE: Greg.

43

44 MR. ENCELEWSKI: Mr. Chair. Could we
45 have a break and stretch before we get rigamortis
46 setting in.

47

48 CHAIRMAN LOHSE: Oh, I -- do we want
49 more discussion or do we want a motion.

50

1 MS. STICKWAN: Can we let Barbara say
2 what she has to say?
3
4 CHAIRMAN LOHSE: Yeah, let's.....
5
6 MS. CAMINER: A few more minutes.
7
8 MR. ENCELEWSKI: Yeah, but Barbara can
9 talk a.....
10
11 MS. CELLARIUS: This is a one paragraph
12 letter.
13
14 (Laughter)
15
16 MS. CELLARIUS: This was the shortest
17 letter I wrote after this SRC meeting. So, again, it's
18 Barbara Cellarius, I'm the subsistence coordinator for
19 Wrangell-St.Elias and this is a letter from the
20 Wrangell-St. Elias SRC to Bert Adams.
21
22 The SRC took the Southeast Council and
23 OSM up on -- or the Federal Subsistence Board up on
24 their invitation to comment and since there wasn't a
25 chance to do that earlier, let me just share that with
26 you quickly.
27
28 The SRC spent quite a lot of time
29 talking about C&T. The SRC had both an .804 analysis
30 and a C&T analysis in front of them in terms of the
31 wildlife proposals you'll get to look at both of those
32 later in your meeting. And the Commission concluded
33 that it needed additional information about the
34 potential impacts to our area from the various
35 alternatives. So it's very similar, I think, to what
36 David said about the North Slope Council. How does
37 this affect us.
38
39 CHAIRMAN LOHSE: Thank you, Barbara.
40
41 Judy, would you be willing to hold your
42 motion off until we have a short break and stretch our
43 legs.
44
45 MS. CAMINER: Yes, Mr. Chair. I'll
46 remind you I have to leave about 3:30 or 3:40 for a
47 4:00 meeting that I can't skip.
48
49 CHAIRMAN LOHSE: Okay, five minute
50 break. Stretch your legs, go do what you need to do.

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN LOHSE: I'd like to call this
6 meeting back in session if everybody will sit down.

7

8 (Pause)

9

10 CHAIRMAN LOHSE: Cathy would like to
11 say one more thing before we go on with our business as
12 a Council if that's okay with you Judy.

13

14 MS. CAMINER: Yes.

15

16 CHAIRMAN LOHSE: Cathy.

17

18 MS. NEEDHAM: Great, thank you, Mr.
19 Chairman.

20

21 I just wanted to say that it's been
22 pleasure to listen to a discussion that brings a lot of
23 different perspective than what we experienced down in
24 Southeast Alaska. And, you know, we -- our Council has
25 not made a decision on which way we're going to go.
26 We've come up with a bunch of different -- we have a
27 work group that's come up with some recommendations to
28 our Council and our Council has supported the work
29 group efforts and we've been trying to, over the past
30 couple of years actually, make sure that we're
31 addressing this issue with the due diligence that it
32 deserves, or that the Secretaries felt it deserved when
33 they asked for RAC input on the subject.

34

35 And with that being said, our Council,
36 at the end of our last meeting, like I previously
37 mentioned, is we asked -- we wanted to know -- okay, we
38 have these recommendations, how does -- if we would
39 have put forward a proposal, how would that actually
40 affect us and we went that route because it actually
41 engages OSM and says, okay, if we want to modify 50 CFR
42 100.16 to this language, we propose that we do that for
43 our region then they have to come back to us with an
44 analysis on how that modification to that regulation
45 would impact our region. And at the end of the day
46 after we hear what is said through that process,
47 through the analysis and hopefully input from other
48 entities within our region, at the end of the day our
49 Council can decide, well, actually that doesn't work
50 for us, that's not what is for the benefit of the

1 region or maybe it does work. And so we're -- so I
2 would highly recommend that you use the discussion that
3 you had today to formulate something that you can get
4 back information from OSM on how it does affect your
5 region so that you can make decisions or start working
6 towards decision, even if that decision is the current
7 process works for you.

8

9 CHAIRMAN LOHSE: Thank you. So if I'm
10 understanding correctly, Cathy, we could make a
11 proposal for even something that -- off the top of my
12 head I'll say we make a proposal that we go to all the
13 .804, and we ask them to analyze that for us. If we do
14 that then we get the analysis anyhow and then we can
15 look at the analysis and use that analysis to decide
16 whether what we're currently doing satisfies us or not.
17 Or we can make a proposal that what we're doing
18 satisfies us and they don't have to make any analysis.

19

20 MS. NEEDHAM: Mr. Chair. My
21 understanding from our discussion with Mr. Jenkins at
22 our meeting is that -- and this is why the Southeast
23 Council chose to put forward a proposal, we haven't
24 developed that proposal yet, the work group has been
25 tasked to actually develop one, but then it goes
26 through this process, the process that you guys are
27 going to go through with your wildlife regulations.
28 And so in the end they may come up with a
29 recommendation that moving forward is not to the
30 benefit of subsistence users in your region and they
31 would oppose that potential proposal. Or they may say
32 it's supported it and it might actually benefit the
33 region.

34

35 And like I said we don't have -- by our
36 next meeting our work group is going to draft a
37 proposal to put before our Council to determine if we
38 should submit it through the process or not.

39

40 CHAIRMAN LOHSE: Thank you, Cathy. So
41 Southeastern will be putting a proposal forward and
42 asking for information just like the North Slope has?

43

44 MS. NEEDHAM: The work group will be
45 putting together a region specific proposal for the
46 Southeast Council to consider at our next meeting.
47 Remember we formulated a work group and so we kind of
48 work between meetings and we'll have that formulated
49 and then the Council still needs to make a decision if
50 it wants to submit that proposal.

1 CHAIRMAN LOHSE: Okay. With that --
2 oh, go ahead.

3
4 DR. JENKINS: Yes, thank you, Mr.
5 Chair. Let me just clarify a little bit what Cathy
6 just mentioned, and I hope I didn't mislead the
7 question at your meeting.

8
9 But it's not like a wildlife -- or
10 regulatory proposal because what the Council needs to
11 do is make a recommendation to the Federal Subsistence
12 Board and then the Federal Subsistence Board will make
13 a recommendation to the Secretary of the Interior and
14 Agriculture because it's their authority to change
15 these eight factors. The Board doesn't have the
16 authority to do that. So it's a little different from
17 a regulatory proposal. You make a recommendation to
18 the Board first.

19
20 CHAIRMAN LOHSE: Okay. Cathy.

21
22 MS. NEEDHAM: I appreciate that
23 clarification. And I think the important piece for us
24 was is we wanted an analysis. We felt like we were
25 talking a lot about the things that we could or could
26 not do for our region but we didn't have the answers to
27 how each of these changes may or may not impact our
28 region and so we wanted an analysis.

29
30 CHAIRMAN LOHSE: So you wanted an
31 analysis of the possible impacts of a possible proposal
32 so that you could then make your recommendation.

33
34 MS. NEEDHAM: Uh-huh. (Affirmative)

35
36 CHAIRMAN LOHSE: Council, I'm going to
37 ask if anybody at this point in time has a motion to
38 put on the table.

39
40 MS. CAMINER: Mr. Chair.

41
42 CHAIRMAN LOHSE: Yes.

43
44 MS. CAMINER: I would like to move that
45 we support the language of the regulatory change
46 suggested by the Southeast RAC who's done quite a bit
47 of work on this and we really commend them for bringing
48 this up. But the modification of 50 CFR 100.16, that
49 takes us away from specific fish stocks and wildlife
50 populations and goes to all species of fish and

1 wildlife. And I think from some of our past experience
2 that would certainly serve the needs of our subsistence
3 users much better than the current regulation.

4
5 CHAIRMAN LOHSE: Do I hear a second on
6 that.

7
8
9 (No comments)

10
11 CHAIRMAN LOHSE: Hearing none.

12
13 MR. MCLAUGHLIN: I'll second it.

14
15 CHAIRMAN LOHSE: You'll second it Andy.

16
17 Discussion.

18
19 I'll make a comment on that. That, at
20 least, addresses one of the issues that has always come
21 up in this.

22
23 MS. CAMINER: Uh-huh.

24
25 CHAIRMAN LOHSE: Now, whether that
26 addresses all of them I don't know, but this could be
27 part of any kind of proposal that we made because this
28 is addressing the stocks, it's not addressing the, you
29 know, where, who or how, it is addressing the stocks.
30 And this issue has come up so often for us, especially
31 when we were dealing with Ninilchik that -- and Cooper
32 Landing and all of the rest of you guys anyhow.

33
34 MS. CAMINER: Mr. Chair.

35
36 CHAIRMAN LOHSE: Yes.

37
38 MS. CAMINER: I mean the reason I
39 suggest this is this really puts into very specific
40 words exactly what we talked about and somewhat
41 recommended last year so we really appreciate that
42 Southeast turned these words into a regulation and it
43 doesn't preclude us from other recommendations either
44 to Southeast or to the Federal Board about the C&T
45 process but it seemed like this is one specific we had
46 previously agreed with.

47
48 Thank you.

49
50 CHAIRMAN LOHSE: Thank you, Judy. Any

1 other comments from anybody on that.

2

3

4

(No comments)

5

6

CHAIRMAN LOHSE: And I have to agree
7 with Judy on that, is the fact that this one we have
8 addressed so often but this does not preclude, does not
9 stop us from making other recommendations. But I'd
10 like to thank the Southeastern Council for putting this
11 in front of us in writing because we have tried to say
12 the same thing in our meetings.

13

14

Any other discussion.

15

16

Greg. You're on the spot.

17

18

MR. ENCELEWSKI: Yeah, I'm kind of on
19 the spot here. Because I kind of support that also but
20 I'm not sure I've done enough homework to be sure I
21 could vote for that and the reason I say that, you
22 know, it specifically changes a lot of the battles that
23 we may have fought on specific species for fish on the
24 Kenai and up in Cooper Landing areas and the rest of
25 it, and if it's all fish it definitely would change
26 some of the outcome to me betterment, but I'm sure
27 there would be a lot of other reasons. So anyway I
28 just bring it up that it will definitely affect some of
29 the past things if it goes forward.

30

31

But my understanding this is a
32 recommendation to change the language so I'm fine with
33 that.

34

35

Thank you.

36

37

CHAIRMAN LOHSE: Any other discussion.

38

39

40

(No comments)

41

42

CHAIRMAN LOHSE: If there's no
43 discussion the question's in order.

44

45

MR. ENCELEWSKI: Question.

46

47

CHAIRMAN LOHSE: Question's been
48 called. Basically the question before us is if we look
49 on Page 1, Southcentral Council briefing by Bert Adams
50 and Cathy Needham, you'll see:

1 Modify 50 CFR 100.16(a) and the Board
2 shall determine which fish and wildlife
3 have been customarily and traditionally
4 used for subsistence. These
5 determinations shall identify the
6 specific community or area's use of all
7 species of fish and wildlife that have
8 been traditionally used in their past
9 and present geographic areas.

10
11 I'm going to ask our lawyer friend that
12 I saw out here before.....

13
14 (Laughter)

15
16 CHAIRMAN LOHSE:because I look at
17 this language right here and I can see the Fish and
18 Game -- I'm sorry, I don't mean it badly, but I can see
19 in the meetings that we have dealt with, I can see the
20 Fish and Game coming back to us with this words, and
21 when it says, these determinations shall identify the
22 specific community or area's use of all species of
23 fish, that is not an inclusive term, that could be a
24 separative term if they wanted to do that and say, an
25 area's use of -- we need to identify an area's use of
26 all species of fish, and is the way that's written, is
27 that inclusive or could that be interpreted exclusive?
28

29 MR. LORD: For the record, Ken Lord.
30 That's an extremely good point, Ralph, I had not
31 thought of that. It certainly could be interpreted to
32 be exclusive, in other words you could not get C&T
33 unless you proved each and every species had been used
34 by that community or area in that.....

35
36 CHAIRMAN LOHSE: That's kind of the way
37 I'm reading it right now.

38
39 MR. LORD:so we need -- right.
40 Right. And I know that's not the intent, we'd have
41 to.....

42
43 CHAIRMAN LOHSE: No, that's not the
44 intent.

45
46 MR. LORD:find another way to say
47 that.

48
49 CHAIRMAN LOHSE: You'd have to almost
50 add something to the effect that if one species is

1 found to have been used -- or if fish are found, fish
2 applies to all species or something. You're going to
3 have to find some way to make that inclusive or that's
4 going to be argued in court that that's exclusive.

5
6 Gloria.

7
8 MS. STICKWAN: I have a question about
9 -- I don't know if it really -- probably it doesn't
10 apply to this, but what about species that are put into
11 a geographic area that weren't there before.

12
13 (Laughter)

14
15 CHAIRMAN LOHSE: Like rainbow trout in
16 Silver Lake.

17
18 MS. CAMINER: Introduced species.

19
20 MS. STICKWAN: We just had a discussion
21 at our last SRC meeting about that.

22
23 MR. ENCELEWSKI: You get them all.

24
25 MR. LORD: Mr. Chair.

26
27 CHAIRMAN LOHSE: Yes.

28
29 MR. LORD: Carl just handed me a
30 suggestion changing the word all, to any, that might be
31 a simple fix.

32
33 CHAIRMAN LOHSE: Do what?

34
35 MR. LORD: Change the word, all, all
36 species, to any species.

37
38 CHAIRMAN LOHSE: Yes, that would do it.

39
40 MR. LORD: And I think that would
41 answer Gloria's question, if a new species came into an
42 area it would be included.

43
44 CHAIRMAN LOHSE: And we've dealt with
45 that with moose up on the Norton Sound. I mean I can
46 remember going through that discussion, the fact that
47 they hadn't been there in the past but as subsistence
48 users when they came they would have been used and so
49 they were able to get C&T on moose there. So that
50 would apply here to an introduced species then, too.

1 But I like that, Ken, and, thank you. Because I was
2 just reading that and I just, you know, I don't want to
3 give somebody another door to close things, you know.

4
5 MR. ENCELEWSKI: Since you've got a
6 motion on the table I'll make an amendment to the
7 motion to put any in there.

8
9 CHAIRMAN LOHSE: Do I hear a second --
10 I mean do I hear the maker of the motion concur.

11
12 MS. CAMINER: I concur.

13
14 CHAIRMAN LOHSE: Okay.

15
16 MS. CAMINER: Good point, thank you.

17
18 CHAIRMAN LOHSE: Okay. No, that does
19 not do it.

20
21 MS. CAMINER: No.

22
23 MR. ENCELEWSKI: Well, we almost
24 slipped by anything, come on.

25
26 CHAIRMAN LOHSE: Well.....

27
28 MR. ENCELEWSKI: Any and all.

29
30 MS. CAMINER: Could you just not have
31 any -- just say species.

32
33 CHAIRMAN LOHSE: Um.

34
35 MS. CAMINER: Not any or all and just
36 say species.

37
38 CHAIRMAN LOHSE: What were you going to
39 say, just.....

40
41 MS. CAMINER: Take away all, take away
42 any.

43
44 CHAIRMAN LOHSE: Take away all or any
45 and just say.....

46
47 MS. CAMINER: Just say fish and
48 wildlife. Area's use of fish and wildlife that has
49 been traditionally used.

50

1 MR. LORD: Mr. Chair. Mr. Chair. May
2 I offer.....
3
4 CHAIRMAN LOHSE: Let's drop species and
5 just say all fish and wildlife -- no, then it's still
6 -- get rid of all, you're right.
7
8 MR. LORD: Mr. Chair. May I offer a
9 suggestion.
10
11 CHAIRMAN LOHSE: Yes.
12
13 MR. LORD: These determinations shall
14 identify the specific or community or area's use of a
15 geographic area that have been traditionally used.
16
17 CHAIRMAN LOHSE: For the harvest of
18 fish and wildlife.
19
20 MR. LORD: For the harvest of fish or
21 wildlife.
22
23 CHAIRMAN LOHSE: That would be good.
24 Because that would then say if the area's been used for
25 the harvest of fish and wildlife, all fish and wildlife
26 is available. It just -- but you can see how somebody
27 could read something into all of these that we're not
28 intending to do.
29
30 Okay.
31
32 Okay, would somebody repeat that last
33 one to me so I could write that down and then we could
34 take a look at it written down.
35
36 MR. LORD: These determinations shall
37 identify the specific communities or area's use of a
38 geographic area for the taking of fish and wildlife.
39
40 MR. JOHNSON: I would add in
41 traditional -- traditional use in geographic areas.
42
43 MS. CAMINER: Did you say harvesting.
44
45 MR. LORD: Okay, Carl's suggesting
46 throwing in the word traditional, traditional use of an
47 area.
48
49 CHAIRMAN LOHSE: For the harvest -- for
50 the traditional harvest or just.....

1 MR. LORD: Traditional use.
2
3 CHAIRMAN LOHSE: Yeah.
4
5 MR. LORD: Traditional use of a
6 geographic area for the harvest of fish and wildlife.
7 Did I say that about three different ways now.
8
9 CHAIRMAN LOHSE: Of all fish and
10 wildlife.
11
12 MS. CAMINER: No.
13
14 CHAIRMAN LOHSE: Okay.
15
16 MS. CAMINER: The harvest of fish and
17 wildlife. We don't want all. Don't want all.
18
19 CHAIRMAN LOHSE: Okay. But see then
20 we're back -- we inserted traditional so then we're
21 going to sit and argue what's traditional use, and
22 obviously the Fish and Game is going to say that
23 planted rainbow trout have no traditional use.
24
25 MS. CAMINER: Just say use.
26
27 MR. LORD: Well, if we say customary
28 and traditional use, that's straight out of ANILCA.
29
30 CHAIRMAN LOHSE: Yeah.
31
32 MR. LORD: We're just passing through
33 what Congress intended at that point rather than
34 narrowing it down.
35
36 CHAIRMAN LOHSE: Yeah, I see what you
37 mean. Because the area has customary and traditional
38 use for the harvest.
39
40 Donald.
41
42 MR. MIKE: Thank you, Mr. Chair. I
43 just wanted to remind the Council there was an
44 amendment on the floor so we need to take care of that
45 before we move on.
46
47 CHAIRMAN LOHSE: Yeah, we're just
48 coming up to see if we have another amendment to
49 replace that amendment.
50

1 Under the amendment we can discuss
2 options for other amendments, can't we, under Robert's
3 Rules of Order, because we're just discussing the fact
4 that we have an amendment on the floor but we don't
5 like the way the amendment reads and we're trying to
6 come up with another way to write the amendment, so,
7 okay. But if we come up with wording, the first and
8 second have to concur on it.

9

10 So, okay, first and second, what do you
11 think of what we just had.

12

13 MS. CAMINER: Mr. Chair. I'm not sure
14 about adding traditional in front of use because we
15 already said -- we already have customary and
16 traditional in the first sentence, but other than that
17 I agree with Ken's rearrangement of geographic and
18 ending with for the harvest of fish and wildlife
19 resources.

20

21 CHAIRMAN LOHSE: I'd go along with
22 that.

23

24 MS. CAMINER: Uh.

25

26 CHAIRMAN LOHSE: I would agree with
27 that one.

28

29 MS. STICKWAN: What did you just say.

30

31 MS. CAMINER: So, Ken, could you read
32 it one more time, please, without inserting the
33 traditional use -- traditional.

34

35 MR. LORD: Okay.

36

37 These determinations shall identify the
38 specific community or area's use of a
39 geographic area for the taking of fish
40 and wildlife.

41

42 MS. CAMINER: Harvest.

43

44 MR. LORD: Harvest. Thank you.
45 Harvest of fish and wildlife.

46

47 CHAIRMAN LOHSE: Donald.

48

49 MR. MIKE: Thank you, Mr. Chair.

50

1 I just want to remind the Council again
2 that we have an amendment on the table right now, we
3 need to deal with that or get rid of that amendment and
4 then work on another amendment so -- according to.....

5
6 CHAIRMAN LOHSE: I thought that's what
7 we were doing.

8
9 MR. ENCELEWSKI: Let's vote down the
10 amendment then.

11
12 CHAIRMAN LOHSE: Let's vote down our
13 first amendment then we can go from there.

14
15 MR. MIKE: Okay.

16
17 (Laughter)

18
19 CHAIRMAN LOHSE: Okay. Okay.

20
21 We have an amendment on the table that
22 the first and second concurred would like to see voted
23 down.....

24
25 MS. CAMINER: Right.

26
27 CHAIRMAN LOHSE:so we can go on.
28 All in favor of the amendment signify by saying aye.

29
30 (No aye votes)

31
32 CHAIRMAN LOHSE: All opposed, signify
33 by saying nay.

34
35 IN UNISON: Nay.

36
37 CHAIRMAN LOHSE: Amendment fails. Now,
38 we're open for proposing a new amendment. I should
39 have known we'd have Robert's Rules of Order over
40 there.

41
42 MS. CAMINER: Right, the experts there.

43
44 CHAIRMAN LOHSE: Okay. Now, Judy.

45
46 MS. CAMINER: Mr. Chair. I'll move
47 that we support the wording as just read by Ken Lord on
48 how to phrase this revision for the regulation.

49
50 CHAIRMAN LOHSE: And remember this is a

1 recommendation, this is not writing something into law.
2
3 Do I have a second for Judy's
4 amendment.
5
6 MR. ENCELEWSKI: I don't like it but
7 I'll second it.
8
9 (Laughter)
10
11 CHAIRMAN LOHSE: Okay. Well, that's an
12 honest opinion.
13
14 MS. CAMINER: Yes.
15
16 CHAIRMAN LOHSE: Okay. Now, let's have
17 some discussion on something that we've been discussing
18 and shouldn't have been.
19
20 Does it meet what we're trying to say.
21
22 Greg.
23
24 MR. ENCELEWSKI: I think it meets what
25 we're trying to say, I'm just concerned that it opens
26 up another can of worms, you know, the geographic area
27 and the interpretation. If it does what I think we
28 want it to do, I have no problem with it. And I know
29 if I ask another attorney I might get another opinion.
30
31 (Laughter)
32
33 MR. ENCELEWSKI: Anyway.....
34
35 CHAIRMAN LOHSE: Okay. But you feel
36 that it does what we would like it to do if.....
37
38 MR. ENCELEWSKI: Yeah. And it's just a
39 recommendation.
40
41 CHAIRMAN LOHSE:it's -- if we
42 treat it as a recommendation.
43
44 Any other discussion on it.
45
46
47 (No comments)
48
49
50 MS. MILLS: Question.

1 CHAIRMAN LOHSE: Question's been
2 called. All in favor signify by saying aye.
3
4 IN UNISON: Aye.
5
6 CHAIRMAN LOHSE: All opposed, signify
7 by saying nay.
8
9 (No opposing votes)
10
11 CHAIRMAN LOHSE: The amendment carries.
12 We now have an amended motion before us.
13
14 And the amended motion is to use the
15 modification on 50 CFR 100.16 that's written on Page 1
16 of the Southcentral Council briefing by Bert Adams and
17 Cathy Needham with the substitution of the language we
18 just amended.
19
20 Does everybody understand it.
21
22 And, again, remember this is a
23 recommendation, this is not a proposal or anything to
24 that effect.
25
26 MR. LORD: Mr. Chair.
27
28 MS. STICKWAN: Could you just read it
29 again. Sorry.
30
31 CHAIRMAN LOHSE: Okay. The regulation
32 should read:
33
34 The Board shall determine which fish
35 and wildlife have been customarily and
36 traditionally used for subsistence.
37 These determinations shall identify the
38 specific community or area's use of a
39 geographic area for the harvest of fish
40 and wildlife.
41
42 Am I correct.
43
44 Did I read it the way -- I see a hand
45 back there.
46
47 MS. CAMINER: Good. He say's good.
48
49 CHAIRMAN LOHSE: Oh, good, okay. Okay.
50 With that on the table, do I have any more discussion

1 or do I have a call for the question.
2
3 MS. CAMINER: Question.
4
5 CHAIRMAN LOHSE: Maker's of the motion
6 can't call for the question.
7
8 MS. CAMINER: That's what I was afraid
9 of.
10
11 MS. MILLS: Question.
12
13 CHAIRMAN LOHSE: Question's been
14 called. All in favor of the amended motion signify by
15 saying aye.
16
17 IN UNISON: Aye.
18
19 CHAIRMAN LOHSE: All opposed, signify
20 by saying nay.
21
22 (No opposing votes)
23
24 CHAIRMAN LOHSE: Now, do we want to
25 make any other motion on this subject that would bring
26 us some information or any other suggestion of things
27 that could be done or are we at this point -- where are
28 we at this point now?
29
30 Gloria.
31
32 MS. STICKWAN: I'm not sure about the
33 wording but I support Southeast for a regional
34 regulation for their area to be statewide.
35
36 CHAIRMAN LOHSE: Okay. For -- what
37 would happen -- what?
38
39 MS. STICKWAN: Each region could come
40 up with their own.....
41
42 CHAIRMAN LOHSE: Oh.
43
44 MS. STICKWAN:if they choose to
45 do that, which is what they're asking to do, and I
46 would like to have a motion on that.
47
48 CHAIRMAN LOHSE: Would you like to make
49 a motion on that.
50

1 MS. STICKWAN: Yeah.
2
3 CHAIRMAN LOHSE: Okay.
4
5 MS. STICKWAN: That each region could
6 come up with their own C&T regulations.
7
8 CHAIRMAN LOHSE: Okay. So we have a
9 motion on the table by Gloria that each region should
10 have the ability to decide how to handle C&T -- how
11 would you.....
12
13 MS. STICKWAN: How to write a
14 regulation, is what their wording was I believe.
15
16 CHAIRMAN LOHSE: How to word a
17 regulation.
18
19 MS. STICKWAN: Whatever their wording
20 was of their proposal, whatever.
21
22 CHAIRMAN LOHSE: Okay. I can
23 understand what we're trying to say, how do we write
24 that into a -- that each region should have the
25 autonomy to handle C&T in the way that it wishes; does
26 that sound good, and that's acceptable to you, Gloria?
27
28 MS. STICKWAN: (Nods affirmatively)
29
30 CHAIRMAN LOHSE: Do I have a second.
31
32 MS. MILLS: Second.
33
34 CHAIRMAN LOHSE: Seconded by Mary.
35
36 Okay. Discussion.
37
38 So what we're doing is recognizing that
39 regions are different.
40
41 MR. ENCELEWSKI: Call the question.
42
43 CHAIRMAN LOHSE: Question's been
44 called. All in favor signify by saying aye.
45
46 IN UNISON: Aye.
47
48 CHAIRMAN LOHSE: All opposed, signify
49 by saying nay.
50

1 (No opposing votes)
2
3 CHAIRMAN LOHSE: Motion carries.
4
5 Okay. Now, do we have anything further
6 that we want to do on this today.
7
8
9 (No comments)
10
11 CHAIRMAN LOHSE: Nobody.
12
13 Bert and Cathy I thank you for being
14 here. I know we didn't quite do what you're going to
15 do but we recognize that one of the things that we've
16 been after you put into words pretty good, so we thank
17 you for having been here and I don't think this issue's
18 dead. And I know Southeastern's going to keep the pot
19 stirring.
20
21 (Laughter)
22
23 CHAIRMAN LOHSE: So with that -- Cathy.
24
25 MS. NEEDHAM: I just want to say that I
26 -- it's good that you guys are discussing the issue and
27 addressing what your region needs. We didn't have any
28 expectations. We came at your invitation to help with
29 those discussions and we hope that it was helpful and
30 good job keeping the issue alive.
31
32 CHAIRMAN LOHSE: Thank you. And now
33 you're not required to stay for the rest of this but
34 you're more than welcome to.
35
36 Okay. It is now 10 to 4:00. We have
37 no time specific, we have to be at a meeting at 7:00
38 o'clock this evening. Do all the Council members know
39 that.
40
41 MR. ENCELEWSKI: I kind of heard it
42 suggested.
43
44 (Laughter)
45
46 MS. MILLS: We do.
47
48 MR. ENCELEWSKI: But we didn't know it.
49
50 (Laughter)

1 CHAIRMAN LOHSE: That's to sit in on a
2 public comment period. And I suppose if somebody's
3 missing it's not going to be the end of the world but
4 it would be nice if as many of us could be there as
5 possible.

6
7 So we have an hour and 10 minutes to
8 work on proposals. You'll be able to see how we deal
9 with a couple C&T proposals in that time period. I
10 think we should get right down to business and see what
11 we can do in the next hour and 10 minutes.

12
13 Oops, I forgot, we have Jack.

14
15 (Laughter)

16
17 CHAIRMAN LOHSE: Jack, you're up. We
18 had you down, we'll do you the honor of you can
19 continue with what you were doing.

20
21 Thank you.

22
23 MR. LORRIGAN: It wasn't me.

24
25 (Laughter)

26
27 MR. LORRIGAN: I did say I'd be quick,
28 though. Thank you, Mr. Chairman.

29
30 For the sake of continuity and the ease
31 of finding this in the transcripts I'll just start all
32 over again. So as I said before I'll just read this
33 into the record.

34
35 We had three consultations this summer
36 starting with the North Slope and the Northwest Arctic
37 and I'll start with that one.

38
39 Consultations were held for the tribes
40 at 9:30 a.m., on August 14th. Sue Masica, Regional
41 Director for the National Park Service was present as
42 the sitting Board member, along with Jerry Berg acting
43 for Geoff Haskett, Regional Director for Fish and
44 Wildlife Service and Board member. Tim Towarak,
45 Chairman of the Board and Charlie Brower, both public
46 members of the Board called in on the conference line.
47 19 Staff and various Federal agencies were either in
48 the room or called in as well. We had one tribal
49 member from the Kenaitze Tribe present with us.

50

1 Representatives from three villages
2 called in to comment on a number of wildlife proposals.
3 The participating villages were Kotzebue, Ft. Yukon and
4 the Native Village of Tanana.

5
6 A representative from Ft. Yukon was
7 first to comment on Proposal WP14-15 to allow taking of
8 brown bear over bait. The caller said the proposal
9 would legalize an activity already being practiced.
10 People aren't in the woods as much as they used to be
11 and there seems to be a lot of bears of both species in
12 their area. The OSM preliminary conclusion is to
13 oppose the proposal because the most current population
14 data is 20 years old. The caller agreed that the
15 population data needed to be updated.

16
17 The caller also commented on WP14-51,
18 which was to rescind the Arctic Village Sheep
19 Management Area closure. This caller feels the
20 proposal is good to keep and there were problems with
21 trespass and littering on Native allotments. They
22 didn't feel the idea of a half hour class was adequate
23 enough to alleviate the problems. They know about the
24 low harvest reported from the area and thinks some
25 people just don't get permits or licenses so the actual
26 use of sheep is underreported. OSM Staff reported that
27 there seems to be enough sheep for the other harvest,
28 however, the cultural aspect of this hunt carried
29 significant weight with the Board, which is why the
30 Office of Subsistence Management preliminary conclusion
31 is to oppose this proposal as well. The caller said
32 they would look into whether the current closure is
33 allowing local residents to better access sheep because
34 the original compliant was that the non-local hunters
35 flying in can't be near the hunting area drove the
36 sheep higher. This caller also had comments for WP14-
37 48 to close portions of Unit 25A to the taking of moose
38 except by rural residents of Arctic Village, Venetie,
39 Chalkitsik and Ft. Yukon. The caller believed there
40 was a sound reason for this request. OSM Staff
41 conversed extensively with Refuge Staff in this area
42 and concluded there is an adequate number of bull moose
43 in the population to oppose this proposal and that
44 certain restrictions apply to non-rural hunters and not
45 the local hunters, for example the cutting of antlers.

46
47 A caller from the Native Village of
48 Tanana supported Ft. Yukon's stance on Proposal WP14-50
49 brown bear over bait and also supported Proposal WP14-
50 44 to extend the season in Unit 20F to the end of

1 September. The caller feels that climate change is a
2 factor in the quality of harvested meat, that
3 harvesting later in September would allow for the
4 hanging of moose in cooler temperatures and would keep
5 meat from spoiling. The OSM preliminary conclusion
6 supports this proposal and there does not appear to be
7 a conservation concern.

8

9 A caller from Kotzebue wanted to
10 comment on Proposal WP14-40 to remove the permit
11 requirement for brown bear registration. They stated
12 that only a permit in the National Parks was needed.
13 They would like to see the need for more paperwork
14 eliminated. OSM Staff concluded that this would not
15 align Federal and State requirements, but misaligned
16 them more. The preliminary conclusion is to support
17 this proposal with modifications. The analyst would go
18 into more detail before the Council in Kotzebue, which
19 has already been done.

20

21 You've already acted on WP14-01 to
22 require labeling of traps, the statewide proposal. It
23 was also commented on by this caller. They feel it is
24 not appropriate for their area and there is not a
25 problem in the area with this particular concern.

26

27 Callers from the Yukon and Kuskokwim
28 area called in to request another consultation time for
29 their area and this is being scheduled.

30

31 These consultations covered the
32 wildlife proposals and the rural determination process,
33 so the calls were broken into two parts. We had the
34 tribes in the morning and then the ANCSA Corporations
35 in the afternoon.

36

37 So the next comments are on the rural
38 process that the tribes delivered on this particular
39 day.

40

41 OSM Staff gave an overview of the
42 Board's request for public comment on the rural
43 determination criteria. The comments were, quote:

44

45 There needs to be rule that allows
46 tribal folks to return to their villages to gather
47 subsistence foods. Economic factors drive them to the
48 cities but they still need to access their traditional
49 foods. There should be a Native priority.

50

1 OSM Staff stated that that has to come
2 from the Congress. The Board is only able to address
3 the criteria for determination and they will then send
4 the recommendation to Secretaries of Interior and
5 Agriculture for their action or no action. AFN could
6 help champion this action.

7
8 The Kenaitze area has hardships with
9 the non-rural status as it proves difficult for them to
10 subsist. They have had to apply for Federal and State
11 grants to assist their constituency in getting by.
12 They will have a stronger position at the September
13 11th consultation when other tribal members are able to
14 attend.

15
16 There was concern about the 2,500
17 threshold, and that unless a community is connected to
18 a road system they should remain rural. A discussion
19 about Native preference would have to go before
20 Congress, population numbers should be modified.

21
22 One caller requested that ties to the
23 population be eliminated and go with other
24 characteristics to define rural. Feels the population
25 numbers are an arbitrary means of determination.

26
27 Another caller requested a Native
28 preference for subsistence needs but that, again, has
29 to go through Congress.

30
31 Another caller stated that ANILCA only
32 defines or mentions rural, not non-rural, why is that
33 part of the dialogue.

34
35 The Kenaitze Tribe conducted their own
36 needs assessment which helped them define subsistence
37 use, schooling, employment and medical needs. This
38 could be used to help the Board make a recommendation.
39 Sue Masica was interested in this information and
40 requested Kenaitze forward it to them.

41
42 The Board could use information that
43 shows how different the Kenaitze are from the rest of
44 the Kenai population.

45
46 The tribal consultation concluded.
47 Board member Sue Masica gave an oral report back to the
48 participants about everything that this consultation
49 covered.

50

1 In the afternoon the ANCSA Corporations
2 were able to call in.

3
4 Consultations were held for the
5 corporations at 1:30 p.m., on August 14th. Sue Masica,
6 Regional Director for the National Park Service was
7 present as a sitting Board member along with Jerry Berg
8 acting for Geoff Haskett, Regional Director for the US
9 Fish and Wildlife Service, and Board member. Tim
10 Towarak, Chairman of the Board, and Charlie Brower,
11 public member both called in on the conference line.

12
13 Three corporations called in but
14 provided no comment on proposals.

15
16 Two tribes were represented on the
17 call.

18
19 OSM Staff provided an overview summary
20 of the proposals under consideration during this cycle
21 that affected Northwest Arctic and North Slope regions
22 and statewide proposals.

23
24 Most participants on this call
25 indicated they were mostly listening to gain
26 information and did not have specific comments or
27 questions at that time.

28
29 Several folks indicated they were
30 hoping to gain more information about the proposals
31 that will be discussed at the RAC meetings occurring in
32 Kotzebue and Barrow.

33
34 Comments on the wildlife proposals.

35
36 The Native Village of Nuiqsut raised
37 concerns regarding potential impacts to subsistence
38 hunting for caribou and moose in the vicinity of the
39 Colville River by aircraft flying in the area. Rural
40 residents have experienced having to go farther to
41 obtain their caribou and moose and the question was
42 posed whether there was anything that the Federal
43 Subsistence Board could do in this circumstance.
44 Liaisons were tasked with helping them address this.

45
46 ANCSA comments on rural determination
47 process.

48
49 OSM Staff opened the session with a
50 brief overview of some of the history and the current

1 outreach process the Board is conducting. They then
2 provided the overview of the primary questions the
3 Federal Subsistence Board has posed to the public
4 during the comment period that is open through November
5 1, and that has been changed to December 2nd. These
6 include the topics of population threshold, rural
7 characteristics, aggregation of communities, timelines
8 and information sources.

9
10 Comments received included the need for
11 the Board to consider possible changes in the
12 population threshold; for the Board to be mindful of
13 local subsistence practice and schedules in planning
14 the public meetings seeking comment.

15
16 Board member Sue Masica again concluded
17 the consultation with a recap.

18
19 So we concluded that one.

20
21 The rest of the statewide consultations
22 happened on September 11th.

23
24 A total of 12 tribes and eight
25 corporations called in to consult on the 2014-2016
26 wildlife proposals and the rural determination process.
27 Deb Cooper represented Board member Sue Masica from the
28 National Park Service for both consultations and
29 provided the wrap up of the calls.

30
31 Wildlife proposals.

32
33 Tanana spoke to Wildlife Proposal 14-
34 44. Likes their Board of Game proposal letter because
35 it adds 10 days to the December hunt. Either has no
36 position or does not support WP14-44. The caller from
37 Tanana also spoke to WP14-13 antler destruction. The
38 caller would like to see antler destruction everywhere
39 to encourage the subsistence priority. The caller said
40 that State regulations do not require antler
41 destruction. It is actually the other way around with
42 State personal use hunts, hunters must cut the antlers;
43 the Federal Program doesn't require it. The caller
44 hopes that more places -- the Federal Subsistence Board
45 calls for antler destruction the better. Sorry.

46
47 Nuiqsut spoke to WP14-54. How much
48 does that lengthen the moose season. This proposal was
49 submitted for the community of Kaktovik because of
50 conservation concerns in that area. Nuiqsut would like

1 to submit a similar proposal to extend the moose hunt
2 for the community of Nuiqsut whose closest game
3 management unit is 26B and their season is currently
4 September 1st to the 14th of September.

5
6 Tanana was concerned about reports of
7 wanton waste, they were advised to contact law
8 enforcement.

9
10 One caller from Nenana supports
11 previously mentioned proposals to sustain Native foods,
12 both culturally and for basic health to prevent
13 diabetes, cancers and other diseases.

14
15 The ANCSA Corporations comments on the
16 wildlife proposals.

17
18 LE Corporation commented on WP14-20,
19 which is specific to Old Harbor and Ahkiok in GMU --
20 management unit 8. A background was given on the
21 proposal. They're in favor of giving villages more
22 opportunities to take brown bears.

23
24 Tribal comments on rural determination.

25
26 Nenana is and will continue as a
27 subsistence dependent community and vigilance is
28 necessary to protect it.

29
30 The Kenaitze Tribe proposed an
31 exemption to the rural determination process to exempt
32 all tribal people and tribes from the rural
33 determination process. Tribal people have been denied
34 fishing opportunity which threatens the very heart of
35 who they are, the right to their DNA, which shows fish
36 consumption of Alaska tribal people throughout their
37 history. The rural determination process focuses on
38 customary and traditional as a geographic area. This
39 is a flawed logic. Customary and traditional people
40 and their customary and traditional use should be
41 considered rather than the geographic boundaries.

42
43 Kodiak had a question about the entire
44 timeline of the process. At what point will the
45 Federal Subsistence Board decide what they're going to
46 recommend to the Secretaries and what's next.

47
48 OSM will analyze the comments and
49 present a briefing to the Federal Subsistence Board.
50 The Board may choose to make a recommendation by the

1 summer of 2014. At that point there'll be another
2 opportunity for public comment. There's a five year
3 window to complete this process concluding in 2017.

4
5 Kodiak. Other departments of the
6 government have looked into the definition of rural. A
7 number of provisions have allowed for rural enclaves
8 within an urban area, Grand Canyon as an example. That
9 concept should be further explored.

10
11 The Knik Tribe added that we're talking
12 about 50 CFR 1.5 so we need to focus on that. Supports
13 Kenaitze's comments and would like to add a component.
14 Take into consideration the US Census mapped Alaska
15 Native village areas which extend beyond the standard
16 50 mile radius per Executive Order 13175. These need
17 to be exempt from the rural determination process.

18
19 Kenaitze commented to support a
20 previous callers comments asking for a Native exemption
21 for rural status and it felt that it was imperative.

22
23 Kawerak commented on rural
24 determination.

25
26 The Seward Peninsula RAC meeting in
27 Nome on October 8th and 9th is hosting an evening
28 hearing on rural determination. They also asked that a
29 notice be sent to the Kawerak Native Corporation.

30
31 Secondly, Nome and Teller should not be
32 connected in the rural determination process. Just
33 because the communities are connected by a road they
34 should not be combined for the purpose of rural
35 determination.

36
37 The corporation consultations -- okay,
38 that was the tribes, this is the corporations.

39
40 Sealaska urges the Federal Subsistence
41 Board to immediately act to reinstate Saxman as a rural
42 community and other similar communities. This would
43 have no administrative impact and would eliminate the
44 need and expense for Saxman to challenge through
45 litigation.

46
47 Population threshold is not the only
48 way to determine status. The Federal Board needs to
49 take a look at the cultural practices and social system
50 that integrated these communities. Also look at the

1 spiritual and religious ties between the communities.
2 Finally the Board needs to look at sharing subsistence
3 resources within the community. A number of papers
4 have been developed on this at AFN and could be
5 forwarded.

6
7 A Board member for Sealaska added that
8 it was truly felt that the Native way of life is
9 threatened. The subsistence priority should be
10 extended from rural to Native. It's an important
11 defining characteristic of who we are. The Board needs
12 to look at the cultural characteristics of a community,
13 including the use of fish and wildlife resources and
14 how central that is to the culture. Saxman, for
15 example, has been negatively impacted merely by being
16 near Ketchikan. The impact this could have on other
17 communities is very concerning. The current threshold
18 numbers seem arbitrary. Maybe 11,000 is a better
19 number. The aggregation of community's criteria make
20 it difficult to think we're looking at school
21 attendance to determine rural status. Many villages
22 cannot support a school. Transportation networks are
23 not a good determinant as well. Social, political and
24 communal characteristics are a better indicators. Also
25 the role of a Federally recognized tribe would be a
26 superior indicator. Tribes and corporations are urged
27 to be in touch with their Congressional representatives
28 as the Board does not have authority to make decisions
29 on rural versus rural plus Native.

30
31 Sealaska added that this is of growing
32 importance since rural people are moving to urban areas
33 at a growing rate making this all the more important.

34
35 Sealaska also asked the question about
36 the commuting information which is no longer available.
37 Is the Board still going to use it and how. There are
38 too many people commuting in Alaska by plane, boat,
39 daily or weekly for this to be a good indicator.

40
41 AHTNA asked specific clarifying
42 questions about rural determination. OSM responded
43 that the data collected in 2000 wasn't completely
44 analyzed and made available until 2007. The census
45 long form is no longer used so we don't get the
46 information on commuting, for example.

47
48 AHTNA also asked that the communities
49 that are currently rural would stay rural by default.
50 OSM responded that the new process would be applied

1 everywhere but the process was wide open and there's a
2 need to collect as many as good ideas as possible.

3
4 OSM will work to have the printed
5 information on rural determination on rural
6 determination prominently displayed on the OSM website.

7
8 AHTNA followed up the question about
9 rural plus Native and the idea that Native people
10 should go to their Congressional delegation. What
11 about tribes, can tribal status and infrastructure data
12 be provided and used to help determine between rural
13 and non-rural. Is that legally allowed when the
14 determinations are for rural and non-Native. OSM
15 stated there is nothing that precludes tribes from
16 providing that information. A community needs
17 assessment would provide helpful information. As a
18 reminder a rural plus Native status would have to be
19 enacted by Congress, not the Board. However the Board
20 has authority to determine the criteria for rural.
21 Rural is not defined in ANILCA so definitions had to be
22 developed. There's nothing to preclude tribes from
23 helping the Board with that definition. Having the
24 Staff analysis of proposals available when we consult
25 would help tribes and ANCSA Corporations consult more
26 efficiently. OSM's trying to make that happen and post
27 analysis on line before the consultation sessions occur
28 but timing doesn't always work out.

29
30 So September 16th was the separate
31 consultation that the YK-Delta requested because of
32 their moose hunt so most of the proposals are specific
33 to them. They combined their call with the tribe and
34 the corporation.

35
36 The Association of Village Council
37 Presidents supports WP14-23 as opposed. Tuluksak
38 Native Community and St. Mary's agree with Association
39 Village Council Presidents.

40
41 AVCP supports WP14-24 and 14-25 and are
42 supported by the Lower Yukon Villages.

43
44 They also support including the
45 northfork of the Andreafsky River as well as the areas
46 that Mountain Village proposed.

47
48 AVCP spoke to Proposal WP14-22
49 requiring a registration permit for caribou all across
50 the various units. AVCP had submitted special action

1 requests to close the hunt for non-residents and non-
2 locals primarily to allow for more Federally-qualified
3 hunters to harvest but was denied by the Board. They
4 felt that implementation of this regulation to require
5 the State registration permit is a form of restriction
6 and the area closure was justified.

7
8 AVCP was curious if there was a way to
9 require non-local hunters to register with local tribes
10 to insure wanton waste from trophy hunting doesn't
11 occur. OSM indicated this would be a local Refuge or
12 law enforcement issue.

13
14 There was support for Proposals WP14-
15 01, WP14-21, WP14-24, 25, and 23 from the Athmakluk
16 Village Council. St. Mary's commented that with low
17 king salmon returns this year people are relying more
18 on moose meat for the winter. It's depressing for
19 locals to see so many non-local hunters out for trophy
20 hunts when their own people are increasing their
21 efforts during hunting seasons to make up for the
22 salmon shortfall.

23
24 An elder spoke in Yup'ik saying that
25 their hunting is for food and not trophies.

26
27 A caller from Kwethluk, Inc., supported
28 wildlife proposals 14-23, 24, 25 and 26 as commented on
29 by AVCP.

30
31 The caller from Athmakluk Village also
32 supported WP14-28 for Unit 18 and extended moose
33 harvest.

34
35 AVCP read into the record a letter they
36 had sent to the Board Chairman, Mr. Tim Towarak which
37 reads as follows:

38
39 Mr. Towarak.

40
41 The Association of Village Council
42 Presidents submits the following comments on the rural
43 determination.

44
45 On the population thresholds rural
46 characteristics, aggregation of communities, timelines
47 and information sources AVCP does not support
48 population thresholds, rural characteristics,
49 aggregation of communities, timelines and information
50 sources based on prohibitions from hunting, fishing and

1 gathering our food sources. The fact that our
2 community population may have reached any threshold
3 does not make our people any less Alaska Native. Our
4 physical, economic, spiritual, nutritional and social
5 dependence on our resources is inherent from our
6 ancestors that derives sustenance from the resources
7 our land provides. Our physical bodies, cultures,
8 traditions and spiritual beliefs have evolved through
9 the millennia to where it is today. Without our
10 traditional food we rely on sustenance, our physical
11 bodies, our culture, our traditions and our spiritual
12 beliefs begin to die. This is regardless of where you
13 live, which includes population thresholds, rural
14 characteristics, aggregation of communities.

15
16 And what AVCP does support is Alaska
17 Native priority. With international declarations on
18 the rights of indigenous people and we thank you for
19 the opportunity to comment.

20
21 Signed Myron Naneng, Sr., President.

22
23 Napaskiak requested to be exempt from
24 any rural determination. The Native Village of
25 Napakiak supported this stance.

26
27 Representatives from the Bethel Native
28 Corporation stated that most local villages that are
29 close to each other don't want to be grouped together
30 in a rural determination scenario. They requested that
31 representatives from the Federal Program speak to the
32 State on behalf of rural communities and their current
33 rural determinations. That was in regard to the non-
34 rural proposals put forward to the Board of Fish and
35 Game.

36
37 The representative from BNC also
38 requested that the new minimum number for population
39 thresholds be changed from 7,000 to 12,000.

40
41 Some of the callers stated that
42 subsistence mattered no matter where they lived or how
43 much money they earned, it's a central part of their
44 being and who they are.

45
46 One caller stated that Napakiak,
47 Oscarville, Napaskiak had no restaurants and that they
48 relied on subsistence foods for sustenance.

49
50 A caller from Andraefsky commented that

1 subsistence resources are affected by the size of a
2 community relying them -- plus those harvesters from
3 outside areas. They commented that population
4 thresholds may be useful. The caller supported his
5 tribal rights stance.

6

7 A representative from BNC was in favor
8 of the 10 year review. They recommended using the
9 State of Alaska Subsistence Foods Survey and using the
10 150 pounds per person per year as a minimum threshold
11 for subsistence foods amount necessary.

12

13 The St. Mary's representative commented
14 that the smaller communities along the river were
15 probably safe from a rural determination finding but
16 Bethel could get large enough that it would be an
17 issue.

18

19 Another caller wanted to see more law
20 enforcement in their area on the outside hunters.

21

22 And finally one caller was unconvinced
23 that a subsistence priority was in practice as they are
24 seeing subsistence uses closed and sport hunters are
25 still active.

26

27 The call ended at noon. The Board
28 member gave a wrapup.

29

30 That concludes my report, Mr. Chairman.

31

32 CHAIRMAN LOHSE: Jack, can I ask a
33 question.

34

35 MR. LORRIGAN: Yes, sir.

36

37 CHAIRMAN LOHSE: You used the word, the
38 caller, but are these individuals or are these tribal
39 representatives?

40

41 MR. LORRIGAN: They were asked to be
42 representative of tribes and we identified that.....

43

44 CHAIRMAN LOHSE: Okay, you identified
45 that before you took the call?

46

47 MR. LORRIGAN: Yes, sir.

48

49 CHAIRMAN LOHSE: Okay. That's what I
50 was wondering, whether they were actually representing

1 the tribe or if they were just part of the tribe and
2 giving their own opinions.

3

4 MR. LORRIGAN: We asked for that at the
5 beginning of the call that they have that standing.

6

7 CHAIRMAN LOHSE: Okay. Thank you.

8

9 MS. MILLS: You mentioned that there
10 was one Council member from Kenaitze Indian Tribe,
11 actually there were three Council members, myself,
12 MaryLou Patorof and Lisia Blizzard.

13

14 Thank you.

15

16 MR. LORRIGAN: Thank you.

17

18 CHAIRMAN LOHSE: Any questions for
19 Jack.

20

21 Mary.

22

23 MS. MILLS: Could I please have your
24 card.

25

26 MR. LORRIGAN: Absolutely, I have lots.

27

28 (Laughter)

29

30 CHAIRMAN LOHSE: Thank you. With that
31 we were going to go and see if we could make some
32 headway. Let's go on to our proposal page.

33

34 Our first proposal, WP14-06, goat.
35 Revise harvest quotas in subareas of Unit 6D, Page 48,
36 and I think Milo will be presenting this to us; am I
37 correct Milo.

38

39 MR. BURCHAM: Yes, Mr. Chair.

40

41 Mr. Chair. I'm Milo Burcham, wildlife
42 biologist for the Chugach National Forest and I am both
43 the proposer and the analyst on this proposal and I'm
44 told that's new ground.

45

46 I'll just get right into it.

47

48 Proposal WP14-06 submitted by the US
49 Forest Service requests the Federal Subsistence quota
50 of two mountain goats in Unit 6D, subarea 244 be

1 eliminated and a quota of two mountain goats in Unit
2 6D, subarea 245 be established. The proponent states
3 that there is little Federal public land within subarea
4 244 limiting opportunity for Federally-qualified
5 subsistence users, particularly residents of the
6 village of Tatitlek. Additionally, little terrain
7 above 1,500 feet in elevation which approximates Alpine
8 Mountain Goat habitat is encompassed Federal public
9 lands.

10

11 And I'll just back up for a second.

12

13 This came about when I was meeting with
14 David Totemoff in the village of Tatitlek and issuing
15 mountain goat permits and handing him a map of Federal
16 public lands and it's been an oversight that's gone on
17 for quite some time and when I showed him the Federal
18 public lands and where he could hunt with the permits
19 we realized that there's really just a silver of
20 Federal land in Unit 244, which is the unit closest to
21 the village of Tatitlek. And the area they like to
22 hunt most, which is Copper Mountain, doesn't have any
23 Federal public land on it at all and so we realized
24 that there's a little bit of a problem and not any real
25 meaningful opportunity there. So that's what brought
26 this about.

27

28 Harvest of mountain goats in Unit 244
29 has ranged from one to nine goats under State
30 regulations, and from zero to one goats under Federal
31 regulations between 2000 and 2010. Mountain goat
32 harvest in 245, which is the next unit to the north,
33 kind of between Tatitlek and Valdez has ranged from
34 zero to nine goats under State regulations between 2000
35 and 2010 and has been closed under Federal regulations
36 since 1993. If this proposal was adopted it would
37 close subarea 244 to goat harvest and open subarea 245
38 to the harvest of two goats, although the preference
39 for residents of Tatitlek would be to hunt mountain
40 goats closer to their village in subarea 244, little
41 Federal public land exists in that unit, particular
42 near the mountain goat habitat preferred for hunting.
43 Since the quota of two goats is small and harvest
44 history has shown low harvest rates by Federally-
45 qualified subsistence users, the effects on mountain
46 goat population in area 245 would be small.

47

48 The proposal would have little or no
49 effect on non-Federally-qualified users. The State
50 harvest quota in 244 should not have to be reduced by

1 more than one goat to account for the possible small
2 increase in Federal subsistence harvest.

3

4 And the OSM preliminary conclusion was
5 to support this proposal with modification, and that
6 modification was to leave subarea 244 open to goat
7 harvest rather than close it in addition to opening
8 harvest in subarea 245 and share the quota of two goats
9 between the two areas so as to not increase the total
10 quota but to split that quota of two goats between the
11 two units.

12

13 Adopting this proposal as modified
14 would provide more opportunity for Federally-qualified
15 subsistence users to harvest mountain goats. By
16 leaving the Federal lands of subarea 244 open to goat
17 hunting, some goat habitat on Federal lands nearest the
18 village of Tatitlek would still be open to goat harvest
19 if the opportunity presented itself. In addition the
20 greater opportunities provided by opening subarea 245,
21 maps illustrating the limited public lands within 244
22 could be provided to steer Federally-qualified
23 subsistence users to the areas open for hunting.

24

25 CHAIRMAN LOHSE: Questions for Milo.

26

27

28 (No comments)

29

30 CHAIRMAN LOHSE: I only have one Milo.
31 Is there much movement in the goat population between
32 244 and 245?

33

34 MR. BURCHAM: No, probably not. If so
35 at the very far eastern end of the units where the
36 mountains connect but I believe it's -- I don't have a
37 map in front of me, is it Miner's Bay.....

38

39 CHAIRMAN LOHSE: Big water between the
40 two.

41

42 MR. BURCHAM: Yes, there's a valley and
43 a large bay that sits between the two.

44

45 CHAIRMAN LOHSE: So the fact that you
46 take -- I mean if 245 was capable of supporting a two
47 goat harvest before, under your original proposal, why
48 wouldn't it be capable of supporting a two goat
49 harvest, even if you allowed goats to be taken in 244?

50

1 MR. BURCHAM: Well, I think we're
2 saying it could because that harvest of two could take
3 place in just 245 but it also could be split.

4
5 CHAIRMAN LOHSE: Okay.

6
7 MR. BURCHAM: I think we were trying
8 not to increase the total harvest or the total harvest
9 allocation which has been worked out for Prince William
10 Sound.

11
12 CHAIRMAN LOHSE: So if they took two
13 out of 245 they're not going to hurt anything -- if
14 they only took one out of 245 they're not going to hurt
15 anything to take one out of 244?

16
17 MR. BURCHAM: Correct.

18
19 CHAIRMAN LOHSE: Even if they don't
20 share populations.

21
22 MR. BURCHAM: I think either unit could
23 support a harvest of two goats.

24
25 CHAIRMAN LOHSE: Okay. Okay. That's
26 the question I was asking basically. So either unit
27 could support a harvest of two goats -- if that's true,
28 then why don't we have four goats?

29
30 (Laughter)

31
32 MR. BURCHAM: Well, currently in the
33 past 10 or more years very little Federal harvest has
34 occurred or at least been reported and so that's what
35 we're basing this on. If we saw use and need, we would
36 gladly entertain a proposal for increasing, you know,
37 those quotas of mountain goats. Just across the way in
38 Unit 249, which is on the west side of Valdez Arm is a
39 quota of four goats, which goes largely unused.

40
41 CHAIRMAN LOHSE: Okay.

42
43 MR. BURCHAM: That's open just to
44 Federally-qualified subsistence users.

45
46 CHAIRMAN LOHSE: Okay. So basically
47 what we're saying, though, is that because you're not
48 using them we don't need to give you the opportunity
49 even if the opportunity's available?

50

1 MR. BURCHAM: Well, that's not what I
2 said.
3
4 (Laughter)
5
6 MR. BURCHAM: But I think we're trying
7 to provide what's needed and so far I think we've been
8 doing that.
9
10 CHAIRMAN LOHSE: Okay, Milo. I'm just
11 being the Devil's advocate, you know.
12
13 MR. BURCHAM: I know.
14
15 (Laughter)
16
17 CHAIRMAN LOHSE: Okay. I'm not going
18 to argue with you but it just seems interesting to me
19 that if the populations don't mix and if you could take
20 two out of either population without hurting the
21 population and nobody's taking them, why not have a
22 limit of two on both populations.
23
24 MR. BURCHAM: But I think we might have
25 a hard time justifying increasing the total Prince
26 William Sound quota of 17 goats, given the level of use
27 that we have now.
28
29 CHAIRMAN LOHSE: Okay.
30
31 MR. BURCHAM: I think we need to show
32 the use. I think that's something we've been trying to
33 do.
34
35 CHAIRMAN LOHSE: Okay. Does that
36 answer -- did that bring understanding to any of the
37 rest of the Council members.
38
39 MR. ENCELEWSKI: Yeah, two of the
40 17.....
41
42 CHAIRMAN LOHSE: No, 17 is the total
43 Prince William Sound area.
44
45 MR. ENCELEWSKI: Okay.
46
47 CHAIRMAN LOHSE: Prince William Sound's
48 divided into, what, nine subunits.
49
50 MR. BURCHAM: No, well, seven, I think.

1 Six or seven.
2
3 CHAIRMAN LOHSE: Without counting the
4 two over by Cordova.
5
6 MR. BURCHAM: Anything east of Prince
7 William Sound is Unit 6C.....
8
9 CHAIRMAN LOHSE: Okay.
10
11 MR. BURCHAM:that doesn't have a
12 Federal harvest.
13
14 CHAIRMAN LOHSE: Okay.
15
16 MR. BURCHAM: This is just in Unit 6D.
17
18 CHAIRMAN LOHSE: Okay. Okay. Andy.
19
20 MR. MCLAUGHLIN: Yes, through the
21 Chair.
22
23 So am I to understand roughly the
24 population in 244 is 250 goats and about 125 from 245?
25
26 MR. BURCHAM: Are you looking at my
27 analysis.....
28
29 MR. MCLAUGHLIN: Table 1.
30
31 MR. BURCHAM: I didn't have that in
32 front of me right now. Okay, I don't have that in
33 front of me but if that's what you're seeing in the
34 table, yes.
35
36 MR. MCLAUGHLIN: And so just keeping
37 244 open and allowing those two goats to be harvested
38 from there, why is that such a concern, because State
39 harvest is a certain level?
40
41 MR. BURCHAM: There's very little goat
42 habitat. If you go to the map on the previous page,
43 from which to take mountain goats under Federal
44 regulations. And it's not -- it might be that -- you
45 know, the map shows there being some mountain goat
46 habitat on Federal public lands, I don't know exactly
47 about the quality of that habitat, but it's not where
48 people in Tatitlek prefer to hunt in the first place.
49
50 CHAIRMAN LOHSE: So basically we've

1 been taking somewhere between two and 18 goats out of
2 244 and 245 out of a population of 380 goats,
3 approximately -- of course, I see that you haven't had
4 any new counts for quite awhile, they're all 250 and
5 134, so -- but anyhow, so 18 out of -- so we're like a
6 half a percent is about our harvest.

7

8 MR. BURCHAM: That sounds about right.

9

10 CHAIRMAN LOHSE: Is that -- is a larger
11 harvest considered sustainable or is that about as
12 large a harvest as we want on something like that.

13

14 MR. BURCHAM: Right now we don't have
15 the most information and goats can't sustain as heavy
16 harvest rates as other species, you know, like moose or
17 deer.

18

19 CHAIRMAN LOHSE: And am I correct when
20 I look at this and I see from 2004 to 2010 we've got
21 the same estimated goat population, that probably means
22 we don't have any actual counts during that time,
23 right.

24

25 MR. BURCHAM: Exactly.

26

27 CHAIRMAN LOHSE: And the same way, 2004
28 to 2010 on 245 -- so what we're doing is we're just --
29 we have no idea whether this population's growing or
30 shrinking?

31

32 MR. BURCHAM: That's true.

33

34 CHAIRMAN LOHSE: Okay.

35

36 MR. BURCHAM: I think the evidence
37 shows that we think it's stable but we don't have good
38 information on it.

39

40 CHAIRMAN LOHSE: Okay. Any other
41 questions for Milo.

42

43 Mr. Henrichs, did you have your hand up
44 or.....

45

46 MR. HENRICHS: No, not really.

47

48 CHAIRMAN LOHSE: Okay.

49

50 MR. HENRICHS: But I'll make a motion

1 that we adopt this.

2

3 CHAIRMAN LOHSE: Okay. Motion -- oh,
4 we got to go through the rest of the.....

5

6 MR. HENRICHS: Oh, okay.

7

8 CHAIRMAN LOHSE: We've got to go
9 through the rest of the process otherwise I'll get in
10 trouble again.

11

12 Okay, thank you for the presentation
13 Milo. With that we're going to go on to agency
14 comments, Alaska Department of Fish and Game.

15

16 MR. CRAWFORD: Drew Crawford, Alaska
17 Department of Fish and Game.

18

19 For Wildlife Proposal 14-06, the
20 State's recommendation is to oppose.

21

22 The justification I received is that
23 the goat hunt that is the closest to Tatitlek which is
24 Mountain Goat Registration Permit Hunt RG244 has plenty
25 of State permits and it usually goes the whole season
26 so there's plenty of goats, the hunters are chasing
27 them the full time and they're -- so the State will be
28 opposing WP14-06.

29

30 CHAIRMAN LOHSE: So if I understand
31 correctly the reason the State is opposing it is
32 because it has a larger quota and nobody's using the
33 permits the way they are, right? Did I understand that
34 correctly?

35

36 MR. CRAWFORD: There's plenty of goats.
37 Plenty of permits. And they're hunting the full time.
38 Yes.

39

40 CHAIRMAN LOHSE: And they're not
41 taking.....

42

43 MR. CRAWFORD: (Nods affirmatively)

44

45 CHAIRMAN LOHSE: Okay. So the
46 opportunity is there, nobody's taking advantage of it.

47

48 MR. CRAWFORD: That's what -- yes.

49

50 CHAIRMAN LOHSE: Out of curiosity can I

1 ask one question. Do you know what the State's quota
2 for goats in 244 and 245 is?

3
4 MR. CRAWFORD: I don't. But I can find
5 that out for you.

6
7 CHAIRMAN LOHSE: Milo, do you know.

8
9 MR. BURCHAM: No.

10
11 CHAIRMAN LOHSE: No. Okay. Any
12 questions for Alaska Department of Fish and Game.

13
14
15 (No comments)

16
17 CHAIRMAN LOHSE: Hearing none, thank
18 you.

19
20 Do we have any other Federal agencies,
21 tribal villages, or InterAgency Staff comments on this
22 proposal.

23
24
25 (No comments)

26
27 CHAIRMAN LOHSE: Hearing none. How
28 about Advisory Group comments, or neighboring Regional
29 Council comments.

30
31
32 (No comments)

33
34 CHAIRMAN LOHSE: Hearing none, Local
35 Fish and Game Advisory Committee. Did our local Fish
36 and Game Advisory Committee send in any comments on
37 this one.

38
39 Donald.

40
41 MR. MIKE: Mr. Chair. We didn't
42 receive any comments from the local Advisory Committees
43 in this region.

44
45 Thank you.

46
47 CHAIRMAN LOHSE: Do we have any written
48 comments, Donald.

49
50 MR. MIKE: Mr. Chair. There's no

1 written comments on this proposal. Thank you.

2

3 CHAIRMAN LOHSE: Okay. Mr. Henrichs.

4

5 MR. HENRICHS: Mr. Chair. Going back
6 to tribal comments.

7

8 The Native Village of Eyak will support
9 this proposal.

10

11 CHAIRMAN LOHSE: Okay. Okay, so we
12 have a proposal before you to make goats available out
13 of 244, 245. We've heard that they're not -- that
14 that's about as many as have ever been taken, that
15 they're not usually taken and that the State hunt has
16 goat permits left on the table at the end of the
17 season. So there definitely is no conservation
18 concern, as far as I can see. So we could have now --
19 now, at this point in time we could have a motion on
20 the table.

21

22 Andy.

23

24 MR. MCLAUGHLIN: Make a motion.

25

26 CHAIRMAN LOHSE: Make a motion to
27 accept this proposal.

28

29 MR. HENRICHS: Second.

30

31 CHAIRMAN LOHSE: It's been moved and
32 seconded to accept this proposal.

33

34 Any discussion.

35

36

37 (No comments)

38

39 CHAIRMAN LOHSE: Well, to me the
40 justification would be it does give opportunity to
41 Federal subsistence hunters and there is no
42 conservation concerns. I would think, personally, that
43 if the State has permits left on the table that aren't
44 being used then the subsistence hunt could be increased
45 in numbers but at the same time we want to be
46 conservative and so we'll go with what was proposed.

47

48 Milo.

49

50 MR. BURCHAM: Yeah, I'm sorry Steve

1 Kessler just pointed out to me there is additional
2 opportunity under the Federal season, the season starts
3 August 20th and goes through the same ending date that
4 the State has. The State season doesn't open until
5 September 15th. So there's a longer time they can
6 hunt, in better weather, in the summer, and it's an
7 assurance, even though this doesn't seem to be
8 happening in recent years, that the season will last,
9 it won't get closed before January 31st.

10

11 CHAIRMAN LOHSE: So the season goes to
12 January 31st.

13

14 MR. BURCHAM: In both State and Federal
15 regulations if -- if the State quota were to get
16 reached the unit could be closed. And in many of the
17 units in Prince William Sound that is the case, they're
18 closed, largely by outfitters and guides, you know,
19 there's a lot of hunting pressure, and it's an
20 assurance, you know, these subsistence quotas scattered
21 in the units around the Sound that there'll be some
22 opportunity later in the season after those units are
23 closed in State regulation.

24

25 CHAIRMAN LOHSE: Thank you, Milo.

26

27 Any other discussion.

28

29

30 (No comments)

31

32 CHAIRMAN LOHSE: We have a first, and
33 we have a second. Question anybody.

34

35 MR. HENRICHS: Question.

36

37 CHAIRMAN LOHSE: You can't, you made
38 the motion.

39

40 MR. HENRICHS: I made the second.

41

42 CHAIRMAN LOHSE: Oh.

43

44 MR. ENCELEWSKI: Call the question.

45

46 CHAIRMAN LOHSE: Okay, Greg calls the
47 question.

48

49 All in favor signify by saying aye.

50

1 IN UNISON: Aye.
2
3 CHAIRMAN LOHSE: All opposed, signify
4 by saying nay.
5
6 (No opposing votes)
7
8 CHAIRMAN LOHSE: Motion carries.
9
10 Okay.
11
12 WP14-07 moose. Revise a customary and
13 traditional use determination, Page 56. This is for
14 Cooper Landing.
15
16 MR. ARDIZZONE: Mr. Chair.
17
18 CHAIRMAN LOHSE: Yes.
19
20 MR. ARDIZZONE: It was just pointed out
21 to me, I wasn't paying attention well enough, did you
22 vote -- it sounds like you voted on the original
23 proposal and not the OSM modification.
24
25 CHAIRMAN LOHSE: We did.
26
27 (Laughter)
28
29 CHAIRMAN LOHSE: You're right.
30
31 (Laughter)
32
33 CHAIRMAN LOHSE: We didn't vote on the
34 proposal as modified. But you know something I don't
35 think it makes any difference. We're supporting Milo's
36 original proposal.
37
38 MR. ARDIZZONE; Thank you. Mr. Chair.
39 I just want to clarify it on the record.
40
41 CHAIRMAN LOHSE: What did you say Milo.
42
43 MR. BURCHAM: That would close 244.
44
45 CHAIRMAN LOHSE: That closes 244 and
46 that gives us 245 to take two goats out of and if they
47 want to take them out of 244 they can take them out on
48 a State hunt and have the whole area.
49
50 MR. BURCHAM: Shorter season.

1 CHAIRMAN LOHSE: Uh? With a shorter
2 season by five, 15 days. I'm sorry we've already voted
3 on it, unless somebody wants to call for
4 reconsideration of the motion. Thanks for the
5 clarification though.

6
7 MR. ARDIZZONE: Thank you, Mr. Chair.

8
9 CHAIRMAN LOHSE: Okay. With that 14-
10 07.

11
12 MR. BROOKS; Thank you, Mr. Chair. My
13 name is Jeff Brooks and I work as a social scientist in
14 the Office of Subsistence Management.

15
16 This proposal, 14-07, was given to me
17 to do an analysis on and I've prepared some brief
18 talking points for you today. You can find the full
19 analysis on Page 57 of the RAC book.

20
21 Proposal WP14-07 was submitted by Mr.
22 Robert Gibson of Cooper Landing. He requests a
23 positive customary and traditional use determination
24 for residents of Cooper Landing to hunt moose in Unit
25 15C.

26
27 The proponent states that this
28 regulatory change would be consistent with their
29 traditional hunting and harvest patterns for moose. In
30 addition to the proponent, 18 residents of Cooper
31 Landing signed the proposal in support of the request.

32
33 The proposal affects Federal public
34 lands that are managed by the Kenai National Wildlife
35 Refuge.

36
37 Just one brief point on regulatory
38 history. In April of 2008 the Federal Subsistence
39 Board recognized a positive customary and traditional
40 use determination for the community of Cooper Landing
41 for moose in Unit 7, 15A and 15B. And now the
42 community is asking to be added to the hunt in 15C.

43
44 A little bit on harvest history.

45
46 From 1987 through 2009 the State of
47 Alaska issued 13 permits to Cooper Landing for Unit 15C
48 and during that period 13 residents of Cooper Landing
49 hunted for moose in Unit 15C. During this period they
50 harvested one moose and they spent 67 total days of

1 effort. If you look at the map 1 in the analysis it
2 shows the total area used for moose hunting by the
3 residents of Cooper Landing over the period in which
4 they had been permanent yearround residents. This
5 moose hunting area includes a small portion of Unit 15C
6 adjacent to Tustumena Lake in Kenai National Wildlife
7 Refuge. This data is from a 1991 study and it was with
8 those who were living there in 1991.

9
10 If the proposal is adopted, the
11 residents of Cooper Landing would be allowed to harvest
12 moose under Federal subsistence regulations in Unit
13 15C. If the proposal is adopted it is probable that
14 more people would hunt moose in 15C, which could
15 displace some non-subsistence hunters due to increased
16 competition. It is also probable that more moose would
17 be harvested in 15C and competition for moose may
18 increase between subsistence hunters. If the proposal
19 is rejected Cooper Landing residents would continue to
20 be allowed to hunt moose under State regulations in
21 all of Unit 15C under Federal regulations and -- excuse
22 me -- and under Federal regulations in Units 15A and B.

23
24 The OSM preliminary conclusion is to
25 support the proposal, WP14-07.

26
27 Justification is that Cooper Landing
28 resident's patterns of moose hunting and harvest
29 generally exhibit the characteristics of customary and
30 traditional use for moose in Unit 15C.

31
32 And I read to you before the limited
33 harvest information that they are using this area under
34 State regs and they are putting effort out there in the
35 field.

36
37 Also, you know, this may seem like a
38 low harvest but the residents of Cooper Landing have
39 showed evidence that they do hunt in Kenai National
40 Wildlife Refuge for moose around Tustumena Lake. And
41 if you look at that Map 1 in the analysis you will see
42 the moose hunting area for the residents of Cooper
43 Landing.

44
45 And that's what I have for that.

46
47 CHAIRMAN LOHSE: Thank you. Any
48 questions for him.

49
50

1 (No comments)
2
3 CHAIRMAN LOHSE: We'll move on to the
4 next part of the process.
5
6 Alaska Department of Fish and Game.
7
8 MR. CRAWFORD: Yes, Drew Crawford,
9 Alaska Department of Fish and Game.
10
11 For Wildlife Proposal 14-07, the State
12 recommendation is to oppose and the justification
13 provided is that the community of Cooper Landing is
14 located in a non -- State non-subsistence use area.
15
16 CHAIRMAN LOHSE: Okay. And if I
17 remember right most of the State -- most of 7 and 15
18 was designated as State by the State as a non-
19 subsistence use area and which we have found customary
20 and traditional subsistence use for the communities
21 that are in there including Cooper Landing. Am I
22 correct on that -- not for this particular proposal but
23 for other wildlife resources.
24
25 Yeah, okay.
26
27 Any questions for Fish and Game.
28
29
30 (No comments)
31
32 CHAIRMAN LOHSE: Thank you.
33
34 Federal agencies. Do we have any
35 Federal agencies to speak to this.
36
37
38 (No comments)
39
40 CHAIRMAN LOHSE: Any Native villages to
41 speak to this.
42
43
44 (No comments)
45
46 CHAIRMAN LOHSE: InterAgency Staff
47 Committee to speak to this.
48
49
50 (No comments)

1 CHAIRMAN LOHSE: Advisory Group
2 comments.
3
4
5 (No comments)
6
7 CHAIRMAN LOHSE: Neighboring Regional
8 Councils.
9
10
11 (No comments)
12
13 CHAIRMAN LOHSE: Cooper Landing Fish
14 and Game Advisory Committee.
15
16
17 (No comments)
18
19 CHAIRMAN LOHSE: Do we have any members
20 from Cooper Landing here that wish to speak to it.
21 Residents.
22
23
24 (No comments)
25
26 CHAIRMAN LOHSE: Do we have any written
27 comments.
28
29 MR. MIKE: Mr. Chair. There are no
30 written comments on this proposal.
31
32 Thank you.
33
34 CHAIRMAN LOHSE: No public testimony.
35
36
37 (No comments)
38
39 CHAIRMAN LOHSE: A motion to put it on
40 the table is in order.
41
42 MS. STICKWAN: Move to put it on the
43 table.
44
45 CHAIRMAN LOHSE: Motion to put WP14-07,
46 am I correct, yep, 07 on the table has been made, do I
47 hear a second.
48
49
50 (No comments)

1 CHAIRMAN LOHSE: It's going to die for
2 a lack of a second.

3

4

5 (No comments)

6

7 CHAIRMAN LOHSE: The motion dies.

8

9 Now, is that a -- that's not a
10 deferment, what is that.

11

12 (Laughter)

13

14 CHAIRMAN LOHSE: If a proposal comes
15 before us and dies for lack of a second, what do we
16 call that.

17

18 MR. MIKE: No action.

19

20 CHAIRMAN LOHSE: No action, okay.

21

22 MR. MIKE: Mr. Chair.

23

24 CHAIRMAN LOHSE: Donald.

25

26 MR. MIKE: Thank you. We'll need to
27 break down the court reporting system and get it ready
28 for this evening's public hearing and if we could go
29 into Service awards that would be nice so we can get
30 ready for this evening's presentation of the rural
31 determination hearing.

32

33 CHAIRMAN LOHSE: And it's going to be
34 here?

35

36 MR. MIKE: The rural determination
37 hearing will be at the Alaska Pacific University at
38 Carr-Gottstein and this morning I provided a map for
39 everyone's reference to get to the Carr-Gottstein
40 Building by 7:00 p.m., tonight.

41

42 MR. HENRICHS: Come on Ralph, you took
43 my map.

44

45 CHAIRMAN LOHSE: I took your map, no, I
46 didn't take it.

47

48 MR. HENRICHS: Yes, you did.

49

50 (Laughter)

1 CHAIRMAN LOHSE: I can't find mine
2 either.
3
4 (Laughter)
5
6 CHAIRMAN LOHSE: Okay. Donald, what
7 you're saying is that you would like us to recess at
8 this point in time so that you could set up the
9 electronics?
10
11 MR. MIKE: Yes, that is correct. And
12 then before we recess for the day we would like to do a
13 Service award for our RAC members.
14
15 CHAIRMAN LOHSE: Right, that's what I
16 was going to ask, that was the next thing. And,
17 basically what we did is we took no action on the last
18 one.
19
20 And I would just like to make a comment
21 on that. We have done the same thing in the past when
22 nobody's showed up to support their own asking for C&T.
23
24 MR. HENRICHS: Well, their Advisory
25 Council never even said anything.
26
27 CHAIRMAN LOHSE: I know. Their
28 Advisory Council didn't say anything, they didn't say
29 anything, they could have at least given us a written
30 comment and we've taken this same action before.
31
32 MR. MIKE: Mr. Chair. Before you call
33 a recess we can get into the Service award and I'll
34 call on Federal Subsistence Board member Wayne Owen to
35 do the presentation.
36
37 CHAIRMAN LOHSE: Okay.
38
39 MR. OWEN: I don't need a mic, right.
40
41 REPORTER: I'll take care of it.
42
43 MR. OWEN: So, hi everybody, my name's
44 Wayne Owen. I'm the US Forest Service Alaska Region
45 Director for Wildlife, Fisheries, Watershed and
46 Subsistence. I'm the Federal Subsistence Board
47 alternate for the Regional Forester. And today it's my
48 pleasure, I was asked to hand out some longevity awards
49 today.
50

1 The first one is for your Chairman,
2 Ray, and.....
3
4 MR. MIKE: Ralph.
5
6 MR. OWEN: Ralph.
7
8 (Laughter)
9
10 MR. OWEN: The last time I called him
11 Ray and I'm going to continue to call Ralph Ray now for
12 the rest of the time I'm here just so I don't look
13 completely foolish.
14
15 (Laughter)
16
17 MR. OWEN: So, Ralph, unlike everyone
18 else on the Board here I'm not the sort of guy that's
19 ever lived in one place longer than eight or nine
20 years, all of you have an extremely long tenure in the
21 place where you've lived and a unique connection with
22 -- you know, I have a great appreciation for but I
23 can't honestly say that I share that. I value that a
24 lot in all of you.
25
26 But what's more, what Ralph has done
27 that I really admire a lot, is dedicated his life to
28 public service to the resources that he depends on.
29 He's made his livelihood, throughout his life, working
30 with his hands and working for his community. I've
31 pretty much been a government employee or student my
32 entire adult life. So, to me, that speaks a lot about
33 his spirit and his spirit of giving and his community
34 sense that's really important as being a leader for a
35 group like this.
36
37 (Laughter)
38
39 MR. OWEN: Please get my best side
40 here.
41
42 (Laughter)
43
44 (Photo op)
45
46 MR. OWEN: So, Ralph, is there a
47 certificate too or is this -- okay, Ralph, I could read
48 this whole.....
49
50 MS. CAMINER: Ralph, come on, stand up.

1 MR. OWEN: Go ahead.
2
3 (Laughter)
4
5 MR. OWEN: I'd read this whole long
6 list of your accomplishments, but I don't want you to
7 be embarrassed.....
8
9 CHAIRMAN LOHSE: It'd be pretty short.
10
11 MR. OWEN: It's a full page but I don't
12 want to embarrass you and I don't want to cause a riot
13 of argument among your colleagues. So I will simply
14 say thank you for what you've done, provide this --
15 okay, are we good everybody.
16
17 (Photo op)
18
19 (Laughter)
20
21 MR. OWEN: Steve, you good.
22
23 MR. KESSLER: No, Ralph was not looking
24 at me.
25
26 (Laughter)
27
28 CHAIRMAN LOHSE: Am I supposed to.
29
30 (Laughter)
31
32 MR. OWEN: And thank you for your
33 service.
34
35 (Applause)
36
37 CHAIRMAN LOHSE: I'll get you for this,
38 Donald.
39
40 MR. OWEN: In addition to that very
41 nice plaque, if you didn't see it while I was holding
42 it up, you know, it's art work from last year's
43 subsistence art contest. There's also a gift that goes
44 with it and I think.....
45
46 CHAIRMAN LOHSE: Oh, my jack knife.
47
48 (Laughter)
49
50 CHAIRMAN LOHSE: Now, let me show you a

1 jack knife, that's the way jack knives are supposed to
2 be, see how the blade is worn.

3

4 (Laughter)

5

6 CHAIRMAN LOHSE: There's been a few
7 animals that have come under that knife.

8

9 MR. OWEN: So once your whetstone
10 finally eats that up, there's a couple more blades for
11 you.....

12

13 CHAIRMAN LOHSE: Oh, my gosh.

14

15 MR. OWEN:that you can feel
16 confident in being able to cut a steak.

17

18 CHAIRMAN LOHSE: Yeah, well, that's
19 probably to the point where I'm using it now is to cut
20 steaks more than animals.

21

22 I'd just like to make a comment that he
23 said, you know, he said that I've had the opportunity
24 to work with my hands and make use of the resources;
25 and like I tell my kids, I figure I'm the most lucky
26 person around. I've gotten to do something that, as I
27 child, I never dreamed of. I mean I look out of my
28 boat winter on a nice day on the Copper River Flats and
29 I think, man, I've got the best office in the world.
30 And then I run up the Lackenow River and I look up at
31 Mt. Blackburn in the middle of the wintertime and I
32 say, man, I've got the best office in the world. And I
33 wished for all of you that you could have had the same
34 opportunity to see Alaska and be out there that I've
35 had, and that's why when I talk about.....

36

37 (Pause)

38

39 MR. MIKE: Thank you, Ralph.

40

41 CHAIRMAN LOHSE: When I talk about
42 maintaining this for a dream for future generations,
43 that's what I mean.

44

45 (Pause)

46

47 CHAIRMAN LOHSE: I look at my kids and
48 I look at my grandkids and I look at other people's
49 kids and grandkids and whether they do this or whether
50 they don't, I want the opportunity to be there for

1 them.

2

3 I don't know how you can say it, it's
4 -- there isn't any other place in the world like this
5 right now and there may not always be a place like this
6 up here. But as long as I can have a hand in it, I'm
7 going to want to try to do my part so this is here for
8 those next generations because I really think that
9 you've got to -- you know you go back and you look at
10 history and you could look at even pre-history, people
11 have always been looking for that spot, I'll say under
12 the rainbow, for a lack of a better way of putting it,
13 and if we don't have the ability to dream of going and
14 finding that frontier, for a lack of a better way of
15 putting it, it was a frontier to the people who walked
16 across on the Bering Ice Bridge, it was a frontier to
17 the people that went down the coast, it was a frontier
18 to the people who came over on the ship, but if we
19 don't have that opportunity to go look for that
20 frontier, there's going to be something missing in our
21 dreams.

22

23 And I really appreciate the fact that
24 I've had the opportunity to work with all of you.

25

26 I've had the opportunity to come in
27 contact with some very neat people who've shared the
28 same dreams I've shared.

29

30 And I've had the opportunity to make my
31 living out in the world, it's beyond my wildest dreams
32 and I thank you all for it.

33

34 And, Donald, anyhow, forget it.

35

36 (Laughter)

37

38 (Applause)

39

40 MR. OWEN: 20 years of leadership,
41 something to look forward to.

42

43 I have -- are you going to be around
44 for 20 more.

45

46 CHAIRMAN LOHSE: Uh.

47

48 UNIDENTIFIED VOICE: Hell, yeah, you're
49 too tough.

50

1 (Laughter)

2

3 MR. OWEN: I have two more of these.
4 One -- these are two year certi -- 10 year certificates
5 of appreciation and the first goes to Gloria Stickwan.
6 Gloria, thank you very much for your service, 10 years
7 on the Southcentral RAC and a wonderful record of
8 accomplishment for you and your community.

9

10 (Applause)

11

12 MR. OWEN: So Richard, 10 years of
13 service.....

14

15 MR. ENCELEWSKI: Thank you.

16

17 MR. OWEN:for the Kenai, thank
18 you very much, you know, your service is greatly
19 appreciated.

20

21 (Applause)

22

23 MR. OWEN: And Thomas Carpenter, who,
24 is, I guess, not here today, also 10 years of service
25 to his RAC. And, so, I mean look around you at the
26 level of dedication to this resource and be in awe and
27 have great appreciation for the work that these people
28 do.

29

30 (Applause)

31

32 MR. JOHNSON: I will add that Douglas
33 Blossom was also due to receive recognition for his 10
34 years of service so we'll prepare a letter for Tim
35 Towarak to send on behalf of the Federal Subsistence
36 Board and the program to his family along with his
37 certificate so that they can know that we, even after
38 his passing, still appreciate and want to recognize how
39 we appreciate the work that he did for this Council.

40

41 CHAIRMAN LOHSE: Can I ask one
42 question. Can I carry this through security out here.

43

44 (Laughter)

45

46 CHAIRMAN LOHSE: Again, I'd like to
47 thank you all and I never realized it was that long.

48

49 MR. MIKE: Thank you, Ralph, for your
50 service and that's why I keep working for the Council,

1 is dedication of folks like you, your concern about
2 subsistence resources and our resources out there for
3 everyone to use.

4
5 Thank you.

6
7 And we will convene at 7:00 p.m., at
8 the public hearing so all are invited.

9
10 I'm sorry, before you all leave,
11 tomorrow we'll be going back to the hotel.

12
13 Thank you.

14
15 (Off record)

16
17 (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, Salena A. Hile, Notary Public, State of Alaska and reporter for Computer Matrix Court Reporters, LLC do hereby certify:

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DATED at Anchorage, Alaska, this 18th day of November 2013.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14