

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6
7 VOLUME I

8
9
10 Anchorage, Alaska
11 February 20, 2013
12 8:30 a.m.

13
14
15
16 COUNCIL MEMBERS PRESENT:

- 17
18 Ralph Lohse, Chairman
19 Lee Adler
20 Doug Blossom
21 Judy Caminer
22 Tom Carpenter
23 Greg Encelewski
24 Robert Henrichs
25 Andrew McLaughlin
26 Mary Ann Mills
27 Herman Moonin
28 Michael Opheim
29 James Showalter
30 Gloria Stickwan
31
32
33
34 Regional Council Coordinator, Donald Mike

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P R O C E E D I N G S

(Anchorage, Alaska - 2/20/2012)

(On record)

CHAIRMAN LOHSE: Maybe we should all turn our cell phones off.

(Laughter)

CHAIRMAN LOHSE: With that we will now call the Southcentral Alaska Subsistence Regional Advisory Council Meeting for February 20th, 2013 into session. And, Donald, would you -- oh, I guess we don't have the roll call, first we need an invocation.

Gloria, would you like to give an invocation this morning.

(Invocation)

MS. STICKWAN: Dear Heavenly Father, we thank you for this morning, this day. We pray that we will make good decisions for people and the public. Guide us in our decisions while we make them. I pray for a good meeting and keep us safe and travel home safely, and keep us safe while we're here too, and keep our families safe too. In Jesus' name, I pray now.

Amen.

CHAIRMAN LOHSE: Thank you, Gloria.

Donald, would you call roll call or do we have the Secretary do that.

MR. MIKE: Thank you, Mr. Chair. I'll do the roll call.

Roll call for Southcentral Regional Advisory Council.

Mr. Robert Henrichs.

MR. HENRICHS: Here.

MR. MIKE: Mr. Doug Blossom.

MR. BLOSSOM: Here.

1 MR. MIKE: Greg Encelewski.
2
3 MR. ENCELEWSKI: Here.
4
5 MR. MIKE: Ms. Mary Ann Mills.
6
7 MS. MILLS: Here.
8
9 MR. MIKE: Mr. Lee Adler.
10
11 MR. ADLER: Here.
12
13 MR. MIKE: Ms. Gloria Stickwan.
14
15 MS. STICKWAN: Here.
16
17 MR. MIKE: Mr. James Showalter.
18
19 MR. SHOWALTER: Here.
20
21 MR. MIKE: Mr. Michael Opheim.
22
23 MR. OPHEIM: Here.
24
25 MR. MIKE: Mr. Andrew McLaughlin.
26
27 MR. MCLAUGHLIN: Here.
28
29 MR. MIKE: Ms. Judy Caminer.
30
31 MS. CAMINER: Here.
32
33 MR. MIKE: Mr. Ralph Lohse.
34
35 CHAIRMAN LOHSE: Here.
36
37 MR. MIKE: Mr. Thomas Carpenter.
38
39 MR. CARPENTER: Here.
40
41 MR. MIKE: Mr. Herman Moonin.
42
43 MR. MOONIN: Here.
44
45 MR. MIKE: Mr. Chair. You have 13
46 members present, you have a quorum. Thank you.
47
48 CHAIRMAN LOHSE: Thank you, Donald.
49 It's good to see everybody here. It's good to be here
50 this morning. I'd like to welcome all of the Council

1 members, and I'd like to welcome all the Staff that's
2 out in the audience. And at this point in time I'd
3 like to go around and have everybody introduce
4 themselves, and we'll start with Gloria, go around and
5 we'll get the people in the audience afterwards.

6

7 MS. STICKWAN: My name's Gloria
8 Stickwan. I'm from Tazlina and I serve as a RAC
9 member.

10

11 CHAIRMAN LOHSE: Thank you.

12

13 MS. MILLS: Mary Ann Mills. And I'm
14 from the Kenai Peninsula and Chair -- vice Chair for
15 the Kenaitze Indian Tribe.

16

17 CHAIRMAN LOHSE: Thank you.

18

19 MR. ADLER: I'm Lee Adler from
20 Glennallen, Copper River.

21

22 CHAIRMAN LOHSE: Thank you.

23

24 MR. MOONIN: Good morning. I'm Herman
25 Moonin. Originally from Port Graham but live here in
26 Anchorage now.

27

28 CHAIRMAN LOHSE: Thank you.

29

30 MR. HENRICHS: Yeah, Bob Henrichs. I'm
31 from Eyak, Cordova.

32

33 CHAIRMAN LOHSE: Thank you.

34

35 MS. CAMINER: Judy Caminer. Anchorage.

36

37 CHAIRMAN LOHSE: Ralph Lohse. Copper
38 Basin.

39

40 MR. CARPENTER: Tom Carpenter from
41 Cordova.

42

43 CHAIRMAN LOHSE: Thank you.

44

45 MR. MCLAUGHLIN: Andy McLaughlin.
46 Chenega Bay.

47

48 CHAIRMAN LOHSE: Thank you.

49

50 MR. OPHEIM: Michael Opheim. Seldovia.

1 CHAIRMAN LOHSE: Thank you.
2
3 MR. BLOSSOM: Doug Blossom. Clam
4 Gulch.
5
6 CHAIRMAN LOHSE: Thank you.
7
8 MR. SHOWALTER: James Showalter. Kenai
9 Peninsula/Sterling.
10
11 CHAIRMAN LOHSE: Thank you.
12
13 MR. ENCELEWSKI: I'm Greg Encelewski,
14 and I'm from Ninilchik.
15
16 CHAIRMAN LOHSE: Thank you.
17
18 MR. MIKE: I'm Donald Mike. OSM
19 Regional Advisory Council coordinator here in
20 Anchorage.
21
22 CHAIRMAN LOHSE: Thank you, Donald.
23 We'll start in the front row, right hand side and go to
24 the left.
25
26 MR. FRIED: Steve Fried from OSM.
27 Fisheries Division supervisor and the LT lead at the
28 meeting here.
29
30 MR. RABINOWITCH: Good morning. I'm
31 Sandy Rabinowitch from the National Park Service. I'm
32 the Staff Committee to the Federal Board.
33
34 MR. POURCHOT: Pat Pourchot. I work
35 for the Secretary of Interior here in Anchorage.
36
37 CHAIRMAN LOHSE: Pat, we'd sure like to
38 welcome you here today.
39
40 MR. POURCHOT: Thank you.
41
42 MS. O'REILLY-DOYLE: Good morning. I'm
43 Kathy O'Reilly-Doyle. I'm the acting assistant
44 Regional Director for OSM.
45
46 MR. CRAWFORD: Good morning. I'm Drew
47 Crawford with the Alaska Department of Fish and Game,
48 Federal Subsistence Liaison Team.
49
50 MR. KRON: Tom Kron. OSM.

1 MR. EVANS: Good morning. I'm Tom
2 Evans, wildlife biologist with OSM.
3
4 MR. PAPPAS: Good morning. George
5 Pappas. OSM, State Liaison to the Board of Fisheries.
6
7 MS. D'AMICO: Ruth D'Amico. US Forest
8 Service subsistence biologist.
9
10 MR. BURCHAM: Milo Burcham. Biologist
11 for the Cordova Ranger District, Chugach Forest.
12
13 PELEKIS: Vija Pelekis. Tribal
14 biologist with the Native Village of Eyak, Cordova.
15
16 CHAIRMAN LOHSE: Thank you. And I
17 welcome you all. I hope we have a profitable and good
18 meeting today.
19
20 With that I'd like to review and adopt
21 the agenda. Does anybody on the Council see anything
22 they wish to change or add at this point in time.
23
24 MR. HENRICHS: I make a motion we adopt
25 the agenda.
26
27 CHAIRMAN LOHSE: Doug. Thank you, Mr.
28 Henrichs.
29
30 MR. BLOSSOM: Mr. Chair. On old
31 business, No. 10, Section B. Mr. Pappas is going to
32 give a king salmon symposium. We're missing one part
33 of it that I think's very important and I would like to
34 request that the State furnish that to us for when Mr.
35 Pappas gives us a report. And that report is the Early
36 King Run Construction and Escapement Goal.
37
38 CHAIRMAN LOHSE: Okay.
39
40 MR. BLOSSOM: They have a report out on
41 that to go along.
42
43 CHAIRMAN LOHSE: Okay. As part of that
44 one you'd like the Early King Run, what did you call
45 it?
46
47 MR. BLOSSOM: The Early King Run
48 Construction and Escapement Goal.
49
50 CHAIRMAN LOHSE: Okay. And the State

1 has that?

2

3 MR. BLOSSOM: So when Mr. Pappas gives
4 his report we have that data in front of us.

5

6 CHAIRMAN LOHSE: Do you think we can
7 get that, Donald -- the State liaison.

8

9 MR. CRAWFORD: I can give you what we
10 have, would you like that now?

11

12 CHAIRMAN LOHSE: No, no, we'll have
13 that underneath old business. That will give you time
14 to do that, it'll be under B on old business when Mr.
15 Pappas gives the thing on the symposium, we'll make
16 room for a report on that.

17

18 MS. CAMINER: Donald had a comment.

19

20 CHAIRMAN LOHSE: Donald.

21

22 MR. MIKE: Yeah, Mr. Chairman. It's
23 the Task Force Chinook report, so just to make it
24 clear, Task Force Chinook report.

25

26 CHAIRMAN LOHSE: All right.

27

28 MR. MIKE: Right.

29

30 CHAIRMAN LOHSE: Judy.

31

32 MS. CAMINER: Mr. Chair. A couple
33 things perhaps under old business.

34

35 I think we had asked, once, again, for
36 a report and I saw there may be some printouts out
37 there about moose and the Alaska Railroad.

38

39 MR. CARPENTER: It's in the packet.

40

41 MS. CAMINER: Okay, right, so I don't
42 know if we needed it on the agenda or not.

43

44 Also we had talked about writing a
45 letter to Eastern Interior on Chitina fisheries and
46 clarifying our position so we have it in writing. So
47 that may be another thing we add to old business.

48

49 CHAIRMAN LOHSE: Okay. So the moose
50 report, and what was the letter to Eastern Interior?

1 MS. CAMINER: Regarding Board of
2 Fisheries discussions on Chitina fishery, personal
3 versus subsistence.
4
5 CHAIRMAN LOHSE: Yeah. Letter to
6 Eastern, personal use, subsistence, Chitina.
7
8 MS. CAMINER: And two things maybe that
9 could be covered, one by agency reports. I understand
10 DOI has kind of a new climate change strategy. Maybe
11 we could either get a briefing on that this time or
12 next time.
13
14 CHAIRMAN LOHSE: And that would be
15 under who?
16
17 MS. CAMINER: Maybe agency reports.
18
19 CHAIRMAN LOHSE: Okay. And by whom?
20
21 MS. CAMINER: I don't know, Department
22 of Interior.
23
24 CHAIRMAN LOHSE: Okay.
25
26 MS. CAMINER: Maybe OSM can cover it.
27
28 CHAIRMAN LOHSE: Climate report.
29
30 MS. CAMINER: And last thing I know,
31 Michael was involved in a Cook Inlet fish consumption
32 study and so I was hoping he could maybe tell us a
33 little bit about that maybe when we do the Task Force
34 update, around that time.
35
36 CHAIRMAN LOHSE: On the king salmon.
37 Would we do it at the same time as the king salmon
38 symposium?
39
40 MS. CAMINER: Perhaps.
41
42 CHAIRMAN LOHSE: Michael, is that
43 something maybe you could give us a little report at
44 that time.
45
46 MR. OPHEIM: Yep.
47
48 CHAIRMAN LOHSE: Okay.
49
50 MS. CAMINER: Thank you.

1 CHAIRMAN LOHSE: I'll put that down
2 here, too, so I don't forget it.
3
4 MS. STICKWAN: Ralph.
5
6 CHAIRMAN LOHSE: Okay, Gloria.
7
8 MS. STICKWAN: Are they going to talk
9 about this chinook salmon assessment and research?
10
11 CHAIRMAN LOHSE: Yeah. I think that's
12 part of our king salmon update on the Task Force, I'm
13 pretty sure that is. Am I correct on that, Donald, the
14 publication that we have here will be in part of the
15 Task Force report on chinook.
16
17 MR. MIKE: That is correct, Mr. Chair.
18
19 CHAIRMAN LOHSE: Yeah. Any other
20 additions or corrections anybody would like to see
21 added to the agenda.
22
23 (No comments)
24
25 CHAIRMAN LOHSE: In that case, Mr.
26 Henrichs has got a motion on the table to accept, do we
27 have a second -- oh, Donald.
28
29 MR. MIKE: Thank you, Mr. Chair.
30 Before we get any further on the agenda I had a white
31 folder prepared for all the Council members and there's
32 some information that's related to our meeting.
33
34 There's the implementation guidelines
35 in your white folder. And we'll be discussing that,
36 and Ms. Jean Gamache will be available today between
37 10:30 and lunch -- or after 10:30 today, and either
38 after 10:30 today or before noon tomorrow, she'll be
39 available to discuss the implementation guidelines.
40
41 CHAIRMAN LOHSE: Okay. And that's
42 under which one, Donald.
43
44 MR. MIKE: That'd be under new
45 business, Mr. Chair, 11C.
46
47 And also I have a memo from Mr. Jack
48 Lorrigan, Native Liaison, a memo for the Regional
49 Advisory Councils.
50

1 And Mr. Milo Burcham would like to give
2 an update on the status of the delegation of authority
3 in the Forest Service, and I've copied a letter from
4 our last meeting from last fall, it's a yellow
5 document.

6
7 And we also have the FRMP that OSM will
8 be presenting a report. It's a green copy. And we'll
9 have Staff from the Kenai office on the Cook Inlet area
10 Federal Subsistence Fisheries Harvest Summary, 2012.

11
12 And we have a briefing that our OSM
13 Staff will be presenting, and it's a white document.

14
15 And, finally, we have a graph from the
16 Alaska Railroad moose mortality study.

17
18 And just for your information on the
19 Susitna Watana Dam Project, I tried getting a person to
20 be available but they're addressing the State
21 Legislature this week so they couldn't make it and the
22 Staff provided me a copy of their study plan and it's
23 titled Federal Energy Regulatory Commission dated
24 February 1, 2012, just for your reference. So if it's
25 the wish of the Council we can try to have the
26 Regulatory Commission address this Council at our fall
27 meeting.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN LOHSE: Thank you, Donald.
32 And so we have papers that apply then to a lot of the
33 things that we're going to be discussing today.

34
35 So, with that.....

36
37 MR. CARPENTER: Second.

38
39 CHAIRMAN LOHSE:we have a second
40 on adopting the agenda.

41
42 (Laughter)

43
44 CHAIRMAN LOHSE: Do I hear any further
45 discussion.

46
47 MR. HENRICHS: Question.

48
49 CHAIRMAN LOHSE: Question's been
50 called. All in favor signify by saying aye.

1 IN UNISON: Aye.
2
3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.
5
6 (No opposing votes)
7
8 CHAIRMAN LOHSE: Motion carries. Okay,
9 with that we go on to the election of officers. The
10 first officer we need to elect is the Chair, and as the
11 Chair I can't -I guess you can't say manage that, I
12 can't do it so I'm turning the Chair over to our vice-
13 Chair, Tom Carpenter.
14
15 MR. CARPENTER: Thank you, Mr.
16 Chairman.
17
18 Office of election for Chair for the
19 upcoming RAC year. I'd ask the Council for unanimous
20 consent, if there's no objection, to reelect Mr. Lohse
21 as Chairman of the Southcentral RAC.
22
23 Any objection.
24
25 (No objections)
26
27 MR. CARPENTER: So be it.
28
29 (Laughter)
30
31 CHAIRMAN LOHSE: That's cheating.
32
33 (Laughter)
34
35 MR. CARPENTER: No, it was fast.
36
37 (Laughter)
38
39 CHAIRMAN LOHSE: Yeah, well, thank you.
40 And I thank all the Council members for your
41 confidence, or I guess consideration, confidence,
42 whatever you want to call it, but thanks again it's
43 been a pleasure doing this for quite awhile. One of
44 these days somebody else is going to do it, that's for
45 sure.
46
47 In the meantime.....
48
49 MR. CARPENTER: You're professional.
50

1 CHAIRMAN LOHSE: No, I'm not. I'm an
2 amateur.
3
4 (Laughter)
5
6 CHAIRMAN LOHSE: In the meantime we now
7 have nominations open for vice-Chair. Do I have any
8 nominations.
9
10 Doug.
11
12 MR. BLOSSOM: Mr. Chair. I would
13 nominate Tom Carpenter, and ask for unanimous consent
14 on him also.
15
16 CHAIRMAN LOHSE: Do I hear a second.
17
18 MS. MILLS: Second.
19
20 CHAIRMAN LOHSE: It's been moved and
21 seconded that Tom Carpenter, unanimous consent. Do we
22 have any objections.
23
24 (No objections)
25
26 CHAIRMAN LOHSE: Hearing no objections,
27 I think it's unanimous. Am I correct, I don't have to
28 ask for a vote then.
29
30 MR. MIKE: No, you don't.
31
32 CHAIRMAN LOHSE: Okay. And, now,
33 Secretary. Nominations are open for Secretary.
34
35 Doug.
36
37 MR. BLOSSOM: Mr. Chair. I would
38 nominate Judy and I would ask for unanimous consent for
39 her also.
40
41 MR. CARPENTER: Second.
42
43 CHAIRMAN LOHSE: It's been moved and
44 seconded for Judy for Secretary with unanimous consent.
45 Do I hear any objections.
46
47 (No objections)
48
49 CHAIRMAN LOHSE: Hearing none, Judy,
50 you're a secretary.

1 MS. CAMINER: Okay, thank you.
2
3 CHAIRMAN LOHSE: With that, we're going
4 to review and approve the October 18th -- 15th --
5 Ralph, put your glasses on -- 15th and 16th, 2012
6 meeting minutes. I wasn't there, I don't think.....
7
8 MS. CAMINER: Yes, you were.
9
10 CHAIRMAN LOHSE: I was there so I guess
11 I can comment on that. I'm thinking of something else.
12
13 (Laughter)
14
15 CHAIRMAN LOHSE: Oh, well. Do I hear
16 any corrections, additions, or changes that need to be
17 made to our 2012 meeting.
18
19 MR. ENCELEWSKI: I've got some.
20
21 CHAIRMAN LOHSE: Mr. Greg.
22
23 MR. ENCELEWSKI: Yeah, Mr. Greg
24 Encelewski. I just wanted to note there's some typos
25 in here for spelling and it's not a big deal but
26 Dean Kvasnikoff, they got it CAV-something. It's K-V-
27 A-S-N-I-K-O-F-F, and that was Dean.
28
29 Under the Native and non-governmental
30 agencies they had Native Village of Eyak, Native
31 Village of Eyak, and then they list Ivan and a whole
32 bunch of people from Ninilchik. I think they ought to
33 list Ninilchik Tribe there. All those people were from
34 -- you know, a lot of them from the tribe, so that it
35 carries right.
36
37 And further down there's a couple more
38 spellings of Kvasnikoff's name.
39
40 I had some other things, but, anyway, I
41 just wanted to note those things and I'll give them to
42 Donald.
43
44 CHAIRMAN LOHSE: Okay. Some spelling
45 changes, and an addition of Kenai, no.....
46
47 MR. ENCELEWSKI: It was the Ninilchik
48 Traditional Council that was present there with all
49 those people testifying.
50

1 CHAIRMAN LOHSE: Okay. Ninilchik
2 Traditional Council.
3
4 MR. ENCELEWSKI: Yeah.
5
6 CHAIRMAN LOHSE: Okay. Any others.
7
8 MR. MOONIN: I don't know if that
9 date's right or not.....
10
11 REPORTER: Microphone.
12
13 MR. MOONIN:but the location of
14 the next meeting.....
15
16 REPORTER: Microphone please.
17
18 MR. MOONIN:is 2008, I think it
19 was October 8th and 9th.
20
21 MR. ENCELEWSKI: Yeah, I had that
22 circled also.
23
24 MR. MIKE: Microphone.
25
26 MS. CAMINER: Yeah, good point.
27
28 MR. MIKE: Mr. Chair.
29
30 MS. CAMINER: Page 11.
31
32 CHAIRMAN LOHSE: Page 11.
33
34 MR. MIKE: Mr. Chair.
35
36 CHAIRMAN LOHSE: Yes.
37
38 MR. MIKE: I'd like to remind the
39 Council we have these microphones, we have our court
40 recorder, so if you could familiarize yourself with
41 turning the microphone on before you speak, we can get
42 all the information on record. It's just an on and off
43 button. Thank you.
44
45 CHAIRMAN LOHSE: Yes. Okay, Page 11,
46 the fall meeting will be October 8th and 9th in 2013,
47 not 2008 unless we're capable of turning the clock
48 back, which would be nice.
49
50 MR. CARPENTER: That'd be cool.

1 (Laughter)
2
3 CHAIRMAN LOHSE: Any other changes,
4 corrections, additions that anybody saw.
5
6 (No comments)
7
8 CHAIRMAN LOHSE: With that, a motion
9 for approval is in order.
10
11 MR. CARPENTER: So moved.
12
13 CHAIRMAN LOHSE: It's been moved and
14 seconded to adopt the October 15 and 16, 2012 meeting
15 minutes.
16
17 MR. HENRICHS: Second.
18
19 CHAIRMAN LOHSE: Any discussion.
20
21 (No comments)
22
23 MR. HENRICHS: Question.
24
25 CHAIRMAN LOHSE: Question's called.
26 All in favor signify by saying aye.
27
28 IN UNISON: Aye.
29
30 CHAIRMAN LOHSE: All opposed, signify
31 by saying nay.
32
33 (No opposing votes)
34
35 CHAIRMAN LOHSE: Motion carries.
36 That's subject to the changes that were brought up.
37
38 Okay, Council member reports.
39
40 This might be a good time for having a
41 report from Mike.
42
43 MS. CAMINER: Yeah.
44
45 CHAIRMAN LOHSE: Do you think you'd
46 like to do that, Mike, give us a little report on what
47 you did.
48
49 MR. OPHEIM: On what we did this past
50 summer. We got a grant through EPA to do a fish

1 consumption assessment on Cook Inlet tribes, we did
2 Seldovia, Port Graham, Nanwalek, and Tyonek.

3
4 And we followed along a survey done by
5 the Columbia River tribes, and we went -- we selected
6 19 people from each village, did surveys on them and
7 came up with much higher numbers than what the State
8 and EPA used as their fish consumption numbers. I
9 think the State uses 6.5 grams per day and the EPA uses
10 17.5, I think, and the numbers that we came up with
11 were five to 15 times higher than what the State and
12 EPA are using. And that's, oh, I want to say we have a
13 paper here, if you want me to hand that out so we can
14 share that. It's a draft report. It's nothing
15 confirmed yet. We still have a bunch of data that
16 needs to be put together and straightened out. We did
17 find one number or two numbers, actually, just before
18 we came up on the fish consumption numbers, and -- I
19 don't know if I have enough of those, but they'll need
20 to be changed. We used some Seldovia numbers instead
21 of the whole group numbers.

22
23 I don't know, it'll probably be August
24 or September before we finalize the report. So we're
25 hoping that these will help with things like the NPDS,
26 general permits, things like that for the Clean Water
27 Act, and actual fish consumption here in the state
28 showing that we do have a considerably higher number of
29 fish being eaten than what is posted, I guess.

30
31 CHAIRMAN LOHSE: Mike. Just for the
32 sake of us that haven't been able to quite convert over
33 the metric system, or to grams, what is that in pounds?

34
35 (Laughter)

36
37 MR. OPHEIM: Let's see, I'm not quite
38 familiar with those either so, what is it, there's 16
39 ounces, I don't know how many grams per ounce.

40
41 MR. CARPENTER: 28.

42
43 CHAIRMAN LOHSE: How many?

44
45 MS. CAMINER: 28 grams per ounce.

46
47 CHAIRMAN LOHSE: 28 grams per ounce,
48 okay.

49
50 MR. OPHEIM: Okay.

1 CHAIRMAN LOHSE: So 17 grams, that's a
2 half an ounce, and if you got five times that much then
3 that's two and a half ounces, somewhere in that
4 neighborhood.

5
6 MR. OPHEIM: Yeah, we were using some
7 fish models when we'd actually do the surveys and they
8 were, you know, I think there was a halibut piece that
9 was probably half the size of this Office Depot pad and
10 that was representative of five ounces, I believe, and
11 then we had another one that was representative of
12 three ounces and, you know, a lot of the folks would
13 look at that and say, well, you know, we eat, you know,
14 three or four times that, you know, per se. And even
15 some of the folks.....

16
17 (Teleconference interruption)

18
19 MR. OPHEIM:who were saying,
20 well, I don't eat fish that often, they would, you
21 know, say, yeah, I do eat fish on occasion, you know,
22 but I'll have life a half a salmon or something, you
23 know, which was just amazing that even those numbers
24 came back really high.

25
26 CHAIRMAN LOHSE: I can believe that,
27 Mike, because I can remember a long time ago when I was
28 taking people out and I had somebody from New York and
29 they were talking about that they weren't supposed to
30 eat more than four ounces of salmon per week, and I
31 asked them well how do you cut a piece of salmon small
32 enough to be four ounces.

33
34 (Laughter)

35
36 CHAIRMAN LOHSE: I mean I don't think
37 I've ever eaten four ounces of salmon at one time in my
38 life, you know, so I mean that -- I think that that
39 sounds to me like that's probably more, you know, more
40 in line with what I know of people who actually eat
41 fish, you know.

42
43 MR. OPHEIM: Yeah. And we are going to
44 be -- we have applied for more funding through EPA,
45 special project funding, to continue the work and try
46 and do actual fish tissue samples so hopefully we're
47 going to work with ADEC, the lab, to get some fish
48 samples done. We're going to try and use red salmon
49 the first year and then work from there. And that
50 information, I guess, for Cook Inlet, is something that

1 the ADEC is lacking. So it was great to actually get
2 to talk to them and get to work with them, hopefully.

3

4 The actual cost of doing the 465
5 samples, I think, that we needed, was going to be in
6 the range of 1.9 million dollars. It's about 2,700 to
7 \$3,000 for each of the samples.

8

9 CHAIRMAN LOHSE: And is this a
10 nutritional analysis or is this a mineral and
11 contamination and everything else?

12

13 MR. OPHEIM: Mineral contamination, I
14 think, and everything else.

15

16 The Columbia River tribes, I think they
17 did thousands of these samples and I don't know how
18 they must have afforded to do as many samples as they
19 did. Amazing.

20

21 CHAIRMAN LOHSE: Any questions for
22 Mike.

23

24 James.

25

26 MR. SHOWALTER: Yes. It's a summary of
27 Cook Inlet tribes, okay, why isn't the Kenaitze Tribe
28 not included?

29

30 MR. OPHEIM: We only had funding enough
31 to do four tribes and we did ask around and we didn't
32 get a reply, I don't believe, from Kenaitze.

33

34 MR. SHOWALTER: Okay, thank you.

35

36 CHAIRMAN LOHSE: Greg.

37

38 MR. ENCELEWSKI: Yeah, Michael, I
39 appreciate your report here. It looks like you guys
40 are doing really great. But I want to caution you on
41 one thing or ask you a question, if I may.

42

43 MR. OPHEIM: Uh-huh.

44

45 MR. ENCELEWSKI: Ninilchik Tribe has
46 done some of these studies in the past, consumption and
47 stuff, and we've done very detailed home studies
48 through reports, but we had one hell of a time
49 defending them when we came to this RAC and with the
50 State and even with the Feds and the OSM. So I would

1 just let you know that, that all these studies, as you
2 well know, got to be so touchy in how they defend
3 against other agencies and how they perceive your
4 studies.

5

6 MR. OPHEIM: Okay.

7

8 MR. ENCELEWSKI: So I agree with you
9 and I know these are correct but they don't hold a hell
10 of a lot of water when we come up against trying to
11 defend a lot of stuff we do, so just to let you know
12 that. I hope it will.

13

14 MR. OPHEIM: Yeah. And we are trying
15 to make it as defensible as possible working with EPA
16 and we're hoping to do a peer review, of sorts, as well
17 to try and make it as strong as we can to make it as
18 defensible as we can to, you know, give this
19 information out and let everybody know that it's
20 factual, it's true, you know, and you can't say much
21 about it.

22

23 MR. ENCELEWSKI: Well, good, I hope it
24 works. We're going to do some other studies, too, and
25 we're really having to go through a complicated process
26 of a fairness of analysis of how you select the people,
27 how you do the studies, blah, blah, blah and it's very
28 detailed to try and defend this stuff, you know, as you
29 know and it sounds like you're doing a great job.

30

31 Thank you.

32

33 MR. OPHEIM: Thank you.

34

35 CHAIRMAN LOHSE: Any other questions.

36

37 MS. CAMINER: Yes.

38

39 CHAIRMAN LOHSE: Judy.

40

41 MS. CAMINER: Well, I know you
42 presented this at the Alaska Forum on the Environment,
43 so maybe a follow up to Greg's question, what kind of
44 feedback did you receive at your presentation or are
45 there things you may now do differently based on some
46 of that feedback?

47

48 MR. OPHEIM: We had really good
49 feedback. We had a lot of people that were interested
50 in the report, unfortunately we can't give out anything

1 right yet in the way of the report, other than this
2 here which we gave out to the tribes that participated
3 so they could share with their tribal members.

4
5 As far as anything different, you know,
6 I can't think of anything that was suggested right off
7 the bat that we would change.

8
9 We did discuss some things with the
10 person from, I think it was ADEC, I think it was Mariah
11 Twitchell, and I know she's anxious to get the data and
12 the report, but we can't share that just yet.

13
14 So EPA held a meeting just over our
15 report itself and hopefully we're going to get feedback
16 from them here this month, if not, in March, so we can
17 start making changes.

18
19 CHAIRMAN LOHSE: Thank you, Mike. Any
20 other questions or comments that anybody on the Council
21 would have for Mike.

22
23 (No comments)

24
25 CHAIRMAN LOHSE: Mike, thank you for
26 that report. Thank you for the work that you've done.
27 And, with that, we'll go on.

28
29 Any other Council member have anything
30 that they would like to report.

31
32 Mr. Henrichs.

33
34 MR. HENRICHS: I'll let our tribal
35 biologist do our report.

36
37 CHAIRMAN LOHSE: What?

38
39 MR. HENRICHS: I'll let our tribal
40 biologist give our report.

41
42 CHAIRMAN LOHSE: Is she on the list
43 later or do you want to have it now?

44
45 MR. HENRICHS: I don't know, whenever
46 you want is fine.

47
48 MR. CARPENTER: She's on there later.

49
50 CHAIRMAN LOHSE: She's on there later

1 so we'll have her then unless you have something to
2 report, Mr. Henrichs.
3
4 MR. HENRICHS: I do.
5
6 CHAIRMAN LOHSE: Do you?
7
8 MR. HENRICHS: I don't know, do I?
9
10 (Laughter)
11
12 CHAIRMAN LOHSE: I don't know, do you?
13
14 (Laughter)
15
16 MR. HENRICHS: Actually I went to the
17 doctor.....
18
19 MR. MIKE: Microphone.
20
21 MR. HENRICHS:and he told me I
22 didn't have to take insulin anymore.
23
24 CHAIRMAN LOHSE: Well, good, that's a
25 good report.
26
27 (Laughter)
28
29 MR. HENRICHS: I talk louder now.
30
31 CHAIRMAN LOHSE: Okay. Mr. Encelewski.
32
33 MR. ENCELEWSKI: Great, thank you,
34 Ralph. I just -- if Bob is done with his report I just
35 wanted to make one brief report.
36
37 You know at our last meeting we asked
38 the Council to write a letter and get support for a
39 subsistence user to be appointed to the Cook Inlet,
40 subsistence on the Task Force for the king salmon. And
41 that was denied. That was overlooked. I'll just
42 report that we did a lot of follow up from the Tribe,
43 we wrote and requested and we got a letter, not even
44 from the agencies, but from one of their step-downs, I
45 guess, I'd call it, but -- trying to tell us how the
46 process worked. But anyway we followed that up with
47 more detailed letters and copied to the Governor and
48 everyone else, and, anyway, we did not participate in
49 the Task Force and we were denied a seat on there.
50 There was no subsistence users on that Task Force.

1 So I'd like the record to show that.
2
3 Thank you.
4
5 MR. CARPENTER: Wow.
6
7 CHAIRMAN LOHSE: Thank you, Greg.
8 That's interesting that it would go that way. I would
9 have thought that they would have made room somehow or
10 another for that.
11
12 And, Greg, I have to say I was at a
13 basketball game at Ninilchik the other night and you
14 weren't there so I didn't get to see you so -- and I
15 saw Ninilchik get beat.
16
17 (Laughter)
18
19 MR. ENCELEWSKI: Well, I bought a lot
20 of tickets for the boxes of crab and I didn't win them
21 either, I should have showed up.
22
23 (Laughter)
24
25 CHAIRMAN LOHSE: Okay. No other
26 Council member reports.
27
28 (No comments)
29
30 CHAIRMAN LOHSE: The Chair really
31 doesn't have much to report because he did not go to
32 the fish, the main meeting of the Fish Board, and so
33 what we're going to have to do is we're going to have
34 to look at.....
35
36 MS. CAMINER: Greg was raising his
37 hand.
38
39 CHAIRMAN LOHSE: What?
40
41 MS. CAMINER: Greg was raising his
42 hand.
43
44 CHAIRMAN LOHSE: Greg, you were there?
45
46 MR. ENCELEWSKI: Yeah, I was there and
47 I guess I could give just a brief report on what I saw
48 on our side, from our village.
49
50 Ninilchik's proposal for a permanent

1 fishwheel on the Kasilof was up and to get that
2 repermittted, and they approved that, so we do have a
3 fishwheel permit now for the Kasilof.

4
5 CHAIRMAN LOHSE: And it is permanent.

6
7 MR. ENCELEWSKI: Permanent, yeah.

8
9 CHAIRMAN LOHSE: Donald.

10
11 MR. MIKE: Thank you, Mr. Chair. The
12 .805c report is still in draft form so the Chair hasn't
13 been able to sign it, so it'll be available at our next
14 meeting or when it's signed we'll send it out to all
15 the Council members.

16
17 Thank you.

18
19 CHAIRMAN LOHSE: Thank you. Thank you.
20 With that, was there anything else, since you were
21 there, was there anything else exciting that happened
22 that you thought we should know about as a Council.
23 Any precedence set or anything like that?

24
25 MR. ENCELEWSKI: Well, yes, there was.
26 And you asked me to speak so I'm going to speak.

27
28 (Laughter)

29
30 CHAIRMAN LOHSE: Good.

31
32 (Laughter)

33
34 MR. ENCELEWSKI: Actually I was asked
35 -- Donald asked me if I wanted to sit in, I got there a
36 little late, I had some other meetings. Ivan testified
37 for the Tribe on the fishwheel and I thought he did an
38 excellent job. The State had their concerns of
39 conservation issues, which there were none, and this
40 RAC also found that there was none so that was
41 rightfully dropped.

42
43 But the other thing that we noticed,
44 there was -- down in some of the other proposals that
45 came before the Board, and I think it was down south in
46 by Chignik area, there was a proposal for some
47 subsistence use there and the Board gave them some
48 subsistence use and it was for kings, if I believe
49 right, and it was in an upper sanctuary area, but what
50 they did is they allowed them to have some hook and

1 line and stuff and, you know, it was kind of deja vu
2 and we were a little concerned over that because one of
3 the Board members stated that, you know, it was good
4 for them to have a win/win with the State and to work
5 with the State because the State had recommended these
6 other restrictions.

7

8 Well, what we were seeing and what I
9 continue to see is, you know, I don't know how exactly
10 how to put it but it's not the way a subsistence user
11 gets his fish and uses it and giving us a little -- it
12 was the same thing that we got on the Kenai in Moose
13 Range Meadows and in other areas, they give you one
14 more hook or some bait and really no meaningful
15 preference. That concerns us.

16

17 So that I was a little concerned about.

18

19 Other than that it looked like the
20 Board was working very well and they had a good
21 meeting, and they had a party for Pete Probasco, but,
22 anyway he's moving to another division. Other than
23 that it was great.

24

25 CHAIRMAN LOHSE: Thank you, Greg. And,
26 thank you for being there.

27

28 Judy.

29

30 MS. CAMINER: I guess just one other
31 comment, which I'm sure you're all aware, the Board of
32 Game will be meeting on Southcentral proposals starting
33 March 1 and so they're not exactly sure but some of
34 them might influence some of our responsibilities, too.

35

36 CHAIRMAN LOHSE: Anything else from
37 other Council member.

38

39 (No comments)

40

41 CHAIRMAN LOHSE: Like Donald said the
42 .805 report will be out later and he'll send it to each
43 one of us.

44

45 Gloria.

46

47 MS. STICKWAN: We had a meeting, the
48 Wrangell-St.Elias Subsistence Resource Commission had a
49 meeting after the Southcentral meeting. There wasn't
50 any fisheries proposals submitted for the Copper River,

1 upper Copper River region. And we talked about brown
2 bear baiting and shortening the coyote and wolves
3 season on National Park Lands, and the Wrangell-
4 St.Elias objected to that and wrote a letter saying we
5 objected to -- we support brown bear baiting and
6 objected to shortening the season for coyotes. And
7 it's hard to remember what the meeting was about right
8 now but I could write a written report later and submit
9 it if you want me to.

10

11 CHAIRMAN LOHSE: Thank you on that Judy
12 -- not Judy, Gloria. Man, maybe I am the -- okay --
13 okay, with that if there are no other Council --
14 Donald.

15

16 MR. MIKE: Thank you, Mr. Chair.
17 Before we go on to the next agenda items, I'd like to
18 recognize Mr. Pappas, he's got a full schedule today
19 and if we could accommodate him to address the
20 nominations cycle and the application period. And also
21 the Forest Service Staff, Mr. Don Reeves, he'll be
22 available today from 11:00 a.m., to 3:00 p.m., so if I
23 can request of the Council to take a 10 minute break I
24 got to work on some technical difficulties to get the
25 teleconference unit back on line.

26

27 Thank you, Mr. Chair.

28

29 CHAIRMAN LOHSE: Okay. I was going to
30 ask you, Donald, if we should have some time specific
31 for some of these people that you've talked about and
32 maybe what you can do is we'll take a break and we can
33 come up with some ideas of time specific for the
34 individuals involved.

35

36 MR. MIKE: Okay. Thank you, Mr. Chair.
37 I'll work with the Forest Service Staff present here.
38 So we'll work on a time specific for Mr. Reeves.

39

40 Thank you.

41

42 CHAIRMAN LOHSE: Okay. And with that
43 I'm going to let everybody have a chance to get rid of
44 their morning cup of coffee, or whatever, and we'll
45 take a 10 minute break.

46

47 (Laughter)

48

49 (Off record)

50

1 (On record)

2

3 CHAIRMAN LOHSE: I'd like to call this
4 meeting of the Southcentral Alaska Subsistence Regional
5 Advisory Council back into session after our 10 minute
6 break.

7

8 (Laughter)

9

10 CHAIRMAN LOHSE: With that Donald had
11 some things for us on some time sensitive things that
12 we need to take care of.

13

14 Donald.

15

16 MR. MIKE: Yes, Mr. Chair. On the
17 public and tribal comments on non-agenda items, Cooper
18 Landing fish customary trade, the individual will be
19 available to speak to these proposals at 1:30 today so
20 if we can make that time certain he'll be calling in.
21 And that's on Page 13 in your meeting materials.

22

23 And the Forest Service Staff person,
24 Don Reeves, he lives here in town but he'll be stopping
25 by and presenting his presentation so if I see him I'll
26 inform the Council.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN LOHSE: Okay. So we'll have
31 the Forest Service report when the man shows up, and
32 we'll just break in at that time. And No. 9 on our
33 agenda, public and tribal comments by the Cooper
34 Landing would be at 1:30 this afternoon.

35

36 MR. MIKE: That's correct.

37

38 CHAIRMAN LOHSE: Okay. Thanks for that
39 information.

40

41 Okay, with that, do we have any other
42 public and tribal comments that need to be made at this
43 point in time. That's where we are on our agenda right
44 now if I remember right.

45

46 (No comments)

47

48 CHAIRMAN LOHSE: Would Eyaks, that
49 wouldn't be comments, that would be a report, right?

50

1 MR. HENRICHS: Sure.
2
3 CHAIRMAN LOHSE: Okay. So we'll pass
4 that up for right now.
5
6 Hearing none, we'll now go on to our
7 other old business -- oops, we have one.
8
9 MR. JUSTIN: Yes, Wilson Justin.
10
11 CHAIRMAN LOHSE: Wilson, would you come
12 on up for tribal comments then.
13
14 Good to see you again Wilson.
15
16 MR. JUSTIN: Thank you. I was thinking
17 this was set aside for the Cooper, I missed some of the
18 discussion.
19
20 Wilson Justin, Cheesh'na Tribal
21 Council, good morning. There was two items that I
22 wanted to speak to this morning.
23
24 The first one is an issue that I spoke
25 to at the Federal Subsistence Board meeting in January
26 and that is the customary trade issue, or not so much
27 an issue as what we would refer to as having been
28 defined in the State process previously and not
29 allowing for Alaska Native's input or tribal
30 consultation. And this customary trade designation
31 kind of got cobbled together between the '60s, '70s,
32 '80s and '90s without any real input from people who
33 were learned in customary trade in terms of tribal
34 groups.
35
36 I don't have a problem with the fact
37 that customary trade designations exist. Cheesh'na
38 does object to the fact that customary trade exists
39 without any direct consultation by any groups or
40 agencies with the State on the issue in terms of a
41 definition. So that's where we have a longstanding
42 problem with a question of what constitutes the
43 defining element of customary trade. I know what the
44 State has. I've seen a lot of their discussions on
45 customary trade in terms of their technical papers.
46 And I have to say that the technical papers by the
47 State are actually very good. I remember one, 325, by
48 Bill Simeon and Robin Levine, I believe it was, and
49 they spoke a bit about customary trade as the thought
50 that it existed prior to contact. But one of the

1 longstanding issues with customary trade that's missing
2 is the vast geographical nature of customary trade. It
3 wasn't just Mentasta and Chistochina and Gakona. It
4 was Knik, Mentasta, Klawani Lake (ph), Salcha, and
5 reverse.

6
7 Now, there's nothing in the rule book
8 that says customary trade has to be relegated to one or
9 two communities in a 15 or 20 mile radius and that's
10 where the current discussion is going to and we really,
11 really object, Cheesh'na objects to that because we
12 know from our own family history that customary trade
13 was over an area that usually included the Knik all the
14 way to Klawani Lake all the way down to Nenana. Katie
15 John tells often of the time that she came down with
16 her father, Sanford Charlie, to Knik when she was about
17 seven years old after a severe collapse of the
18 fisheries and the non-appearance of the caribou. They
19 came down with trade goods, pans, copper, stuff that
20 was pretty rare on the coast to get beluga meat to take
21 home. They came down with about eight or 10 pack dogs,
22 came down in the spring, went back about end of June or
23 thereabouts with the stuff. So the idea of customary
24 trade, which is being developed now and is coming
25 before the Federal Subsistence Board as being very
26 localized and having elements and components that only
27 have current market value is completely wrong. And,
28 Cheesh'na, of course, objects to having that kind of a
29 designation utilized in this process.

30
31 The other item that I wanted to speak
32 to is less, I guess you would say controversial, but
33 more specific to the National Park system, in terms of
34 the kind of regulatory development that are coming into
35 play. And I'm speaking not for or against the idea of
36 bear baiting, which has been a big thing in the
37 National Park, but I want to point out for the SCRAC
38 Council here that, in reality, bear baiting occurs
39 every year as soon as the moose season opens and stays
40 in place until the moose season closes. About one half
41 of a moose taken by recreational sportshunters are left
42 on the ground, so you have a bear station automatically
43 put into place when the hunting season opens. I think
44 about two years ago the National Park actually cited a
45 person for leaving most of the moose up in our area,
46 but that practice has been known to subsistence hunters
47 for years and years and years, that long distance
48 recreational hunters were leaving most of the meat and
49 most of the moose products back in the region. That
50 allows for the fact that animals, particularly birds

1 and bears will congregate in those areas. If there's
2 no conflict in terms of bear stations and hunting
3 season why is there a conflict before the National Park
4 regulatory process in bear stations outside of the
5 hunting seasons, except specific to bear season.

6
7 To me there's a bit of a walking the
8 line between looking at animals as equal to human
9 beings and looking at animals as part of the regulatory
10 process for the benefit of human beings and sometimes I
11 think the agencies stray too far over in assigning
12 equality to animals equal to human beings. And
13 Cheesh'na has always objected to that, and I wanted to
14 make sure that was on record before this Board.

15
16 So having said my say, I very much
17 appreciate the opportunity to talk to you.

18
19 Thank you.

20
21 CHAIRMAN LOHSE: Thank you, Wilson.
22 Does anybody have any questions.

23
24 Judy.

25
26 MS. CAMINER: Yes. Thanks, Wilson,
27 once, again, for coming before us here.

28
29 I just wanted to make sure I understood
30 your comments on customary trade. So years and years
31 ago the Board convened a task force, I think it's when
32 Pete Probasco first came to work here, and helped the
33 task force, which was made up RAC members, I think
34 tribal people and Staff, and so each RAC kind of
35 adopted their specific customary trade levels, limits,
36 if that's the right way to put it, so are you saying
37 that maybe RAC region is not large enough or are you
38 saying that putting monetary limits on it is not a good
39 idea?

40
41 MR. JUSTIN: What developed during
42 those discussions, and i was part of it, not maybe on a
43 meeting to meeting basis, but always a part of the
44 discussion, what happened during those discussions is a
45 great deal of the discussion revolved around the
46 original eight criteria from the State and the State's
47 criteria, which did not include specifically customary
48 trade revolved around the issue of current market
49 values. In 1989 or thereabouts when the Alaska State
50 Supreme Court ruled on guiding areas as being illegal

1 due to provisions of the State Constitution, at that
2 time would have been the appropriate time for the State
3 to approach customary and trade. Because even though I
4 am not a big fan of guides, professional guiding,
5 professional guiding evolved from the issue of trade
6 and barter among the communities that I'm most familiar
7 with. So statewide on a RAC basis a lot of the issue
8 and discussions of customary trade was related to a
9 current market value in the past in the guiding
10 industry because a lot of guides, rather than Indian
11 guides, rather than take their pay in 100 percent
12 current currency would take their pay in meat and skin
13 and whatever they can get from the field through the
14 guides. This was a part of the '30s, '40s, and the
15 '50s when my uncle and my grandparents were all guides.
16 A lot of them would rather have the byproduct of the
17 guiding business as opposed to the actual dollar for
18 the time that they spent. So intertwined in the
19 guiding business under the radar, so to speak, was the
20 issue of customary trade among Alaska Natives, but that
21 was totally disregarded in that particular court case
22 and there was no mention of it whatsoever in any of the
23 development.

24
25 The second place that the customary
26 trade should have been brought up to discussion was in
27 1980 when the ANILCA came into being. And there was a
28 number of attempts to define customary trade, primarily
29 led by the State, not the Federal folks. What happened
30 was that the Federal folks, by route, or I guess
31 because they thought that the State had done a
32 sufficient job, began to adopt the discussion of what
33 customary trade was as opposed to what was agreed to
34 what customary trade was. So in reality, in my
35 estimation and Cheesh'na, we have never defined
36 customary trade but we have accepted practices in
37 localities throughout the state as being customary
38 trade.

39
40 And what I'm saying, what Cheesh'na is
41 saying is, we don't want those practices relevant to
42 each individual groups of people to become a statewide
43 policy that's very narrow and focused on current market
44 value. That's very backwards.

45
46 So it's a long-winded quasi-legal reply
47 but we feel pretty strongly about the issue.

48
49 CHAIRMAN LOHSE: Tom.
50

1 MR. CARPENTER: Yeah, thanks, Wilson.
2 I just had a question in regards to the bear baiting
3 situation, and I agree with you that typically there's
4 a pretty well known use of sport harvest areas being a
5 very attractive site for people to go back and use a
6 natural baiting area.

7
8 Is it a practice or has it been a
9 practice of people of your region, obviously you're
10 utilizing as much of the animal, you know, if we use
11 moose, for example, as possible, but was it typical for
12 people of your region to go back and utilize the kill
13 site, what was left of the kill site to actually hunt
14 bears or is that something that didn't happen?

15
16 MR. JUSTIN: No, prior to statehood and
17 my father was a -- Old John of Nabesna was a Federal
18 wildlife officer, he was a bounty hunter and that
19 included bears. Back in the '30s and the '40s bears
20 were prevalent enough so that they were always going to
21 come into camp, you didn't have to go out and bait
22 them, you just had to light up a fire and start up your
23 coffee cup and you had company.

24
25 (Laughter)

26
27 MR. JUSTIN: It was after the airplane
28 industry era from the mid-50s into the '70s that the
29 issue of bear scarcity became a topic of issue among
30 the guiding industry because it was a cash crop, so you
31 had a long stretch of time there where bears were
32 really in your face all the time out in camp no matter
33 what you did, almost from the time they got up in the
34 spring until the time they went into the fall sleep
35 mode. Then you went through a long stretch of time
36 where bears would panic at the first sign of human
37 beings. Those eras are directly opposed to each other.

38
39 Today, what we have is kind of a mix of
40 friendly bears and bears who have gotten used to
41 dealing with bear stations and we have bears who, like
42 in Kodiak, who would respond to the sound of gun fire
43 because they know a deer goes down. Well, that happens
44 in the Nabesna area. You start hearing gun shots and
45 what happens, well, Mr. Bear's going to wake up and say
46 ah-ha, McDonalds has come to the back region.

47
48 Well, under those conditions you can't
49 have regulatory agencies develop regulations that are
50 inconsistent in terms of the kind of impacts those

1 regulations have on both the animals and the hunters.
2 You have to look at the fact that it's changed, evolved
3 and you have behavioral issues that are both hunter --
4 hunter practice and behavioral issues that are bear
5 practice. What I've seen of the regulatory agencies
6 efforts to deal with bear stations is pretty simple, it
7 was back in the environmental days of the '70s and the
8 '80s when bears were scarce and you didn't want people
9 always shooting them.

10
11 So, again, long-winded, but in terms of
12 bear stations this is not the same world that we once
13 had and the regulatory process does not reflect that.

14
15 Thank you.

16
17 CHAIRMAN LOHSE: Thank you, Wilson.
18 Anybody else.

19
20 (No comments)

21
22 CHAIRMAN LOHSE: Basically what I'm
23 hearing is there's an ambiguity there that we recognize
24 that, you know, the idea with regulations on bear
25 baiting usually is to protect other humans today. I
26 mean it's -- the fact that you don't want bear stations
27 bringing brown bears in where other people are running
28 around that might run into the brown bear, but we have
29 that situation all hunting season. So you're trying to
30 prevent something that you allow at another time of the
31 year and are you actually accomplishing anything.

32
33 MR. JUSTIN: That's correct.

34
35 CHAIRMAN LOHSE: And I think that's
36 kind of what I was getting that you were saying right
37 there.

38
39 MR. JUSTIN: That's correct. In my
40 estimation on a personal basis, that's a massive amount
41 of waste of time and resources.

42
43 CHAIRMAN LOHSE: Yeah.

44
45 MR. JUSTIN: Why not try to do
46 something that effects the problem as it exists as
47 opposed to just having a lot of stuff happen that
48 creates confusion and a little bit of hypocrisy in the
49 regulatory process.

50

1 CHAIRMAN LOHSE: Right. Making
2 regulations for the sake of regulations, not for what
3 they actually accomplish.

4
5 MR. JUSTIN: That would be my point if
6 I knew how to say that.

7
8 CHAIRMAN LOHSE: Yeah.

9
10 (Laughter)

11
12 CHAIRMAN LOHSE: Yeah. Well, thank
13 you, Wilson.

14
15 And on the other one, it's kind of
16 interesting that you bring up the wide spread practice
17 of customary trade because anybody that's been part of
18 the Copper Basin knows that like the trade out at Trawl
19 went to Nuchuk in one direction and went to the White
20 River in the other direction. I mean they had trading
21 stations up on the Scoli or up on the Chitastone Goat
22 Trail up there, up by Dan Creek, that they came from
23 the White River and traded at and they took -- well,
24 they say they took copper to Nuchuk that went down to
25 Southeastern that became the coppers that the Tlingits
26 and salmon down there, you know, traded down there.
27 So, you know, the trading on the Copper was definitely
28 that far. And then I also know that they traded on
29 down, they traded down the other way through Mendelton
30 and that and all the way down to Knik.

31
32 So I didn't recognize, I guess -- I was
33 part of that task force and I didn't recognize any -- I
34 don't remember any limitations based on closeness and
35 that's what I'm wondering. I'd have to review it
36 again, you know, mostly it was other rural, you know,
37 subsistence users, not somebody that's within 20 miles,
38 40 miles or part of your AHTNA community in the Copper
39 Basin. I didn't remember that so I'll have to go back
40 and look at that.

41
42 MR. JUSTIN: If I could. You're
43 correct. In your task force there were no discussion
44 about boundaries. That discussion occurred outside of
45 the task force within the State system and began to
46 gain force as a question or a matter of law by being
47 defined in a current monetary situation. So what we're
48 having is parallel systems and what I'm doing is, I'm
49 saying, wait a minute, we can't -- we're not going to
50 go down that road. We already had international

1 activities in customary trade a few short years before
2 statehood. It was conveniently ignored, now we want to
3 say you -- you can't ignore it, you have to include it.

4

5 CHAIRMAN LOHSE: Thank you. Judy.

6

7 MS. CAMINER: Mr. Chair. I guess for
8 our memories and those who may not have been involved
9 at the time, maybe someone before our 1:30 briefing,
10 from OSM or other, can point us to what is the
11 regulation for Southcentral RAC relating to customary
12 trade because I know some RACs have put monetary limits
13 on it, I just honestly don't remember if have or not.
14 But i think if we could be pointed towards that, that
15 would help in our discussion later too.

16

17 Thanks.

18

19 MR. JUSTIN: And if I might add one
20 more -- oh, sorry.

21

22 CHAIRMAN LOHSE: Lee.

23

24 MR. ADLER: Wilson you said that you
25 think that about half of the moose meat is wasted,
26 could you elaborate on that a little bit, maybe the
27 cause? I know there's a lot of moose meat wasted but I
28 didn't really think it was quite that high and what is
29 your opinion of the reason for that?

30

31 MR. JUSTIN: Weight issues related to
32 the amount of space they have to carry out the meat.

33

34 Very few people know but one of the
35 major waste of moose is the rib cages, they don't leave
36 it at the site. They take it a ways off and then drop
37 it. A lot of the hunters that come into our area, they
38 bone the meat, and then they'll leave the toughest
39 portion of the -- like the upper leg, they'll leave all
40 of that and take just basically what you would call the
41 eye, the ham and the backstraps and the same thing with
42 the front shoulder. So they leave -- I've seen a lot
43 of places where a half a mile or so down the trail and
44 off to the side from the moose kill there'd be the rib
45 cages discarded just because they're so heavy, take up
46 so much space.

47

48 So I probably went to about four, maybe
49 five different moose kills the last three years and
50 each time a tremendous amount of meat was left in place

1 so I can't speak to other kill sites, just to the kill
2 sites that I've been to between the Nabesna Road and my
3 hunting camp.

4
5 MR. ALDER: Thank you. One thing I'd
6 make a comment about is that I feel that one of the
7 problems, it's not a subsistence regulatory thing, but
8 this 50-inch bull and three or four brow-tines is kind
9 of a problem because in the last two years I've had two
10 friends that shot bulls that were just short and in the
11 last 10 years I've let three of them go I didn't shoot
12 because I wasn't sure if it was 50-inches. So, to me,
13 the 50-inch thing it doesn't work. Because unless you
14 go out and measure it, you can't tell.

15
16 (Laughter)

17
18 MR. ADLER: And I hate to think of
19 this, but I think there are some people, I've never
20 known anybody, but, would shoot an animal, it doesn't
21 measure up, they'll just walk away. Have you ever seen
22 that?

23
24 MR. JUSTIN: All we have is anecdotal
25 discussion. People on the road talking about finding a
26 moose left out there shot.

27
28 MR. ADLER: Yeah.

29
30 MR. JUSTIN: And you normally assume
31 it's because they got scared when they saw that it was
32 sub-legal.

33
34 MR. ADLER: Uh-huh.

35
36 MR. JUSTIN: But nobody ever actually
37 said they saw anybody shoot a moose and I've never
38 found a whole carcass. I've found places way after the
39 hunting season where it's obvious that the whole moose
40 was there some months later, I've found that but I've
41 never been next to a shooting where a moose was shot
42 then abandoned.

43
44 MR. ADLER: Thank you. Every year I
45 see, in the second season on caribou, I'll find whole
46 caribou they're just laying there frozen but I don't
47 think it's because they're sub-legal, I think it's
48 because the guy that shot the caribou didn't know that
49 he'd fatally wounded it and didn't follow-up, and once
50 they sit there for a few days they become wolf bait and

1 bears.

2

3

Thank you.

4

5

CHAIRMAN LOHSE: Thank you, Wilson.

6 Yeah, when you were talking about 50 percent I was
7 figuring that what you were basically saying is the
8 average moose that's cleaned leaves almost 50 percent,
9 you know, the way people don't -- they don't pack out
10 the lower legs, they don't pack out the hide, they
11 don't pack out the neck, they might cut the horns off,
12 they don't pack out the guts and I know so many people
13 that don't pack out the liver, which just makes me
14 madder than a dickens, but -- or the heart, and you add
15 all of that stuff up and you've got 50 percent of the
16 moose sitting right there on the ground as far as
17 weight is concerned, even for somebody who thinks they
18 took what they should take. And if then they're real
19 careless they can come up with more. And then you
20 start adding in the cripples that run off or the
21 accidental shot ones that weren't legal and I think
22 you're probably right, I think probably out of the
23 hunting season 50 percent of the moose, the poundage of
24 the moose stays out in the field.

25

26

MR. JUSTIN: You know I may be
27 criticized for speculating but I would stand by that
28 statement any time just because I've spent so much time
29 out there. And I do wish some of these hunters would,
30 once in awhile tell me where they got their moose
31 because I'd be -- I know they always leave the neck,
32 they leave all the guts and the head, they just chop
33 the horns off, I would be glad to go over there and
34 clean up after them if I knew where to go.

35

36

(Laughter)

37

38

MR. JUSTIN: I wouldn't even go hunting

39 if I had that kind of.....

40

41

(Laughter)

42

CHAIRMAN LOHSE: Well, it'd be okay if
44 they took the liver out of the gut pile and set it some
45 place where it would cool off then for sure I'd go find
46 it too.

47

48

(Laughter)

49

50

CHAIRMAN LOHSE: When they leave it in

1 the gut pile it cooks.

2

3 (Laughter)

4

5 MR. JUSTIN: True.

6

7 CHAIRMAN LOHSE: Yeah, I don't think
8 you're too far off on your speculation as to how much
9 meat is out there and that's a lot of bear stations.
10 So you're hoping that at that -- and maybe that's what
11 they're figuring at that time of the year you don't
12 have recreational hikers out there, most of the people
13 that are hiking around are armed and in the spring bear
14 season you could have recreational hikers running
15 around that would run into a bear baiting station or
16 something like that.

17

18 MR. JUSTIN: And then if I may finish
19 up the bear bait station issue on my part, I don't
20 really think there's a reason to have bear bait
21 stations in this day and age. But on the other hand,
22 unilaterally dismissing them is not the right answer
23 either. There is a time and a place for bear bait
24 stations in my mind, even if I don't support them. I
25 think that teaching younger people how to hunt or what
26 to do with taking the animal and skinning them out and
27 that particular process, bear stations have a definite
28 place.

29

30 CHAIRMAN LOHSE: Thank you. Any other
31 -- Doug.

32

33 MR. BLOSSOM: Yeah, Mr. Chair. I guess
34 I want to put my two cents worth in.

35

36 I've went to the class and got my
37 license to bear bait. What I like about it is we set
38 up a station back in the woods and we can pick a nice
39 bear, we don't have to shoot the first bear we see.
40 Take a nice bear, bring him home and eat him and he's
41 good. For the first time this year I brought brown
42 bear home. So I mean I don't think you setting up bear
43 stations for a lot of people for the trophy, it just
44 gives you a chance really to find a nice bear to bring
45 home.

46

47 MR. JUSTIN: Well, my father when he
48 was hunting, and he died in 1952, he taught my uncle --
49 well, both of my uncles how to bear bait, ice bears
50 they call them, the color face black bears up around

1 the glaciers which was a prized delicacy in our area.
2 Under those conditions, to me, it's very easy to see
3 why there's a need for bear stations.

4
5 My problem with the whole process today
6 is that people assume that bear stations have to be in
7 a type of locality that are not consistent with what I
8 always assumed to be principles of hunting. And in the
9 National Park Service system there seems to be a deep
10 prejudice against bear baiting and bear stations and I
11 dislike that. I don't like to see prejudice in agency
12 work when it comes to people, I like to see well
13 thought out reason process. If they disagree with me
14 and they tell me why and it's logical and reasonable, I
15 can understand that. But if they come and -- if the
16 National Park and the regulatory agencies come to me
17 and say bear stations are no good, that's not
18 acceptable.

19
20 CHAIRMAN LOHSE: Thank you. Any other
21 comments or questions for Wilson.

22
23 (No comments)

24
25 MR. JUSTIN: I very much thank you for
26 the chance to talk to you.

27
28 CHAIRMAN LOHSE: Okay. With that, what
29 I would like, with the okay of the rest of the Council,
30 we have a distinguished guest here today and before we
31 go on to old business, I would like to see if Pat would
32 have anything that he would like to address us on and I
33 guess I should be real polite and use the whole full
34 name, Pat, but.....

35
36 (Laughter)

37
38 MR. POURCHOT: Well, thank you, Mr.
39 Chairman and members of the Council. My name's Pat
40 Pourchot. I work for the Secretary of Interior here in
41 Anchorage.

42
43 And I just wanted to, if I could, just
44 offer a couple of comments of thanks to all the members
45 of the Council. Mr. Chair, as you know from your years
46 of experience, many of these Council folks have been
47 with you for a number of years and we are very
48 fortunate, I think, specifically for the Southcentral
49 Council, to have enjoyed your service and all the
50 decades of experience and knowledge that you've brought

1 to the RAC. We have the situation, of course we have
2 10 RACs, many of them benefit from longstanding folks,
3 some of them have troubles getting enough members and
4 every year it's a challenge. And so I think this RAC
5 has been fortunate to be able to attract folks and keep
6 folks that are a vital part of our Federal Subsistence
7 Program.

8
9 And maybe as a little advertisement,
10 one of the issues, and I don't say this lightly, on
11 thanking you for service, the Board has had troubles in
12 the last two or three years attracting enough people to
13 serve on all the Councils that we have. And you may
14 have seen this, this is the membership application, the
15 date, the Federal Subsistence Board extended the date
16 for applications for the RAC this year to the end of
17 March and some of you may have heard the radio
18 advertisements on public radio trying to gin up some
19 interest, and I would -- if you know friends in this
20 region or other regions that might be good members of
21 RACs, I sure would encourage you to talk to them and
22 solicit their interest in serving on the RACs.

23
24 You know, there's lots of reasons and
25 as you know it takes lots of time and dedication and
26 there's probably good reasons why we haven't seen the
27 interest in the recent years. But for some RACs it's
28 hurting the cause. And, frankly, we haven't even come
29 up with alternates in a couple of RACs.

30
31 So, again, thanks for your interest.

32
33 As you know from the Secretary's review
34 of the program, now dating back a couple of years,
35 there were a lot of comments then about the roles of
36 the RACs and needing to emphasize the input from the
37 RAC, not just on a regulation -- relating to hunting or
38 fishing regulations, but on a host of things, and I
39 hope that you've seen a bit of a change in that regard,
40 where the Federal Subsistence Board is putting out
41 things like rural determination guidelines, customary
42 and traditional use policies that they're looking at,
43 the State MOU, these have gone back to the RACs
44 specifically for your input and your input into their
45 process is used and is of real value to their work and
46 I think you have some of those examples on your agenda
47 this time.

48
49 And, so, I know, the Board would like
50 to hear your response to any number of things dealing

1 with the entire program.

2

3 So, Mr. Chair, that's all I wanted to
4 say but I wish you the best on your meeting here and
5 thanks so much again for your service and your input
6 into the Federal Subsistence Board Program.

7

8 Thank you.

9

10 CHAIRMAN LOHSE: Thank you, Pat. And I
11 look around at our Council and I see we have a couple
12 of young members on it now, a few of them, and I see a
13 few of us that are getting up there in age and I hope
14 all the rest of them that are getting up in age are
15 trying to talk their sons and sons-in-laws or daughters
16 or somebody like that into taking their place when they
17 leave. So I'm hoping that that continues. I'm hoping
18 that there's enough interest in the next generation to
19 carry the ball.

20

21 MS. CAMINER: Mr. Chair.

22

23 CHAIRMAN LOHSE: Judy.

24

25 MS. CAMINER: Thanks, Pat, for being
26 here. I know you've been pretty consistent in attending
27 our meetings.

28

29 Maybe this will depend on the new
30 Secretary, but do you have a sense yet whether there
31 will be an Alaska person on the Secretary's Staff in
32 Washington?

33

34 MR. POURCHOT: Well, that's a great
35 question, I've asked that question several times
36 myself.....

37

38 (Laughter)

39

40 MR. POURCHOT:since I've been
41 trying diligently to do both jobs. I had a, as you may
42 know, Kim Elton, was working for the Secretary in
43 Washington on Alaska issues and we were great tag team
44 on local and DC issues affecting Alaska and then Kim
45 retired last December, and we have other vacancies in
46 the Secretary's office and when I was back there in
47 January the word was wait and see or this -- personnel
48 is on hold temporarily pending the new Secretary. The
49 new Secretary, as many of you probably know, has been
50 nominated by the White House, Sally Jewel, she's from

1 Seattle. Her name should be forwarded to the Senate
2 for confirmation this week, hopefully. There's
3 typically confirmation hearings that are held.
4 Secretary Salazar has kind of indicated his intention
5 of leaving towards the end of March so you never know
6 about Senate confirmations, but hopefully a new
7 Secretary will be confirmed by the time he leaves. I
8 mean that would be the goal, the hope.

9
10 But then in answer to your question,
11 presumably that would await the new Secretary's
12 decision, and it's not isolated. There are several
13 assistant secretarys that are currently acting that
14 need to be filled and submitted for confirmation to the
15 Senate so we're feeling a bit shorthanded right now.

16
17 Thanks.

18
19 CHAIRMAN LOHSE: Any other questions or
20 comments for Pat.

21
22 (No comments)

23
24 MR. POURCHOT: Thank you.

25
26 CHAIRMAN LOHSE: I sure appreciate the
27 support that we've gotten from you and the past
28 Secretary and I think the review was handled extremely
29 well and I hope that we can keep going forward.

30
31 Thank you.

32
33 MS. CAMINER: Gloria.

34
35 CHAIRMAN LOHSE: Oh, Gloria, sorry.

36
37 MS. STICKWAN: Native Village of
38 Tazlina applied for a grant with US Fish and Wildlife
39 Service through the tribal wildlife grant and we
40 haven't 'heard anything back about the funding for the
41 grant, so I was wondering about that.

42
43 MR. POURCHOT: I will look into it.
44 Tazlina -- the Village of Tazlina?

45
46 MS. STICKWAN: Native Village of
47 Tazlina. I don't know if it's because Congress hasn't
48 appropriated funds yet or if that's -- I don't know.

49
50 MR. POURCHOT: I'll look into that and

1 get back to you. Thanks, Gloria.

2

3 CHAIRMAN LOHSE: Any other comments or
4 questions for Pat.

5

6 (No comments)

7

8 CHAIRMAN LOHSE: Thank you, Pat.

9

10 MR. POURCHOT: Thank you.

11

12 CHAIRMAN LOHSE: Okay, with that we are
13 now on to old business.

14

15 And the first thing we have is a report
16 on the Susitna Watan -- put your glasses on Ralph.
17 Watana Hydro Dam Project, and we reviewed that last
18 October and it was pretty interesting. I see that our
19 local papers carried some articles on it. I saw
20 Anchorage paper carried some articles on it. It looks
21 like there's a lot of pressure for it to go forward.
22 And now we're going to find out what's going on as far
23 as their investigation and see if there's any effect
24 that affects our subsistence. It doesn't say here --
25 oh, it's George -- no, it isn't -- who is presenting
26 that Donald?

27

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

29 Earlier in my statement regarding the Susitna Watana
30 Dam Project, I referred the Council members to the
31 document I handed out earlier this morning. It's
32 titled Federal Energy Regulatory Commission and it
33 states, reference, study plan determination for the
34 Susitna Watana Hydro Electric Project. And as I
35 referred to earlier in my statements that our
36 presenters from the Regulatory Commission are in Juneau
37 presenting to the State Legislators so they could not
38 make the meeting today but when you have an opportunity
39 to review this document you can review it thoroughly or
40 just let me know, and at our next meeting you can
41 identify specific items in the plan that you would like
42 to have the Regulatory Commission speak to at our next
43 meeting.

44

45 Thank you, Mr. Chair.

46

47 CHAIRMAN LOHSE: Thank you, Donald.
48 And I know that this was of real interest to everybody
49 when it was first presented. Possibly what we can do
50 is we can take this home and review it and come up with

1 some questions but maybe have a presenter at our -- you
2 know, somebody that we can question or at least talk to
3 at our October meeting and we could be a little bit
4 better prepared. I don't expect to see the dam built
5 by October so we might still have some chance to
6 comment on it.

7

8

Greg.

9

10 MR. ENCELEWSKI: Yeah, while we're on
11 that subject I might just pass on some information that
12 I've been privy to. You know we went in pretty good
13 detail on this at our tribal meeting, it was very
14 interesting, the studies and potential impact of fish
15 and wildlife and some of the studies that needed to be
16 done. And there's been a ton of studies ongoing in
17 this area currently. And what I want to state is I
18 just completed a final land selection with CIRI and a
19 lot of the Cook Inlet regions on our deficiency land in
20 the 12(b) selection area, and a lot of that land was
21 held by CIRI is now being conveyed to the villages,
22 Tyonek owns some, Ninilchik owns a lot of it, and Knik
23 and Chickaloon and Seldovia and even Salamatof.

24

25 The reason I bring this up is CIRI is
26 having some meetings next week and I'll be attending
27 them but actually the AEA is going to be there but the
28 land owner's been left out of this whole discussion,
29 and I think it's been an oversight and it's coming to a
30 head so there's a lot of things going on and I look
31 forward to seeing what happens here. But it's a very
32 interesting process going forward and I think they're
33 going to finally talk to some of the land owners,
34 maybe.

35

36

MS. CAMINER: Mr. Chair.

37

38

CHAIRMAN LOHSE: Judy.

39

40 MS. CAMINER: Thanks, Mr. Chair. Just
41 looking at this quickly and I may not be reading it
42 correctly but on Page 3, second paragraph, it looks
43 like maybe stakeholders need to comment by March 18th,
44 so I guess if our RAC wants to do any comments, perhaps
45 we can set a deadline and send them to Donald or get
46 those coordinated and sent in, if that's a correct
47 deadline.

48

49

The second thing I was going to
50 mention, I mean people know that a Susitna Dam

1 Project's been around for a long, long time, and I was
2 thinking about it after the presentation we had in
3 Homer, and for those of you who weren't in Homer, I
4 don't think the presenters, they probably didn't know
5 what a RAC was. And I think they might have gone away
6 quite stunned at the depth of knowledge and the
7 comments that the RAC provided to them about the
8 potential of what could happen in that particular area.
9 So I wonder if the RAC would be interested in making a
10 recommendation that it'd be great to convene a panel of
11 people who worked on the original proposal in the 1980s
12 and kind of share that past information, just have a
13 discussion on it, I think would be a pretty interesting
14 event for people to hear. Not for our RAC, but kind of
15 a public presentation where they would convene
16 presenters who had experience in this area.

17
18 CHAIRMAN LOHSE: Under what kind of --
19 would that be done under the criteria of their study or
20 would that be -- I'm just trying to figure out where --
21 what would be the -- who would draw that together? I
22 mean under what body or organization would draw
23 something like that together?

24
25 MS. CAMINER: Well, I think it would be
26 AEA and they could say since they're doing a study plan
27 it would be beneficial, not only one would hope to
28 them, but to the public, to hear from some of those
29 consultants or key people from those days who worked on
30 a very similar nearby project.

31
32 CHAIRMAN LOHSE: How would you suggest
33 that we would go about suggesting that, I guess is
34 what.....

35
36 (Laughter)

37
38 MR. CARPENTER: Write a letter to AEA,
39 I guess.

40
41 MS. CAMINER: Yeah, if we're producing
42 comments on this document that they've given us, their
43 study plan, if they're really looking for comments by
44 March 18th, if I'm reading that correctly, or even if
45 they aren't looking for comments, we could write back
46 and say that we've had our meeting today and we're
47 still quite interested in the project and one method
48 that they, and we or the general public could learn
49 more might be to convene a panel of former experts on a
50 project like this. And, also, perhaps bring in Greg's

1 comment about, you know, land owners, too, current land
2 owners.

3

4 CHAIRMAN LOHSE: Then what we need,
5 probably we would need some comments from the RAC on
6 some of the things in here, which as individuals, or as
7 a Council, I was looking at some of their studies, and
8 it's quite a stack of studies.

9

10 MS. CAMINER: Uh-huh.

11

12 CHAIRMAN LOHSE: 17 terrestrial
13 furbearer abundance and habitat use, I think that, you
14 know, it's interesting to me that they have habitat use
15 and the furbearers but they don't have anything to do
16 with users, you know, impact on users. And the same
17 way aquatic furbearers abundance and habitat use and I
18 haven't really seen anything in here in the little
19 short time that I've had to look at it where there's
20 anything at all involved with the users of these
21 resource, you know, it's on the salmon, it's on the
22 animals, it's on the vegetation, it's on everything
23 like that but I'm looking for where it has anything on
24 the users of them, and we could say, subsistence users,
25 for lack of a better way of putting it, you know, the
26 impact on subsistence users of their impact on these
27 resources.

28

29 Because they've got a lot of studies on
30 the impact on the resource but they don't have any
31 studies on the impact on the resource user, you know.

32

33 MR. MCLAUGHLIN: 37.

34

35 CHAIRMAN LOHSE: What, did you find
36 one.

37

38 MR. MCLAUGHLIN: Subsistence resource
39 study 37.

40

41 CHAIRMAN LOHSE: 37, okay, so then I
42 did miss one.

43

44 MS. CAMINER: No, that may be the
45 animals not the people.

46

47 MR. MCLAUGHLIN: Yeah. Yeah.

48

49 CHAIRMAN LOHSE: Okay, yeah, that's a
50 subsistence resource study, that's not.....

1 MR. MCLAUGHLIN: Not the people, yeah.
2
3 CHAIRMAN LOHSE:a subsistence
4 user study.
5
6 MS. MILLS: I was wondering if maybe we
7 could call it something like human -- the impact on
8 humans, and that would encompass a lot of areas. What
9 is this project going to have, how is it going to
10 impact, you know, humans.
11
12 CHAIRMAN LOHSE: Okay. As a
13 Subsistence Council, I would like to start with
14 subsistence users and other users or other.....
15
16 MS. CAMINER: Affected population.
17
18 CHAIRMAN LOHSE: Other affected human
19 populations or however we want to put it.
20
21 (Laughter)
22
23 CHAIRMAN LOHSE: But I think we should
24 -- I really think that we should, as a RAC, really be
25 most concerned with what kind of impact it has on the
26 subsistence user. I mean it's nice to study the
27 resource but we also need to study what kind of impact
28 -- this impact on the resources have on subsistence and
29 other -- what we could say is, subsistence and other
30 users.
31
32 MS. CAMINER: Uh-huh.
33
34 CHAIRMAN LOHSE: Or would we even have
35 to say users.
36
37 MS. CAMINER: And others.
38
39 CHAIRMAN LOHSE: Others. Yeah, on
40 subsistence users and others.
41
42 MS. CAMINER: Uh-huh. Mr. Chair, I see
43 they have a recreation resources study that's No. 32,
44 but.....
45
46 CHAIRMAN LOHSE: But, again, it's.....
47
48 MS. CAMINER:won't affect what
49 we're concerned about.
50

1 CHAIRMAN LOHSE: Right. And, again,
2 it's studying the resource, you know, instead of the,
3 you know, the impact on the people.
4
5 MS. CAMINER: Uh-huh.
6
7 CHAIRMAN LOHSE: So how -- Judy, you're
8 the Secretary.
9
10 MS. CAMINER: Uh-huh.
11
12 (Laughter)
13
14 MS. CAMINER: Yeah.
15
16 (Laughter)
17
18 CHAIRMAN LOHSE: Do you think you could
19 write a letter incorporating these two ideas and the
20 fact that, you know, this has been studied in the past
21 and they need to review or at least make use of the
22 studies that were done in the past?
23
24 MS. CAMINER: Uh-huh.
25
26 CHAIRMAN LOHSE: But that we're
27 specifically concerned with the impact on subsistence
28 users and others, you know, if that's okay with the
29 rest of the Council. Does that meet the approval -- or
30 do we have an okay for Judy to write a letter to that
31 effect to this commission.
32
33 (Council nods affirmatively)
34
35 CHAIRMAN LOHSE: And, then, if you go
36 through these and you see something particular that you
37 think needs to be addressed in the study, contact Judy.
38
39 Greg.
40
41 MR. ENCELEWSKI: Yeah, well, the access
42 and the right for permit to do the studies needs to be
43 addressed. And that's kind of where the regions are
44 going. They found out they're the land owners, they
45 have no participation in it. They're the villages that
46 actually own the land and will be impacted by the land,
47 they subsistence, they got camps in there, they got
48 fish areas in there and they're not even a part of the
49 bidding or the process to work with the study, so to
50 speak.

1 CHAIRMAN LOHSE: Okay.
2
3 MR. ENCELEWSKI: So it's quite a deal,
4 actually, it is, it's bigger than I -- I didn't want to
5 go into detail but anyway that's.....
6
7 CHAIRMAN LOHSE: But include the fact
8 that current land owners need to be consulted and be
9 part of the study.
10
11 MR. ENCELEWSKI: Absolutely.
12
13 MS. STICKWAN: Ralph.
14
15 CHAIRMAN LOHSE: Gloria.
16
17 MS. STICKWAN: I just want to say that
18 I think we should include in there nearby land owners
19 as well.
20
21 CHAIRMAN LOHSE: Okay. And nearby land
22 owners.
23
24 MS. STICKWAN: AHTNA doesn't have land
25 but it's close -- it's more in our area than in their
26 area and.....
27
28 CHAIRMAN LOHSE: Yeah.
29
30 MS. STICKWAN:we're going to be
31 the ones affected mostly by it.
32
33 MR. ENCELEWSKI: Yeah.
34
35 CHAIRMAN LOHSE: Land owners and nearby
36 land owners.
37
38 Tom.
39
40 MR. CARPENTER: I think the point that
41 Gloria just made is one of my biggest concerns. You
42 know depending on what happens in the Susitna drainage
43 will -- in the long-term will affect greatly the
44 outlying areas and the regions in the state because if
45 there was a detrimental impact to fisheries and
46 wildlife resources there, those people are going to go
47 somewhere else. And I think that's something that
48 they're not really taking into consideration in regards
49 to consideration of this project.
50

1 That's all I have.
2
3 CHAIRMAN LOHSE: Spillover.
4
5 MR. CARPENTER: Spillover.
6
7 CHAIRMAN LOHSE: By displaced users.
8 That's another idea that Judy can work into her letter.
9
10 Greg.
11
12 MR. ENCELEWSKI: Well, just spillover
13 literally is like 40-some miles of flooded area.
14
15 CHAIRMAN LOHSE: Oh, yeah.
16
17 (Laughter)
18
19 CHAIRMAN LOHSE: Lee.
20
21 MR. ADLER: Yeah, I'd just like to make
22 a comment, too.
23
24 Everything is related so even if it
25 affects -- adversely affects the caribou and the moose,
26 the people who are hunting on the migration route will
27 be affected, like Tom says.
28
29 MR. CARPENTER: Yeah.
30
31 MR. ADLER: Because everything's
32 connected. And what they need to say in the report is
33 let's just say 40 miles of this reservoir is inundated,
34 there's less food for the moose and caribou if there's
35 going to be, let's just throw something out, if that's
36 going to reduce the population by 20 percent, it's
37 going to be 20 percent less subsistence meat for the
38 people no matter where they are, as long as they hunt
39 that population.
40
41 CHAIRMAN LOHSE: Yeah.
42
43 MR. ADLER: So I think that's something
44 we should enter.
45
46 CHAIRMAN LOHSE: Gloria.
47
48 MS. STICKWAN: I was wondering when is
49 the latest that we could get comments to Judy because I
50 would like to ask my corporation if they want to

1 include some of their comments because we have proposed
2 studies that we want to see done in this project and I
3 just want to ask my corporation if they want to submit
4 comments and include it in this letter.

5
6 MS. CAMINER: Sure. Mr. Chair. If I'm
7 correct and maybe, Donald, we can verify the March 18th
8 deadline, maybe if I could get them by March 11th, and
9 then that will be enough time for me to get out a draft
10 to everybody, which might spur other ideas. Another
11 thing I could do is go back to our transcript from
12 October because we really did have a pretty lengthy
13 discussion on it and so, while they heard it, it might
14 be good to.....

15
16 CHAIRMAN LOHSE: Bring some of those
17 points back up.

18
19 MS. CAMINER: Yeah, right. So if the
20 11th might be doable, Gloria, does that give you enough
21 time?

22
23 MS. STICKWAN: Yeah.

24
25 MS. CAMINER: Okay.

26
27 CHAIRMAN LOHSE: It was interesting the
28 way it was presented in the newspaper and it was
29 presented basically because this needs to be done
30 because electricity prices are awful high in Fairbanks
31 and, you know, they're not so bad on the -- you know,
32 down in the Railbelt down here at the moment because
33 they've got cheap gas, but gas is going up, so I mean
34 this project is -- this project is not worried about
35 the impact on the Interior, it's worried about the
36 impact on Anchorage and Fairbanks and that's how it's
37 presented, you know.

38
39 Tom.

40
41 MR. CARPENTER: Yeah, Mr. Chairman. I
42 think one of the most disappointing things for me is
43 the fact that this concept has been around for a long
44 time, like Judy said, and it's gotten to the point to
45 where these detailed studies are being completed, and
46 it's to a point now to where, you know, we have a
47 fairly limited opportunity to make comments as a
48 Council twice a year, and we have a deadline that's,
49 you know, three or four weeks away and that the study
50 has gone this far and that we have yet to be presented,

1 nothing to fault of yours, Donald, or the OSM Staff,
2 but you would think that the one body in Southcentral
3 that would have a lot of comments in regards to what a
4 project like this is going to do to the resources, and
5 that we have yet to be presented a formal report by
6 somebody that's, you know, from the Alaska Energy
7 Authority, is kind of -- it's kind of amazing to me.
8 And I would hope that, you know, the deadline's going
9 to pass before the time that we get to meet again as a
10 Council, but I would hope for sure that at our next
11 meeting that they would show up and at least answer the
12 questions that we have. Because I think it's pretty
13 important. And I hope that this Council is -- it
14 sounds to me like we're, you know, we want to make our
15 points heard and I think it's very important that
16 people do that.

17
18 CHAIRMAN LOHSE: Okay. Any other
19 comments by anybody.

20
21 (No comments)

22
23 CHAIRMAN LOHSE: So it's agreeable with
24 the rest of the Council that Judy write a letter and
25 she'll try to get a copy out to everybody to review,
26 but if she doesn't get a copy out, I mean I'll review
27 it and sign it if necessary and we'll get it out to --
28 at least say that we would like some of these things
29 we've discussed on the table.

30
31 (Council nods affirmatively)

32
33 CHAIRMAN LOHSE: I mean we're not
34 saying that we don't want the dam or we do want the dam
35 or something like that, but we think that these are
36 points that need to be brought out and have just as
37 much importance as some of the other ones that they've
38 got.

39
40 (Council nods affirmatively)

41
42 CHAIRMAN LOHSE: Okay. With that we'll
43 go on to the next piece of old business, which is now
44 our briefing on the Chinook Salmon Symposium and
45 anybody have a watch -- 10:30 -- 10:35, we got plenty
46 of time, George.

47
48 (Laughter)

49
50 MR. PAPPAS: Thank you. Mr. Chairman

1 and members of the Council. It's good to be back at
2 the table. I saw a few puzzled looks about a year ago,
3 I did switch positions from representing the State of
4 Alaska to representing the Federal Subsistence Program.
5 And I believe I accepted the position the day of the
6 last RAC meeting last winter and I think that's why I
7 was kind of thrown off base, if you remember, last year
8 when I made a presentation. But to shorten it up here,
9 I've been working for the Office of Subsistence
10 Management for a year.

11
12 We have two issues in front of us
13 related to king salmon and I'll start off with the
14 Upper Cook Inlet Task Force and then move into the
15 Symposium information.

16
17 The Board of Fish established a task
18 force to address -- to identify a set of
19 recommendations to address the Kenai Late Run King
20 Salmon Management Plan that would result in the best
21 mix of in-river and upper subdistrict set gillnet
22 fishing opportunity while providing the best means of
23 obtaining the escapement goals for the Kenai River late
24 run chinook salmon during times of low king salmon
25 abundance, like last year.

26
27 They're calling it a black swan year
28 where you have a very low number of kings and a fair
29 amount of sockeye, how do you balance not having
30 foregone harvest in sockeye and still hit the
31 escapement goals for chinook. They met three times.
32 And during those three times they came up with a final
33 product that'll be submitted to the Board of Fish to be
34 reviewed at the statewide Board of Fish meeting coming
35 up here in a couple of months. There wasn't consensus
36 on the end product, but they're looking for a one year,
37 just good for this summer, management plan, to try to
38 come up with pairing restrictions for all users if the
39 king salmon return is low.

40
41 And I can go through these. These were
42 supposed to be posted on the web last night but they
43 should be out possibly today.

44
45 You know, one example, try to make a
46 decision by the 21st of July of where the king salmon
47 run is going to be. The escapement goal now is 15,000
48 to 30,000 that's a sustainable escapement goal that the
49 Department has developed recently. But by the 21st
50 figure out if the run's going to be below 15,000 fish

1 then certain restrictions would come into place. Some
2 of the restrictions is the first one for the in-river
3 guys would be no bait and they would pair that no bait
4 with the commercial fish be set net of having the
5 amount baitable of harvest -- excuse me, fishery
6 opening time cut in half, so, you know, based on the
7 current escapement -- excuse me -- the current
8 management plan has three tiers for sockeye strength,
9 the commercial folks get so many hours if it's a small
10 run, a medium run, or a large run, that would be
11 literally the hours would be cut in half if we get into
12 that situation. If it's even lower than that, the
13 folks in-river, you know, the personal use fishery
14 would close to the retention of kings, the sportfishery
15 will go catch and release, and the east side set net,
16 number of hours would be reduced to some level, below
17 half.

18
19 And, of course, there was no agreement
20 on any of this. This was just ideas of pairing all the
21 different user groups with the step down restrictions
22 to put something in place for the summer that was not
23 available last summer.

24
25 Also the marine fishery for -- the
26 sportfish marine fishery, they'd go to no bait up to a
27 certain -- after a certain threshold if there's a
28 conservation concern so everybody shares on that.

29
30 And in addition last year, when the
31 numbers of kings did start showing up in August, the
32 run was really late, as I understand there wasn't a
33 mechanism to reopen the commercial fisheries and there
34 was foregone harvest on both pinks and sockeye, they
35 want to have something in place to allow the commercial
36 fisheries to open back up even though the sportfish
37 will be closed as long as they know they're going to
38 hit the escapement goal.

39
40 So that's what they're looking at.

41
42 They're going to discuss -- it was a
43 5/4 split on the task force back and forth on the
44 different items, but it's Cook Inlet, 100 percent
45 consensus was that we should all share the burden of
46 conservation.

47
48 So that's what I have.

49
50 Thank you, Mr. Chair.

1 CHAIRMAN LOHSE: Doug.

2

3 MR. BLOSSOM: Mr. Chair. George, I
4 want to dispute some of those figures.

5

6 Last year there was a management plan
7 in place on the 20th of July is when they were to do
8 that assessment. But last year instead of following
9 their management plan they totally closed to setnets.
10 So what you're saying there is a falsehood because they
11 already had a plan in place to do the very thing that
12 you're suggesting there.

13

14 Secondly, the king salmon -- late king
15 salmon run to Cook Inlet was at least normal if not
16 above normal in the end and they would have known this
17 had they left the present management plan alone. so
18 they gutted the management plan and then in August they
19 could have let us fish pinks, for instance, would not
20 have had anything to do with the kings, they had a plan
21 in place, then they went the other way.

22

23 So it's just falsehood that the State
24 of Alaska, they did not ever consult our commercial
25 biologist in any of these things. He was totally
26 ignored.

27

28 CHAIRMAN LOHSE: George.

29

30 MR. PAPPAS: Mr. Chair. Yes, that
31 information was -- the commercial industry did share
32 the exact concerns that you placed forth there about
33 last summer. So this is a one year deal, they're
34 trying to get to the regular Cook Inlet cycle and see
35 if this does work. The outlook for the chinook salmon
36 for 2013 is 29,000 fish total and that includes the
37 entire return so that is already starting out below the
38 upper end of the escapement goal. But the idea is to
39 try to work something out during black swan years.

40

41 And that's what I have for you, sir,
42 they have an excellent website that has public comments
43 on it. A lot of data requests that were answered.
44 Forecasts. Other information.

45

46 CHAIRMAN LOHSE: And this goes before
47 the Board of Fish in March, right, or April?

48

49 MR. PAPPAS: That is correct, it'll go
50 in front of the Board of Fish at the statewide finfish

1 meeting in March.

2

3 CHAIRMAN LOHSE: Okay. So this is not
4 a final plan this is a proposal.

5

6 MR. PAPPAS: Correct. It's a result
7 from an agenda change request that was submitted last
8 summer to do something to eliminate some of the
9 foregone harvest and it resulted in a task force and
10 now there's a final product as a basis for the Board of
11 Fish to look at the different options. To do something
12 for one year.

13

14 CHAIRMAN LOHSE: So this will be
15 discussed and open to the public for comment and
16 everything at the Board meeting?

17

18 MR. PAPPAS: Yes. Yes. And it should
19 be on line today, to take a look, they're looking for
20 public comments.

21

22 Thank you, Mr. Chair.

23

24 CHAIRMAN LOHSE: Okay. Greg.

25

26 MR. ENCELEWSKI: Yes, through the
27 Chair. George, I just wanted to bring up a couple
28 things before you move on on your thing.

29

30 One, you know, the task force come up
31 with various plans, but one of the things that our
32 Council did was very explicitly request representation
33 on that task force, and I brought that up earlier. And
34 the reason was we felt that the subsistence users were
35 not being recognized even though they have a small
36 subsistence right on the Kenai. And, further, it was
37 brought up at the October meeting where I questioned
38 Mr. Palmer about having the early shut down of the
39 subsistence priority, even any of these other user
40 groups. We followed that up with very detailed letters
41 that, you know, sitting in the public and not having a
42 place on the board or a chair, you have very little
43 impact or say so. And I'm not addressing this at you
44 but I think they missed a huge part of years of
45 experience of why these fish are there and maybe we
46 could have really helped them in maybe making some of
47 these decisions. Plus they took away our complete
48 right as subsistence users. And I think it's a slap in
49 the face to the subsistence people and to the people of
50 the Kenai.

1 And in some of these things they came
2 up on, as you know a lot of it's political. You know
3 if they cut the time in half for the commercial
4 fishermen, I'm also a commercial fishermen, and I got
5 to fish three days for June and July that would mean a
6 day and a half and if you take the 12 hour cut in half,
7 I guess I get 18 hours next year because that's
8 about.....

9
10 Anyway, that said, you know, the whole
11 thing has become such a political nightmare because
12 like Doug stated, you know, we know and we're not
13 foolish, we know that the kings show late and those
14 August kings are returning because they're the only
15 ones not targeted and they are later run kings. But
16 those early runs are gone.

17
18 And I wasn't addressing any of that at
19 you, I'm just trying to make some statements of facts
20 and I thank you very much.

21
22 CHAIRMAN LOHSE: Thank you. Thank you,
23 George.

24
25 MR. PAPPAS: Through the Chair. Yes,
26 we had full Federal representation, I was there, we had
27 the local Staff there to answer Federal subsistence
28 questions. And I was amazed at some of the folks in
29 the crowd wasn't aware there's a Federal subsistence
30 fishery on the Kenai Peninsula even after all this work
31 that's gone into it. And some of those guys were old-
32 timers that have been around for awhile.

33
34 And the halving of the hours, would be
35 half of the normal management plan, not what was like
36 last year, but half of the normal three-tiered
37 management plan is what's being discussed here.

38
39 If I can get some today, I mean if they
40 have it I'll print them out and bring them down, I'll
41 get you the final product, if they posted it today. I
42 was told they were going to post it last night.

43
44 Thank you, Mr. Chair. And I can move
45 on if you want me to.

46
47 CHAIRMAN LOHSE: Okay. Now, the
48 symposium -- oops, Mary Ann.

49
50 MS. MILLS: You know, I'd like to also

1 make comments regarding what Mr. Encelewski said
2 regarding the lack of representation for the
3 subsistence user group.

4
5 And the only one person that claimed to
6 be a subsistence user began by stating I've always been
7 a sportsfisherman, however, now, I'm turning into a
8 subsistence fisherman. And with regard to the Kenaitze
9 Indian Tribe, we looked at that task force as lacking
10 subsistence, any subsistence representation, and we are
11 writing a proposal, you know, because we do have
12 concerns. We have concerns with our fishery program
13 with the Kenaitze Tribe but, also, you know, we do
14 support Ninilchik in their little bit of subsistence
15 that they have.

16
17 And it was -- it was pretty apparent,
18 you know, that the State simply puts subsistence as
19 second priority and that concerns me as a Council
20 member here.

21
22 Thank you.

23
24 CHAIRMAN LOHSE: Doug.

25
26 MR. BLOSSOM: Yeah, Mr. Chair. George,
27 just for the record, were you able to get that report I
28 requested earlier today?

29
30 MR. PAPPAS: Mr. Chair. Drew Crawford
31 from the State will address that after I'm finished
32 with the symposium issues.

33
34 CHAIRMAN LOHSE: Thank you. Any other
35 comments on this part, can we go on to the next section
36 George has got for us.

37
38 (No comments)

39
40 MR. PAPPAS: Switching gears. Due to
41 recent statewide issues with chinook salmon abundance
42 the State of Alaska put together a scientific symposium
43 October 22nd and 23rd this last year, that was just
44 following your RAC meeting there in the fall. The goal
45 of the symposium was to identify and discuss key
46 knowledge gaps and assemble a list of potential
47 research priorities to fill these gaps.

48
49 A lot of scientific heavyweights were
50 there from West Coast, you know, in and out of Alaska,

1 academia, State, Federal, private folks that provided
2 information and input to this process.

3

4 The final product, which each of you
5 were distributed a copy of this, the final product was
6 the Chinook Salmon Stock Assessment and Research Plan
7 that the Department put together based on the comments
8 and information that came out of that meeting.

9

10 Just for your information this is on
11 the front page of the Fish and Game website. You just
12 click down on Chinook Salmon Research Plan or the GAP
13 analysis and it leads you to the site. All this
14 information, the audio tapes for the entire meeting are
15 on there. They really did a lot of work. A lot of
16 folks contributed to this process.

17

18 And you'll notice in this report, a
19 couple rivers in your area, in your region, one is the
20 Kenai and one is the Copper River. The Kenai is on
21 Page 26 and it discusses, you know, the fishery, the
22 current stock assessment, and the gaps in the stock
23 assessment and recommendations for stock assessment
24 projects. You know for the Kenai they're looking at --
25 they want to move the sonar up -- you know, I don't
26 want to speak for the State of Alaska, I'm just
27 speaking right out of this paper that was produced by
28 the State of Alaska, they want to move the sonar up
29 river to where a majority of the fish are within the
30 zone, there's some issues in the lower river right now,
31 that is in the Kenai. Also do some smolt work for
32 estimated run abundance by tributary mainstem including
33 some color wire tags and genetic information on
34 chinook. And also a comprehensive estimate of stock
35 specific marine harvest of chinook salmon in Cook Inlet
36 fisheries, using the genetics and color wire tags, you
37 know, that you put in the smolt, you know, in all the
38 fisheries, drift and commercial and the marine
39 recreational fishery, the Homer winter fishery.

40

41 And the Copper River would be two pages
42 earlier on Page -- let's see here Page 24 and it talks
43 about the gaps in the stock assessment and
44 recommendations for stock assessment projects.

45

46 One of the answers they have is the in-
47 river run size estimate for the Copper River stock as a
48 mark/recapture and fishwheel project looking for a more
49 long-term funding source to make that happen. Also
50 smolt work and the project estimates stock specific

1 marine harvest of chinook salmon within Prince William
2 Sound, same deal, genetics, color wired tags for all
3 the different fisheries in the marine waters.

4

5 That's basically what I have on this.

6

7 A lot of time, energy and effort went
8 into it, it's a good report. And you can contact the
9 Department for further information or questions about
10 this. And their website is fairly -- there's a lot of
11 information to support this.

12

13 Thank you, Mr. Chair, and maybe I could
14 answer a few questions, and if Drew wants to come up.

15

16 CHAIRMAN LOHSE: Do we have any
17 questions on this.

18

19 (No comments)

20

21 CHAIRMAN LOHSE: Tom, anything.

22

23 (No comments)

24

25 CHAIRMAN LOHSE: I see mostly what this
26 is, is a study of what needs to be done, am I correct?

27

28 MR. PAPPAS: As I understand that was
29 the design, what is the gap in our knowledge and how
30 can we fill that gap with research to meet that, to
31 possibly figure out what is going on.

32

33 CHAIRMAN LOHSE: At the same time it
34 has some very good statistics that tell what the
35 current status of a lot of stocks are too, and the
36 current usages.

37

38 Gloria.

39

40 MS. STICKWAN: These are just
41 recommendations and then you'll have -- then Fish and
42 Game will do the work, or how is that going to be done?

43

44 (Teleconference interruption)

45

46 MR. CRAWFORD: Yes, my name is Drew
47 Crawford, I'm with the Alaska Department of Fish and
48 Game, Federal Subsistence Liaison Team.

49

50 Ms. Stickwan, it's my understanding,

1 yes, this would be a list of -- kind of a shopping
2 list, if you will, of what the Department has
3 identified as things that are needed and then they can
4 address studies to try to answer these questions in
5 these data gaps.

6
7 MS. STICKWAN: My question was, is Fish
8 and Game going to do these studies or are they going to
9 be -- is the public going to be able to apply for
10 funding for these?

11
12 MR. CRAWFORD: To answer your question,
13 I don't know.

14
15 MS. STICKWAN: Okay.

16
17 CHAIRMAN LOHSE: I think, from the way
18 I read it, that these are information gaps and like I
19 know that Eyak works on one of these gaps that they're
20 talking about here. I would imagine that some of these
21 will go out underneath our proposals for fish studies
22 that we, as subsistence people, support. And I would
23 imagine they're also going to, you know, they're going
24 to have to find some partners for some of these because
25 they don't have the capability to do all of them
26 themselves, or capacity.

27
28 So, basically, like he said this is a
29 shopping list of things that they see need to be done
30 on all different king salmon. I think it's going to be
31 -- it's quite a shopping list, actually. It's going to
32 take a long time to do them and it's going to have to
33 take a lot of different people. I would imagine that
34 there's going to be, what you're talking about or what
35 I'm thinking, anyhow, is like with what Eyak does,
36 there's going to be partnerships, there's going to have
37 to be partnerships to do some of them. And some of
38 them are already in place. They just haven't -- they
39 could be -- they could be expanded to include some of
40 the other studies that are done here.

41
42 So if I understand what this is, right
43 here, I mean this was a symposium not addressing the
44 problem, but addressing the knowledge that's needed to
45 address the problem, you know.

46
47 Doug.

48
49 MR. BLOSSOM: Yeah, Mr. Chair. Drew, I
50 guess, I only got this thing today so I can't -- maybe

1 I've missed it but are you going to study the catch
2 rates of king salmon that have been caught across the
3 state in the last 20 years or are you taking that into
4 account?

5
6 MR. CRAWFORD: Mr. Blossom. I haven't
7 been involved in this symposium or task force so I
8 can't tell you. I don't know.

9
10 MR. BLOSSOM: Mr. Chair. The reason I
11 ask is I didn't see it in here at first glance, but,
12 you know, just getting close to home, Kachemak Bay and
13 south for instance, the guides that I've talked to and
14 that's a considerable amount, estimate now they're
15 taking 10,000 king salmon a year there legally, where
16 20 years ago they might have taken 10. So some of
17 these things need to be looked at and I don't see in
18 this study where that's going to happen.

19
20 But also in my travels to Togiak and
21 places for herring, now days, they fish king salmon in
22 every town along the way where 20 years ago it was kind
23 of unheard of. And I think it's important, and they're
24 not doing it illegally, it's all legal, but this should
25 be part of this study and I didn't see it in here at
26 first glance.

27
28 MR. CRAWFORD: That'd be a chance for
29 you to submit your public comment to the Department on
30 that website and you could get your input that way and
31 considered.

32
33 I'd like to, this morning, if I may,
34 Mr. Chair, I was approached by Mr. Pappas here and he
35 indicated that Mr. Blossom had a couple of questions.

36
37 One of them was regarding the Kenai
38 early run chinook salmon restriction, and I contacted
39 James Hasbrook, who's the sportfish, Region 2, regional
40 supervisor here regarding that and he said that this
41 currently is being analyzed by the Department, and they
42 expect to publish a report on this in mid- to late
43 March.

44
45 The second item that you requested was
46 information on the Kenai escapement goal report. This
47 report is being finalized and will be published late
48 next week.

49
50 CHAIRMAN LOHSE: Doug, does that give

1 you any information you need?

2

3 MR. BLOSSOM: Well, I mean I requested
4 it and I'd like to see it is all.

5

6 CHAIRMAN LOHSE: Okay.

7

8 MR. BLOSSOM: Because as you well know
9 the subsistence fishery got closed first off in the
10 Kenai River last year before anybody else and I think
11 that was wrong. They should have been at the end of
12 the line not at the start. And we've discussed it some
13 but some of these reports I've asked for are important
14 to this decision.

15

16 CHAIRMAN LOHSE: Doug, can I ask you a
17 question. Was that a State subsistence fishery or a
18 Federal subsistence fishery?

19

20 MR. BLOSSOM: Mr. Chair. The Federal
21 subsistence fishery in Moose Meadows, for instance,
22 that's a subsistence area in the lower Kenai and it was
23 closed before anybody else even got closed, so that's
24 backwards.

25

26 CHAIRMAN LOHSE: Yeah. Tom, did you
27 have something.

28

29 MR. CARPENTER: I guess that's a little
30 perplexing to me, and maybe Doug knows or maybe George
31 knows. Which -- who made that determination?

32

33 MR. PAPPAS: Through the Chair, thank
34 you. As I understand it the fisheries staff down in
35 the -- and the Refuge Staff, the in-season, the
36 individual with the in-season authority is the Refuge
37 manager and he follows the advice of his fisheries
38 Staff. There was consultation with Fish and Game about
39 what's your plans, how's it going to come together,
40 it's not looking good, the numbers are down, and the --
41 if I recall correctly, the Federal Subsistence fishery,
42 which is Moose Range Meadows and also a little bit
43 further up river there below Skilak Lake was closed, I
44 believe, a day before the in-river sportfisheries were
45 closed. There was a step down from bait, and I think
46 they went to catch and release and then they all closed
47 down. The Federal side was ahead of the State side by
48 a day or so.

49

50 MR. CARPENTER: I mean I guess the only

1 reason -- I mean it just seems backwards, like Doug
2 said, to me. It seems like a very bad precedence to
3 set in regards to the Federal manager making a step
4 like that. You know, if the Refuge manager or any
5 Federal manager has concerns over stocks or
6 populations, that's one thing, but to close a
7 subsistence fishery, especially a Federal subsistence
8 fishery before the State takes action, to me, is
9 unbelievable.

10

11 MR. PAPPAS: Through the Chair. I'm
12 uncertain if it was a matter of efficiency between the
13 State and the Federal -- the difference in efficiency
14 for calling a Federal special action and doing an
15 emergency order on the State side, I'm uncertain if it
16 was the difference in efficiency between the decisions
17 that happened to shut both of them down and one
18 happened to be in front of the other. I wasn't part of
19 that process. Both Federal and the State recognize
20 there's issues with the numbers of fish coming back and
21 both were planning on restricting. I'm not sure if the
22 Federal side was just more efficient in shutting it
23 down.

24

25 But I understand what you said. I will
26 relay the information to the Refuge manager and the
27 fisheries biologist team.

28

29 CHAIRMAN LOHSE: Greg.

30

31 MR. ENCELEWSKI: Yeah, I'd like to just
32 address that a little bit through the Chair. George.

33

34 Yeah, I believe that date was more than
35 a day, it was quite a few days and that was addressed
36 at our meeting. And I'm just telling you for your
37 information, yes, it was very shocking to all the
38 subsistence users. In fact, when we questioned Doug
39 Palmer, who made the decision with the manager, in-
40 season, was that they didn't feel there was much use on
41 the subsistence side anyway and so they were just going
42 to shut it down. And, the State, quite frankly, held
43 off for a long period of time before they shut down. I
44 mean I know a personal relation that did a lot of the
45 netting for kings on the Kenai for the State and I mean
46 this thing -- this was a very bad precedence, just no
47 question about it. And I would like you to research
48 the record and I think you'll find out it was more than
49 a day.

50

1 CHAIRMAN LOHSE: Thank you, Greg. It's
2 interesting to me, is, because I know how little impact
3 the Federal subsistence fishery has made there and to
4 use the reasoning that, well, it's not used much so
5 that's a good reason to close it down, to me, that
6 would be just the opposite, it's not used much, that's
7 a good reason to leave it open, you know, I mean.

8

9 MR. CARPENTER: Yeah.

10

11 CHAIRMAN LOHSE: Tom.

12

13 MR. CARPENTER: Yeah, I'd just make one
14 more comment, you know, and I know it's happened on the
15 Kenai Peninsula with the Refuge. You know the Refuge
16 manager, speaking specifically, has come to the RAC and
17 has asked for delegations of authority in regards to
18 the moose season down there but -- and to be quite
19 frankly honest I'm not sure if that delegation of
20 authority is the same for, you know, fish species, too.
21 But, you know, the State obviously has emergency order
22 authority and they can react fairly quickly to, I
23 guess, a crisis if you want to call it that. And in
24 some instances, you know, I think that the Federal
25 managers should have some delegation of authority but
26 when things like this happen, I think people that sit
27 on this RAC take and rethink when they want to give
28 delegations of authority to Federal managers because it
29 takes the RAC out of the process. You know there is
30 some consultation that takes place but I don't really
31 think in that situation and I don't know all the
32 details that a reaction that quickly had a very big
33 impact on things and all it did was -- it basically
34 shoved the subsistence priority that the Federal users
35 had down there right in their face.

36

37 So, anyway.

38

39 CHAIRMAN LOHSE: Thank you, Tom.

40

41 Doug.

42

43 MR. BLOSSOM: Yeah, Mr. Chair. One
44 final comment.

45

46 And you must remember the end result,
47 the king salmon, for the late run on the Kenai River
48 was normal or above normal, it was almost to the max
49 that they're asking for now and probably did exceed it
50 when you take all the things out. They had a

1 management plan in place, they didn't follow it, they
2 did what was wrong to subsistence and I want it on
3 record that they did that.

4

5 MR. MCLAUGHLIN: Yeah, through the
6 Chair. I just wanted to make a comment. I believe the
7 baiting, as well, was closed in a timing that didn't
8 jibe to me, sport is fun and subsistence is food, and
9 the baiting closed down and it seems like I recall
10 something about that that caught me a little wrong,
11 like hey wait a minute why is that closed down before
12 The timing of that was a little off for subsistence
13 priorities in my mind.

14

15 CHAIRMAN LOHSE: Any other comments.

16

17 Judy.

18

19 MS. CAMINER: Thanks very much. So are
20 there opportunities -- it sounded like there might be
21 an opportunity to comment on the stock assessment and
22 research plan. Are there opportunities to comment to
23 the Board of Fisheries on the task force
24 recommendations?

25

26 CHAIRMAN LOHSE: Yeah.

27

28 MS. CAMINER: And, if so, and I'm not
29 volunteering to coordinate these.....

30

31 (Laughter)

32

33 MS. CAMINER:yet, does the RAC
34 care to make comments?

35

36 MR. PAPPAS: There currently is --
37 there will be opportunity to provide comments on the
38 Upper Cook Inlet Task Force once the information is
39 available, to take a look at it, this is about as final
40 as it's going to be but they'll probably, once, again,
41 have the regulatory experts modify it, and I'll make
42 some calls during lunch to find out when we need to get
43 those in and if they actually do have the final
44 information available.

45

46 And the gap analysis process for the
47 symposium, the draft went out a long time ago and it
48 was -- it took public comments for several months and I
49 believe the document was finalized the last month.

50

1 CHAIRMAN LOHSE: Yeah.
2
3 MR. PAPPAS: So I am uncertain if
4 they're still taking comments. We'll find that out,
5 too, for you.
6
7 MS. CAMINER: Thanks.
8
9 CHAIRMAN LOHSE: Thank you. Any
10 questions for George.
11
12 (No comments)
13
14 CHAIRMAN LOHSE: Hearing none, thank
15 you.
16
17 MR. PAPPAS: And, thank you, Mr. Chair.
18 I just realized I think this is the third position I've
19 had speaking to this RAC.....
20
21 (Laughter)
22
23 MR. PAPPAS:over time. I saw
24 your puzzled look earlier.....
25
26 MR. CARPENTER: Yeah.
27
28 MR. PAPPAS:but I'm still on the
29 same charge for the last 20 something years, is to fill
30 Alaskans freezers sustainably.
31
32 Thank you, Mr. Chair.
33
34 CHAIRMAN LOHSE: George, just one
35 comment. Even if the comment period's closed and this
36 is a final thing, we still need to remember that
37 there's always the opportunity, if you see an
38 assessment that needs done or something, to either
39 bring it through the RAC during our marine thing, or
40 the Fish and Game is always available to have, you
41 know, to put a comment in on what needs to be done.
42 Whether they do anything about it or not, that's a good
43 question, but I think what we have to remember is we
44 have a fairly open process comparatively speaking, and
45 it's just like the task force results, anybody that
46 wants to can show up at the Board meeting and comment
47 on it during the public speaking part, even if they
48 can't comment on it as part of an organization.
49
50 Judy.

1 MS. CAMINER: And, Mr. Chair, that's
2 what I thought Doug had a comment on the stock
3 assessment and research plan that we would want to
4 forward on.

5
6 Thank you.

7
8 CHAIRMAN LOHSE: Greg.

9
10 MR. ENCELEWSKI: Mr. Chair. It's been
11 brought to my attention that there are several that
12 would like to take a short break.

13
14 CHAIRMAN LOHSE: There is, uh, okay, if
15 that's the case we'll take another 10 minute break
16 then.

17
18 MR. CARPENTER: It must be the Kenai
19 wing over there.

20
21 (Off record)

22
23 (On record)

24
25 CHAIRMAN LOHSE: I'd like to call the
26 Southcentral Alaska Subsistence Regional Advisory
27 Council back into session.

28
29 We have just had a report on the
30 Chinook Salmon Symposium. Donald, you had somebody
31 that you said needed to give us a report right now
32 because it's time sensitive.

33
34 MR. MIKE: Yes, Mr. Chair. Ms. Jean
35 Gamache from the National Park Service will do your
36 presentation on tribal consultation.

37
38 CHAIRMAN LOHSE: Thank you.

39
40 MS. GAMACHE: Thank you, Mr. Chairman.
41 I appreciate you accommodating my schedule. Some days
42 are just like that, I guess.

43
44 Good morning to you and the Council
45 members. I appreciate the opportunity here to present
46 -- give an update on a couple of different initiatives
47 that have been ongoing.

48
49 The first one that I'm going to be
50 talking about is tribal consultation by the Federal

1 Subsistence Board, and I believe you have several
2 documents in your packet that I'll be referring to and
3 the first document has the blue blocks and at the top
4 of the page it says Implementation Guidelines.

5
6 (Pause)

7
8 MS. GAMACHE: Yep, that's the one.

9
10 So just some background to this, is
11 that, in 2011 the Secretary of Interior directed the
12 Federal Subsistence Board to begin consulting with
13 tribes on actions that it may be taking that would
14 directly and significantly impact tribal interests.
15 And so to meet that mandate the Board directed a small
16 workgroup, a drafting workgroup to develop a tribal
17 consultation policy, which was actually adopted last
18 year. If you look at the second document in that
19 packet it should be a chronology. And it says
20 development of Tribal Consultation Policy for the
21 Board. And this gives a detailed outline of the
22 sequence of events that were undertaken to get this
23 policy developed and to get -- for adoption by the
24 Board. It gives a list of the members who participated
25 in that workgroup. Della Trumble was the co-Chair on
26 the tribal side and Crystal Leonetti was the other co-
27 Chair on the Fish and Wildlife Service representing the
28 Service.

29
30 So the drafting workgroup developed the
31 policy, it was adopted by the Board last year. And in
32 an effort to make sure that it was implemented
33 consistently by all agencies responsible for making
34 sure it moves forward, the workgroup was also tasked
35 with developing an implementation guideline that would
36 be used as consultation moved forward, as the
37 regulatory process moved forward for regulating
38 subsistence harvest on public lands.

39
40 So then the third, I believe the third
41 document -- or excuse me, the first document is
42 actually the guideline that is in draft form.
43 Currently we're looking for comments and feedback on
44 that guidance and so we would welcome your feedback.
45 We want to make this as effective as we possibly can so
46 that it's effective consultation and it provides good
47 feedback to the Board as they're developing regulatory
48 -- considering regulatory changes. So the guidance is
49 basically direction to agency Staff to follow as we
50 move forward in the regulatory cycle.

1 So it goes into considerable amount of
2 detail.

3
4 One of the things that we tried to do
5 is to tailor the guidance so that it actually follows
6 the regulatory cycle, and there should be a chart, yep,
7 the last page in your packet is a chart that shows --
8 that outlines the regulatory cycle throughout the year.
9 And so we tried to tailor the guidance so that it
10 tracks with this cycle.

11
12 So I'll give you a minute to locate
13 that.

14
15 (Pause)

16
17 MS. GAMACHE: So if you look at the
18 implementation guidance, there's some introductory
19 information and then it moves into the various
20 different steps that are included in the blue boxes.
21 And then under the blue boxes there's basically an
22 assignment given. So if you see under Step 1, Step 1A,
23 the first action underneath that has been assigned to
24 all Federal agencies so all Federal agencies would take
25 on the responsibility of contacting representatives of
26 affected tribes when a regulatory proposal might be
27 impacting them. So that's one of the first steps that
28 the agency would be taking. The next step would be
29 undertaken by the Office of Subsistence Management,
30 where correspondence would be sent to tribes and so on
31 and so forth. So as you go through the implementation
32 guidance, on the left -- well, the step -- so for
33 instance, Step 1B would be the RAC meetings, winter
34 meetings, February and March, which is what we're in --
35 the step that we're in currently. So proposals are
36 being developed for submittal, tribes would have an
37 opportunity to work with the Regional Advisory Councils
38 to develop those proposals potentially, and then the
39 action that would be taken under that, would be, that
40 OSM would do a series of actions. Sending notice to
41 all the tribes, arranging for teleconference calls if
42 the Regional Advisory Council would be interested in
43 having conversations with tribal representatives about
44 proposed regulatory changes. There would be
45 opportunity to make that happen.

46
47 So, again, this is draft. We have sent
48 correspondence out, and we've sent letters out to
49 tribes asking for their feedback, it's out for comment
50 right now. We'd welcome any observations or any

1 comments, any recommendations that you might have to
2 make this an effective process. And the deadline for
3 that would be in April. We want to -- the working
4 group is -- the timeline that we're looking at is we'd
5 like to receive comments, make any revisions that we
6 need to make and then present it to the Board for their
7 consideration and hopefully for their adoption at their
8 next meeting.

9

10 So that was kind of an overview.

11

12 I'd welcome any comments or questions
13 that you might have.

14

15 CHAIRMAN LOHSE: Thank you. I'll make
16 a comment. I really do like this step process where
17 there's some identified actions that have to be taken
18 and are assured of being taken because that's one way
19 that it won't get lost in the shuffle.

20

21 MS. GAMACHE: Thank you, Mr. Chairman.
22 That is definitely one of the considerations that we
23 kept in mind as we were developing the process.

24

25 CHAIRMAN LOHSE: Judy.

26

27 MS. CAMINER: Thank you, thanks. Well,
28 of course I'd be interested to hear from some of our
29 tribal representatives how it's been working, but I
30 guess I noticed aside from the first step, I mean OSM
31 really is doing all of the -- seems to do all the
32 contacting and, yet, I know OSM doesn't really have the
33 field Staff so there's a lot of other agency Staff who
34 live out in the communities.

35

36 So, I guess, two-part question.
37 Perhaps, can OSM handle this workload because it is a
38 big workload and how are they interacting with Staff
39 who live in communities where there are tribal
40 representatives?

41

42 MS. GAMACHE: Through the Chair. Thank
43 you, that's a good observation and that's also one that
44 we're trying to keep in mind as well. Since it is an
45 additional workload and the budget climate that we're
46 in currently we tried to be very mindful that the
47 workload didn't necessarily fall on one office, one
48 program, one Staff, or even one agency. And so while,
49 OSM, I know has been identified for many of these
50 steps, the intent was to allow flexibility so that the

1 work could actually be distributed out to, you know,
2 the Refuge or the Park level, to individual Staff
3 members within those offices. And making sure that
4 there's opportunity -- making sure that we are going to
5 coordinate effectively so that things are not falling
6 through the cracks. So OSM has been given the primary
7 responsibility for making sure that this moves forward
8 but they may not actually be the office or the program
9 that takes the action, they would make sure that the
10 action actually occurs.

11
12 CHAIRMAN LOHSE: Am I correct in
13 assuming that the reason it says OSM on all of these is
14 we're applying this to the subsistence at this point in
15 time, but this same kind of consultation is going to be
16 going on for Forest Service projects and things like
17 that on a different level that doesn't even involve the
18 OSM, if it's not OSM-related, but what we're dealing
19 with in our implementation guideline right here are as
20 it affects the Federal Subsistence Program?

21
22 MS. GAMACHE: That's correct. This is
23 related specifically to the regulatory process
24 undertaken by the Federal Subsistence Board.

25
26 CHAIRMAN LOHSE: Right.

27
28 MS. GAMACHE: Forest Service, all the
29 Interior agencies, all Federal agencies are mandated to
30 consult on actions that we take that may have a direct
31 significant impact on tribal interests. And so this is
32 related to -- specifically to the Board process.

33
34 CHAIRMAN LOHSE: Right. And so since
35 this is related to our process, the OSM would make sure
36 that this was handled because it's coming before us.
37 If this was related to Forest Service projects that had
38 nothing to do with subsistence then they would be
39 handling that on a totally different level.

40
41 MS. GAMACHE: That's right. So this
42 morning I just had a meeting on a NEPA process that was
43 being undertaken by a Park and so that includes tribal
44 consultation for that specific purpose and so if it's
45 not related to the regulatory process for subsistence
46 hunting and fishing on Federal public lands then it
47 occurs outside of this framework.

48
49 CHAIRMAN LOHSE: Right.

50

1 MS. GAMACHE: So this is just Federal
2 Subsistence Board process.

3
4 CHAIRMAN LOHSE: It's interesting,
5 Greg, if you look at the bottom of Page 3 and the top
6 of Page 4, in nice big bold letters, that would
7 directly affect what you and Doug were talking about
8 earlier in our discussions on the Moose Meadow
9 subsistence closure. Because I'm sure that tribes
10 weren't consulted in that.

11
12 Greg.

13
14 MR. ENCELEWSKI: Yeah, if I could just
15 talk to that a second. Yeah, they weren't consulted on
16 any of the fishery closures. They were from Andy
17 Loranger on the moose closure so that worked well. But
18 I like this and we got some time to comment on it. And
19 I just will comment that the government to government
20 consultation process for Ninilchik has worked quite
21 well when they contact us when we had something going
22 on in our area such as the moose.

23
24 And one of my comments to you will be a
25 little bit of a concern is, you know, when the task
26 force was made up and these villages picked out, you
27 know, they had Chickaloon and Knik and none from the
28 other parts of the Kenai, which have very different
29 subsistence use and needs and a lot more fisheries, so
30 I just want to make sure that we're -- that, you know,
31 everyone falls in that cue to get contacted when it's
32 their area, and I think it's been happening, I think
33 it's been pretty good except for the fisheries, sorry.

34
35 MS. GAMACHE: Through the Chair. I just
36 want to say thank you, and that is one of the issues
37 that myself and my counterparts, I'm the Alaska Native
38 Affairs Liaison for the National Park Service. I
39 apologize, I don't think I introduced myself at the
40 beginning here. I am -- myself and my counterparts and
41 the other Interior agencies are looking at what kind of
42 training we can provide to Staff to make sure that we
43 are being inclusive -- that our outreach is going to be
44 as effective as possible. And if you look at the end
45 of the implementation guidance, there is a section on
46 training as well as accountability and reporting. And
47 so, you know, if you have any observations or any
48 suggestions you'd like to share then we definitely
49 would like to hear back on those topics as well.
50

1 Just recognizing that there's a
2 learning curve, you know, that needs to happen to make
3 sure that we are -- that our Staff, our agency Staff
4 are informed and have the information that they need to
5 do this effectively.

6
7 Thank you.

8
9 CHAIRMAN LOHSE: Thank you. Any other
10 questions.

11
12 Judy.

13
14 MS. CAMINER: Thanks, Jean. And
15 actually that was my comment.

16
17 Earlier this morning we were talking
18 about customary trade and so that might be another item
19 to add on the training program on your point No. 1
20 there, customary trade.

21
22 Thank you.

23
24 MS. GAMACHE: Through the Chair. Thank
25 you, Judy.

26
27 CHAIRMAN LOHSE: Any other questions or
28 comments.

29
30 (No comments)

31
32 CHAIRMAN LOHSE: Now, are you seeking
33 comments on this from us as individuals or comments as
34 a Council as a whole or this is a draft, right?

35
36 MS. GAMACHE: Correct.

37
38 CHAIRMAN LOHSE: This is a draft. So
39 if anybody in the Council sees something that we feel
40 needs directly addressed as a Council, we have this on
41 the agenda a little later in the day and we can bring
42 it back up and if there's something that you see as a
43 Council member that needs addressed as a Council,
44 possibly with a letter or something like that, we can
45 bring it back up at that time.

46
47 Thank you for taking the time to
48 address us.

49
50 I don't see anybody else that has any

1 quest -- oh, Gloria.

2

3 MS. STICKWAN: Is this implementation
4 guidelines with the minor edits, has that been made by
5 the OSM Staff? Is this what was presented in January
6 without the minor edits?

7

8 MS. GAMACHE: No, these -- through the
9 Chair. This is the draft that includes some of the
10 edits that were provided by the Board, so this is the
11 most current version. So it includes those revisions
12 that were -- the suggestions that were made in the
13 January meeting.

14

15 CHAIRMAN LOHSE: And when do comments
16 need to be in on this one?

17

18 MS. GAMACHE: End of April.

19

20 CHAIRMAN LOHSE: End of April.

21

22 MS. CAMINER: End of April.

23

24 MS. GAMACHE: Actually, I'm sorry, let
25 me correct that, mid-April, if you could.

26

27 CHAIRMAN LOHSE: April 15th.

28

29 MS. GAMACHE: Just to give us a little
30 extra time to make sure we can make the revisions.

31

32 CHAIRMAN LOHSE: Okay. We'll say April
33 15th.

34

35 MS. CAMINER: Okay.

36

37 MS. GAMACHE: Thank you, Mr. Chair.
38 And the other update that I wanted to provide was
39 related to local hire.

40

41 This was an authority that was included
42 for Department of Interior agencies through ANILCA. We
43 had the ability to do local hire for those residents
44 who lived adjacent to or in the areas near Federal
45 public lands that were established under ANILCA. We
46 had the ability to go through a slightly different
47 hiring process. That authority was eliminated -- was
48 -- Congress took away that authority a couple of years
49 ago. Through the hard work of several of the Federal
50 agencies and through our Congressional Delegation,

1 especially Senator Murkowski's office, we were actually
2 able to get this reestablished. So the new authority
3 is in place. And Federal agencies now have the ability
4 to once, again, hire people, local residents. They
5 have to meet all the hiring criteria, basically, but
6 it's not the same process that we go through in terms
7 of the Federal hiring process.

8
9 And the basis or the reason for this is
10 that we want to bring individuals into the Federal
11 agencies, we want to bring those individuals in who
12 have acquired a special knowledge or expertise based
13 upon their long-term residency in those areas.

14
15 One of the differences between this new
16 authority and the old authority is that under the new
17 authority if someone is hired into a position that is
18 intended to be a permanent position, once they go
19 through the two year probationary period -- sorry, I
20 couldn't think of that word, two year probation then
21 they can be converted to permanent status and they
22 could go anywhere in the Federal system. Basically
23 they have all opportunities that are provided to
24 permanent Staff who are hired through the normal, or
25 the regular hiring process.

26
27 One of the things that we do want to
28 make sure that we get feedback on is how do we outreach
29 effectively. If you have any thoughts or suggestions
30 on how we can get the word out, effectively, about the
31 positions that we're advertising for through this
32 authority, then we would definitely welcome your
33 suggestions. We typically will do it, you know,
34 posting it in the post office, sending it to the tribal
35 government, sending it to the city, the borough,
36 whatever entity might be there. I know in many
37 communities the radio, there's a local radio station,
38 sending it to the radio station, those kinds of things,
39 so if you have additional suggestions on how we can do
40 outreach more effectively we definitely would be
41 interested in hearing your feedback on that.

42
43 And this hiring authority, if I didn't
44 say it earlier, this hiring authority is for all
45 Department of Interior agencies, it's not just Park
46 Service, it's all the agencies.

47
48 CHAIRMAN LOHSE: On this -- is this
49 basically a local preference, I mean is there a
50 preference to it or is it -- do they have first

1 opportunity to apply for it, or I mean are these jobs
2 -- are they competing with everybody else for the same
3 job?

4
5 MS. GAMACHE: I would -- and I'll defer
6 to -- oh, she might have left, my Regional Director,
7 Sue Masica, but it's my understanding that this is a
8 preference but, again, I'll defer to Sue.

9
10 MS. MASICA: Thank you, Mr. Chairman.
11 I'm the Regional Director of the Park Service. It
12 does, in effect, provide a local preference. What it
13 allows us to do is to advertise the jobs locally. It's
14 still a competitive process, locally, but we don't have
15 to advertise the jobs nationwide, which is otherwise
16 the standard by which a Federal job has to get posted.

17
18 CHAIRMAN LOHSE: That's what I was
19 thinking. From that standpoint it makes it a local
20 preference, not that they don't have to compete for the
21 job but that they're not competing against people from
22 all over.

23
24 MS. MASICA: That's correct.

25
26 CHAIRMAN LOHSE: Yeah. And the other
27 question I had from something she said, does length of
28 time in the area have anything to do with, and I won't
29 say seniority with -- if two people are competing for
30 the same job and they have the same qualifications but
31 one was there for 20 years and one was there for six
32 months, does length of time in the area have any
33 effect, or any however you say it, on the opportunity
34 to have the job?

35
36 MS. MASICA: I believe how it would
37 work, Mr. Chairman, is it's not an automatic that one
38 would be considered more qualified than the other but
39 the presumption certainly is that the duration of time
40 that they're there and how they apply through the
41 application process would -- the depth of that
42 experience would come through pretty clearly versus
43 that person who has just been there a much shorter
44 period of time. But it's not an automatic, the person
45 who's got more years trumps anybody else, but
46 presumably through the process that would come through
47 loud and clear.

48
49 CHAIRMAN LOHSE: Yeah. Judy.
50

1 MS. CAMINER: Thanks, Sue, for the
2 extra information.

3
4 So just so everybody would know, is
5 local hire, would that apply to all Alaska residents or
6 just people with a closer affiliation to the public
7 lands?

8
9 MS. MASICA: The way the language in
10 the statute is written it ties to the particulars of
11 the public lands. I don't have the -- I should now as
12 much time as we've spent on this issue trying to get it
13 fixed over a several year period, but the language is
14 written something to the effect of that sort of the
15 person's by -- by virtue of their knowledge of the
16 resources and the conditions locally that that's a
17 particular skill set needed to accomplish the
18 particular job. So the first step for the agencies is
19 to say what's the body of work that we need to have
20 done and what is it about the knowledge that might be
21 locally that justifies doing a local hire versus a
22 national competition. And then once they make that
23 decision and put that job out there, the area of local
24 consideration is a step that the agencies have to go
25 through so somebody who's interested in a job over in,
26 you know, say the Lake Minchumnia area is -- that's
27 going to be a narrowly defined area so somebody who's
28 down in Southeast would not be able to apply for that
29 particular job.

30
31 CHAIRMAN LOHSE: If I understand
32 correctly then, not all Federal positions are available
33 for local hire, it has to be positions that are
34 applicable to a certain set of skills.....

35
36 MS. MASICA: That's correct.

37
38 CHAIRMAN LOHSE:or knowledge of
39 the area.

40
41 MS. MASICA: That's correct, Mr.
42 Chairman. And that discretion, fortunately has been
43 left to the agency to define. We spent a lot of hang-
44 wringing back and forth between the agencies here in
45 Alaska and our counterparts at headquarters on the East
46 Coast trying to protect some discretion for us to do,
47 and I'll give you a simple example.

48
49 There were some people who were
50 arguing, well, administrative jobs are -- that

1 shouldn't require local knowledge if you're doing
2 administrative work. And we pointed out that in many
3 of our remote locations, for example, that person who
4 does the administrative work might also be the
5 receptionist and is dealing with many local users who
6 come into the Park and might have questions and
7 information that they need about the Park or the Refuge
8 or the BLM public lands or the Forest, whatever, and so
9 in that particular case that would be eligible for
10 local hire whereas a job right here in Anchorage might
11 be a different story. So it's really a case by case
12 position by position decision.

13

14 CHAIRMAN LOHSE: That's kind of
15 interesting that you picked that one because to me the
16 administrator would be much more important to have the
17 local knowledge than let's say the carpenter redoing
18 work on Kennecott, for example, I mean, and I'll just
19 use local things like that. I mean to me, okay, now
20 that you -- what I'm trying to figure out is, I can see
21 where the Park interpreter or the one running the
22 visitor stand or something like that, that needs local
23 knowledge, but if you're going to be working on
24 renovating a building then you're going to look at the
25 carpenter skills and I know we hire loc -- I know in
26 Kennecott we've hired locally to do that, but there
27 wouldn't be a necessity under this to do that because
28 local knowledge is not important to rebuilding a
29 building, but it is important to be an interpreter. So
30 it would be at the Park Service's discretion then to
31 use local hire to redo Kennecott's building, or would
32 it not be because that's not a critical component?

33

34 MS. MASICA: It would be subject to the
35 discretion of each local manager for any of the public
36 land agencies here in Alaska. The way the thing has
37 been set up is that you sort of describe what it is the
38 job needs to do and in that write up you have to make
39 the case for why local hire is appropriate.

40

41 CHAIRMAN LOHSE: Okay.

42

43 MS. MASICA: And then what we have to
44 be careful about is that we don't be overly generous or
45 abusive, for -- my word, not anybody else's word, in
46 terms of how we look at what the authority is because
47 those records then are all subject to audit through the
48 people who manage the personnel system and what we
49 don't want to get into a situation is, is where we
50 jeopardize the authority because that's what happened

1 the first time when we sort of had to cease using it
2 for a couple of years. There was a finding that it had
3 been inappropriately used and so we got that fixed
4 through a Legislative fix and now it's up to the
5 agencies as we implement it to be very smart in how we
6 do it but at the same time that discretion is left
7 locally so what might be a local need, you know,
8 clearing the Denali Road comes to mind in a Park
9 Service example. That might be a different
10 circumstance than what a Park in the Lower 48 would use
11 for a road crew. So we have that discretion locally.

12
13 CHAIRMAN LOHSE: So you could have the
14 discretion because it's -- could you have the
15 discretion because it's more economical for the Park
16 Service, I'll just use the Park, to use local hire to
17 do, let's say the Denali Road, rather than bringing
18 somebody else in, but the skill for taking care of the
19 road is -- well, that's probably even a little bit more
20 than building a building, but -- I mean so that's what
21 I was wondering is, you're going to have to be careful
22 that the reason for the local hire is because of the
23 local knowledge, not because you're located there.

24
25 MS. MASICA: That's correct. The
26 consideration is the knowledge and the knowledge of the
27 local area and why that is so critical to getting that
28 work accomplished, not economics.

29
30 CHAIRMAN LOHSE: Yeah.

31
32 MS. MASICA: There's a benefit.....

33
34 CHAIRMAN LOHSE: Not economics,
35 not.....

36
37 MS. MASICA:obviously down the
38 road if we're able to hire locally both for the
39 community and for the Park Service.

40
41 CHAIRMAN LOHSE: Right.

42
43 MS. MASICA: But that's not the driver
44 for the authority.

45
46 CHAIRMAN LOHSE: And it can't be used
47 for this, if I understand correctly.

48
49 MS. MASICA: That's correct.

50

1 CHAIRMAN LOHSE: Yeah. And that's
2 probably where we got off in the past, is we hired
3 locally because they were local, you know.

4
5 MS. MASICA: We did not do our due
6 diligence with making the connection between the local
7 knowledge and the job.

8
9 CHAIRMAN LOHSE: Right.

10
11 MS. MASICA: And now we're sort of
12 getting our house in order and making sure we've done
13 that but at the same time wanting to use that authority
14 where it's appropriate around the state for all the
15 public lands agencies.

16
17 CHAIRMAN LOHSE: Yeah. Yeah. Thank
18 you. Any other questions.

19
20 MS. CAMINER: Mr. Chair.

21
22 CHAIRMAN LOHSE: Judy.

23
24 MS. CAMINER: I guess maybe getting
25 back to Jean's question about how can perhaps we help
26 pass the word when there are local hire opportunities,
27 I don't know if it'd be feasible but -- and I don't
28 know if people want their email -- want to receive
29 messages about this, but I would think if there was
30 local hire opportunities people who live in the
31 communities near public lands would certainly know,
32 either young people who might -- or not young people --
33 but who would know people who are looking for jobs, or
34 who could fit the bill for any of the specific jobs, so
35 you might think about using the RAC members as options
36 of how to get the word out in an alternate way.

37
38 CHAIRMAN LOHSE: I think the facilities
39 that you talked about before, tribal bulletin boards,
40 public bulletin boards in the area, I know like in our
41 area, oh, the Dairy Queen, the gas station, the Winger
42 Store, you know, all of those kind of places have
43 bulletin boards, and there's a lot of local people who
44 don't bother to turn a radio on, don't bother to watch
45 TV, and probably would have access to some of those --
46 all the post offices, for example. I think those are
47 all good things. And the radio. I don't think you're
48 ever going to get everybody and I think if you put some
49 things like that out, somebody else is going to see
50 that, that can then transfer the information to -- I

1 know they used to post -- I know the Park Service used
2 to always post their job opportunities in the Chitina
3 Post Office and I'm sure they did it in the Copper
4 Center Post Office and the rest of them, and people in
5 the Interior that go to the post office read what's on
6 the bulletin board, I mean that's just all there is to
7 it, you know, you never know when you might find
8 something worthwhile.

9
10 So I think you've done a pretty good
11 job in the past. I think the problem in the past is
12 local hire has been looked at as a reason to be there
13 because it was guaranteed that, you know, you hired
14 local no matter what. I think that's probably where
15 the over use came and that's where the carefulness is
16 going to have to be done in the future. Because I'd
17 hate to see the loss of that opportunity. And like I
18 said I think a lot of times administrative positions
19 and positions in information are a lot more important
20 than putting siding on a building or getting rid of
21 lead or something like that, you know, I mean I'm just
22 talking from local knowledge, you know, I mean that's
23 just all there's to it.

24
25 Thank you.

26
27 Any other questions.

28
29 Donald.

30
31 MR. MIKE: Thank you, Mr. Chair. I
32 apologize for failing to recognize Ms. Sue Masica. She
33 is a member of the Federal Subsistence Board so she's
34 attending the Southcentral Regional Advisory Council
35 meeting, so, my apologies Ms. Masica. She'll be here
36 all day; is that correct?

37
38 MS. MASICA: Yes.

39
40 MR. MIKE: Okay. Thank you, Mr. Chair.

41
42 CHAIRMAN LOHSE: And thank you for the
43 information you shared with us.

44
45 No other questions.

46
47 (No comments)

48
49 CHAIRMAN LOHSE: Do you have anything
50 more for us.

1 MS. GAMACHE: That was it. Thank you,
2 Mr. Chairman. Thank you, Council members.

3
4 CHAIRMAN LOHSE: Thank you. Okay, now
5 we will go back to approval of our draft annual report.
6 You can find it on Page 17 in your stack of papers that
7 you have in front of you. This is an action item for
8 us as a Council. And this is open to additions or
9 changes at this point in time, am I correct, Donald?

10
11 MR. MIKE: Yes, Mr. Chair, that is
12 correct.

13
14 There may be a couple of items I may
15 have inadvertently left out so if the Council members
16 can recall that, but I'll look through my transcripts
17 again and make sure it's in the annual report for this
18 year.

19
20 Thank you.

21
22 CHAIRMAN LOHSE: Okay. Everybody take
23 a minute and 45 seconds.....

24
25 (Laughter)

26
27 CHAIRMAN LOHSE:or as long as it
28 takes you and let's, as a Council, just take a break to
29 read through this and then we'll discuss it.

30
31 Unless, Greg, do you have something to
32 say.

33
34 MR. ENCELEWSKI: No, I read it last
35 night so I could get a cup of coffee.

36
37 CHAIRMAN LOHSE: Oh, you can go get a
38 cup of coffee.

39
40 (Laughter)

41
42 CHAIRMAN LOHSE: Well, do you remember
43 what you read last night?

44
45 (Laughter)

46
47 MR. ENCELEWSKI: Yes, I do because it
48 had the deal on the Kenai.

49
50 CHAIRMAN LOHSE: Okay.

1 MR. ENCELEWSKI: It kind of surprised
2 me.
3
4 (Laughter)
5
6 CHAIRMAN LOHSE: Okay.
7
8 MR. ENCELEWSKI: How do you like that.
9
10 (Laughter)
11
12 (Pause)
13
14 CHAIRMAN LOHSE: Okay. Everybody had
15 time to read through it.
16
17 (Council nods affirmatively)
18
19 CHAIRMAN LOHSE: In that case I'd like
20 to put it on the table and say do we have any additions
21 or changes or corrections or things that other people
22 see that need to be put into it that we haven't got in
23 it or do we just have a motion for approval.
24
25 Judy
26
27 MS. CAMINER: Mr. Chair, thank you. I
28 guess two questions, the first one on Chitina fishery,
29 Gloria, whether this would satisfy your concern or
30 whether you'd still prefer to have a letter written to
31 Eastern Interior, would be my first question.
32
33 MS. STICKWAN: I guess it does say that
34 my concern was that Eastern Interior wrote a proposal
35 and I guess I just thought that they should have worked
36 with us as SRC since it affected us and they didn't and
37 there's a concern I had. I know action will be taken
38 by the Board, that wasn't the question I had.
39
40 CHAIRMAN LOHSE: Right.
41
42 MS. STICKWAN: It was just the process
43 that they took and what they did concerned me. I think
44 we should be working together rather than them doing
45 things on their own and that was the concern.
46
47 I guess that says in there what I was
48 trying to say.
49
50 CHAIRMAN LOHSE: I look at this and I

1 think like Gloria, this answer is what we should give
2 to the Federal Subsistence Board but I still think a
3 letter to Eastern Interior is in order.

4

5 MS. CAMINER: Uh-huh.

6

7 CHAIRMAN LOHSE: You know expressing
8 the concerns that Gloria has brought up in the past
9 because as we have done our best to not make or speak
10 to proposals that affect the Eastern Interior and have
11 them come right into our area with a proposal that
12 definitely affects the people in our area. I think it
13 just needs to be brought to their attention.

14

15 The other one, Judy.

16

17 MS. CAMINER: Mr. Chair. Then on the
18 second page at the top of 18, subsistence fishery, some
19 of the discussion we just had about in-season
20 management, this might be the place to put that
21 concern, too.

22

23 CHAIRMAN LOHSE: I think so. I was
24 looking at that and I don't think it needs to just have
25 a meaningful subsistence fishery but it needs to have a
26 meaningful subsistence fishery and priority of some
27 kind on it.

28

29 Greg.

30

31 MR. ENCELEWSKI: Yeah, Mr. Chairman and
32 Judy. I agree. I had just added on mine to request,
33 you know, that closing the Federal subsistence fishery
34 first before the State is not right. And so I think
35 your statement just as a priority or however you put
36 that, you know, but also that they know that, you know,
37 the in-season manager has made a decision that affects
38 the priority to all other users.

39

40 CHAIRMAN LOHSE: Yeah. Yeah, I think
41 it just needs to be recognized that it's on Federal,
42 it's the priority not just, you know -- Gloria.

43

44 MS. STICKWAN: I think the Susitna Dam
45 Project should be presented to the Federal Board, they
46 should get a briefing on it as well as us and be kept
47 informed because it's a concern for us.

48

49 CHAIRMAN LOHSE: So what we can.....

50

1 MS. STICKWAN: I mean not just us but
2 they should know about it, too.

3
4 CHAIRMAN LOHSE: So what we can do is
5 express concern for the Susitna Watana or however you
6 want to say it, Dam Project affect on subsistence and
7 other users in our area and on land owners and nearby
8 land owners, and we would like them to monitor the
9 project also.

10
11 MS. STICKWAN: Yeah. If they could
12 provide updates to us through their -- I don't know how
13 they could do that, but through the OSM office.

14
15 CHAIRMAN LOHSE: Yeah.

16
17 Is that agreeable to everybody on that
18 one.

19
20 (Council nods affirmatively)

21
22 CHAIRMAN LOHSE: So so far then we have
23 an addition on the subsistence fishery, we have the
24 addition of the Susitna Watana comments on its effect
25 on subsistence, and we leave the Chitina fisheries as
26 it is and the wildlife information we'll still express
27 our thinking that a program like the Fisheries
28 Monitoring Program for wildlife assessment would be
29 good.

30
31 Does anybody else have anything else
32 they'd like to see in this annual report.

33
34 (No comments)

35
36 CHAIRMAN LOHSE: If not, a motion to
37 accept it as -- a motion to accept the amendments, I
38 guess is in order first.

39
40 MR. ENCELEWSKI: Mr. Chairman. I make
41 a motion to accept the report as amended with the
42 additions for approval.

43
44 MR. HENRICHS: Second.

45
46 CHAIRMAN LOHSE: It's been moved and
47 seconded.

48
49 Any comments.

50

1 (No comments)
2
3 CHAIRMAN LOHSE: All in favor.
4
5 IN UNISON: Aye.
6
7 CHAIRMAN LOHSE: all opposed.
8
9 (No opposing votes)
10
11 CHAIRMAN LOHSE: Motion carried. Thank
12 you, Donald, for the work that you did on it and maybe
13 you and Judy can get together and work on the two
14 additions that we were talking about.
15
16 I don't have a watch so somebody's
17 going to have to keep me informed of the time. It's
18 after 12. Well, we have a time certain presentation at
19 1:30 this afternoon and if it's after 12:00 I would
20 suggest that we recess for lunch and be back in time so
21 that we can be on the phone or be on line at 1:30 for
22 our time sensitive, so let's say we get back at a
23 quarter after 1:00, which means that we might be ready
24 by 1:30.
25
26 (Off record)
27
28 (On record)
29
30 CHAIRMAN LOHSE: My God this is a good
31 Council. Everybody's here, everybody's in their places
32 with bright shining faces. Let's get started.
33
34 (Laughter)
35
36 CHAIRMAN LOHSE: I'll call this meeting
37 of the Southcentral Alaska Subsistence Regional
38 Advisory Council back into session and we have a little
39 short report for us before we go on to the item on our
40 agenda, as far as customary trade is concerned.
41
42 MR. KRON: Yes, Mr. Chairman. Tom Kron
43 from OSM. I've got a -- there was a question this
44 morning about customary and traditional uses, customary
45 trade this morning and I wanted to let people know
46 where this kind of information is in your regulations.
47 I've got both the wildlife regs, which you all have a
48 copy of and we just distributed the fish regs. Again,
49 we just had the fish portion of the Board meeting
50 process. And, again, I'm looking at Unit 7 on the

1 brown book, wildlife, for example, down on the Kenai
2 Peninsula, and you'll notice the customary and
3 traditional use determinations are on the lefthand
4 side. If you go through each of the wildlife
5 management units, you'll see on the lefthand side the
6 customary and traditional use determinations.

7

8 MS. MILLS: What page is it?

9

10 MR. KRON: Unit 7, that's Page 43. So
11 7, 15, again, you think about the wildlife management
12 units for Southcentral region. And, again, always on
13 the lefthand side, you see in the brown there, it
14 basically gives the customary and traditional use
15 determination. And this Council has made a number of
16 these. So I just wanted to show you where those are.

17

18 Similarly in the fish book, the same
19 kind of thing.

20

21 Customary trade is a little bit
22 different. The customary trade regs are printed on
23 Page 18 and 19 of the HandyDandy, the green book. So
24 if you look at what I just passed out, and, again, this
25 is what was mentioned earlier and, again, I think,
26 Ralph, your Chairman, participated in this process, you
27 have made a finding for customary trade limits for the
28 Upper Copper River. Those are mentioned on Page 19 and
29 again on Page 65.

30

31 There are three places in Alaska that
32 have customary trade determinations. Again, this
33 Council made the determination for Upper Copper River.
34 There was also a determination made in Bristol Bay.
35 And also just recently on the Yukon River. They're all
36 a little bit different, but the same kind of thing.

37

38 So anyway I just wanted to let you know
39 where to look to get this kind of information if you
40 decide that you want to make some changes. There will
41 be an opportunity later in the meeting to talk about
42 this issue relative to wildlife. And there will also
43 be the letter from Southeast. They wanted to have some
44 discussion about the customary and traditional use
45 issues. So I wanted to point out where those things
46 are and it'll be discussed more later.

47

48 Thank you, Mr. Chair.

49

50 CHAIRMAN LOHSE: Thank you. Any

1 questions.

2

3 Doug.

4

5 MR. BLOSSOM: Mr. Chair. So you're
6 saying in our RAC district they can sell fish?

7

8 MR. KRON: Mr. Chair. Mr. Blossom.
9 That is correct. And you've set a limit for that in
10 the Upper Copper River.

11

12 Thank you, Mr. Chair.

13

14 CHAIRMAN LOHSE: Judy.

15

16 MS. CAMINER: Maybe for clarification,
17 Tom, perhaps you can read the general regulation on
18 customary trade and then the specific one for the Upper
19 Copper River.

20

21 MR. KRON: Okay. Mr. Chair. Ms.
22 Caminer. Again, from Page 18, and I'll just start with
23 the customary trade discussion.

24

25 Customary Trade is a name given to
26 traditional exchange of cash for subsistence harvested
27 fish and wildlife. And it was broken down -- again,
28 this happened over 10 years ago and your Chairman
29 participated in the process, but it was broken down to
30 transactions between rural residents and then over on
31 Page 19 transactions between rural residents and
32 others, regional differences. And then there was some
33 limitations put on that, again, I won't read for you.
34 But the regional differences, the Federal Subsistence
35 Board recognizes regional differences and regulations
36 -- and regulates customary trade differently for
37 separate regions in Alaska. To date, and, again, the
38 Board just took up the Yukon, but what's identified
39 here is what was in these regs.

40

41 To date, the Board has adopted regional
42 specific regulations for customary trade for the
43 Bristol Bay Fishery Management Area and the Upper
44 Copper River District. And, again, as referenced the
45 Upper Copper River details are provided on Page 65.

46

47 So, again, this Council specifically
48 took up Upper Copper River after the original
49 discussion that your Chairman participated in, and does
50 it -- Judy, does that cover the kind of thing you were

1 suggesting that I read, did I cover enough or not?

2

3 MS. CAMINER: I think so, Tom, thanks.

4

5 MR. KRON: You were representing the
6 Park Service on the Board when this issue was
7 addressed, so you -- please add.

8

9 (Laughter)

10

11 MS. CAMINER: That's correct. Well, I
12 mean Doug asked a really broad question, so is it okay
13 to sell subsistence resources. It's kind of broken
14 down pretty carefully on Page 18 and 19, if it's rural
15 to rural or rural to non-rural people, so it's not
16 quite a broadbrush, sure it's fine to sell lots of
17 subsistence resources, and the only specific monetary
18 restriction has to do with the Upper Copper area.

19

20 One other comment, not to make it too
21 confusing, but some of what Wilson was talking before
22 was really barter, as Steve said to me earlier,
23 materials for materials, whereas customary trade is
24 subsistence resources for cash.

25

26 CHAIRMAN LOHSE: And I think that's
27 something that needs to be reminded, is there's
28 customary trade and barter.

29

30 MR. KRON: And, again, Mr. Chair, Judy,
31 the definitions for customary trade and barter are in
32 the back of the fish regs, they're also in the wildlife
33 regs, but Page 88 you'll find a bunch of definitions
34 there. Again, if you choose to submit a proposal to
35 change things or if you want to understand things, the
36 wording that essentially this Council, the other
37 Councils, the Board has adopted is included here for
38 people's information.

39

40 CHAIRMAN LOHSE: Tom.

41

42 MR. CARPENTER: Yeah, thanks.

43

44 Just to be crystal clear on this, I
45 think maybe what Doug was getting at is when the limits
46 were set for the Copper River, the Kenai Peninsula
47 wasn't 'rural yet.

48

49 CHAIRMAN LOHSE: Right.

50

1 MR. CARPENTER: So right now you have
2 some rural areas that can participate in the Federal
3 subsistence fisheries, but, because there's been no
4 specific guidelines set like the Copper had, you fall
5 under the general provisions which is on Page 18. So
6 if you guys that live on the Kenai think that there
7 ought to be some provisions like we put forth, this RAC
8 put forth for the Copper, limitations, it's going to
9 fall under the general guidelines. And I was talking
10 to Mr. Pappas earlier about this, and my interpretation
11 would be that it would be left up to law enforcement to
12 decide what was a significant commercial enterprise,
13 which depending on who the law enforcement agent is and
14 what agency he works for, that interpretation could be
15 very different. And I think that's where the whole
16 Copper River thing came into play. We wanted to set
17 specific guidelines so I think, you know, when people
18 are bringing proposals before the RAC in regards, you
19 know, selling fish it's our prerogative, I think, to
20 set guidelines if we feel they're necessary.

21

22 So am I correct?

23

24 MR. KRON: Yes, Mr. Chair. Mr.
25 Carpenter. You're exactly correct.

26

27 It's a determination of what's a
28 significant commercial enterprise.

29

30 And essentially what law enforcement
31 was telling us 10 years ago is they didn't understand,
32 they were going to have a hard time making a case based
33 on that so they wanted something more specific. You've
34 done that. This Council took the lead and did that for
35 the Upper Copper River. And you're right that the Cook
36 Inlet regs have come into place subsequent to that
37 time.

38

39 I guess one of the other things I
40 wanted to point out and if you look at the definition
41 of customary trade it's subsistence harvested fish and
42 wildlife. You've also made customary trade
43 determinations for bears, for example. This Council
44 participated in the discussion of essentially being
45 able to sell bear claws, for example, so you've
46 participated in this on both the fish and the wildlife
47 side and you've implemented one of the three
48 restrictions relative to customary trade for the Upper
49 Copper.

50

1 Again, as I've mentioned it's also been
2 done in Bristol Bay and it also was just done on the
3 Yukon. So it hasn't been done in a lot of places in
4 Alaska, but, again, it all relates back to the
5 significant commercial enterprise issue and what is
6 that, it's in the eyes of the beholder.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN LOHSE: Thank you.

11

12 MR. CARPENTER: Could I ask one more
13 question.

14

15 CHAIRMAN LOHSE: Yes, Tom.

16

17 MR. CARPENTER: Just one more question.
18 If someone were to write a proposal, which I think
19 might happen in regards to the Kenai, can the RAC at
20 that time, if we feel that it's appropriate, set
21 guidelines during the debate of that proposal or is it
22 something that if we feel necessary we should create
23 our own proposal through OSM beforehand?

24

25 MR. KRON: Mr. Chair. Mr. Carpenter.
26 Again, if you're talking about a fish customary trade
27 issue, which I think you are, essentially a year from
28 now, at your winter meeting, a year from now basically
29 they'll be taking up winter fish proposal development.
30 And I guess my suggestion would be to discuss it there,
31 put it on the agenda to talk about there. Again,
32 anybody can submit a proposal so I have no idea of what
33 we'll get for proposals. You also know that the
34 Council is given preference. If you make a proposal
35 and make a recommendation there are -- the Board is
36 limited about how they would not support that. So,
37 again, that'll be something to think about as well but
38 you might think about it for a year from now for fish,
39 for the Kenai, if you want to do that.

40

41 Thank you, Mr. Chair.

42

43 MR. CARPENTER: I guess that's what I
44 was getting at, is that, if we created a proposal
45 ourselves and submitted it to the Board, the Board's
46 limited in what they can do with that. But if we were
47 reacting to a proposal from the public and incorporated
48 our ideas into an amended proposal, they have more
49 leeway in how they can handle that so if we want to get
50 a regulation in place that suffices us more than we

1 might think we'd get otherwise then it would be to our
2 advantage to create our own proposal.

3

4 MR. KRON: Thank you, Mr. Chair. I
5 won't comment about your advantage. But, again, this
6 Council like the other 10 Councils are given deference
7 and specifically the Board has asked each of the
8 regions to decide what's customary and traditional
9 within their area for customary trade.

10

11 And, then, again, Judy was on the Board
12 when these processes were discussed.

13

14 CHAIRMAN LOHSE: Can I ask you a
15 question, Judy?

16

17 MS. CAMINER: Of course.

18

19 CHAIRMAN LOHSE: One other question,
20 the way I read this at this current time, if there is
21 no proposal limiting it, all we have is a law
22 legalizing it.

23

24 MR. CARPENTER: Uh-huh. It's left up
25 to the discretion of the cops.

26

27 CHAIRMAN LOHSE: And basically then
28 it's left up to the discretion of enforcement as to
29 whether it's a significant enterprise. But the other
30 thing that's interesting to me is if you look on Page
31 19, it is the opinion of the Federal Subsistence Board
32 that the Federal regulations governing customary trade
33 of subsistence harvested fish extend to any customary
34 trade of legally taken subsistence fish regardless of
35 where the actual cash transactions take place, however,
36 be aware that the State of Alaska may disagree with
37 this interpretation and could decide to prosecute
38 persons selling subsistence harvested fish on State or
39 private lands. And then the last one. In practical
40 terms, the only type of customary trade allowable for
41 those who do not process their fish in accordance with
42 State food safety regulations is the sale of uncut,
43 unprocessed fish.

44

45 Now, when it says uncut, does that
46 include cutting the dorsal fin off or does that mean
47 ungutted?

48

49 MR. KRON: Mr. Chairman.

50

1 CHAIRMAN LOHSE: Because when you cut
2 the dorsal fin off you expose the meat to
3 contamination.

4
5 MR. KRON: Yeah, I know we've got a
6 number of commercial fishermen on this Council. I've
7 been out on commercial boats but don't have the
8 expertise that you have, Mr. Chair, but, again, my
9 understanding is basically what's referenced here would
10 be gutting the fish. But, again, one could argue that
11 you're talking cutting the dorsal fin as well.

12
13 But, again, because of the Alaska food
14 safety regulations, we're not talking fish strips, for
15 example, we're just talking about whole fish; that's
16 what we're talking about. So it's a very limited
17 product. And, again, I'd look back to Judy, she's had
18 her hand up.

19
20 Thank you, Mr. Chair.

21
22 CHAIRMAN LOHSE: Judy.

23
24 MS. CAMINER: Well, following on your
25 suggestion and reasoning, Tom, that at next winter's
26 meeting where we'll be discussing fish proposals we may
27 want to consider or prepare a proposal for customary
28 trade for fish, this is kind of the wildlife
29 preparation meeting.

30
31 MR. KRON: Right.

32
33 MS. CAMINER: If the Council, and I'm
34 not suggesting either way, but if the Council has a
35 suggestion or a thought on customary trade on wildlife
36 this would be the meeting where we would develop that
37 proposal.

38
39 Thanks.

40
41 CHAIRMAN LOHSE: Thank you, Judy.
42 Thank you.

43
44 Donald.

45
46 MR. MIKE: Thank you, Mr. Chair. We
47 had a time certain for Mr. Courtney Larson from Cooper
48 Landing, and this leads up to the subject that the
49 Council is discussing. He wants to speak on the
50 customary trade for Cooper Landing.

1 Thank you.
2
3 Mr. Larson, are you available?
4
5 MR. LARSON: Yes, I am.
6
7 CHAIRMAN LOHSE: Thank you. We're
8 ready to hear what you are -- I don't suppose we can
9 call this a proposal but what you are suggesting, I
10 guess.
11
12 MR. MIKE: Yeah, Mr. Chair. Mr. Larson
13 sent me a document and you can find it on Page 13 in
14 your meeting material booklet. And he'll be speaking
15 off that, Page 13.
16
17 Thank you.
18
19 CHAIRMAN LOHSE: Page 13 of our meeting
20 materials, thank you.
21
22 MR. LARSON: Go ahead?
23
24 CHAIRMAN LOHSE: Go ahead.
25
26 MR. LARSON: Okay. My name is Courtney
27 Larson and I'm a lifelong Alaskan and I'm a current
28 resident of Cooper Landing. I speak not just for
29 myself but many of my friends and neighbors and
30 associates there in that community.
31
32 According to the rural subsistence code
33 we're considered a rural community. And I have
34 participated in the subsistence fishing there on the
35 Russian River -- or the Russian River Falls and I
36 noticed in the little handbook there that I actually
37 read, I read my handbook, the harvest of fish and
38 shellfish on Federal public lands and waters in Alaska,
39 I read that and apparently it allows, as you've just
40 discussed, the customary trade in there for the sale of
41 salmon to non-rural residents for cash. I looked
42 closer into the regs and I didn't find anything that
43 specified how to sell or where and as the other
44 gentleman just explained, he just read it as an opinion
45 of the Federal Subsistence Board so forth but (phone
46 connection) State of Alaska so I'd like to be able to
47 sell some of the subsistence fish but I don't know what
48 the right word is, afraid, I don't want to be -- I just
49 need more guidance from the Council and more specifics
50 so that I feel more confident in using that option.

1 CHAIRMAN LOHSE: Thank you. At this
2 point in time we haven't got much guidance that we can
3 extend but we can definitely -- if there was a proposal
4 in front of us we can definitely operate on that. I
5 think the best guidance that we can give is basically
6 what's already written down. At this point in time I
7 don't think any of us are technically or legally
8 capable of telling you how to do it, or how much to do
9 it or how to avoid any possible altercations with the
10 State because we have the same guidelines that you
11 have, we've got the same information in our book.

12
13 A proposal in front of us would be
14 operated on -- not operated on -- would be dealt with
15 in our next fish meeting, which is next fall, and that
16 is your prerogative to put that kind of proposal in
17 front of us, just like it's our prerogative to put a
18 proposal in too. Until that time I don't think we can
19 take action or give advice, at least that's my opinion,
20 and I'll turn to the rest of the Council and see
21 whether that's in agreement with what the rest of the
22 Council thinks.

23
24 Judy, what do you think.

25
26 MS. CAMINER: Well, thanks, Mr. Chair.
27 And thanks very much for consulting with the Council at
28 this point in time, we appreciate that.

29
30 I guess maybe for a frame of reference,
31 as was mentioned and as you're aware, the Upper Copper
32 River district specific numbers are listed there
33 relating to rural to rural transactions and rural to
34 other than rural residents at \$500 so that's where this
35 Council came to agreement a few years ago. And that
36 might be some good guidance for you, as you're aware.

37
38 And, I guess, additionally while I
39 don't think there's a recordkeeping requirement.....

40
41 CHAIRMAN LOHSE: There is.

42
43 MS. CAMINER: There is a recordkeeping
44 requirement and so that's something that would be good
45 for you to know about and to mention that that would be
46 adhered to if a proposal went through.

47
48 Thank you.

49
50 CHAIRMAN LOHSE: Yeah, Courtney, you

1 can see on Page 66 of the fish book, customary trade
2 sales of salmon must be immediately recorded on a
3 customary trade recording form, the recording
4 requirement and the responsibility to insure the
5 household limit is not exceeded rests with the seller.
6 That's what we have on the Copper River. And I'm sure
7 that there would be, if something is made for the Cook
8 Inlet area, there would be the -- knowing this Council
9 an our wanting to keep a handle on what's happening,
10 I'm pretty sure that that would also be required here.

11
12 Have I given you any information that
13 has helped you?

14
15 Where would you like us to go right now
16 from where we are?

17
18 MR. LARSON: So the direction is next
19 fall I should put together a proposal to submit to you,
20 the Council?

21
22 CHAIRMAN LOHSE: That would be the only
23 step that we can handle. The only step that we can
24 handle is to take a proposal that you submit to us and
25 either advance it or not advance it to the Federal
26 Subsistence Board or modify it. But we have the
27 ability to put a proposal in ourself, which has never
28 been done in the past, but to set a limit or something
29 on that order, if the Council so deems. But it would
30 be nice to have a proposal from somebody else because
31 we normally act on other proposals and react to them
32 instead of initiating our own proposals.

33
34 MR. LARSON: Yeah, okay, that's fine,
35 and I could pattern my proposal based on the Upper
36 Copper River district and Bristol Bay.

37
38 CHAIRMAN LOHSE: That would probably be
39 a good starting point. I would think that, you know,
40 we have found that reasonable for the Copper River. I
41 have no guarantee that this Council will find it
42 reasonable at this point in time on the Kenai but that
43 was what we ended up coming up with on the Copper River
44 and as a Council agreed to so that would be a start.
45 And, you know, it can be modified in all directions
46 during the meeting.

47
48 MR. LARSON: Well, that's fine. Okay,
49 and then when's the deadline of submitting the proposal
50 to the Council.

1 CHAIRMAN LOHSE: I will have that for
2 you in about 30 seconds.

3
4 MR. KRON: Mr. Chairman. Tom Kron from
5 OSM. Again, this meeting is basically to see if the
6 Council has any wildlife proposals. A year from now,
7 basically at your winter meeting the same request will
8 go out for fish proposals. So rather than this fall, I
9 heard this fall mentioned, basically a year from now it
10 will be the February/March timeframe, whenever your
11 meeting is scheduled, that would be the fish proposal
12 development meeting and then they will be analyzed and
13 they'll come back to the Council the fall of 2014 for
14 your recommendations. So it would be the fall meeting
15 of 2014 where you would basically look at the proposal
16 and make decisions and make a recommendation one way or
17 the other.

18
19 Thank you, Mr. Chair.

20
21 CHAIRMAN LOHSE: But when does he need
22 a proposal in by?

23
24 MR. KRON: A year from now.

25
26 CHAIRMAN LOHSE: A year.

27
28 MR. KRON: So basically the window --
29 yeah, I guess Steve Fried just pointed out that he
30 should send it to the Board and then, again, this
31 Council will weigh in, make a recommendation and your
32 recommendation receives deference but, again, a year
33 from now, so February timeframe a year from now will be
34 the fish cycle.

35
36 Thank you, Mr. Chair.

37
38 CHAIRMAN LOHSE: Okay. So he needs to
39 have his proposal in by January 2014?

40
41 MR. KRON: I would say February 1st.

42
43 CHAIRMAN LOHSE: Okay.

44
45 MR. KRON: February 15th. The window
46 is normally several months long but, again, February
47 1st, 2014.

48
49 George.

50

1 CHAIRMAN LOHSE: Mr. Pappas.
2
3 MR. PAPPAS: Yes, let me try to bring
4 some light to this. Courtney came to us at OSM with
5 the CFRs memorized of how this works, which is very
6 impressive to me.
7
8 (Laughter)
9
10 MR. PAPPAS: And we wanted to help him
11 clarify his intent. He came together to plant the seed
12 to start this process down the line at some point in
13 time. He understands the fish cycle just missed, you
14 know, it was closed up, he recommends maybe a \$1,500
15 annual limit to start discussions, et cetera, and we'll
16 commit working with him down the line as he has
17 questions about what's been posed here, we'll look at
18 the record, but his intent is to plant the seed now to
19 get discussions going as this is a new subject matter
20 for the Kenai.
21
22 Thank you, Mr. Chair.
23
24 CHAIRMAN LOHSE: And it will probably
25 come up for our working on then in February of 2104.
26
27 MR. LARSON: Okay, wonderful. And can
28 I have other residents of the community sign the
29 proposal or multiple signatures.
30
31 CHAIRMAN LOHSE: And letters of
32 support, you know, letters of support are something
33 that you want to send in too.
34
35 MR. LARSON: Okay.
36
37 CHAIRMAN LOHSE: And that's probably
38 the best that we can do for you at this point in time.
39
40 MR. LARSON: Okay. Well, I appreciate
41 it.
42
43 CHAIRMAN LOHSE: And thank you for
44 thinking inside the box.
45
46 (Laughter)
47
48 MR. LARSON: You have to be a creative
49 entrepreneur.
50

1 (Laughter)
2
3 CHAIRMAN LOHSE: Okay. Do you have
4 anything else you'd like to share with us at this time.
5
6 MR. LARSON: No, no, I appreciate it.
7 Thank you very much, Mr. Chairman.
8
9 CHAIRMAN LOHSE: Thank you. Any
10 questions any of the Council members have for Courtney.
11
12 MS. CAMINER: Mr. Chair. More maybe
13 for Copper River residents, I mean has there been
14 feedback or do people who are engaged in customary
15 trade with non-rural residents, are they getting
16 questions about how are you allowed to do this or do
17 you know how that's working or not working.
18
19 CHAIRMAN LOHSE: Gloria, have you heard
20 anything on it at all?
21
22 MS. STICKWAN: I haven't heard
23 anything.
24
25 CHAIRMAN LOHSE: Yeah, I haven't
26 either.
27
28 MS. STICKWAN: I haven't heard of
29 anybody really selling fish either so.....
30
31 CHAIRMAN LOHSE: I was wondering, I was
32 going to say since they have to have a report I was
33 wondering if the subsistence or whoever operates the
34 subsistence fishery has received any reports. That
35 would be something that'd be worthwhile finding out.
36 It's totally possible that nobody has either taken part
37 in this or complied with it at this point in time.
38
39 Who would we ask to get that kind of
40 information. George, you got any suggestions?
41
42 MR. PAPPAS: Thank you, Mr. Chair.
43 That would be Molly McCormick, National Park Service.
44 And in the back of my mind I recall permits have been
45 issued for both Bristol Bay and the Copper River area.
46 Just a few have gone out and few, if any, have been
47 turned back in when this regulation initially went
48 through. It just doesn't seem to be a reported common
49 practice at this time, but we can get you those numbers
50 when this does come up for analysis.

1 CHAIRMAN LOHSE: Yes, we'd sure like
2 that. And the next time I see Molly I'll ask her.
3
4 MS. CAMINER: Thank you.
5
6 CHAIRMAN LOHSE: So Gloria, do you have
7 something.
8
9 MS. STICKWAN: (Shakes head negatively)
10
11 CHAIRMAN LOHSE: Nope. Anybody else.
12 James.
13
14 MR. SHOWALTER: Yes. On this proposal,
15 I think it normally it's advisory that the individual
16 be here for questions and does he know that.
17
18 CHAIRMAN LOHSE: I don't know if
19 Courtney's still on but -- are you still there
20 Courtney?
21
22 MR. LARSON: Yes, I am. Yes.
23
24 CHAIRMAN LOHSE: James was suggesting
25 that when you put the proposal in and we're debating
26 it, it really helps if the person who puts it in has,
27 you know, enough interest in it that they show up at
28 our meeting.
29
30 MR. LARSON: Yes. Yes, I'd be at the
31 meeting.
32
33 MR. LARSON: And present the proposal
34 in person.
35
36 CHAIRMAN LOHSE: Yeah, thank you. Any
37 other comments.
38
39 Greg, I see your hand is halfway coming
40 up.
41
42 MR. ENCELEWSKI: Well, I kind of didn't
43 want to comment on this because it's a can of worms.
44
45 Courtney stated he's a lifelong
46 Alaskan, and I don't know how long he's been fishing
47 this fishery. I know it's a new fishery and I think
48 this is a real slippery slope, this trading for cash,
49 it could very well be interpreted as a commercial
50 enterprise especially in that area and the high

1 visibility and so on and so forth.

2

3 I don't know. I don't like it. And
4 I'm just going to tell you that, but I see the need for
5 it and, you know, in certain areas in certain times.
6 In the Bush you're paying \$10 a gallon and you got to
7 make a trade for something and you need it and, you
8 know, I like to fish for fish and trade the moose for a
9 caribou and whatever. But I guess we'd just want to be
10 real careful of it. So we really need to kind of think
11 this one.

12

13 But, anyway, that's just my comment and
14 I look forward to your proposal and see what we could
15 do.

16

17 CHAIRMAN LOHSE: It's interesting,
18 Greg, that you mentioned the high cost of fuel because
19 we were talking to one of our Council members just
20 before lunch and the cost of home heating oil where he
21 lives is \$7.60 a gallon.

22

23 MS. MILLS: In Cooper Landing.

24

25 CHAIRMAN LOHSE: No, not in Cooper
26 Landing.

27

28 MR. LARSON: This is Courtney.

29

30 CHAIRMAN LOHSE: Courtney.

31

32 MR. LARSON: Yes, and so that's the --
33 Cooper Landing and other rural communities are natural
34 resource rich but cash poor for other amenities, I mean
35 even other food items and clothes and just the gas to
36 get there. The next grocery store is 50 miles away.
37 So this would just be an alternative to use the
38 subsistence, not all, but part, an excess that one
39 would eat, for the family to use the excess to provide
40 other necessities for households there. That you can't
41 just put a net in and get out of the river, right.

42

43 CHAIRMAN LOHSE: Right. And you're
44 looking at households, not individuals, right?

45

46 MR. LARSON: That's correct.

47

48 CHAIRMAN LOHSE: Yeah. Gloria.

49

50 MS. STICKWAN: If he's going to write

1 this proposal I was wondering if Staff could provide
2 the cost of living just so we'll have something to look
3 at if we're going to be looking at dollars.

4
5 CHAIRMAN LOHSE: In the analysis for
6 it, Gloria.

7
8 MS. STICKWAN: Yes.

9
10 CHAIRMAN LOHSE: Yeah. I think that's
11 a good idea.

12
13 Well, thank you, Courtney. I don't
14 know if we've got any other comments by anybody.

15
16 (No comments)

17
18 MR. LARSON: Okay.

19
20 CHAIRMAN LOHSE: Okay, thank you.

21
22 MR. LARSON: Thank you. Have a good
23 one, bye.

24
25 CHAIRMAN LOHSE: Okay. Now, we are on
26 to the moose report is what I've got down here. That
27 was the next thing on the agenda.

28
29 MR. HENRICHS: You want Gary, he's
30 right there.

31
32 CHAIRMAN LOHSE: If Gary is the one
33 giving the moose report Gary's a good one to come up
34 and give it to us.

35
36 MR. OLSON: Absolutely, thank you.
37 There's about 15 of these handouts here.

38
39 Well, thank you for short notice for
40 allowing me to come before you.....

41
42 REPORTER: Turn your mic on.

43
44 MR. OLSON: The mic thing, there we go.
45 Thank you for letting me come before you so quickly for
46 a moose report. My name is Gary Olson, I'm executive
47 director of the Alaska Moose Federation.

48
49 What you see before you is a handout
50 and behind the paperclip there is a detailed PowerPoint

1 presentation. Both sides of the paper. It walks
2 through this major initiative that we have undertaken
3 with industry and primarily the Mat-Su Borough in
4 getting moose off of highways and also rail corridors.

5
6 This is an item that's come before you
7 previously on moose strikes on railroad corridors. We
8 all know that with realignment of work that's coming
9 for the Alaska Railroad, those trains are going to be
10 speeding up expeditiously and it doesn't bode well with
11 current protocol for moose on and around these tracks.

12
13 What you're going to see in this
14 presentation, real briefly here, is some very
15 compelling components to take moose mitigation on
16 highways seriously and proactively by the State
17 agencies, Federal agencies, different land owners and
18 boroughs and such. Certainly some of the trends for
19 the Smartcars and some of the other smaller cars that
20 are coming in is also getting a lot of people's
21 attention on how the cars are getting significantly
22 smaller and the moose are not getting any smaller. On
23 the heels of this last winter in the Mat-Su Borough
24 alone on the signs was 455 moose collisions reported
25 last winter. The Moose Federation has the salvage
26 program that we perform under State Trooper oversight
27 where we pick up the salvaged moose and deliver them to
28 the charities. On the 2nd of February we picked up 17
29 moose in 24 hours between Talkeetna to Eagle River.
30 so, again, last year at this time we were averaging 10
31 salvaged moose per day. This year is a reprieve,
32 thankfully, with the light snow, we're about two to
33 three a day out in the Mat-Su. But, again, this
34 program stretches from Homer to Fairbanks.

35
36 This has provided the Moose Federation
37 a platform to talk about mitigation on these corridors
38 so the Moose Federation is not just good at picking up
39 dead moose off broken cars and hurt people.

40
41 This presentation in this packet here
42 details the best way, in order to encourage moose to be
43 away from these highway corridors and railroad
44 corridors, all overseen by our biologist, Dr. Bill
45 Wall, who's been with us since July. One of the
46 biggest updates we have to report is industry led
47 public, private partnership of what we're bringing
48 forward. The latest partnership that we have is
49 Granite Construction. One of the biggest road builders
50 in the state, Granite is now offering their dozers

1 outside of the highway corridors they're working on,
2 and in the case of the Point MacKenzie extension of the
3 rail corridors for performing habitat enhancement back
4 away in the woods where we're trying to encourage these
5 moose to be. One of the fundamental problems that we
6 have is these right-of-ways, both rail and highway end
7 up being some of the best habitat, unfortunately, for
8 these moose in these areas. And you can certainly see
9 in some of the slides here even where agencies in the
10 past have planted Mountain Ash trees and put up a moose
11 warning signs next to those trees, that moose food that
12 they had planted.

13

14 We feel that with recent developments
15 with Granite Construction, Usibelli also came on as of
16 last week offering up dozers in the summertime for
17 doing habitat enhancement, we feel there's a genuine
18 opportunity here to make serious change on these
19 transportation corridors.

20

21 At the end of this packet you will see
22 we have the first upcoming moose summit in Juneau on
23 the 28th of this month. We're taking moose to Juneau.

24

25 (Laughter)

26

27 MR. OLSON: And there's no moose in
28 Juneau. So when we were dealing with all that deep
29 snow and these moose issues last winter, a lot of
30 people down there didn't have the first person
31 perspective of what the burden was of record snow and
32 record moose collisions on these agencies and on the
33 people as a whole.

34

35 The next page beyond this, Knik Native
36 Corporation has provided an atmosphere for a
37 demonstration project of habitat enhancement that the
38 302 Operators Union and the Training Trust have
39 provided the first D8 dozer to pull our roller-chopper
40 to show what four acres of habitat enhancement per hour
41 looks like. So we'll be able to go out into the
42 Miller's Reach area, treat some strategic locations
43 away from the Parks Highway to, again, enable these
44 moose to live back away from these corridors rather
45 than on them, which is what's happening right now.

46

47 In addition the last three attachments
48 you will see the Juneau funding request that we're
49 going for in the capital budget. In particular, the
50 second one is for 1.5 million dollars. And the reason

1 why we're going after this is typically when dozers
2 come in from industry they're dirt CATs, they're for
3 pushing dirt, they're not for enhancing habitat. We're
4 going for additional roller choppers and shear blades
5 in order to accessorize these dozers to be able for
6 generations to enhance habitat. Because as many of you
7 know a roller chopper and a shear blade never wears
8 out. And if we can continue to support industry in
9 these corridors, think of DOT and Fish and Game working
10 with each other projecting out when road projects and
11 airport projects out in rural Alaska are occurring,
12 that we could piggyback on top of industry and to go
13 out and enhance habitat away from these areas. So we
14 are requesting the Administration, the Parnell
15 Administration utilize these opportunities for evidence
16 of the food security initiative in enhancing these
17 moose populations, not only from a safety standpoint
18 but also from a food standpoint, away from these
19 corridors.

20

21 Granite Construction has a 100 million
22 dollar highway project going into Glennallen over the
23 next couple of years. We have met with AHTNA, we have
24 met with the traditional -- let's see the -- I'm
25 struggling with the name, the conservation district
26 newly put together between all the villages up there in
27 the AHTNA region and already presented as far as being
28 able to take this industry led initiative and have
29 these dozers going in on private lands and away from
30 this corridor. In fact we had lunch yesterday with Ken
31 Johns with the potential of having him come on our
32 Board of Directors to further show that this
33 organization is dedicated not only to safety, but
34 abundance of food back away from these corridors.

35

36 In closing we also have had some very
37 good relationships or very good meetings here recently
38 with the Railroad. One of the reasons, I believe, that
39 there's a lot of momentum coming in on this is that
40 picking up all those salvaged moose this last winter
41 caught the attention of a potential TV show that may
42 cover all of the components of the Moose Federation,
43 from the salvage program, from the rearing of the
44 orphaned moose calves, obviously Bob Henrichs can
45 explain what moose calves can do for different areas of
46 the state, to the dozer program, to the SNO-CAT
47 program. Certainly if we could compel the viewing
48 public of how unique life is in Alaska, but also of how
49 important moose are to the people of Alaska, who knows
50 what strength could come off this program.

1 But, in particular, we have approached
2 the railroad as being a positive component of this
3 proposed show and of this proposed relationship with
4 the Mat-Su Borough and other land owners out here.
5 Because having any of these agencies not part of the
6 solution is just going to further alienate where we
7 should be working together on this rather than butting
8 heads and coming at this problem after problem.

9
10 So, again, we will continue our
11 meetings with the Railroad. I will let them know that
12 we presented today. Our next meeting is out to the
13 Point MacKenzie Port Authority talking about Granite's
14 offer to work outside of Section 6 of the new Point
15 MacKenzie extension for habitat enhancement out away
16 from the rail corridor.

17
18 So a lot of things moving, but, again,
19 a lot of this momentum is because of the last winter
20 that a lot of us struggled through this last year and
21 everybody's thinking about moose on these cars.

22
23 So, with that, if anyone has questions.

24
25 CHAIRMAN LOHSE: I've only got one
26 question and that's -- I know that some of it's
27 mitigation and some of it's improvement, but as you
28 make more moose brows available the moose population's
29 going to grow and as it grows are you going to end up
30 spilling more on to the highway. I mean are we, you
31 know, I'm all for lots of moose but at the same time is
32 it going to solve the moose auto problem or are we
33 going to actually, you know, increase the moose
34 population and have more accidents, a better way of
35 putting it.

36
37 MR. OLSON: Sure. Probably, through
38 the Chair, one of the best positions has been by Dr.
39 Bill Collins with Fish and Game out in Palmer that says
40 that moose cross roads, they cross railroad tracks is
41 what they do, we're in moose country. It's how long
42 they linger is when you tend to have the tragedies.

43
44 One of the first components we are
45 after is getting DOT to be more consistent, even to the
46 point of us assisting with the mowing and maintaining
47 of the corridors they have. If you look north of
48 Willow on how those big wide expansive right-of-ways
49 look that's because of the Moose Federation and that
50 gives you line of sight but it also makes it where if

1 you mow and maintain those corridors correctly you will
2 not have that moose buffet, as we call it, along the
3 side of those corridors. As our biologist says, the
4 moose now are addicted to the road corridors. We see
5 it with the salvage program, we pick up the cow, we
6 leave the calves and by all indications we're back
7 picking up the calves the next couple days off other
8 vehicles.

9
10 Under Bill Wall's oversight we have
11 enacted the first of its kind DNA typing study between
12 the dead cows and the dead calves with the salvage
13 program so we can scientifically show the connection of
14 what's going on. And once that's made then the
15 agencies will determine what is to be done. But
16 currently 50 percent of all collisions are calves. 50
17 percent of the population back in the wood is not
18 calves. So there is a big problem there.

19
20 The best thing we can do is to enhance
21 this habitat adequate distance away from these
22 corridors so as you see in this one particular page
23 here in the back, the intent is to enhance far enough
24 into the distance that the moose continue to cross the
25 roads, they keep going back to where they belong rather
26 than on the corridors. And one of the best examples I
27 can bring from other countries that have dealt with
28 issues like this before, in Norway, when they did
29 diversionary feeding, they actually had a 46 percent
30 reduction over 18 years under biologist, veterinary, et
31 cetera oversight on their bloodiest railroad corridor
32 in the country. We want to take that further and
33 include diversionary SNO-CAT trails, permanent habitat
34 enhancement because haylage and other stuff is not
35 moose food. Moose food needs to be willow, young birch
36 and everything, but we're so good at putting forest
37 fires out where else can you have these moose be but in
38 our right-of-ways.

39
40 So there's a lot to be learned on this.
41 Under Bill Wall's oversight, he plans on extensive
42 monitoring of the entire program to determine what is
43 the best solution here. But, again, on the heels of
44 this last winter, at least everybody's at the table
45 talking about it.

46
47 CHAIRMAN LOHSE: Thank you. Doug.

48
49 MR. BLOSSOM: Yeah, Mr. Chair. Gary,
50 what does Norway feed the moose for diversionary

1 feeding?

2

3 MR. OLSON: They feed them haylage,
4 which is kind of like sweet hay and it's the big
5 bundles of hay that you see inside the big wrapped
6 type, they're up to six feet wide and what the wrapping
7 does is it turns it kind of into sauerkraut and it
8 kills all the seeds so there's no invasive species
9 issues and such. In fact, from the late '80s when Fish
10 and Game was working with the Army for divisionary
11 trails on the railroad corridors back in '89/90, on
12 those record snow years, Fish and Game has since had a
13 study program out in Palmer and they have taken captive
14 moose on and off of haylage 46 times scientifically to
15 determine the effect and the benefit it actually gives
16 the moose. But we're not in the feeding business.
17 It's a divisionary program. And if it was to be
18 implemented it would further encourage those moose to
19 go into those areas where those dosers have been
20 previously, would be our intent.

21

22 CHAIRMAN LOHSE: Question. You said
23 they took moose 46 times on and off haylage, did
24 haylage prove out to be an adequate food supply for
25 moose?

26

27 MR. OLSON: Yes.

28

29 CHAIRMAN LOHSE: That explains why
30 they're in my neighbor's field.

31

32 (Laughter)

33

34 MR. OLSON: You know these moose, this
35 last winter when we were going literally from tragedy
36 to tragedy picking these moose up off of these cars,
37 there was articles in the paper of whether or not you
38 could do this and whether or not it'd kill the moose.
39 There's two points on that.

40

41 If you wait until there's 8 feet of
42 snow and then do something reactively, those moose are
43 already almost dead already.

44

45 The other point is, is that at any time
46 you could go to Wayne Brose Farm, or any others out in
47 Point MacKenzie and see 80 of the fattest shiniest
48 moose in the state that are conditioned to eating that
49 haylage. Now, again, that's not what we're promoting.
50 We're not promoting to all of a sudden get moose hooked

1 on haylage, but before we have these crises situations
2 where all the moose are stacked up on the roads to hit
3 it proactively, to condition these moose to be back
4 where the dosers and other work is, and certainly
5 potential as we see in Scandinavia and other stuff
6 should at least be looked at here with an open mind.

7
8 CHAIRMAN LOHSE: And how has hay worked
9 out, not at all?

10
11 MR. OLSON: They'll take anything.

12
13 CHAIRMAN LOHSE: I know they will.

14
15 MR. OLSON: I mean you know that.

16
17 CHAIRMAN LOHSE: Yeah.

18
19 MR. OLSON: They'll die with a stomach
20 full of wood just thinking they're doing something.
21 But the prescription that Fish and Game had us under
22 permit was specifically haylage in the wrapped process
23 because, again, there's a lot of concern with the seeds
24 and everything else that comes with it. And following
25 their prescription, that's what we followed up on.

26
27 CHAIRMAN LOHSE: Doug.

28
29 MR. BLOSSOM: Yeah, Mr. Chair. First
30 I've got a statement and then I got a question.

31
32 We have raised hay, I've got 100 acres
33 of hay the moose love it.

34
35 MR. OLSON: Uh-huh.

36
37 MR. BLOSSOM: They're in my barn every
38 night.

39
40 (Laughter)

41
42 MR. BLOSSOM: I've got things -- they
43 jump over stuff six foot high, don't tell me they don't
44 like hay because we've fed them for 65 years, can't get
45 them to quit. They live fine.

46
47 When the moose get so poor before they
48 get to hay then they die. Because by then they can't
49 digest it. But if you get a healthy moose they can
50 live fine on hay. They live fine today at Portage,

1 they got three moose there all the time.

2

3 My next question though is, I also
4 heard that in Norway they've tried some repellents
5 along the ditches, has that helped?

6

7 MR. OLSON: Through the Chair. One
8 comment on the first thing. I am very scrutinized on
9 what I say and stuff like that and I work very well
10 under agency's oversight as a non-profit so when I say
11 haylage I just go off of what they studied out there so
12 trust me, I fully understand what they do out there and
13 it's not necessarily spoken about in a book.

14

15 MR. BLOSSOM: Uh-huh.

16

17 MR. OLSON: But as far as the
18 attractants, what they did also on that divisionary
19 feeding is they had a number of different locations
20 where they were doing haylage, hay, they were doing
21 wolf urine, they were doing all kinds of different
22 things to document what worked and what didn't work.
23 And they had a number of different results and a lot of
24 it was effective. The most effective was, was that
25 strategic divisionary feeding away from the corridor
26 alone. And one of the things that's also interesting
27 about that is the railroad corridor provides the
28 perfect atmosphere for those scientific questions to be
29 answered. Because if you treated a highway corridor
30 different on one stretch to another and if somebody got
31 hurt, you'd probably go to jail. So, again, the
32 railroad can be an absolute benefit to these programs
33 to provide that scientific atmosphere to answer those
34 questions.

35

36 CHAIRMAN LOHSE: One of the questions
37 Doug asked was did they have any luck with the
38 repellents?

39

40 MR. OLSON: It did reduce some of the
41 collisions but it was most effective on the
42 diversionary feeding by far. It was a whole number of
43 different scenarios they did. It was effective, but
44 the pros tell me that, especially a lot of the Darwin
45 moose that we see in the cities and stuff, they just
46 get used to a lot of that stuff, but when it came to
47 something they got used to eating, you know, they'd go
48 to it and stick to it.

49

50 CHAIRMAN LOHSE: Doug.

1 MR. BLOSSOM: Yeah, Mr. Chair. They
2 come in every night.

3
4 MR. OLSON: Yep.

5
6 MR. BLOSSOM: And they generally don't
7 spend an hour, they eat some hay and they go on. I
8 mean it's just something they've always done, I mean
9 there's no way to stop them. I mean don't tell me
10 moose can't eat hay and live fine.

11
12 MR. OLSON: I agree 100 percent, sir,
13 through the Chair.

14
15 CHAIRMAN LOHSE: Any other questions.
16 Greg.

17
18 MR. ENCELEWSKI: Yeah, through the
19 Chair. Gary, I got a couple questions and a few
20 statements.

21
22 First of all I want to let you know
23 that Doug's been keeping this secret because he's
24 always told us there's no moose on the Peninsula.

25
26 (Laughter)

27
28 MR. ENCELEWSKI: And especially none in
29 our area, so, you know, I'm not sure which way it is
30 but I know where to go hunting now.

31
32 (Laughter)

33
34 MR. ENCELEWSKI: But I will tell you
35 one thing they don't let us hunt on the Peninsula much
36 anymore and you know that. It's just, you know, trophy
37 hunting, and 50-inch and above and they've taken away
38 spike-fork and they're even trying to push that back.

39
40 And the reason I bring that up, you
41 know, the community is literally, at least the Native
42 community that I represent, the tribe, the president,
43 and the Native association is really in a bind for
44 moose. And I know you talked to Darrel, one of our
45 doctors down there about getting some moose, and he got
46 misled, he didn't get ahold of me at the association
47 where I wanted to work with you, anyway, we're going to
48 do that. But why I'm getting on this is, you know, I'm
49 all in favor of what you're doing and promoting it.
50 And I think there's a lot taken on the Kenai that are

1 killed on the highway and, you know, I hear all these
2 complaints about the right-of-way clearing, well, I'm a
3 fan of it, I kind of like it and I agree with you that
4 they need to keep it up. But what happened in our area
5 is little short sections, they do a section like from
6 Ninilchik to Clam Gulch and that's it, and they're out
7 of money so I know it's a money thing. But I would
8 love to know how much, you know, moose are killed on
9 the highways on the Kenai because the reason I bring
10 this up is, you know, it's proven that the bears and
11 the wolves are taking a bad toll on our moose.
12 Therefore the bears and moose are eating fine, the
13 cars, or collisions are killing people and wrecking
14 them, and they're taking way too many and the hunter
15 can't hunt. Now, we got a real oxymoron problem.

16

17 And I just want the Council to know
18 this and I know you it but I would like to work with
19 you any way we can to enhance moose but I wouldn't want
20 to enhance moose for more roadkill.

21

22 MR. OLSON: Correct. And then through
23 the Chair, on that point.

24

25 We have an orphan calf relocation
26 program that we're working on with the summer calves
27 and I spent 10 days in a tent out next to about six of
28 them two summers ago and I'm the first one to tell you
29 they're cute for about 20 minutes and then they're all
30 work after that.

31

32 (Laughter)

33

34 MR. OLSON: However, that's where big
35 moose come from is from little moose. And part of the
36 condition of that is to release them a minimum of five
37 miles away from a corridor. The last thing the Moose
38 Federation would ever be involved with is something
39 where a collared animal that we had anything to do with
40 was picked up by our salvage program. So we've seen
41 too many tragedies. We've seen, you know, the face,
42 this last summer, was the first time we picked up a
43 moose where we beat the morgue to pick up the person
44 underneath the blanket. So it's imperative that
45 everyone that's in a leadership position encourage all
46 the agencies to become proactive on this issue. The
47 simply just waiting for something to happen that then
48 changes it, the only condition I can give you that's
49 the best one unfortunately is, we all used to talk
50 about, you know, learn to live with geese and geese

1 were here first and it was nature's way, and it took an
2 AWACS plane with 24 dead airmen in the '90s to all of
3 sudden start thinking differently about that.

4
5 And my own personal testimony, you
6 know, I got stomped in the ground real bad when I was
7 in fourth grade, I was born and raised here, my dad got
8 here in '58 and so when I look at a new school go up
9 and it's surrounded by Mountain Ash trees and I listen
10 to teachers talking about how many moose there are on
11 the school grounds, you know, there's a lot of common
12 sense things that you think people would have and they
13 do not.

14
15 So I appreciate you guys' support in
16 this. It is looking positive with the Railroad, we
17 hope that they are a solution. Whether or not this
18 show goes, a solution in general, because, again, their
19 atmosphere and that research component is vital to
20 where abundance should be and it's away from these
21 transportation corridors.

22
23 CHAIRMAN LOHSE: Any other questions
24 for Gary or comments.

25
26 MR. BLOSSOM: I have a comment.

27
28 CHAIRMAN LOHSE: Doug.

29
30 MR. BLOSSOM: I hate to be noisy but we
31 raised one of those calves that went to Cordova and
32 they raise fine and I'd be willing to help again so
33 don't forget me.

34
35 MR. OLSON: Absolutely. Well, through
36 the Chair, if you're going to encourage the public to
37 support abundance of moose out in areas a long ways
38 away from town letting these orphans on the roads here,
39 whether away or dispatching them in one way, shape or
40 form is a pretty bad message to the public. And we are
41 insisting that the stewardship of this critical
42 renewable resource be increased across the board and it
43 starts with those 20 pound calves.

44
45 CHAIRMAN LOHSE: James.

46
47 MR. SHOWALTER: Yes. Just a comment.
48 You got a doser here with looks like a crusher behind
49 it, they used to have those diesel electric crushers
50 out on the moose range down on the Kenai and they've

1 cleared big areas but that was years ago, you couldn't
2 tell it today, which was for moose habitat. So I don't
3 know if it would be worthwhile to check where they are
4 or shoot in the dark and go from there.

5
6 MR. OLSON: I have been told, through
7 the Chair -- I've been told two destinations of where
8 they went, one was sold and went out of state to South
9 America and the other two is Carlos Tree Service
10 purchased them with the intent to do projects, couldn't
11 do anything and they got scrapped. So with what we're
12 being provided by this industry partnership, to go
13 after this, accessorizing these dosers with roller
14 choppers and shear blades and other items for
15 prescription, we can get back to that. And we hope
16 that we can get on the Refuge some day down there in
17 Kenai and do work.

18
19 CHAIRMAN LOHSE: Mr. Henrichs.

20
21 MR. HENRICHS: Yeah, the Moose
22 Federation is going to have a banquet on the 4th or 5th
23 of May at the ChangePoint Church and there'll be 500
24 seats available and just like any of the other banquets
25 we have there's liable to be lots of guns there.

26
27 (Laughter)

28
29 MR. HENRICHS: And I'll make sure
30 Donald has the information to pass on to everybody.

31
32 MR. OLSON: Appreciate the plug, Mr.
33 Chairman, through the Chair. But it's nice being
34 involved with an organization that 100 percent of the
35 money stays in Alaska. And the best thing this
36 organization has is the volunteers. While you're
37 sleeping tonight we're picking up moose at 2:00 a.m.,
38 off the roads 100 percent with volunteers. There's 13
39 trucks from Homer to Fairbanks. And so it's just
40 amazing, the public is looking at us and wanting more
41 than just a banquet and that's what they're finding
42 with us.

43
44 So, again, appreciate your time. We'll
45 continue to come before and let you know how this
46 progress goes. But anything you can weigh in on
47 railroad issues or highway issues or the Refuge, Kenai,
48 et cetera, that can bring moose abundance away from
49 these corridors, we appreciate it.

50

1 CHAIRMAN LOHSE: Thank you. Moose -- I
2 mean Mr. Henrichs.

3
4 (Laughter)

5
6 MR. HENRICHS: Yeah, if anybody wants
7 to take a ride in one of those trucks when they pick up
8 a moose just let Gary know.

9
10 CHAIRMAN LOHSE: Not at 2:00 in the
11 morning.

12
13 MR. OLSON: Yeah, it's good seeing it
14 and then you realize why it's especially a good
15 program.

16
17 CHAIRMAN LOHSE: Judy.

18
19 MS. CAMINER: Actually I wondered if
20 the holding area that you have, or the area where you
21 raise and rear some of the young ones, if that's
22 available for people to see.

23
24 MR. OLSON: Through the Chair. The
25 best way that would be is if you helped us go fill a
26 truck full of willow this summer. If we have the
27 number of calves that's anticipated we could have 10 to
28 20 orphans this summer and it's usually a pickup load
29 of willow per about four calves. So, again, it's just
30 a work of love. But it is a very scientific
31 atmosphere. It is very regulated from Fish and Game
32 oversight and some of our best volunteers are Dr. Diane
33 Hutchinson and Dr. Bob Hutchinson who are veterinarians
34 in Willow that give an estimated 30 to \$40,000 worth of
35 their time a summer and if they say it's okay then you
36 can come help but it's 100 percent under their
37 oversight.

38
39 CHAIRMAN LOHSE: Did you say a pickup
40 truck load for four orphans per day?

41
42 MR. OLSON: Yes. Yeah. And one of the
43 most thankful things you have is when the fireweed
44 starts growing up big enough to where you don't have to
45 collect an acre of it and as it grows taller you have
46 to pull less and less in order to feed those calves but
47 they are absolute engines for burning food. And, of
48 course, they grow about a percent and a half per day.
49 So if you were getting ready for snow this fall you'd
50 probably grow like crazy too, but it's worth it.

1 CHAIRMAN LOHSE: Gloria.

2

3 MS. STICKWAN: When you do projects do
4 you research the area where you're going to be doing
5 these projects and do you see invasive weeds or any
6 plants like that?

7

8 MR. OLSON: Through the Chair.
9 Everything we work on, as far as destinations of where
10 the moose go or where the dosers go and everything will
11 be under Fish and Game oversight and we will be asking
12 them to assist on those and other issues. So we try
13 not to, as our biologist says, cowboy up, and do stuff
14 ourselves we try to bring the agencies along as best we
15 can. But that is definitely a topic that Dr. Bill Wall
16 works with.

17

18 CHAIRMAN LOHSE: Thank you, Gary.

19

20 MR. OLSON: Okay. Thank you very much.

21

22 CHAIRMAN LOHSE: Okay. The next thing
23 we had on our agenda was the letter to Eastern on
24 personal subsistence in Chitina but we've already
25 discussed that so I don't think we need to go there any
26 farther on that one. I think that's one that you and
27 Gloria are going to take care of, right, Judy.

28

29 MS. CAMINER: Yes, Mr. Chair. I know
30 we had a draft in October or November and I know we
31 were working with George and Donald on it but I'm not
32 exactly sure the status, maybe Gloria has some info on
33 that.

34

35 MS. STICKWAN: Donald has it.

36

37 CHAIRMAN LOHSE: Donald.

38

39 MR. MIKE: Yeah, thank you, Mr. Chair.
40 Members of the Council. I did start the draft and it's
41 just been an oversight on my part but I'll complete the
42 draft and get the letter ready for review and I'll be
43 working with Mr. Probasco -- or Pappas and Gloria on
44 the content and then we'll issue the letter to Eastern
45 Interior for their review.

46

47 Thank you, Mr. Chair.

48

49 MS. CAMINER: Thank you.

50

1 CHAIRMAN LOHSE: Thank you, Donald.
2 Okay, Gloria.
3
4 MS. STICKWAN: While we're talking
5 about letters I was just thinking about the assault
6 rifles and what the restrictions that are going to be
7 maybe placed upon people buying assault rifles. I
8 think we should put that in our letter that we don't
9 want to bring up any problems but I just -- because I
10 don't think we need to have any burdensome laws placed
11 upon us.
12
13 CHAIRMAN LOHSE: That's interesting
14 Gloria because I was just reading the day before
15 yesterday's newspaper about what our Legislature is
16 doing on it and I think there's pretty good reaction
17 from the State towards the Federal government. Now,
18 whether or not it'll go anywhere I don't know. But the
19 State, they're having quite a time in the Legislature
20 right now on it.
21
22 I don't know what we could.....
23
24 MS. STICKWAN: Would it be
25 inappropriate to do something like that?
26
27 CHAIRMAN LOHSE: Uh?
28
29 MS. STICKWAN: Would it be
30 inappropriate to write a letter?
31
32 CHAIRMAN LOHSE: I kind of think it
33 would be at this point in time.
34
35 (Laughter)
36
37 CHAIRMAN LOHSE: I think we'd find if
38 we polled everybody we'd probably have like this.....
39
40 (Laughter)
41
42 CHAIRMAN LOHSE: But I think our state
43 is going to take a pretty strong stand on the fact that
44 as citizens of the state we should be able to have the
45 weapons that we need for hunting and fishing and stuff
46 like that.
47
48 MR. CARPENTER: Do we want to talk
49 about this while we're talking on moose?
50

1 CHAIRMAN LOHSE: Yeah, we could do
2 that. That would close things off.
3
4 MR. CARPENTER: I don't know who's
5 doing it.
6
7 CHAIRMAN LOHSE: Yeah. Although that's
8 pretty much, 2011, we can see the spike on 2011.
9
10 MS. CAMINER: Uh-huh.
11
12 CHAIRMAN LOHSE: And that's logical.
13 And like Gary said that's what spurred a lot of the
14 work that's being done is the fact that 2011 was off
15 the charts.
16
17 Mr. Henrichs.
18
19 MR. HENRICHS: Well, actually that is a
20 huge spike but in '89 they killed over 700 moose and
21 the reason that these numbers are so low is they ran
22 out of moose to kill.
23
24 (Laughter)
25
26 CHAIRMAN LOHSE: Yeah.
27
28 (Laughter)
29
30 CHAIRMAN LOHSE: Well, I think we all
31 realize what kind of a problem it is and it's nice to
32 see somebody working on the problem.
33
34 Okay, we have D, delegation of
35 authority for wildlife, Cordova District, Milo.
36
37 MR. BURCHAM: Hello Chair and Council.
38 This is Milo Burcham, wildlife biologist and
39 subsistence lead for the Chugach Forest.
40
41 Before I get to my talk about the
42 delegated authority for our District Ranger, if I could
43 I'd like to introduce Don Reeves who has limited time
44 here. He's a Forest planner for the Chugach National
45 Forest and has asked -- we would have done this during
46 agency reports but since he had to come from the
47 supervisor's office today just to make this
48 presentation, if I could, I'd like to introduce him and
49 have him talk about the Forest plan revision process.
50

1 CHAIRMAN LOHSE: If that's agreeable to
2 the rest of the Council.

3
4 (Council nods affirmatively)

5
6 CHAIRMAN LOHSE: Go ahead.

7
8 MR. BURCHAM: Okay. Come on up Don.
9 This is Don Reeves. He's a Forest planner on the
10 Chugach Forest and he's going to introduce this
11 upcoming topic that will affect subsistence users and
12 that's the Forest Plan Revision Process for the Chugach
13 National Forest.

14
15 CHAIRMAN LOHSE: Don.

16
17 MR. REEVES: Good afternoon, Chair and
18 Council. Thank you, Mr. Chair for getting me on your
19 agenda, appreciate that.

20
21 As Milo mentioned I'm Don Reeves. I'm
22 the Forest plan revision team leader for the Chugach
23 National Forest. I work for the US Forest Service here
24 in Anchorage and have numerous meetings, I have a
25 meeting out in Girdwood tonight so thank you for
26 getting me in this time slot.

27
28 I'm here to share information about our
29 Forest Plan revision process that we're going to be
30 going through. Our current plan is from 2002 so it's
31 fairly new and so as you know the Chugach National
32 Forest is an important place to all of us. It's the
33 backyard of half the population of Alaska. And people
34 visit here, people play here, but more importantly
35 people live here. And from your previous discussion on
36 moose you can understand that people live and work in
37 small communities imbedded in the Chugach National
38 Forest and subsistence is important to them. And so
39 not only is it a place to visit it's a place where we
40 tell people that we live.

41
42 Last February the Chugach National
43 Forest was selected as one of eight National Forests to
44 revise their plans under the new planning rule. There's
45 a new planning rule, it's the 2012 planning rule. And
46 so the Chugach is called an early adopter Forest, and
47 so we're going to revise under this new planning rule.

48
49 January 31st was our official kickoff,
50 was the start of, yeah, we're going, we're going to

1 revise our plan, et cetera. In your packet of
2 information you should have the news release dated
3 January 31st and that was the news release out to the
4 public, so we are launched. I think what's important,
5 Mr. Chair, for you and the Council to know is that it's
6 a three year planning process and we're in the initial
7 stages. The initial phase, there's three phases, the
8 assessment phase, the Forest plan revision phase, which
9 is where we get into the environmental impact statement
10 and then the monitoring phase so there's three phases.
11 We are in the first phase, just kicking things off,
12 pulling together an assessment.

13
14 There's National policy that requires
15 Forests to revise -- Forest and grasslands, there's
16 some grasslands out there also, but we are required
17 through National policy to review our plan every 15
18 years. So 2002, we should be right in the scope of
19 about 15 years. It does take a few years to revise a
20 plan and we're figuring it's going to take about three
21 years to revise.

22
23 So some of the important changes from
24 previous plans and the new rule, the 2012 planning rule
25 calls for us -- well, some of the highlights are that
26 it's a more effective and efficient planning process.
27 What has taken typically five to seven years to revise
28 a Forest plan is anticipated to take three or four, so
29 you can see it's going to take less time and less
30 money. Also the new rule requires the use of a three-
31 phase planning process; the assessment, the plan
32 revision, and monitoring.

33
34 There's enhanced emphasis on
35 collaboration and public engagement through the three
36 stages of planning. It emphasizes broad outreach to
37 new audiences and groups, even youth, as a matter of
38 fact, and we're working with the Alaska Geographic, our
39 Chugach Children's Forest partner to engage youth in
40 the process, and through systems that are already in
41 place, like school. So that's another requirement of
42 the new planning rule.

43
44 The new planning rule also has an all
45 land's perspective. All lands approach to land use
46 planning and land management planning, not only what
47 happens on the National Forest, what happens on
48 adjacent lands. So dealing with fire, water, wildlife,
49 climate, we need and all of us need to have an
50 understanding of what's happening both on and off the

1 National Forest. And not only just reaching out to
2 neighboring land users and owners but reaching out to
3 city, state, tribal, Alaska Native Corporations, all of
4 them to engage them in the process. So, again, we're
5 at the initial stages of that and you'll be hearing
6 more in the news, around town, et cetera, about this
7 process happening.

8
9 The new rule also has an emphasis on
10 sustainable recreational as an important multiple use
11 and contributor to what we're calling social and
12 economic sustainability. That includes, you know,
13 sustainable recreation and, my boss, Terrie Marceron,
14 who's the Forest Supervisor, she will take that into
15 consideration along with balancing that with supporting
16 hunting and fishing and other multiple uses.

17
18 The new rule also requires and provides
19 for multiple uses and integrated resource management
20 for the full range of multiple uses, timber, fish and
21 wildlife, recreation, watershed and subsistence.

22
23 The new rule requires us to use and
24 document best available science and how we're using
25 that in the three phases of the planning process.

26
27 So, Mr. Chair, we're in the assessment
28 stage right now. We're going to take a snapshot of
29 what's happening right now of existing conditions,
30 ecological, economic and social and pull together a
31 report called an assessment. And one of the important
32 aspects of the assessment is to identify our case for
33 change. Is there a need to revise our plan and what is
34 that. So that's an important piece of what the
35 assessment will do.

36
37 This initial assessment will have a
38 rough draft out mid-May, but a final report early
39 summer. And so it'll have current information for the
40 phase two planning process and also for phase three
41 monitoring.

42
43 I am pretty much to the end of what I
44 wanted to share with you and, Mr. Chair, I do have
45 something for you to consider and the Council to
46 consider, is how would you like to be updated on the
47 process that we're going through. Would you like us to
48 come to your twice a year meetings, would you like us
49 to -- or would you want to appoint a couple points of
50 contact as liaisons, it's something for you to consider

1 as we go through the process.

2

3 And basically that was it. In
4 conclusion, I appreciate the time. I'm here for
5 questions if you'd like.

6

7 Thank you.

8

9 CHAIRMAN LOHSE: Thank you, Don. I
10 don't know about the rest of the Council but I've
11 always appreciated the reports that we get at the
12 meetings and as far as contacting us with relevant
13 information that needs to be considered ahead of time,
14 the best source to contact us is to contact OSM and
15 then through Donald it would get distributed to us,
16 especially any reports or anything that you think would
17 be something that we should read so we would be up to
18 date when it comes time for the meeting. I really
19 appreciate those schedules of proposed projects that
20 Milo's brought in the past, and it's kind of
21 interesting to see what's actually going on in the
22 Forest Service or what's proposed to go on.

23

24 How about the rest of the Council.

25

26 Tom.

27

28 MR. CARPENTER: Thank you, Mr.
29 Chairman. Thanks for the update. Just a couple
30 questions.

31

32 I mean first off, the one thing that
33 I'd like to see and I think it's important, at least,
34 when it comes to how subsistence would be affected by
35 any changes to the Forest Plan, I would hope that
36 before anything is finalized, you know, obviously it's
37 going to be several years down the road, that the
38 things that would impact subsistence, that they would
39 be brought to this Council so that we could look at
40 them and potentially even have time to make comment on
41 them before the Forest Plan -- the new Forest Plan's
42 adopted. That would be helpful for me and I think
43 probably, you know, most of us live, you know, pretty
44 significantly close to the Forest.

45

46 The second thing is, and I just had a
47 general question, maybe my timeline is off, was the
48 last Forest Plan implemented in 2002 or is that when
49 the planning started?

50

1 MR. REEVES: Mr. Chair. Thank you for
2 the comment. It was signed in 2002 so that was when it
3 was started.

4
5 MR. CARPENTER: So when was it actually
6 finalized, was that 2002?

7
8 MR. REEVES: Yeah.

9
10 MR. CARPENTER: I guess time flies.

11
12 (Laughter)

13
14 MR. CARPENTER: It just seems like we
15 did this a couple years ago.

16
17 MR. REEVES: 2002 just seems like
18 yesterday.

19
20 (Laughter)

21
22 MR. REEVES: But that's when it was
23 finalized. I am new to the Forest, generally speaking,
24 I've been here about five months, but it's my
25 understanding it was about five years in the planning
26 process, approximately, to end with the final date of
27 signing in 2002.

28
29 MR. CARPENTER: Then finally the
30 question I have, because I attended quite a few of
31 those meetings, I didn't realize it was that long ago
32 now.

33
34 CHAIRMAN LOHSE: You're getting old.

35
36 MR. CARPENTER: Yeah.

37
38 (Laughter)

39
40 MR. CARPENTER: There were some things
41 that were not changed in the last Forest Plan and the
42 one that specifically sticks out in my mind was the
43 carrying capacity for commercial guides, you know, on
44 at least part of the Forest. And I know that that's
45 happened since then. Is the entire Forest Plan going
46 to be looked at, all aspects of it, or are things that
47 have been changed recently, they're not going to be
48 considered again?

49
50 MR. REEVES: Mr. Chair. To answer the

1 question I would just say that at this point what we're
2 looking at is what is working in the plan, we're not
3 going to change, and what needs to be changed, that's
4 what we're looking for. And so, you know, that will
5 kind of put the sideboards on our case for change.

6

7 MR. CARPENTER: All right, thanks.

8

9 CHAIRMAN LOHSE: Judy.

10

11 MS. CAMINER: Thanks, Mr. Chair. We
12 very much appreciate this report and so I'm not sure if
13 the purpose of this meeting or the meetings you have
14 scheduled is to get comments or we'll wait until you've
15 developed something where you'll then have comment
16 deadlines. But while you used the word, subsistence, I
17 don't think I see it in the first paragraph and that
18 might be a good thing as you go to your public meetings
19 is to make sure people understand it is certainly a use
20 of the Forest.

21

22 And then, secondly, I don't know if you
23 want or will want very specific comments on certain
24 trails, or snowmachine areas, or I mean are you looking
25 for broadbrushed comments or are you looking for any
26 kind of comment.

27

28 MR. REEVES: Mr. Chair. Yes, thank you
29 for the comment.

30

31 Subsistence is important especially in
32 Alaska, obviously. In the new planning rule I am not
33 sure if subsistence is mentioned, I don't believe it
34 is, however it is a multiple use, and multiple uses are
35 part of the new planning rule, and a very important
36 part of the new planning rule.

37

38 As far as where we're at, as far as
39 looking for comments, information sharing, at this
40 point I'm here to share the information, to let you
41 know that we just started and that you'll be hearing
42 more from us and that we feel it's important for us to
43 be at the table and for you to understand where we are
44 so we can have meaningful dialogue and benefit from
45 your broad experience.

46

47 CHAIRMAN LOHSE: In other words, Don,
48 if I understand right, you're not looking for specific
49 proposals or comments at this time, you're saying that
50 the door is opening and in the process there's going to

1 be opportunity for doing that.

2

3 MR. REEVES: Yes, there is. That is
4 exactly correct, Mr. Chair.

5

6 And what we have started is we're also
7 doing a number of public meetings, actually nine of
8 them, and we'll be in Girdwood tonight, followed by
9 numerous public meetings. There'll be one in Cordova
10 next week, Soldotna, Seward, Moose Pass, Cooper
11 Landing, Valdez, and in Anchorage obviously.

12

13 So what we're looking for is the public
14 to be involved and to provide input and the best way to
15 have a documented comment is through review, like you
16 were mentioning and there will obviously be lots of
17 time and opportunities to do that.

18

19 Thank you.

20

21 CHAIRMAN LOHSE: Thank you, Don. Any
22 other questions or comments.

23

24 Greg.

25

26 MR. ENCELEWSKI: Yeah, I just got a
27 little comment after that last statement, Don, what
28 Judy said. That scared the hell out of me.

29

30 (Laughter)

31

32 MR. ENCELEWSKI: Because multiple use,
33 multiple use, and not much of subsistence. I, want, as
34 a Council member, would like to be a part of knowing
35 what's going on with that. But I foresee and maybe I'm
36 missing something but as these Forest and the need for
37 subsistence, I see it growing more so in this changing
38 world of ours and in times of shortage and times of
39 things that are happening. So I think it's imperative
40 that, you know, that subsistence users have a voice in
41 there or a say so and understand what's going on.

42

43 So I appreciate you coming here. Can't
44 make this meeting tomorrow because we're here but,
45 anyway, thank you.

46

47 CHAIRMAN LOHSE: Thank you, Greg.

48 Anybody else.

49

50 (No comments)

1 CHAIRMAN LOHSE: Thank you, Don.
2
3 Milo.
4
5 MR. REEVES: Thank you, Mr. Chair. I'm
6 needing to get going.
7
8 CHAIRMAN LOHSE: Okay. You're excused.
9
10 (Laughter)
11
12 CHAIRMAN LOHSE: Okay, Milo, you're up.
13
14 MR. BURCHAM: Okay, thanks, it's still
15 me up here, Milo Burcham, subsistence lead for the
16 Chugach.
17
18 I apologize for kind of bringing this
19 forward in a piecemeal fashion. What I'd like to do is
20 approach the Federal Board for delegated authority for
21 the Cordova District Ranger to be able to make in-
22 season -- for in-season management decisions, to make
23 in-season management decisions for wildlife on the
24 Copper River Delta, Unit 6, or over on the Cordova
25 District. And I say it's a piecemeal approach because
26 I think I mentioned this a year ago, since then we've
27 got delegated authority -- well, the Kenai Refuge kind
28 of broke the path or paved the path for us and got in-
29 season management authority for the Refuge, and we
30 followed that by getting delegated authority for the
31 Seward District Ranger and there was an immediate need
32 for that because a moose season was being implemented
33 or about to start in August and there was a need,
34 still, to conserve the spike-fork component of the
35 population there. And so we got the delegated
36 authority for the Seward District Ranger to be able to
37 impose a quota on the number of spike-forks taken in
38 the Unit 7 hunt last year. And, anyway, that sort of
39 has -- oh, oh, and then this past fall when I was going
40 to get around to getting the delegated authority for
41 the Cordova District Ranger, we had the crisis, if you
42 want to call it that, of the Prince William Sound deer
43 population, which crashed, you know, declined 50 or 70
44 percent after last winter. And rather than pursue the
45 delegated authority it was necessary to get an
46 emergency action in place rather than try to do those
47 both at the same time, I got an emergency action to
48 close the harvest of does in Federal regulation along
49 with the State closing the deer season altogether.
50 And, anyway, that has kept me from getting to this

1 delegated authority, which would make these kind of
2 decisions more easy and quicker to implement in the
3 future.

4
5 So, anyway, I guess at this point a nod
6 from the Council of approval would be great, of your
7 opinion on the Cordova District Ranger getting this
8 delegated authority for wildlife. They already have it
9 for fisheries. And the Seward District Ranger already
10 has it for wildlife. And all of the Tongass District
11 Rangers have the delegated authority for fish and
12 wildlife management there. And theirs was a piecemeal
13 approach, too, I'll add. They finally got it all
14 aligned so all the district rangers had the same
15 powers.

16
17 But, anyway, I'd like to draft a letter
18 this coming week. I think it would improve the
19 strength of the letter if I could put a sentence in it
20 saying that there was consensus from the Council that
21 you guys thought it was a good idea. But I'd be happy
22 to answer questions or hear any discussion along those
23 lines.

24
25 CHAIRMAN LOHSE: Tom.

26
27 MR. CARPENTER: Yeah, thank you, Mr.
28 Chairman. Milo.

29
30 We had a little bit of a discussion
31 earlier today in regards to a situation with fisheries
32 on the Kenai and I spoke to you about it during one of
33 the breaks. And it makes you pause a little bit when
34 you want to give delegated authority to a Federal
35 manager, although, I think they need to have it, but I
36 want to make it crystal clear that I support the idea
37 but I support the idea only with consultation with both
38 the RAC Chair, whoever else needs to be consulted with
39 locally, you know, and I think there's been a pretty
40 good working relationship, at least, you and I have had
41 with the AC. But I don't want to have a situation take
42 place to where that consultation is just omitted.

43
44 And so from my perspective, I mean I
45 think it's a good tool. I mean the State already has
46 the ability through emergency order and sometimes they
47 need to react quickly, and last year was a perfect
48 example of when the State needed to react quickly
49 because it was pretty devastating when that snow came.
50 And, you know, I think you're being pretty gracious in

1 saying 50 to 70 percent of the deer, it probably is
2 higher than that on the west side of the Sound, it
3 might be 85 percent.

4
5 So I think it's a good tool to have as
6 long as it's used responsibly. And I'm not saying
7 you're going to use it in an irresponsible manner but
8 you're not going to be there forever.

9
10 (Laughter)

11
12 MR. CARPENTER: You know what I mean?

13
14 MR. BURCHAM: Uh-huh.

15
16 MR. CARPENTER: And I think that's the
17 way most of us feel. Federal employees change place
18 every so often and some aren't as logical as others.

19
20 So that'd be all I have.

21
22 CHAIRMAN LOHSE: James.

23
24 MR. SHOWALTER: Yes. I'd like to hear
25 the comments in the area, the resident's representative
26 that lives in that area first.

27
28 CHAIRMAN LOHSE: Greg.

29
30 MR. ENCELEWSKI: Yeah, through the
31 Chair. Milo.

32
33 You know, I understand the delegation
34 process and it's worked, and I've worked with Andy
35 pretty well on the moose and he's contacted us. But I
36 also ditto exactly what Tom said, it's real scary and
37 it's kind of an open-ended thing. And I don't want it
38 to, you know, we wouldn't need a RAC, we wouldn't need
39 the Federal process if we had all delegation of
40 authorities, we could all go home and save us a lot of
41 time and energy maybe, and that's kind of scary.

42
43 So one of the things is, some of these
44 things tend to get away from us. So I think they ought
45 to be very specific, very specific for an emergency
46 situation so to speak, with consultation, but there
47 also, consultation, there has to be some other
48 mechanism that they have some say so, too. I get a
49 call from the ranger, we're closing the moose season
50 because we got four spike-forks, and we got one big

1 bull, you're done, okay, you know, that's not a true
2 consultation. A consultation is when you and I sit
3 down and we work it out.

4

5 MR. BURCHAM: Uh-huh.

6

7 MR. ENCELEWSKI: And so I would just
8 want to say that. I mean I really feel it could get
9 out of hand.

10

11 Thank you.

12

13 CHAIRMAN LOHSE: Thank you, Greg. And
14 I'll go along with that.

15

16 The consultation I've had with Andy in
17 the past is he's asked, he hasn't said, but at the same
18 time what would happen if I would say no. I mean he's
19 just presented the facts as he sees them, he's just
20 presented the harvest, he's just presented what needs
21 to be done and logically I'd have to agree with him.
22 But there is no mechanism to say no. Or if I do say
23 no, what does it mean.

24

25 MR. ENCELEWSKI: Exactly.

26

27 CHAIRMAN LOHSE: And it's funny that
28 Tom brought that up because I was thinking exactly the
29 same thing and I was thinking about this new Forest
30 Service revision and all of that and it's just like in
31 the National Park up there, we've seen such a broad
32 attitude in the managers of the Park over the years
33 that the Park has been there. There are managers who
34 work with the locals, think like the locals, and it's
35 almost like if they start thinking too much like the
36 locals it's time to replace them with somebody who's
37 got good Park Service attitudes, you know and that's
38 not -- I'm probably exaggerating but that's what it
39 seems like to some of us that aren't, you know, in the
40 inside.

41

42 You, I'd give delegated authority and
43 know I could count on you, but I don't know that the
44 next person that replaces you might come in with the
45 attitude that, like somebody described before, that
46 animals are more valuable than humans and you guys
47 don't need to take any of them.

48

49 MR. ENCELEWSKI: You can view of them.

50

1 CHAIRMAN LOHSE: Mary Ann.
2
3 MS. MILLS: Thank you, Mr. Chairman. I
4 have concern as well, and nothing against you.
5
6 MR. BURCHAM: Uh-huh.
7
8 MS. MILLS: But anything that takes the
9 public process out, which I think that could, without
10 -- you know if there wasn't oversight or consultation
11 or the scientific data that maybe some of us feel is
12 necessary, and the human factor.
13
14 I know a lot of studies now that are
15 being done are including the human factor, which is
16 something new. And I know with the Chiwitna Coal Mine
17 and some of these other projects, it was always, well,
18 what about the fish, what about the wildlife, nothing
19 was ever said about the human factor. And I know on
20 the Kenai Peninsula, along with up on the Slope, one of
21 the human factors that was finally recognized after
22 many, many years of people coming down with asthma was
23 the results of flaring (ph), and what goes into the
24 air, the particulates into the air.
25
26 So I would be -- not that I don't trust
27 you, personally.....
28
29 MR. BURCHAM: Uh-huh.
30
31 MS. MILLS:but the process, I
32 think, you know could be in jeopardy and that would be
33 a shame to lose that public process.
34
35 Thank you.
36
37 CHAIRMAN LOHSE: Thank you.
38
39 MR. BURCHAM: Could I speak to some
40 of.....
41
42 CHAIRMAN LOHSE: Milo, you can speak to
43 that.....
44
45 (Laughter)
46
47 CHAIRMAN LOHSE:and then Tom will
48 speak to you.
49
50 MR. BURCHAM: Okay. I mean you said

1 that I might not be there forever but at this point in
2 time it feels like I'll probably be here forever.

3

4 (Laughter)

5

6 MR. BURCHAM: I've got a ways to go.
7 I've been here 12 years and I'm not going anywhere soon
8 and, at least, on our side I think I know the community
9 and have gotten to know the Kenai quite well also.

10

11 As far as, you know, what we're after
12 or how we're going to operate I could probably cite
13 some recent examples. First of all we're required with
14 the delegated authority to consult. We consult the
15 Native villages, we consult the local AC, and the RAC,
16 and most recently with this deer issue, Ralph, I think
17 we talked in the post office, and I updated you on
18 everything that was going on and asked what you thought
19 was best in the process, I was also looking for
20 feedback from the Native villages. Robert's gone right
21 now but I was talking with Andy as a representative for
22 the village of Chenega who actually went out and polled
23 the IRA president at the time. I was on the phone with
24 David Totemoff from Tatitlek, and talked to Bob as well
25 and got their opinions. And I was completely open.

26

27 The best thing to do last fall was to
28 do what the State did, you know, at least for the deer,
29 and close the season outright, just like the State did.
30 But I heard from Andy, and I heard from David Totemoff,
31 these villages in the Sound that don't have access to
32 other resources, how important the deer are and how
33 important a slight opportunity, even if it's not much,
34 matters to them. And as a result we ended up asking
35 for an emergency action to close the doe part of the
36 harvest and left, you know, the token opportunity to
37 harvest bucks open, and that was largely based on what
38 I heard from Andy and the people he talked to in
39 Chenega and David Totemoff in Tatitlek. So I'd like to
40 think that that is how we'd approach it. We consider
41 it a mandate, not any one opinion -- we don't have to
42 react to any one opinion.....

43

44 (Phone interruption)

45

46 MR. BURCHAM:if you guys said,
47 no, it doesn't mean that we can't do it but we listen
48 -- I care strongly about that. And also I think Steve
49 Kessler, who's not here today, has used some of my
50 examples of consultation, has stated that they should

1 serve as a model, again, with the Kenai moose, Unit 7
2 moose, the delegated -- or the emergency action we had
3 there to set the quota, again, we were as involved in
4 the consultation as possible and got opinions all the
5 way around, and I'd like to think that we've handled
6 this responsibly. And those of you who know me in
7 Cordova and have seen how I operate, I'd like to think
8 that you trust wherever you'd want to go with this
9 also.

10

CHAIRMAN LOHSE: Tom.

11

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MR. CARPENTER: Yeah, thank you, Mr.
Chairman.

Yeah, Milo, I mean I agree with you, I
mean I think you've handled things very professionally
and you'd probably go out of your way actually to get
as much feedback as you can before you make a decision.
I just think -- I mean I hope you realize we're not
directing any of these comments negatively at you, per
se, it's just the whole process.

I think one of the things that the
Council, at least from my opinion, likes to see is we
like to see people bring their ideas before us and
that's kind of the whole reason that we're here. And,
personally, when we gave the delegated authority to the
Refuge manager, I believe that's when we were in
Cantwell, there was a little bit of a struggle with
that and finally it happened. I think one of the
things that would make it a lot more appetizing for, at
least for myself, is that if the proposal was written
that the Federal manager on the Chugach, whoever it may
be, that there be concurrence with the RAC Chairman.
And I think what that does is if the RAC Chairman
absolutely feels that there's a bad decision being
made, that that action couldn't be used and that the
only way it would happen from there, then you would
have to go and ask for a special action request. So it
really gives the Federal manager two alternative. And
in most cases I can't imagine that the RAC Chairman is
going to disagree unless it's some wildly outlandish
thing. So, personally, I think that's the way to solve
the problem and it would ease -- I think it would ease
the pain, I guess, you know, of potential down the road
problems.

So I don't know what you think about
that.

1 CHAIRMAN LOHSE: I have -- Greg, go
2 ahead.

3
4 MR. ENCELEWSKI: Yeah, I just want to
5 make one comment, Milo.

6
7 You know, I want to tell you straight
8 up, you're the exception rather than the rule.

9
10 (Laughter)

11
12 MR. ENCELEWSKI: I mean you are.

13
14 And so, definitely, there's no problem
15 there. But you do have to realize that it takes away
16 from the whole process of the thing. And I know people
17 in our community, in the tribe, you know, we fought
18 very hard to have an input and a say so through the
19 Federal process and if we start just delegating
20 authority regardless, some of these are perceived
21 emergencies or whatever, there are methods to go by it.
22 And I would agree with Tom, and not only concurrence
23 with the Chair, but I think it needs to go a little
24 further with that, kind of like the example you said,
25 you got buy-in from the whole group. In other words,
26 from the tribal affected areas, the local communities,
27 maybe other people from the RACs from that area on the
28 Board or whatever because, you know, a lot of these
29 decisions that have been made on the Kenai, in my area,
30 have been perception of their outlook on the situation.
31 And if you want to get into detail I could details you
32 on moose and, you know, we got our hunting down for
33 spike-fork for two years, now they're proposing to shut
34 it longer. We went from taking 400 moose a year to 35,
35 we've saved approximately 360 bulls per year, times
36 that times two and now only the bears, as I talked
37 earlier, wolves and cars can hunt, so it's a sad
38 situation.

39
40 But, anyway, I talked more than I need
41 to but I needed to make my point as to how I see that,
42 you know, truthfully, you know, absolutely, and Andy
43 has been pretty doggone good with talking to us and
44 explaining the situation, giving us a head's up. On
45 the fisheries side we got no notice, subsistence was
46 just shut down.

47
48 MR. MCLAUGHLIN: I really appreciated
49 when you contacted me. I thought, wow, this system
50 really is working, you know, because like you said I

1 polled -- I made like four phone calls to people and
2 weighed all the different opinions, and there were
3 differences and shared them all with you and I thought,
4 wow, this is bringing it all to the table, this is
5 great and I trust you. But there's some people, I
6 think, that I do know that are Federal employees that
7 say you -- say something happened to you and 10 years
8 from now a new person's in there and they're not quite
9 as locally-oriented or they're urban or whatever the
10 situation is, I would agree with everybody here that's
11 making comments right now, that if there's -- like what
12 was said, make it a -- not necessarily a stipulation,
13 but part of the requirement, a consultation with the
14 RAC member that does live in that area that's affected
15 by that resource the most. You know that weighs
16 heavily on my mind and I really appreciated having the
17 opportunity to weigh in. So I'm kind of wondering
18 what's the difference now if this did pass as to what
19 just happened when you called, and I knew you had
20 called David up in Tatitlek and I called him to and,
21 you know, what would be different?

22

23 MR. BURCHAM: Through the Chair.
24 Nothing would be different. As far as I see it in
25 regulation, we have to consult with the RAC, and to me
26 I will get the blessing or talk to the Chair, Ralph,
27 about this, but to me what matters is talking to
28 someone who lives close by and that's why I contacted
29 you is you were the one who lived right in the middle
30 of it and were most dependent on the deer population of
31 anybody probably. And, so, no, I don't think it
32 changes anything. I think it says we're supposed to
33 consult and a member that lives there carries more
34 weight than, I'll say the Chair, even though I know I
35 have to get the consultation with the Chair.

36

37 CHAIRMAN LOHSE: Thank you, Milo. And
38 I agree 100 percent and that's why when he was talking
39 about just concurrence of the Chair. It kind of
40 bothered me, you know, when Andy calls me, I can look
41 at it, you know, from the information he's giving me
42 but I don't live there and I really like the idea, the
43 fact that, you know, and it's not a case of there's
44 time now for me to go poll all the -- you know, we're
45 on the phone, I'm out fishing or whatever, and so I
46 really like the idea of the fact that concurrence, and
47 I don't think you'd have to get 100 percent approval
48 but you ought to have a majority of opinion from the
49 people who are actually impacted, the local community,
50 the tribal community, the local RAC member and stuff

1 like that because -- but I know you do and, see, that's
2 the problem. That's the problem that I know Tom and I
3 are running up against is the fact that, you know, I
4 know that you do so that's the way it should be but
5 that's not always the way it is going to be.

6

7 I'd like to know one question, how much
8 -- because you didn't have that authority, what
9 happened?

10

11 MR. BURCHAM: It slowed the process
12 down by a couple of weeks.

13

14 CHAIRMAN LOHSE: A couple of weeks.

15

16 MR. BURCHAM: Yeah. I'm not going to
17 be able to recall the exact timeframe, but it was -- I
18 think it was at an AC meeting in the fall that we
19 really put -- I'll say put pressure on the State
20 biologist but made it known that we had large concerns,
21 that the community had large concerns about the deer
22 population and was really interested in closing the
23 population and after, you know, hearing from everybody
24 at the State Advisory Council, Dave Crowley, you know,
25 came up with a date out of his head, and I think he
26 said well we'll close it on December 7th and he
27 thought, you know, right then and saw the need to close
28 the deer season December 7th. That was late November,
29 I think. And when he closes the State deer season it
30 does nothing to Federal regulations. So in essence all
31 of Cordova and then the smaller villages like Tatitlek
32 and Chenega still have an open deer season and the
33 population of Cordova is significant, it's a couple
34 thousand people. And so it still remains open, you
35 know, to -- you know a good chunk of the harvest still.
36 So I had to start the emergency action at that point
37 and as quickly as everybody acted and this was a non-
38 controversial measure and everybody fell in line but it
39 still took a couple of weeks to get it in place and I
40 think we probably got in place around the day that the
41 State closure, you know, it was finalized around the
42 day of the State closure. Anyway it took awhile.

43

44 And so that's why I see this as
45 critical as any wildlife manager needs the ability to
46 take emergency actions, you know, when it's necessary.
47 And, yeah, it's just -- well, there's got to be trust
48 thrown in there somewhere. I don't know how to speak
49 to who will follow our current District Ranger Teresa
50 Benson, who this would give the authority to, but she's

1 going to be listening to my opinions on this, you know,
2 I'm the one who will be advising her on issues like
3 this.

4
5 And, anyway, you know, I think it
6 operates well now and consultation is just so heavily
7 built into it.

8
9 CHAIRMAN LOHSE: Doug.

10
11 MR. BLOSSOM: Yeah, Mr. Chair. On Page
12 72, in the game book.

13
14 CHAIRMAN LOHSE: In the HandyDandy,
15 yep.

16
17 MR. BLOSSOM: Maybe we need to change
18 consultation to only with your approval. Because I
19 would have never given Andy that kind of a go ahead if
20 I didn't think you could say no but I hear you saying
21 that now.

22
23 CHAIRMAN LOHSE: Well, I don't know
24 that I couldn't say no, that's the whole thing.

25
26 MR. BLOSSOM: Well.....

27
28 CHAIRMAN LOHSE: I don't know.

29
30 MR. BLOSSOM: I thought this is why it
31 was in there and if that isn't so then we need to
32 change that wording. Because I would rather give Milo
33 a go ahead than some other people, but I thought you
34 had the final say why I voted for the Moose range
35 getting that authority.

36
37 CHAIRMAN LOHSE: Tom.

38
39 MR. CARPENTER: Yeah, I tend to agree
40 with you Doug.

41
42 I mean I remember that conversation
43 pretty distinctly in Cantwell and we talked about it
44 for quite awhile. The Refuge manager was there. There
45 was two or three other people from OSM. And my
46 impression was, at the time that I accepted that -- and
47 maybe what we need is we need an answer as a RAC to
48 what does that mean. Does that mean that the Chairman
49 can disagree with the Federal manager, and that that
50 regulate -- you know, that that closure can't happen,

1 or -- you know, maybe we need an answer from the Board.
2 Maybe we need to put that in our letter to the Board
3 asking for an answer to that, maybe it needs to be a
4 legal answer, I don't know. But I tend to agree with
5 you.

6
7 CHAIRMAN LOHSE: I think Doug hit
8 something real good right there. And that would
9 probably work more because if I personally knew that he
10 needed my approval, then I would feel like I needed to
11 consult with some other Council members first. If I
12 don't know whether my approval or disapproval -- if
13 what you're doing is you're consulting with it, a lot
14 of times, like Greg said, consulting is telling
15 somebody what you're going to do.

16
17 MR. ENCELEWSKI: Uh-huh.

18
19 CHAIRMAN LOHSE: And I guess I have
20 kind of that feeling is that what happens if I say no.

21
22 MR. BLOSSOM: That's your job.

23
24 CHAIRMAN LOHSE: Okay. But it's not
25 written down that way.

26
27 MR. BLOSSOM: Change two words.

28
29 CHAIRMAN LOHSE: Yeah. We have
30 somebody back in the audience that wants to give us a
31 head's up on something.

32
33 MR. EVANS: Hi, Mr. Chair. I'm Tom
34 Evans, I work with the Office of Subsistence
35 Management.

36
37 One point I thought to bring out on
38 this that this was a relatively easy proposal, it only
39 took a couple weeks. Sometimes we have hard proposals
40 and it could take a month or more to go through our
41 system to get things -- to get a decision made. So I
42 just wanted to bring that to the forefront, that it's
43 not always a quick and easy process when it comes into
44 OSM through emergency special action.

45
46 CHAIRMAN LOHSE: Yeah, for a special
47 action.

48
49 Okay. Judy.

50

1 MS. CAMINER: Mr. Chair. I guess if
2 everybody looks at their yellow handout, the
3 HandyDandy.....

4
5 REPORTER: Your mic, Judy.

6
7 MS. CAMINER: Excuse me. If everyone
8 could look at their yellow handout, Page 40, the
9 HandyDandy is kind of a shortened version, and this
10 actually shows the letter that was the delegation of
11 authority to, in this case, the Refuge manager, and it
12 says -- this is Page 40, and it's C, the last
13 paragraph, Refuge manager will immediately notify the
14 Federal Subsistence Board through the Assistant
15 Regional Director of OSM, US Fish and Wildlife Service,
16 and notify and/or consult with local fish and game
17 managers, the Regional Advisory Council Chair, affected
18 tribes and other affected Federal managers concerning
19 special actions being considered.

20
21 So it's a little bit more than what
22 they say here but it certainly doesn't satisfy, in my
23 opinion, the concerns I'm hearing from this Council.

24
25 So, Milo, in terms of process, one
26 thing we could do, which Doug just suggested in our
27 annual report we were going to have a paragraph anyhow
28 on some of our dissatisfaction on how one of the
29 closures was made this last summer but we could also
30 add in considering the request you've come forward
31 with, we would like that wording changed, not
32 notify/consult, we could use the word, concurrence, and
33 maybe also ask the question, you know, what happens if
34 concurrence is not granted. I mean I think kind of
35 most of us probably know the answer there but it's
36 probably worth asking. But I didn't know if you
37 separately were going to put your request through the
38 system as well for this delegation of authority.

39
40 CHAIRMAN LOHSE: Milo.

41
42 MR. BURCHAM: Yeah, through the Chair.
43 My plan was to write a letter, just as they did,
44 separate action, asking for this authority and, you
45 know, I would have assumed it would have come back with
46 similar language as has been granted for the Refuge or
47 the Seward District Ranger or the Rangers in the
48 Tongass National Forest. I hadn't thought, you know,
49 that far down the line or I don't know if it's worth
50 trying to deviate from the norm of what's been done or

1 whether to retroactively try to change letters of
2 delegated authority that are already out there.

3
4 The way that I look at it, and this is
5 where maybe it takes a solicitor to give you the best
6 answer, is it certainly takes a reasonableness from the
7 part of the Federal manager to listen to the people
8 that they're required to consult with. I don't know
9 that any one person you consult with, you know, would
10 have veto power.....

11
12 CHAIRMAN LOHSE: Right.

13
14 MR. BURCHAM:but I would hope
15 that you're listening to the gist of what, you know,
16 because that letter mentions and this is how I worked
17 previously proposals, is talk to Fish and Game, talk to
18 the heads of the three Native villages that are on our
19 district, and talk to the local Advisory Committee, the
20 State Advisory Committee, which is a sounding board
21 for, you know, other residents in Cordova, and so
22 that's many different people that you're consulting
23 with and I don't know if it's reasonable to think you
24 should not go forward if one of those says no. But
25 like I say it ought to take reasonableness on the part
26 of the manager to be -- you know, have their fingers on
27 the pulse and be listening to all these and if they
28 start stacking up in the direction of saying that's a
29 bad idea you would lose a lot of credibility by going
30 forward with it. So I don't know what the right answer
31 there is.

32
33 CHAIRMAN LOHSE: Judy.

34
35 MS. CAMINER: Well, one suggestion
36 might be since your letter will get to the Board faster
37 than ours, I assume, I mean you might say we had this
38 pretty lengthy discussion at the Southcentral RAC
39 meeting and you suggest a couple changes in that
40 standard letter of delegation that instead of
41 notify/consult, it could be expanded to say consult
42 with and not just the Regional Advisory Council Chair,
43 but affected Council members and attempt to get
44 concurrence or make the effort toward getting
45 concurrence.

46
47 MR. CARPENTER: Yeah, I think that's
48 good.

49
50 MS. CAMINER: And you could also say

1 there was an extensive discussion in our meeting as
2 well on tribal consultation and it's quite important to
3 this RAC that that occur, not only on these matters but
4 others.

5
6 CHAIRMAN LOHSE: Greg.

7
8 MR. ENCELEWSKI: I just got one quick
9 question.

10
11 You know when we gave the delegation of
12 authority, Milo, for Andy on the Kenai, it was clearly
13 my understanding that it was a limited thing and it was
14 a time thing and that they would come back for it, I
15 didn't know it was a forever ever type deal. I mean
16 that's kind of a question of mine, I guess, is it for a
17 period of time or is it just to have that opportunity
18 forever.

19
20 CHAIRMAN LOHSE: Milo.

21
22 MR. BURCHAM: Through the Chair. I
23 believe it gives the delegated authority indefinitely.
24 I don't know if there -- you have the letter in front
25 of you, Judy, I don't know if it says that there's a
26 date to this but I believe it's indefinite authority
27 given to the in-season manager.

28
29 CHAIRMAN LOHSE: Thank you, Milo.

30
31 Gloria.

32
33 MS. STICKWAN: That was my question.

34
35 CHAIRMAN LOHSE: Tom.

36
37 MR. CARPENTER: Yeah, I know what
38 you're getting at Doug and it does specifically say in
39 this letter that this delegation of authority, at
40 least, where we're talking about the Refuge is
41 effective until superseded or rescinded. Now, that
42 doesn't clearly reflect what I remember about the
43 meeting because I believe specifically that the reason
44 that we agreed to give the delegation of authority was
45 that they needed this because it was somewhat of an
46 emergency and so we agreed to that, with the idea that
47 they would be a proposal back to the RAC and then ask
48 the Federal Board for a permanent status and I don't
49 think that ever happened, but that's not what this
50 letter from the Refuge manager suggests.

1 And, I guess, maybe we're getting off
2 track in regards to Milo, this whole thing, I guess is
3 interwoven, but I guess what I'd like to know is two
4 things.

5
6 I'd like to know if that ever happened,
7 if the minutes reflect that.

8
9 And the other thing is I would like to
10 have an opinion from somebody before the meeting's
11 over, if possible, in regard to what happens if the
12 Chairman says no.

13
14 CHAIRMAN LOHSE: Greg.

15
16 MR. ENCELEWSKI: Yeah, I'd just like
17 to, you know, concur with Tom's assessment of it. I
18 mean we fought this pretty hard because we were real
19 concerned and we realized it was kind of an emergency
20 thing that Andy needed to get through, and he wanted to
21 basically manage spike-fork in concurrence with the
22 State. And so it was a thing, my understanding was, it
23 was going to come back at a later date, a year or
24 whatever. I will say on the other side of that, it's
25 worked well, and Andy's been good about consulting with
26 us, so that part has worked. But I think it's totally
27 -- I think if you look back in the minutes, you'll find
28 this was never meant to be a long-term thing.

29
30 CHAIRMAN LOHSE: Boy, Milo, you sure
31 opened a can of worms, didn't you.

32
33 (Laughter)

34
35 MR. BURCHAM: Other delegated -- other
36 managers with delegated authority are going to love me
37 for this.

38
39 (Laughter)

40
41 CHAIRMAN LOHSE: Well, I don't know.
42 Mary Ann.

43
44 MS. MILLS: Thank you. I have another
45 concern as well and some of this came from the fish
46 meetings that I've been going to on the Kenai Peninsula
47 because of the decline in the chinook.

48
49 You know I'd like to also see when
50 there's a request like that, the scientific evidence,

1 because I know sometimes scientific evidence is lacking
2 and I wonder, are these political decisions or are they
3 based on scientific facts.

4

5 Thank you. And, thank you, Mr. Chair.

6

7 MR. BURCHAM: Certainly in my
8 experience and my background as a wildlife biologist
9 they're science-based. And, you know, for example this
10 most recent example it was real easy, the work -- and
11 we helped Fish and Game do their deer pellet transects
12 every spring, the number they came up with, that they
13 published basically was 50 to 70 percent deer decline
14 in Prince William Sound, made this real easy. And it
15 was backed up with anecdotal evidence from people in
16 the community, everyone in the community. I don't
17 think there was any dissent, really.

18

19 But, anyway, that's going to be my
20 approach, as a biologist, and I think anyone that would
21 sit in my seat would be a biologist with that
22 scientific background and require good evidence for
23 anything they do. So I think that's the norm with
24 managers. I think Andy has acted that way, has had
25 good data for his decisions. I can't speak to lots of
26 other ones, but I do think it's the norm for
27 professional biologists in positions like this, to act
28 on science. Now, that doesn't account for the social
29 or the human issue, like you mentioned, we might be
30 weaker on that part of it. But I think the science
31 part of it we're normally going to be strong.

32

33 CHAIRMAN LOHSE: Greg.

34

35 MR. ENCELEWSKI: I just want to give
36 you one bit of information, through the Chair.

37

38 You know, when Andy, he even went a
39 little further with this, with consulting with us, when
40 he consulted with us, we came to the conclusion that
41 15A, one portion of that area, the whole 15 area needed
42 to be closed, not all of it. And so he was able to
43 leave 15C open still allowing us an opportunity and
44 closing one specific piece. So it worked well is what
45 I want to say in that proper consultation. Whether it
46 gets away from us and we lose our control is a whole
47 'nother story.

48

49 I'm half in, half out.

50

1 Thank you.

2

3 (Laughter)

4

5 CHAIRMAN LOHSE: Tom.

6

7 MR. CARPENTER: Maybe to move this
8 along, Milo, I think from my perspective I hope you put
9 the proposal in and I hope that we, as a RAC, maybe
10 after we get a couple of these answers to a couple of
11 these questions that are lingering, can give you the
12 tool necessary and also satisfy ourselves to keep the
13 RAC in the process of the whole idea behind it. And I
14 think we'll get there. We'll get the tool necessary
15 for what you need. But I think there's some questions
16 out there and I think those need to be answered.

17

18 So that's all I got.

19

20 CHAIRMAN LOHSE: Milo.

21

22 MR. BURCHAM: Well, my question to the
23 Council then, I don't know if you can call it a vote
24 but I would like to get your opinion to put in this
25 letter and my proposal would be to ask for delegated
26 authority for wildlife for the Cordova District Ranger
27 with the concern, as summed up by Judy, to put consult
28 rather than notify and consult, and then mention that
29 the agencies, the tribal entities and the affected
30 Council members in there as people that should be
31 consulted for actions like this. If I was to submit a
32 letter to the Board asking for delegated authority with
33 those concerns in it, would you all be in favor, I
34 guess is the opinion I'd like to see.

35

36 CHAIRMAN LOHSE: Doug.

37

38 MR. BLOSSOM: Mr. Chair. I make that
39 motion, just the way he stated it.

40

41 CHAIRMAN LOHSE: Okay. Do I hear a
42 second.

43

44 MR. CARPENTER: Second.

45

46 CHAIRMAN LOHSE: Okay. It's been moved
47 and seconded to make the motion the way Milo said it.
48 I'm going to have to say that I disagree with it
49 because when he went back and read those words again he
50 used the word consult but he didn't use the words, seek

1 concurrence.

2

3 MR. CARPENTER: Oh, yeah. Concurrence.

4

5 CHAIRMAN LOHSE: And I really think the
6 concurrence -- or maybe we could use consensus instead
7 of concurrence.

8

9 MS. CAMINER: Yeah.

10

11 CHAIRMAN LOHSE: Because it's just like
12 what we're looking at right here, if you really ask
13 this Council, do we want to support Milo having
14 authority; the truth of the matter is some of us would
15 say yes and some of us would say no, but we may be able
16 to come to a consensus, you know, that we could give
17 you a consensus to that effect, but I doubt -- if you
18 want to put us up with a hand's vote, you're going to
19 have to count the yes' and the no's, you know, because
20 -- but that's the same thing here. To me, it's not
21 just notify and consult, because -- and see that's what
22 my opinion all the time was on it, that I got notified.

23

24 MR. BLOSSOM: Mr. Chair. I want you to
25 have final authority on it.

26

27 CHAIRMAN LOHSE: Well, I don't think I
28 can have final authority.

29

30 MR. BLOSSOM: Because if we give all of
31 our authority away what are we sitting here for.

32

33 CHAIRMAN LOHSE: Yeah.

34

35 Milo.

36

37 MR. BURCHAM: Actually, just a question
38 because I asked somebody this recently and was a little
39 unclear of the definition and I haven't looked it up
40 myself, is consensus unanimous or is it a majority.

41

42 CHAIRMAN LOHSE: Consensus is
43 unanimous.

44

45 MR. BURCHAM: Okay. So one entity that
46 says no of these, you know, five entities that I
47 consult would be enough to not be able to go forward
48 with.....

49

50 CHAIRMAN LOHSE: Yeah, that's a good

1 question. Somebody got a dictionary.

2

3 MS. CAMINER: Mr. Chairman. I'm going
4 to look it up. I was going to say I thought consensus
5 was everybody can live with it.

6

7 CHAIRMAN LOHSE: Yeah, that's kind
8 of.....

9

10 MS. CAMINER: But I'll look it up.

11

12 CHAIRMAN LOHSE: Greg.

13

14 MR. ENCELEWSKI: Yeah, while we're
15 under consensus here.....

16

17 (Laughter)

18

19 MR. ENCELEWSKI: In your delegation you
20 didn't speak of a time, you just asked for it in there,
21 and would this just be open-ended, there's no time
22 limit on it so it would be an open-ended thing. And
23 the other thing I wanted to mention while I'm talking,
24 if I may, Mr. Chairman, is, you know, I went to a lot
25 of the Federal Boards and some of this consultation
26 process and under the consultation process when you
27 have a lot of the people coming in from the Bush, a lot
28 of the village and consultation, I kept hearing over
29 and over again that, you know, they were very concerned
30 about special actions, the delegation of authorities
31 and some of this type stuff. You know, they wanted to
32 have -- they wanted to be more involved in the process.
33 They want to even be more involved than our RACs, they
34 want to have a seat at the table. And so I don't want
35 to dilute the process is what I'm really getting at.
36 It's not that I don't have any confidence in the
37 managers or whatever, but, you know, there's a process
38 in place and I think we need to follow it. And if you
39 could give us a consensus and a good thing and a
40 timeline I'd be all for it.

41

42 CHAIRMAN LOHSE: Judy, have you looked
43 up consensus.

44

45 MS. CAMINER: Yes. What I've found is,
46 consensus decisionmaking is a group decision making
47 process that seeks the consent of all participants.
48 Consensus may be defined professionally as an
49 acceptable resolution, one that can be supported even
50 if it's not the favorite of each individual.

1 CHAIRMAN LOHSE: In other words, you
2 can live with it.
3
4 Okay. Well, we have a motion on the
5 table. And.....
6
7 MR. BLOSSOM: Mr. Chair. Would you,
8 and my second concur, that we change that wording.
9
10 CHAIRMAN LOHSE: I don't have to
11 concur, it's the second that has to concur.
12
13 MR. CARPENTER: Yes, I do. Yes, I do.
14
15 CHAIRMAN LOHSE: Okay. Would you
16 define the wording that you're changing.
17
18 MR. BLOSSOM: We're changing the word
19 to consensus, which, in our minds is that gives you the
20 final.
21
22 CHAIRMAN LOHSE: Okay. So.....
23
24 MS. CAMINER: I could read it if you
25 want.
26
27 CHAIRMAN LOHSE: Could you read it.
28
29 MS. CAMINER: So, Milo, our suggestion
30 or I guess our motion is that when you would prepare
31 your request to the Board, we would like to see
32 guidelines for delegation, Section C, say, that the
33 Forest supervisor -- the District supervisor.....
34
35 MR. CARPENTER: District ranger.
36
37 MS. CAMINER: District ranger will
38 immediately notify the FSB through the Assistant
39 Regional Director of the Office of Subsistence
40 Management, Fish and Wildlife Service and consult with
41 local Alaska Department of Fish and Game managers, the
42 Regional Advisory Council Chair, affected RAC members,
43 affected tribes, other affected Federal managers
44 concerning special actions being considered seeking
45 consensus.
46
47 CHAIRMAN LOHSE: Sound good.
48
49 MR. BURCHAM: I think that captures --
50 please send me that text.

1 (Laughter)
2
3 CHAIRMAN LOHSE: Okay. And with that
4 we have a motion on the table to say that we would
5 support Milo in his request if it was along those
6 lines, right.
7
8 Greg.
9
10 MR. ENCELEWSKI: Just one question so
11 I'm clear, this is Cordova District only?
12
13 CHAIRMAN LOHSE: This is Cordova
14 District only.
15
16 MR. ENCELEWSKI: Thank you.
17
18 MR. BURCHAM: Yes.
19
20 MR. CARPENTER: Question.
21
22 CHAIRMAN LOHSE: Question's been
23 called. All in favor signify by saying aye.
24
25 IN UNISON: Aye.
26
27 CHAIRMAN LOHSE: All opposed.....
28
29 MR. ENCELEWSKI: I consent.
30
31 CHAIRMAN LOHSE: Uh.
32
33 (Laughter)
34
35 MR. ENCELEWSKI: I'll consent.
36
37 (Laughter)
38
39 CHAIRMAN LOHSE: And all oppose,
40 signify by saying no.
41
42 (No opposing votes)
43
44 CHAIRMAN LOHSE: You have our
45 consensus, that doesn't mean we agree with you, but it
46 means we all figure that we can live with your
47 decision.
48
49 MR. BURCHAM: Well, thank you very
50 much. I think we all maybe even learned a little bit

1 in that conversation. And to be honest I can't really
2 think of the situation, I mean, personalities might
3 change where I would, you know, even consider going
4 against what the Council, what Ralph would say, it's
5 all been so easy up to this point in my 12 years of
6 dealing so, anyway, let's just hope for continued
7 smoothness like that.

8

9 CHAIRMAN LOHSE: So we need to hope for
10 continued reasonableness on the point of managers and
11 users, right.

12

13 (Laughter)

14

15 CHAIRMAN LOHSE: Okay. With that, I am
16 going to call a break. That was a long session, and we
17 will go on to new business and agency reports after the
18 break.

19

20 (Off record)

21

22 (On record)

23

24 MR. CARPENTER: Rural determination.

25

26 CHAIRMAN LOHSE: And this is just an
27 update.

28

29 MR. CARPENTER: Yeah.

30

31 CHAIRMAN LOHSE: Doug.

32

33 MR. BLOSSOM: Mr. Chair. Is it
34 possible for us at this time to ask OSM to also
35 consider changing this wording in 15 and 7 on the
36 authority.

37

38 MR. CARPENTER: In the call for
39 wildlife proposals, after the rural determination.

40

41 MR. BLOSSOM: So we can't do it at this
42 time, we'll have to do it another time.

43

44 MR. CARPENTER: We can do it here.

45

46 CHAIRMAN LOHSE: Yeah, we can do it on
47 the next thing.

48

49 MR. CARPENTER: The next thing after
50 this one.

1 CHAIRMAN LOHSE: Okay.

2

3 MR. BLOSSOM: Okay.

4

5 CHAIRMAN LOHSE: Okay. We're now on
6 some new business. We're going to look at the rural
7 determination process. I had to excuse Mr. Henrichs,
8 he had a doctor's appointment and I think the other
9 members are going to be right back in.

10

11 And who is making the presentation on
12 the rural determination, and this is just a -- I think,
13 okay, it's on the process.

14

15 Okay.

16

17 MR. FRIED: Good afternoon. My name is
18 Steve Fried. I'm with the Office of Subsistence
19 Management.

20

21 And on another topic, I was just
22 talking to the Solicitor's Office, Ken Lord, on the
23 letter of delegation. And he did say he'd be willing,
24 you know, if the Council had some questions, we could
25 get him on the phone and answer them and he was just
26 sort of scratching his head about, you know, what you
27 could do with the letter. I mean you could -- I know
28 some of the Council members are worried about, you
29 know, you give the manager delegation and it's like
30 good until it's superseded or is taken away, I mean you
31 could probably put a date if you wanted to only do it
32 for two years, three years, five years and then
33 reevaluate it. I sort of talked to him about the
34 concurrence and consensus with the Council and he was
35 thinking, gee, you know, if you do that with the
36 Council, would you have to have some kind of a public
37 forum but he said, well, maybe if it was just with the
38 Chair that might be okay, so he -- I don't think it's
39 something he's thought about it very long and hard
40 about but -- so I don't know if, you know, if this
41 meeting doesn't end today and it goes tomorrow then we
42 might want to get him on the phone if you have some
43 questions, he said he'd be willing, or even today, you
44 know, now that he's had a little time to talk about --
45 I thought it would be good to give him a little head's
46 up on that since it's kind of an interesting
47 discussion, I thought.

48

49 So given that, I'll go back to the
50 rural review.

1 CHAIRMAN LOHSE: Does anybody have any
2 questions on Ken Lord.

3
4 Tom.

5
6 MR. CARPENTER: Well, personally I'd
7 like to, you know, it doesn't sound like maybe this is
8 a question, I mean that's maybe come up before with any
9 of the RACs. You know, I think it's an interesting
10 question and, you know, maybe he can't give us a
11 definite answer, yes or no, but I would personally like
12 to hear his opinion because I think what his opinion is
13 could potentially shape the way a proposal comes before
14 us. And I'd rather work out the details now than, you
15 know, haggle over it next year and -- you know, we'll
16 have time to think about this. So, yeah, I think if
17 you could get him on the phone tomorrow sometime or
18 give him a day to think about it, I think it'd be
19 helpful.

20
21 MR. FRIED: Yeah, he said he'd be
22 willing. I mean if you wanted to do that now instead
23 of rural I'm sure we could get him back on the phone if
24 you want to talk to him.

25
26 But the other thing he mentioned, you
27 know, he thought that the primary reason to give a
28 manager that authority was for a conservation issue,
29 where you have to make some sort of a very quick
30 decision and you couldn't wait, you know, a week or two
31 weeks or, you know, something like that. But I don't
32 know how you'd word -- I don't know if a delegation
33 letter has that wording that would just limit it to
34 something like that or, yeah, he was just starting to
35 think about it, he did have some -- you know, some
36 answers on it but your call.

37
38 CHAIRMAN LOHSE: Yeah, I think we have
39 to remember that we don't give this authority either,
40 all we can do is give our opinion to the Board, the
41 Board gives the authority.

42
43 I was thinking of the expiration or,
44 you know, put a sunset clause in it but that's, again,
45 up to the Board, not up to us.

46
47 I think talking to Ken Lord would be
48 well worthwhile, you know. And if he would like a
49 little time to look into it, we could do that at a time
50 specific tomorrow, tomorrow morning sometime, if you

1 want to get in contact with him and see if he's got
2 anything going on or any preference as to what time we
3 could talk to him.

4
5 MR. KRON: Do you want me to call back
6 and ask him.

7
8 CHAIRMAN LOHSE: Yeah, would you do
9 that.

10
11 MR. KRON: Yes.

12
13 CHAIRMAN LOHSE: I mean if he's got a
14 specific time in the morning that would be good for us
15 to talk to him, we can take that time and do that.

16
17 MR. KRON: Okay.

18
19 CHAIRMAN LOHSE: If that's agreeable to
20 the rest of the Council.

21
22 MR. CARPENTER: Yeah.

23
24 (Council nods affirmatively)

25
26 CHAIRMAN LOHSE: Because Mike brought
27 up another thing and that was whether or not the
28 authority could be given to an individual instead of a
29 position, but we kind of don't think that that's
30 possible.

31
32 Greg.

33
34 MR. ENCELEWSKI: Yeah. And I kind of,
35 through the Chair, you know, your mention of the
36 conservation concern and that's what I kind of remember
37 we got into for the moose on the Kenai because that was
38 definitely a conservation concern of the spike-fork and
39 so on and so forth, and that was where that all started
40 from. So, yeah, I would love to know more about it
41 because I think it's our responsibility.

42
43 So I think that's great, thank you.

44
45 CHAIRMAN LOHSE: But tell him that
46 whatever time is convenient for him tomorrow morning we
47 will make a time specific and just talk to him.

48
49 MR. KRON: Okay.

50

1 CHAIRMAN LOHSE: Okay. With that we
2 can go on to rural determination process; where it is,
3 what's going on.

4
5 MR. FRIED: Okay, thank you, Mr. Chair.

6
7 I think there's something in your
8 packet somewhere on this, like a two page or one and a
9 half page briefing.

10
11 And, you know, essentially rural
12 Alaskans have a priority for subsistence uses of fish
13 and wildlife on Federal public lands under the Alaska
14 National Interest Lands Conservation Act, and the only
15 -- these people have to be residents of rural
16 communities, this is another grey area, just as you
17 talked about where we're looking at customary trade;
18 what's, you know, significant commercial enterprise, I
19 mean some of these things are kind of grey.

20
21 The Secretaries of both Interior and
22 Agriculture asked the Board to review the rural
23 determination process and recommend any changes. And
24 it's part of that review that started, I think, two
25 years or so ago. And the Board started the review
26 trying to get public input on it. And the public
27 comment period is going to end in November after the
28 fall Council meeting cycle. And at that fall meeting
29 there should be a place on your agenda to discuss, you
30 know, the rural review.

31
32 The Board is looking forward to the
33 Council providing guidance and they're hoping that
34 there's going to be a lot of public comment during
35 those Council meetings.

36
37 So at this point I think OSM was just
38 kind of bringing this to your attention. They wanted
39 to alert you to, you know, this ongoing process, and to
40 start really thinking hard about this rural/non-rural
41 issue.

42
43 This is becoming, I think was brought
44 to light with some of the communities where they have
45 an urban center that's kind of growing up around them,
46 it's nothing that they did to be non-rural, but it's
47 making it difficult using some of the objectives that
48 the Board uses to make that kind of determination. So
49 the Board's asking the public for information, how you
50 specify what a rural area is, you know, so that you can

1 give these communities a subsistence priority.

2

3 So they're looking at things like, you
4 know, the population size, the characteristics of the
5 community, you know, all the things that they've been
6 trying to use to consider rural. I think a lot of
7 their rural decisions have sort of been based on the US
8 Census Bureau definition of what a rural community is.

9

10 So they have -- in here they've got the
11 population -- they have a little blurb here about the
12 question is they ask is population size, and the rural
13 characteristics and how they aggregate communities and,
14 you know, basically there's nine questions that are
15 associated with these, that they are asking the public
16 and the Councils to consider.

17

18 And so for population thresholds, you
19 know, a question is, are these population thresholds
20 that are being used now useful for determining whether
21 a specific area is rural and right now if you have a
22 population between 2,500 and 7,000 people, it can be
23 either rural or non-rural, depending on the
24 characteristics of the community. And, you know, does
25 this make sense. Plus, if a community then becomes
26 larger than 7,000 should it automatically be considered
27 non-rural or they still have significant
28 characteristics that still keep it a rural community.

29

30 And, you know, they're also looking for
31 not just a yes or no, but, you know, some discussion
32 and some ideas about, you know, why you believe, you
33 know, something more accurately reflects a rural/non-
34 rural area.

35

36 What about the characteristics, the
37 rural characteristics of a community, you know, are
38 these useful for determining whether a specific area of
39 Alaska is rural and if they're not, again, please
40 provide a list of characteristics that better define
41 what a rural or non-rural community is. And, you know,
42 this is because, you know, it's recognized that
43 population size alone doesn't, you know, indicate
44 necessarily rural or non-rural status. And so the
45 Board has, you know, used use of fish and wildlife,
46 development and diversity of the economy, the
47 infrastructure, transportation, education, where do the
48 kids go to school, where do people work, you know, what
49 kind of stores are available for people to shop at, you
50 know, to get food and other things.

1 Another topic would be, how do you
2 aggregate communities. Because it's recognized that
3 communities in areas are connected in a lot of diverse
4 ways, some of them are integrated economically and
5 socially, how does that feed into the criteria for
6 rural and non-rural. For example, do 30 percent or
7 more of the working people commute from one community
8 to another, do they share a common high school, are
9 they road accessible, things like that.

10

11 So the questions associated with this
12 are, are these aggregation criteria useful in
13 determining rural and non-rural status and if they're
14 not, you know, what other criteria might better specify
15 how do that.

16

17 As far as timelines go, right now the
18 Board reviews the rural determinations on a 10 year
19 cycle and sometimes they take it out of cycle if
20 there's a special, you know, issue that comes up. And
21 so the Board's wondering should they keep a 10 year
22 cycle, should it be more than 10 years, less, if not,
23 why.

24

25 And, finally, you know, what sort of
26 information sources should they use when they're making
27 a rural determination. Right now they're using
28 information from the most recent US Census, and that's
29 one of the reasons, that's probably the main reason why
30 there's a 10 year cycle. So, you know, is that the
31 information that should be used now or, you know, when
32 they revise this or are there better sources, or
33 additional sources.

34

35 And just how do you make this rural
36 determination process more effective.

37

38 It's just one of these grey areas when
39 Congress passed ANILCA, they said it's a subsistence
40 priority for rural residents but they never did specify
41 what a rural resident was, what's rural, so we've been
42 struggling with that ever since.

43

44 So, hopefully, at the end of the
45 process maybe we'll have a better way of doing that
46 that makes more sense to people. Because I know
47 there's been a lot of concern with the way the process
48 has been going on now. And I know David Jenkins, who's
49 really our expert on that, did draft a report to the
50 Federal Subsistence Board on rural determination,

1 basically the history and events and the current Board
2 process and things like that and I don't know if it's
3 still in draft form if the Council has gotten copies of
4 that, but I will talk to David and see where that
5 report is, and try to get a copy to each of the Council
6 members. I think it provides some pretty good
7 background.

8

9 So that's about all I've got to say and
10 I'll try to answer questions but I'm certainly no
11 expert.

12

13 CHAIRMAN LOHSE: Thank you. And this
14 will be coming up at our fall meeting, right.

15

16 MR. FRIED: That's correct, Mr. Chair.

17

18 CHAIRMAN LOHSE: Yeah. And do we need
19 any input prior to the fall meeting or will we be
20 considering things at the fall meeting that we could
21 put input into?

22

23 MR. FRIED: No, at this point it's my
24 understanding that the Board's hoping that the Council
25 will start thinking about this real hard and trying to
26 come up with some answers and some potential solutions
27 to the process, maybe, you know, going out into your
28 community and talking to people and see if they have
29 any ideas and hopefully at the fall meetings we'll have
30 written comments from the public, there'll be public at
31 the meeting that will provide their comments there and
32 the Board -- and the Council could have a good
33 discussion and, you know, maybe begin to get some good
34 recommendations they can pass along to the Board.

35

36 CHAIRMAN LOHSE: Judy.

37

38 MS. CAMINER: Thanks, Mr. Chair. Well,
39 I'm sort of with Tom, it seems like almost, I won't say
40 yesterday, but last month we were just doing this, and
41 so my first reaction is, even though it's in the
42 regulations to do it every 10 years since the process
43 seems to take five, it seems too often but that might
44 just be kind of a frivolous comment at this point in
45 time.

46

47 But I would urge people to think about
48 it and most of your communities are listed as rural
49 already and have lower populations.

50

1 I've got a couple questions, Steve. At
2 one point the Southeast RAC wrote an extensive letter
3 to the Secretary sort of questioning the whole rural
4 determination process and then I can't quite remember,
5 is that one of the reasons we're going through it again
6 or are we going through it again because it's another
7 10 years?

8
9 MR. FRIED: Well, I think one is
10 because it is another 10 years, and, I think, two is
11 because the Secretarial Review that started, you know,
12 about a year or two ago, well, two years ago probably
13 so I think it's both those things that are really
14 driving this now. And the problems they've had with,
15 you know, like Saxman in Southeast that generated an
16 awful lot of controversy and got people thinking.

17
18 So, yeah, that's about where it is.

19
20 CHAIRMAN LOHSE: Judy.

21
22 MS. CAMINER: So I guess along those
23 lines the population thresholds, I mean those have
24 always been called guidelines and to me it just makes
25 sense to look at kind of natural population growth. I
26 mean probably everybody's community has had natural
27 population growth and be a lot more flexible either in
28 changing those numbers where upon you might start
29 asking people, well, at what population level does a
30 community not seem rural. But I'd like to see some
31 analysis of what a natural population growth has been,
32 some of those communities that would fall on the line
33 and I know, of course, some of those would be Sitka and
34 Kodiak and those would be some of the key ones.

35
36 And I think there's also
37 characteristics like, not only use but kind of reliance
38 on fish and wildlife resources, but diversity of
39 species, other things like cost of fuel, to me seems a
40 bit more important than are you sharing a high school
41 or commuting to somewhere else to work, you're still
42 living in one place. And I don't know if this would be
43 stretching it too far, but one characteristic might be,
44 you know, a tribal office or IRA in the community.

45
46 Just a thought.

47
48 CHAIRMAN LOHSE: Mary Ann.

49
50 MS. MILLS: Thank you, Mr. Chair. You

1 know this has been an issue that the Kenaitze Indian
2 Tribe has been addressing or trying to address for the
3 past 30 years, and we've done a lot of research on
4 this, a lot of historical research. And we know that,
5 you know, when the subsistence was taken away from the
6 Kenai that the statement was if we can take these
7 rights from the Kenaitze people, we can take it away
8 from any Alaska Natives.

9
10 And what I'd like to, you know, inform
11 this Council, and you is that last year at AFN a
12 resolution was made in support of Native and rural, and
13 to make the change in ANILCA. ANILCA was done without
14 consultation or, you know, from the people who was
15 affected. And one of the people that was very good at
16 explaining why subsistence, why fish is so important
17 for the Alaska Natives and scientifically speaking, as
18 well as accepted American Law, was former Secretary of
19 Interior Stewart Udall. And I think we need to review
20 the history. Review, not only the history, but the
21 laws that cover Alaska.

22
23 I would like to -- I'm not going to
24 spend a lot of time right now, but I would like to
25 bring these issues, you know, to this Council and the
26 information to the Council, at least for consideration.
27 Subsistence has been a huge issue for us and we know on
28 the road system we're not the only ones that are going
29 to be affected, it's going to affect every tribe across
30 Alaska that's on the road system. And it's going to
31 affect even those that are not on the road system,
32 Barrow, their population is increasing, as well as
33 Bethel and some of the other areas.

34
35 So what we're talking about is the
36 right of people to have food that they have always had.
37 And the impacts of not having these foods has on the
38 health of our people. And it's not that we want to
39 deny, nor have we ever denied anyone the right to eat,
40 but we have been denied that right.

41
42 And, so, you know, these are our issues
43 and when the Kenai Peninsula, our part of the Kenai
44 Peninsula was deemed non-rural it was done through
45 aggregation. And they aggregated enough communities to
46 make the communities on the Kenai Peninsula non-rural.

47
48 So, with that I guess I'll -- if you
49 have any questions, I would be more than happy to
50 answer them but I know these issues are going before

1 the United Nations Human Rights Commission and I know
2 I'm going to be testifying on those issues. And I
3 think we need to look at food rights, and people's
4 rights to be healthy.

5

6 Thank you.

7

8 CHAIRMAN LOHSE: Judy.

9

10 MS. CAMINER: Well, Steve, I think the
11 way this -- this handout is really useful because it
12 gets each of us thinking about the specific questions,
13 but the questions are also kind of framed in the way
14 that the regulation reads. And so what may seem like
15 a simple question and you've got tremendous resources
16 with all 10 of the RACs is to ask members, and it
17 doesn't have to be at this meeting, maybe people can
18 think about it for next meeting, what makes your
19 community, what's the feel of your community and what
20 makes it feel, I guess, rural, would be the right word
21 for it but -- and you might gain different
22 characteristics or criteria based on that.

23

24 CHAIRMAN LOHSE: Gloria.

25

26 MS. STICKWAN: Dr. Wolfe wrote a paper
27 on rural and non-rural determination. I would like to
28 see that report and I don't know, it would be good if
29 he could be here but I know we can't make him come, we
30 can't pay him just to talk about his report and what he
31 -- how he determined rural. There's a -- I seem a part
32 of the report, but not all of it. I'd like to see that
33 report if Staff could get that to us, or a presentation
34 about that report would be good for this Council.

35

36 CHAIRMAN LOHSE: Something good for the
37 fall meeting.

38

39 Greg.

40

41 MR. ENCELEWSKI: Well, I guess I just
42 was going to make a comment a little bit here, Steve,
43 but, you know, I think, you know, a lot of these things
44 we say well wait to the fall meeting, wait to when, but
45 by golly we better get on it because it'll get there
46 sooner than later and -- but one thing that I wanted to
47 reiterate is like Mary Ann said about, you know, the
48 rural communities by aggregation have diminished the
49 true meaning to me of rural and, you know, even in our
50 area of a small community that traditionally and always

1 had a rural lifestyle and subsistence and a need for
2 those rural foods and stuff -- to me, there's got to be
3 more tied to that.

4

5 It's become so open that, you know, we
6 want to sell it for cash on the Cop -- I mean on the --
7 you know, in our Cooper Landing area, but, anyway, that
8 neither here nor there, you see where I'm kind of
9 going. I just really think we need to put our caps on
10 and start thinking about this but I know everything
11 that I would probably suggest I'm going to need Ken
12 Lord to advise me because it may not be legal. But I
13 think there needs to be some changes.

14

15 CHAIRMAN LOHSE: Thank you, Greg.

16

17 Any other comments.

18

19 (No comments)

20

21 CHAIRMAN LOHSE: I know for myself, and
22 I was thinking about that even of the communities that
23 I live in. To me a rural community expresses a
24 community whose base, or you might say it's base or
25 reason for being there was based on things that grow,
26 natural resources, trees, fish, cattle, plants, that's
27 what made a community rural. Now even in a community
28 like Cordova, which I classify as a rural community
29 because of the basis of economics is on something that
30 grows now, if you took the population and you looked at
31 the population that was there, probably more than 50
32 percent of the people that are in there make their
33 living on non-rural type things. Now, rural
34 communities always had a little service population
35 within them. You know I think of the rural community
36 that I grew up in as a kid, there was -- the township
37 was farmers. Every square mile had four farm families.
38 This was before they consolidated. And in the center
39 was a church and a quarter a mile away was the store
40 and then you had the schools, and that was a rural
41 community.

42

43 And if you take a Native village, the
44 Native village was centered around natural resources,
45 things that grow. It was centered around fur, fish,
46 game, that made it a rural community, that was the
47 basis of that community.

48

49 A lot of your communities on your Kenai
50 Peninsula started out as farm communities or homestead

1 communities where the basis of economics on it were
2 things that grew. Since then we've added services
3 industries, we've added teachers, we've added
4 government employees and everything else.

5
6 But then we have a lot of communities
7 that didn't start out as rural communities. They
8 started out as retirement communities, or we'll say
9 suburbia, in other words, places that people went to
10 live to go to work someplace else. We had other places
11 that started out, or whose basis of economy, for lack
12 of a better way of putting it, is industry, or oil, or
13 something like that. To me, if I was defining it, I'd
14 class those as non-rural because their basis of economy
15 is not on things that grew.

16
17 I mean when I think of rural America, I
18 think of the parts of rural America that grows trees or
19 plants or fish or something on that order, you know,
20 and it'd be pretty hard to set a number on it because
21 even your rural communities, even communities that
22 started out, I'll take Ninilchik, for example, that
23 started out basically everybody's making their living,
24 for lack of a better way of putting it, off of the fish
25 that come up the streams, the plants that they grew in
26 their gardens and stuff like that has changed
27 tremendously but it's still a rural community because
28 that was the base of it's being there. Where the
29 additions are people who've moved into the rural
30 community and they've changed the character of the
31 rural community but that's what the community was.
32 And I don't know how to address that because it's
33 something that we're going to be looking at, or it's
34 something that, for lack of a better way of putting it,
35 the most rural community in the rural can have a Honda
36 plant move into it, you know, or something on that
37 order and all of a sudden you've got a mixed community
38 but it basically was a rural community, it has rural
39 community attitudes, it has rural community uses and
40 the people get assimilated into those attitudes and
41 uses until there's enough of them to overshadow it and
42 turn the rural community into an urban community.

43
44 MR. CARPENTER: Or find the biggest
45 gold deposit in the world.

46
47 MS. CAMINER: Uh-huh.

48
49 CHAIRMAN LOHSE: Yeah. You talking
50 about the nugget off the coast of Japan or are you

1 talking about the Pebble one.

2

3 (Laughter)

4

5 CHAIRMAN LOHSE: Okay. Anyhow that's
6 my comments on it and that's why I think that we're
7 going to find this as a very hard thing to do in a
8 world that's changing so fast.

9

10 I mean Doug and I were talking this
11 morning, I drove the Kenai Peninsula yesterday and day
12 before and was down at my son-in-law's place and cut an
13 alder and it was that big around, it was 18 years -- it
14 was only 18 years old and like Doug remembers when he
15 was a kid there, there were no alders, you know, it was
16 willows and grass and it's changed because it's not --
17 the Kenai Peninsula is not the same place even
18 vegetation-wise that it was 50 years ago.

19

20 Copper River Flats, we talked to people
21 on the -- we talked to old-timers they talk about
22 walking across the Copper River Flats and they're
23 walking on grass and stuff, they aren't fighting
24 alters, if you want to go walk across the Copper River
25 Flats today, you're going to be crawling in and out and
26 over and under and everything else because it's all
27 alders. Those kind of things are changing, just like
28 the communities are changing.

29

30 So I don't know, I think we're going to
31 have a hard time with this one here and I think as the
32 years go by we'll have a harder and harder time.

33

34 Greg.

35

36 MR. ENCELEWSKI: Well, I agree. And,
37 Steve, you know, we're going to wrestle this bear, but
38 it's -- the -- just to go a little further, what Ralph
39 was talking here about, you know, we got oil and gas
40 development coming into Ninilchik pretty heavy. It's
41 not -- it's starting to develop. Pretty soon we could
42 have, you know, another community developing in short
43 order; you don't know.

44

45 But what I'm trying to get at is the
46 social well-being and the heart and soul of that
47 Ninilchik Village always existed on fish, moose,
48 natural resources, living there, rural.

49

50 CHAIRMAN LOHSE: Yeah.

1 MR. ENCELEWSKI: And that's what makes
2 it. And the people loved it and moved there and it
3 grew and grew and it may get overtaken but that's not
4 going to change the core of the people that come from
5 that village. They're still going to need that.

6
7 And I think that's one of the reasons
8 we have a lot of social problems today is because of
9 the lack of that identification, their roots, so to
10 speak.

11
12 But, anyway, so be it.

13
14 CHAIRMAN LOHSE: Thank you, Greg. I
15 think that's what I was trying to say but I wasn't
16 getting it out right.

17
18 (Laughter)

19
20 CHAIRMAN LOHSE: Any more for us?

21
22 MR. FRIED: Maybe just a closing
23 comment. I mean it's obvious that the Council members
24 have thought about this for a long time and, you know,
25 you're not going to wait until next fall to, you know,
26 and then all of a sudden try to come up with some
27 answers, I mean this is -- and as, you know, Mary Ann
28 Mills said, I mean ANCSA extinguished Alaska Native
29 subsistence rights in exchange for the land and,
30 Congress if I understand it right, promised that they
31 would then come back at some other time and fix that,
32 and ANILCA was supposed to fix it and the Alaska Native
33 community spent a lot of time and effort on ANILCA and
34 when it got passed, it got passed as rural instead of
35 Alaska Native and from what I -- my limited
36 understanding is that in Congress, the Alaska
37 Delegation had a lot of weight in making sure that it
38 was rural and not just Alaska Natives. So it would
39 have been a lot easier, we wouldn't be sitting here
40 today trying to figure out what rural was if it was
41 Alaska Native, that would be fairly obvious. But, you
42 know, so Alaska Native rural, if Congress even wants to
43 open up ANILCA again, we'd certainly probably simplify
44 things to some extent.

45
46 CHAIRMAN LOHSE: Mary Ann.

47
48 MS. MILLS: Well, you know, this goes
49 back to history, and this goes back to researching the
50 laws and the treaties that Alaska is under.

1 And when you look at these treaties you
2 find that ANCSA and ANILCA is domestic law and Alaska
3 is under international law, and this is -- it's a big
4 huge topic. But treaties carry the same weight as the
5 United States Constitution, and when the United States
6 and the other nation states joined the United Nations
7 they acknowledged and accepted certain obligations,
8 which are called international obligations, that have
9 never been met. And the history of Alaska, I think it
10 was just recently in the front page of the Anchorage
11 Daily News talked about the corruption from day one
12 with Secretary of State Seward. And when you look at
13 the history of Alaska and this so-called the United
14 States purchase of Alaska and what they purchased was
15 approximately three acres, they did not purchase
16 Alaska, and this is documented in what's called the
17 Kotzlitsof Memorandum, which stated exactly the amount
18 of land and what was purchased. So what we have here
19 is a history of Alaska, the truth is stranger than
20 fiction. And what we've been taught has been fiction.
21 And what have we discovered, some of us, after 40 years
22 of research, is a real eye opener, but it can also be a
23 real opportunity for everyone, and I think everyone
24 concerned.

25
26 My thing is I believe that if you base
27 your resolve on the truth things will work.

28
29 And when you don't base things on the
30 truth, you get things like rural and non-rural,
31 division, there's always a division.

32
33 And so, you know, these are things I
34 would like to bring to everyone's attention is the
35 truth and what happens from there one can only guess.

36
37 Thank you, very much. Thank you, Mr.
38 Chairman.

39
40 CHAIRMAN LOHSE: Any other -- James.

41
42 MR. SHOWALTER: Yes. On this
43 rural/non-rural, that affected all tribes in Alaska
44 because they'll be thrown in a category of rural, and
45 as you indicated earlier there's going to be influx of
46 people and the tribes and people around them growing
47 and here they are pretty soon non-rural and they don't
48 have any of the rights and usage that they used to
49 have, living off the land, you know, or partially
50 living off the land now if you're lucky.

1 So I just thought I'd bring that up.

2

3 Thank you.

4

5 CHAIRMAN LOHSE: Thank you, James.

6

7 Tom.

8

9 MR. CARPENTER: Yeah, I guess I'd just
10 like a little bit of information.

11

12 I'm sitting here looking at these nine,
13 you know, set of criteria that you use to, you know,
14 rationalize, I guess, towns that are rural communities,
15 rural or non-rural, who came up with these original
16 nine characteristics? Was it a directive from
17 Congress, was it the first Federal Subsistence Board
18 that came up with them, were they carried over from the
19 State, what, do you have any idea?

20

21 MR. FRIED: I don't believe it came
22 from Congress, I think it came from the Federal
23 Subsistence Board, didn't it, back in 1990?

24

25 MS. PETRIVELLI: Yes. The Staff for --
26 that worked for the program then did research of the
27 Legislative history, because Congress did not give any
28 information, they just said, rural. In the Legislative
29 history the two things they had was communities that
30 are rural such as, Barrow, Kotzebue, Nome, Dillingham,
31 those are rural, and then the ones that aren't rural
32 are Anchorage, Fairbanks, Juneau and Ketchikan.

33

34 So the -- so they took for -- so the
35 numbers, the 2,500 is the Census definition for rural
36 and it's still that definition. And Dave Jenkins
37 researched that, that number came from 1910 or
38 something and it's still used. The Census says if a
39 population is below 2,500 it's rural, and if it's above
40 2,500 it's urban, so that's the way the Census works.

41

42 Now, there's -- each Federal agency has
43 the discretion to define rural themselves. And so the
44 Rural Health Program does something, the Rural Housing
45 Program does something, USDA has different rules. The
46 Federal Board has the authority to define rural as they
47 need to for the purposes of implementing ANILCA. So
48 they looked at the Legislative history, so they have
49 the 2,500 saying populations below it are automatically
50 considered rural. Then they put 7,000 as above being

1 considered non-rural because that, at the time, was the
2 population of Ketchikan. Now, Ketchikan at that time,
3 it was the population of the city of Ketchikan, and so
4 the Southeast Council said, you know, that shouldn't
5 really be the number because the whole area of
6 Ketchikan was 11,000 so they did petition the Secretary
7 to make that number 11,000. So -- but that would still
8 leave the Board looking at the populations between
9 2,500 and 11,000 or 2,500 and 7,000 but the Board looks
10 at those areas to decide are those rural people or not
11 rural people. The automatic thing is any population
12 above that number seven or it could be 11, depending
13 upon what the Secretary says, they're automatically
14 considered non-rural, but they could -- the Board has
15 the discretion to recognize them if they have
16 characteristics of a rural nature. And that's what
17 those characteristics are, because the people that have
18 been like above 7,000 considered that is Sitka, Kodiak,
19 and I can't think of any others right now. Sitka and
20 Kodiak were consi -- they have populations above 7,000
21 and so the Board determined them to be rural.

22
23 With that petition, I think, Judy, you
24 mentioned it, or something, but Southeast put in the
25 request, the Board recommended to change the number to
26 11 also, but the Secretary, I think, he hasn't
27 indicated that to us, but he also asked the Board to
28 review the process with the Councils and so I think the
29 Board decided to -- well, the -- because the Secretary
30 didn't say anything -- that we're just going to review
31 the whole thing because if there is comments that
32 changed the regulations, this is part of Subpart B in
33 the regulations, the Secretary -- because once they
34 made this process -- and that process was in the
35 environmental impact statement that was being
36 considered when the program was being put into place,
37 and so people had a chance to comment on it and
38 everything and so then the only change they pretty much
39 made when they adopted those regulations was to say to
40 review it every 10 years; just saying that things
41 change, and then to have a five year waiting period,
42 that once a community status has changed, that that
43 determination doesn't change for five years, just to --
44 so they'll have a warning.

45
46 So people were asked for input about
47 all of this -- well, the flexibility -- the idea that
48 there's a bottom level and a top level and then a
49 flexibility, all those characteristics, those are all
50 not in regulation. So in the -- the Board, every 10

1 years -- and maybe they should be, maybe they should
2 be, maybe they shouldn't be, you know -- you know it's
3 kind of like, well, who is there.

4
5 But then it's just -- but with each
6 part of the state, you know, you're looking at
7 different sets of characteristics.

8
9 But these regulations were -- there was
10 some ration -- there were rationale provided in that
11 first Federal Register notice that said they looked at
12 the Legislative history and they use the population of
13 Ketchikan and then they use a Census number.

14
15 MR. CARPENTER: So let me get this
16 straight.

17
18 So I understand what you said about
19 where they came up with the numerical values, 2,500,
20 they got that from the Cen -- did you just say that the
21 rest of these characteristics that have been used to
22 determine rural and non-rural are not actually in
23 regulation?

24
25 MS. PETRIVELLI: The -- and I guess I
26 didn't state my name, but my name's Pat Petrivelli, and
27 I am the subsistence anthropologist for BIA, but I used
28 to work for the Office of Subsistence Management when
29 they were doing rural determinations.

30
31 The regulations state that the Board
32 will review the populations, then with the numbers, and
33 then they'll say that -- then the rural characteristics
34 part under question two, that is in regulations, that
35 populations not alone, but that they'll use the use of
36 fish, development and diversity of economy, community
37 infrastructure, transportation, educational
38 institutions. Those words are in regulations.

39
40 Now, what is measured to look at those
41 characteristics, that's not in regulation.

42
43 So like in 1990 the use of fish, people
44 were just stuck with household surveys, but then they
45 used the harvest ticket stuff from the State of Alaska
46 and then -- so they just plugged in those numbers and
47 compared the two and then we looked at that data and we
48 said, well, you know, you have a household survey where
49 the Subsistence Division asks if -- how many of
50 everything you harvested and it has everything, you

1 know, so some people have 400 pounds a year, some
2 households have 400 pounds a year, but then you just
3 look at harvest tickets and they just measure large
4 game and salmon. So in the 2,000 measures, they
5 refined that characteristic and they gave more data so
6 each -- each time the review process occurs, the
7 program is trying to come up with more equitable
8 measures.

9
10 The thing -- but the constraints are
11 readily available in -- in this -- throughout the state
12 so that -- but then do we have to measure everything
13 throughout the state, that's another question. Do we
14 have to look at every single -- you know, do we have to
15 say how much has changed, how much it didn't change,
16 how much do they use, how much do they not use, you
17 know, so all of those questions, what are we -- if the
18 Board made decisions in 1990 and 2000, these people
19 were rural, what does it take to say they're not rural,
20 why do we have to review it, you know.

21
22 MR. CARPENTER: Well, I mean I agree
23 with you that things change.

24
25 But I think that one of the things
26 that's interesting that Mary Ann said is this use of
27 aggregation when it comes to communities. And when I
28 look at these three criteria, do 30 percent of the
29 working people commute, do they share a common high
30 school, are communities in proximity, road accessible;
31 I guess that's the one that I want to know where that
32 came from. Was that something that the Southeast RAC,
33 when they petitioned the Secretary to get Ketchikan, is
34 that where the aggregation formula originally came from
35 or was this something that was developed by Staff
36 that's just been put in place and never changed?

37
38 MS. PETRIVELLI: It has changed from
39 1990.

40
41 There was the first aggregation done in
42 1990 and the Kenaitze Tribe had ISER study those things
43 and this Council got to review this, but their first
44 criteria said, do 15 percent or more of the people work
45 and commute, and then it wasn't, do they share a common
46 high school area or are they in the same school
47 district, and then the third criteria is do they have
48 common shopping trips, or how many days do they shop.
49 So those were the criterias used in 1990. And ISER
50 kind of pointed out, you know, Tyonek and Kenai are in

1 the same school district, you know, and then the
2 shopping trips they said, well, who measured that, who
3 did that study, you know, and nobody did a study. I
4 mean it was just a feeling. So that's why -- and
5 that's why the Federal Board reconsidered the rural
6 question of the Kenaitze area, the Homer area and
7 Seward, and there was -- they reconsidered it and then
8 they -- but -- and that's just -- that'll be in the
9 history that David Jenkins put together. And to change
10 from 1990 to 2000, that's what -- these were the best
11 criteria that came up with readily available sources of
12 data.

13

14 Now the Councils are free to suggest
15 other criteria.

16

17 I think the reasoning behind the idea
18 of having aggregation of communities is that if you
19 have isolated pockets of subsistence users among non-
20 rural areas then th -- just that patchwork of proving
21 residency, it's just -- it doesn't make sense to have
22 rural/urban jumps, and so is the idea of aggregating
23 for the purposes of determining rural. That's the
24 whole issue behind that.

25

26 MR. CARPENTER: Thank you.

27

28 CHAIRMAN LOHSE: Thank you, Tom.

29

30 Judy.

31

32 MS. CAMINER: Mr. Chair. I think it'd
33 be really helpful for the Council to see, maybe we
34 could get copies tomorrow, that Southeast request, but
35 it had some very thoughtful discussions in there and
36 like you say the population numbers were higher than
37 what's been used in the past.

38

39 MS. PETRIVELLI: When the Federal Board
40 did -- began the review, I think last May or two years
41 ago, on the website they put all the background rural
42 documents. So I think on the OSM website in the issues
43 in depth, they had the Wolf report, I think they have
44 the Southeast letter but I'll check. But they do have
45 all those -- any rural documents that the program has
46 generated, I think, is on the website there, because
47 they had a two day meeting where the Board went through
48 -- because with the new Board members -- of course,
49 they haven't done it with the new rural Board members,
50 and I don't know if they'll do that again, to have that

1 same -- I don't know if the old Board members would
2 want to sit through two days again of discussing the
3 rural history but Dave Jenkins did write this document
4 that's pretty concise, and it is only, I think, like
5 seven pages. But he gives some pretty good references.
6 But we'll -- we could look and just get -- I think it's
7 like a two or three page letter and that would be
8 pretty convenient, but the Wolf report is on the
9 website and I was going to tell Gloria later.

10

11 MS. CAMINER: If you have a chance to
12 print off, just even a few copies that we could pass
13 around, that'd be great and then people could look on
14 the website later.

15

16 Thanks.

17

18 CHAIRMAN LOHSE: Any other questions or
19 comments.

20

21 (No comments)

22

23 CHAIRMAN LOHSE: We have one person --
24 Gloria.

25

26 MS. STICKWAN: I think it would be
27 helpful to us if we could get that same Legislative
28 background or the his -- the thing that they did with
29 the Federal Board, it'd be helpful to us, I think, if
30 we could have that too. I mean I think it would be
31 helpful just to explain the history.

32

33 CHAIRMAN LOHSE: You mean the stuff
34 that's on the website?

35

36 MS. STICKWAN: Yeah. What they did at
37 the Federal Board meeting, to do that for our Council.

38

39 MS. CAMINER: It was a briefing that
40 they did.

41

42 MS. STICKWAN: A briefing, yeah.

43

44 CHAIRMAN LOHSE: A briefing, yeah.

45

46 Okay.

47

48 I have one person who would like to
49 speak to this out in the audience, Wilson Justin for
50 public comment.

1 MR. JUSTIN: Thank you, Mr. Chairman.
2 Council members. Wilson Justin, Cheesh'na Tribal
3 Council.

4
5 It's getting pretty late in the day so
6 I'll try to keep my comments as concise as possible.
7 There's a couple of observations I would like to offer
8 in terms of the rural determination debate.

9
10 The first one is, all of you know that
11 the dialogue as it stands today is really a dialogue
12 that's built on a house of cards and it's only because
13 the house of cards is built the way it is that we have
14 this dialogue. It's the same -- the outcome that we're
15 dealing with now is very close to what I was speaking
16 about this morning on customary trade. If we went down
17 the avenue that's being proposed by some of the State
18 discussions on customary trade in about 10 years, we'll
19 be where we are now on rural determination on customary
20 trade.

21
22 So I wanted to make sure that the
23 observations continue on the basis that we have to be
24 extremely careful about outcomes on these discussions.

25
26 Having said that I'm going to add a cc
27 couple of items to the discussion.

28
29 No. 1. Cheesh'na Tribal Council, when
30 we first talked about rural determination back in the
31 early '90s, we had other concerns that overlapped the
32 rural determination, non-rural discussions. One of
33 them was the fact that the game management unit
34 boundaries constituted a platform upon which the house
35 of cards was built. Game management unit boundaries in
36 the State of Alaska was formulated specifically and
37 directly to benefit the big game guiding industry.
38 They produced a cash crop of grizzly bears, brown bears
39 and sheep in specific localities. Once you have a game
40 management unit boundary system predicated upon an
41 immediate economic return it's impossible at that point
42 to bring back into the discussion, rural
43 determinations. So you have to be in -- at this
44 setting in this level you have to be cognizant of the
45 fact that somewhere in this discussion there has to be
46 a review of what good is the game management unit
47 boundaries currently promulgated throughout the state,
48 by the State, what good is it doing anybody. My
49 suggestion to Cheesh'na is they seek avenues to look at
50 the Federal system and say, in the Federal system there

1 should be no game management unit boundaries. In our
2 area we have Unit 11, Unit 12 and Unit 13, kind of an
3 apex, which scrambles everybody's attempts to be a part
4 of the hunting system.

5
6 Now, how does that roll over into
7 rural/non-rural determination.

8
9 No. 1. When you have game management
10 unit boundaries, if you review the history of game
11 management unit boundaries and you review how it was
12 developed and deployed in the State of Alaska you come
13 to the conclusion that game management unit boundaries
14 disrupted any real realistic determination of what
15 constitutes rural -- in rural Alaska. As long as you
16 have game management unit boundaries you have all of
17 these other components that are floating around that
18 really doesn't resolve the question.

19
20 You have the population numbers.

21
22 You have the issue of 15 or 30 percent
23 of the population.

24
25 You get rid of the game management unit
26 boundaries and then you can look at real hard questions
27 like what percentage of the community's nutritional
28 needs is met by that community's access to those
29 resources around that community. That would be the
30 first component of a definition of rural or non-rural.
31 What's the community's inter-dependence on the
32 resources within that community. You can't do that now
33 with the game management unit boundaries in place. It
34 keeps you from asking the right question.

35
36 So my suggestion on Cheesh'na's behalf,
37 to take a really strong look at the game management
38 unit boundaries because those things keep you from
39 asking the right questions.

40
41 The second part of my observation,
42 strictly from a tribal council perspective, and, again,
43 this was back in '90 -- we had a big meeting in mid-90s
44 before Cordova, I think it was '95 with a number of the
45 tribal councils up there and one of the things that was
46 brought up repeatedly in that roundtable discussion is
47 that rural determination irregardless of the other
48 components and the other definitions, strictly from a
49 tribal point of view, must have a spiritual inter-
50 dependence of the resources in the area. In other

1 words, spirituality is a defining component of rural
2 status in the tribal council's mind, tribal
3 government's mind. It may not fit well in an
4 individual component or a community component but it
5 fits the tribal council's perception of what the tribal
6 council is and why it's out there. So a spiritual
7 inter-dependence on the game resources, or the
8 fisheries resources is absolutely a must in a tribal
9 council's perspective in a rural determination.

10

11 And I wanted to offer that because
12 that's something you'll begin to hear on a repeated
13 basis as this discussion begins to heat up.

14

15 And I agree with some of the other
16 components. In the afternoon I'm in an agreeable mood,
17 in the morning's I'm not so.

18

19 (Laughter)

20

21 MR. JUSTIN: I'll leave it at that.

22

23 Thank you.

24

25 CHAIRMAN LOHSE: Any questions for
26 Wilson.

27

28 (No comments)

29

30 CHAIRMAN LOHSE: Thank you, again.

31

32 MR. JUSTIN: Thank you.

33

34 CHAIRMAN LOHSE: Okay. With that, I
35 have one other request for -- but I don't see him here
36 so I don't think.....

37

38 MR. CARPENTER: He's in the hall.

39

40 MS. CAMINER: I think he just stepped
41 out.

42

43 CHAIRMAN LOHSE: He's in the hall. And
44 this would be on our Southeast C&T proposal. I didn't
45 even know we had a C&T proposal.

46

47 MS. CAMINER: They're asking to change
48 how it's done.

49

50 CHAIRMAN LOHSE: Yeah. The one on the

1 customary and traditional determination right there.
2 So at that point in time -- I don't think we're going
3 to get that far today, it must be almost 5:00 o'clock,
4 I don't have a watch. And I would like to find out
5 what we're going to do with Ken Lord.

6
7 (Laughter)

8
9 MR. KRON: Mr. Chairman. It is 4:48.

10
11 CHAIRMAN LOHSE: Oh, we've got 12
12 minutes.

13
14 (Laughter)

15
16 MR. KRON: Per your request I did call
17 Ken Lord, he said he has a teleconference he needs to
18 be back for at 10:00 but he will plan to come down here
19 when you first start in the morning. He will try to be
20 here about 8:30 or shortly thereafter. And, again, if
21 you could, again, keep in mind his 10:00 commitment, so
22 he's got time to get back for that, that'd be great.

23
24 Thank you, Mr. Chair.

25
26 CHAIRMAN LOHSE: With the concurrence
27 of the rest of the Council we'll give him a 8:30 time
28 specific.

29
30 (Council nods affirmatively)

31
32 CHAIRMAN LOHSE: Any objection.

33
34 (No objections)

35
36 CHAIRMAN LOHSE: No. Okay. With that
37 we have call for wildlife regulatory proposals. And
38 who is going to present that.

39
40 (Pause)

41
42 CHAIRMAN LOHSE: Mr. Starkey. Can I
43 ask you a question.

44
45 MR. STARKEY: Sure.

46
47 CHAIRMAN LOHSE: Are you going to be
48 available when we get to customary and traditional
49 tomorrow or would you have to speak today?

50

1 MR. STARKEY: I think I probably need
2 to speak today, if it's possible.

3
4 CHAIRMAN LOHSE: Okay. How about we'll
5 get our thing here and then we'll have you and then
6 we're closed for the day.

7
8 MR. EVANS: Do you want me to.....

9
10 CHAIRMAN LOHSE: No, go ahead.

11
12 MR. EVANS: Well, thank you, Mr.
13 Chairman. Members of the Council.

14
15 REPORTER: Hold on, microphone.

16
17 MR. EVANS: Thank you, Mr. Chairman and
18 members of the Council. My name's Tom Evans. I'm one
19 of the wildlife biologists that works for Office of
20 Subsistence Management.

21
22 There are three biologists that work
23 for us that are working on subsistence management and
24 we've divided the 10 regions up into basically amongst
25 the three biologists and the regions that I'm
26 responsible for are Southcentral, the North Slope
27 Borough, and the Kodiak/Aleutians. So I will be sort
28 of like your wildlife biologist for the Southcentral.

29
30 I'm still relatively new, I've done a
31 few closure reviews. I've done a few special actions.
32 But I'm still learning a lot of the wildlife issues for
33 the Kenai and after we get through this 204 -- 12-14
34 cycle I'll obviously be a lot more informed about a lot
35 of the issues that concern the Southcentral region.

36
37 I just wanted to bring -- I don't have
38 much to say other than that.

39
40 I just wanted to let you know that the
41 Federal Subsistence Board is accepting proposals
42 through March 29th, 2013 to change the Federal
43 regulations for subsistence harvest of wildlife on the
44 Federal public lands for the 2014 to 2016 regulatory
45 cycle.

46
47 We've been informed that that March
48 29th deadline date is definitely a deadline and any
49 proposals received after that will not be accepted. So
50 they're being really hardnosed about that this year, so

1 if you're going to submit any proposals make sure they
2 get in before the March 29th deadline.

3

4 As you probably all know the proposals
5 can be submitted by mail or hand delivery or they can
6 be submitted at a RAC meeting, such as this, or they
7 can be submitted over the web. So -- and I'm pretty
8 sure that most of you know the individual requirements
9 for what's required on a proposal there.

10

11 So any questions.

12

13 CHAIRMAN LOHSE: So the deadline's
14 March 29th, right?

15

16 MR. EVANS: March 29th, yeah.

17

18 CHAIRMAN LOHSE: Doug.

19

20 MR. BLOSSOM: Yeah, Mr. Chair. You
21 said this was the time to put into them about this
22 changing the wording on delegated authority.

23

24 CHAIRMAN LOHSE: For us to put a
25 proposal in.

26

27 MR. BLOSSOM: Yeah.

28

29 CHAIRMAN LOHSE: Okay. So would you
30 like to make a motion as to what our proposal should be
31 or should we just make that same one that we had.

32

33 MR. BLOSSOM: I would like the same one
34 that we used for Cordova.

35

36 CHAIRMAN LOHSE: And we will submit
37 that as a proposal.....

38

39 MR. BLOSSOM: Yeah.

40

41 CHAIRMAN LOHSE:to OSM for the
42 fall meeting.

43

44 MR. BLOSSOM: Right.

45

46 MS. CAMINER: Mr. Chair.

47

48 CHAIRMAN LOHSE: Yes.

49

50 MS. CAMINER: I wonder if we could

1 continue or verify this decision after we hear Ken
2 tomorrow morning.
3
4 MR. BLOSSOM: Okay. Well.....
5
6 CHAIRMAN LOHSE: Okay.
7
8 MR. BLOSSOM:you told me to bring
9 it up now so.....
10
11 MS. CAMINER: That's good.
12
13 CHAIRMAN LOHSE: Okay. Well, you
14 brought it up, we will take care of it tomorrow after
15 we talk to Ken.
16
17 MR. BLOSSOM: Okay.
18
19 CHAIRMAN LOHSE: Okay. But now we know
20 what the deadline is.
21
22 Okay.
23
24 Any other questions.
25
26 (No comments)
27
28 CHAIRMAN LOHSE: Thank you. And with
29 that we're going to have Sky Starkey come and speak to
30 the C&T, which we will be dealing with tomorrow
31 morning.
32
33 MR. STARKEY: Thank you, Mr. Chairman.
34 Thank you, RAC members. Appreciate all your service.
35
36 I just wanted to bring to the RAC my
37 experience in dealing with C&T issues over the last two
38 decades of working for Alaska Native people and
39 subsistence users and how this system really works, and
40 how I think we've gotten really off track.
41
42 So the C&T use criteria were developed
43 the first time on the Kenai Peninsula by the Board of
44 Fisheries as a means to keep subsistence users from
45 having access to fish on the Kenai. They developed the
46 eight criteria and then they applied them to all the
47 communities on the Kenai and they found that the
48 communities on the Kenai did not meet the criteria and
49 they were -- therefore all the individuals in those
50 communities were excluded and that was the genesis of

1 the first subsistence case, the Madison case, which
2 threw out the 1978 subsistence law. And then you had
3 the Legislature come back and revisit that and put a
4 rural priority in, which was thrown out by McDowell.

5
6 So the C&T use criteria were actually
7 the first rural priority.

8
9 So that's the genesis of the customary
10 and traditional use criteria at first. But somehow
11 then when they got thrown out in McDowell they got
12 morphed into this business and there was actually
13 indoctrinated into law in the 1992 law, which says that
14 the Board of Fish and Game for the State can use the
15 customary and traditional use criteria to identify
16 stocks and populations that are customarily and
17 traditionally used for subsistence. And how that got
18 in probably was a political -- it was the Hickel
19 Administration. It's the same time the non-subsistence
20 use areas got into statute and I'm not exactly clear
21 why it ever got in there. But the effect is that
22 really what has happened is I think that most people
23 who are subsistence users could agree that subsistence
24 use, in its most fundamental terms, is using whatever
25 resources are available and using the amounts you need
26 during the seasons in which they're available in the
27 most efficient means of harvest; it's got nothing to do
28 with identifying customary and traditionally used
29 stocks and populations because subsistence users
30 historically used everything that was available to them
31 that was there locally.

32
33 So it fundamentally doesn't make sense.

34
35 The customary and traditional use
36 language was inserted into ANILCA very, very early on
37 when ANILCA was actually a Native priority before it
38 became a rural priority and it was to capture that
39 aspect of things it tried to describe what Alaska
40 Natives did with their subsistence resources. And so
41 somehow it got way off track.

42
43 And as this RAC and many people on this
44 RAC were here when Ninilchik had to establish its
45 rights to subsistence fish on the Kenai River. They
46 had to go through this big long hoop of whether or not
47 people, you know, they had customary and traditional
48 use of certain stocks and populations and frankly what
49 a waste of time that was, and energy and money.
50 Really, the closest, real, genuine use of customary and

1 traditional use one would find in the first real
2 subsistence case that came out of the Federal courts,
3 the Bobby case, where the Court basically said that the
4 subsistence law protects the patterns of, and practices
5 of use, and in that case it was moose, and people used
6 moose all year long, whenever they were hungry and the
7 Court basically said that's what's protected under the
8 law.

9

10 So as we've moved through this system
11 in the past 20 years it's understandable in a sense to
12 me that the State has moved the direction that they've
13 moved because they're -- they have sort of a dual goal
14 of protecting subsistence but also making sure that
15 subsistence doesn't interfere too much with other
16 commercial and sorts of uses whereas the Federal system
17 is supposed to be concerned with protecting subsistence
18 uses. And so the adoption of the whole pattern of use
19 of customary and traditional uses from the State
20 system, I think, got this program off to a really bad
21 start. And to get it back on track, in my view, one
22 would need to really do away with this whole business
23 of identifying stocks and populations in areas as
24 customary and traditional use and really fall back to
25 what was originally the intent of this law and, that
26 is, that the subsistence way of life, and villages and
27 people in rural areas already have an established
28 seasonal use of resources. They have seasons, they
29 don't need bag limits. They need whatever the
30 community needs. And what's happened, as we've moved
31 through this process is that there is very little
32 difference in the regulations for subsistence than
33 sport users, in the sense that you have individual bag
34 limits, you have seasons that are prescribed by sort of
35 arbitrary bounds, you know, if you talk to most
36 subsistence users they harvest caribou when they're
37 fat, they stop harvesting caribou bulls when they go
38 into rut, they're very careful about harvesting cows.
39 Same thing with moose. People have their own rules
40 that make a lot of sense for them, which are very
41 conservation oriented.

42

43 And so I would suggest that the program
44 really needs to move back to an area where the
45 regulations reflect the customary and traditional use
46 patterns and don't reflect this sort of Western concept
47 of every single use before it's allowed has to be
48 regulated.

49

50 Patterns of use should be consistent

1 with what the village's customary and traditional
2 patterns were and then only when there's conservation
3 concerns or other uses or needs, should there be a
4 layer of restriction on there. And I think that would
5 really be the way to get this whole program back on
6 track, and it would be a great way for the RACs to
7 proceed.

8

9 I think Southeast Alaska's bringing up
10 a legitimate concern. I don't agree necessarily that
11 the way they're doing it is correct, but I certainly
12 think that it would be beneficial to have the RACs
13 really endorse a very thorough look at the whole
14 direction that the program's gone with customary and
15 traditional use and, frankly, there's no legal basis
16 under which the Board operates customary and
17 traditional use, it's just that they adopted the State
18 approach.

19

20 So, sorry, that was a little long-
21 winded.

22

23 Mr. Chair. Thank you for your
24 indulgence.

25

26 CHAIRMAN LOHSE: Thank you. Any
27 questions, comments.

28

(No comments)

29

30 MR. STARKEY: Thank you.

31

32 CHAIRMAN LOHSE: Thank you. With that
33 we will recess for the night. Meeting starts at 8:30
34 in the morning. We will have a time certain with Ken
35 Lord at 8:30 in the morning.

36

37 MS. MILLS: Can we leave our things
38 here.

39

40 CHAIRMAN LOHSE: That's a good
41 question. Donald, can we leave our things on the
42 table?

43

44 MR. MIKE: Yeah, we can leave -- I'll
45 let the front desk know that.

46

47 MR. ENCELEWSKI: As long as they have
48 no value.

49

50

1 (Laughter)
2
3 CHAIRMAN LOHSE: Don't leave your
4 check.
5
6 MR. CARPENTER: Don't leave your check
7 or your wallet or your cell phone.
8
9 MS. CAMINER: So this is interesting,
10 Ralph, I just looked up in the back here definition of
11 customary and traditional use. So the first part is
12 very familiar but the last sentence, this use plays an
13 important role in the economy of the community.
14
15 CHAIRMAN LOHSE: I never heard of that
16 before.
17
18 MS. CAMINER: Me neither. But that
19 might be something we should comment on rural
20 determination. Have you ever seen this definition
21 before, customary and traditional use; this use plays
22 an important role in the economy.
23
24 CHAIRMAN LOHSE: Okay, 8:30 in the
25 morning.
26
27 (Off record)
28
29 (PROCEEDINGS TO BE CONTINUED)

