

1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL MEETING

3
4 PUBLIC MEETING

5
6 VOLUME I

7
8 Anchorage, Alaska
9 March 14, 2006
10 9:00 o'clock a.m.

11
12 COUNCIL MEMBERS PRESENT:

- 13
14 Ralph Lohse, Chairman
15 Doug Blossom
16 Tom Carpenter
17 Gilbert Dementi
18 Richard Greg Encelewski
19 Pete Kompkoff
20 Gloria Stickwan
21 Dean L. Wilson, Jr.
22
23 Regional Council Coordinator, Donald Mike

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40 Recorded and transcribed by:

41
42 Computer Matrix Court Reporters, LLC
43 3522 West 27th Avenue
44 Anchorage, AK 99517
45 907-243-0668
46 jpk@gci.net

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P R O C E E D I N G S

(Anchorage - 3/14/2006)

(On record)

CHAIRMAN LOHSE: I'd like to call the spring session of the Southcentral Alaska Subsistence Regional Advisory Council in session. So I'd like to call the session in session. With that, I'd like to welcome you all and we'll get started with a roll call and then we'll go on to welcome and introductions.

Donald, could you give us a roll call and see if we have a quorum.

MR. MIKE: Thank you, Mr. Chair. Donald Mike, Council coordinator for the Southcentral Region. Currently we have two vacancies on our Council and about a couple weeks ago received a resignation letter from Mr. Harley McMahan of Gakona, so the vacancy and the resignation will not count towards the quorum, but the remaining Council will count as a quorum, so I'll start with the roll call.

MR. MIKE: Mr. Robert Churchill. Mr. Chair, I received an e-mail from Mr. Churchill stating that he's got a prior commitment with the post office having a meeting outside of town. Pete Kompkoff.

MR. KOMPKOFF: Yes.

MR. MIKE: Doug Blossom.

MR. BLOSSOM: Present.

MR. MIKE: Greg Encelewski.

MR. ENCELEWSKI: Present.

MR. MIKE: Gilbert Dementi.

MR. DEMENTI: Here.

MR. MIKE: Gloria Stickwan.

MS. STICKWAN: Here.

MR. MIKE: Dean Wilson, Jr.

1 MR. WILSON: Here.
2
3 MR. MIKE: James Showalter. Mr. Chair,
4 James Showalter had a family emergency. He couldn't be
5 available to attend this meeting. Ralph Lohse.
6
7 CHAIRMAN LOHSE: Here.
8
9 MR. MIKE: Tom Carpenter.
10
11 MR. CARPENTER: Here.
12
13 MR. MIKE: Mr. Chair, you have a
14 quorum.
15
16 CHAIRMAN LOHSE: Thank you, Donald.
17 With that I'd like to welcome everybody that's out
18 here. I'd like us to go through our usual
19 introductions. We'll just start with Donald and go
20 around the table this way and go back and forth down
21 the row and get everybody and remind each other who we
22 are, although most of us have seen each other quite a
23 few times in the past. Donald.
24
25 MR. MIKE: Donald Mike, regional
26 council coordinator, Southcentral.
27
28 MR. WILSON: Dean Wilson from Kenny
29 Lake.
30
31 MR. BLOSSOM: Doug Blossom from Clam
32 Gulch.
33
34 MR. KOMPKOFF: Pete Kompkoff from
35 Chenega Bay.
36
37 CHAIRMAN LOHSE: Ralph Lohse from
38 Chitina or Cordova.
39
40 MR. DEMENTI: Gilbert Dementi from
41 Cantwell.
42
43 MR. ENCELEWSKI: Greg Encelewski. I'm
44 from Ninilchik.
45
46 MR. CARPENTER: Tom Carpenter, Cordova.
47
48 MS. STICKWAN: Gloria Stickwan,
49 Tazlina.
50

1 MR. ARDIZZONE: Chuck Ardizzone,
2 biologist for OSM, biologist for this Council.
3
4 MR. BERG: Jerry Berg, fisheries
5 biologist, Fish and Wildlife Service.
6
7 MS. SEE: Marianne See, Fish and Game.
8
9 MR. HAYNES: Terry Haynes, Department
10 of Fish and Game.
11
12 MR. CAMPBELL: Rod Campbell, U.S. Fish
13 and Wildlife Service, Office of Subsistence Management.
14
15 MR. TAUBE: Tom Taube, Alaska
16 Department of Fish and Game, fishery biologist.
17
18 MS. CELLARIUS: Barbara Cellarius,
19 subsistence coordinator for Wrangell-St. Elias National
20 Park and Preserve.
21
22 MR. KNAUER: Bill Knauer, Office of
23 Subsistence Management.
24
25 MR. STEVENS: Dan Stevens, Chitina
26 Native Corporation.
27
28 MS. GOTTLIEB: I'm Judy Gottlieb,
29 National Park Service.
30
31 MR. van den BROEK: Keith van den
32 Broek, Native Village of Eyak.
33
34 MR. KESSLER: Steve Kessler with the
35 Forest Service.
36
37 MR. PROBASCO: Good morning, Ralph.
38 Pete Probasco, OSM.
39
40 MR. BURCHAM: Milo Burcham, Forest
41 Service at Cordova, wildlife biologist.
42
43 MS. WILKINSON: Ann Wilkinson, OSM.
44
45 MR. EASTLAND: Warren Eastland from the
46 Bureau of Indian Affairs.
47
48 MR. EDENSHAW: Cliff Edenshaw with OSM.
49
50 CHAIRMAN LOHSE: Thank you all for

1 being here. With that we'll go to some minor business.
2 We'll see if somebody else can take this place right
3 here. We need to go to election of officers. At this
4 point in time I'll ask my vice chair -- do I have a
5 vice chair sitting right here next to me? No. I'm
6 going to ask Pete to sit as vice chair if that's okay
7 with the rest of you.
8
9 You can call for nominations for chair.
10
11 MR. KOMPKOFF: Okay. Nominations are
12 open for chair.
13
14 MR. CARPENTER: Mr. Chairman. I move
15 to nominate Ralph Lohse as chair of Southcentral RAC.
16
17 MR. BLOSSOM: Second.
18
19 MR. KOMPKOFF: Gloria.
20
21 MS. STICKWAN: I ask for unanimous
22 vote.
23
24 MR. KOMPKOFF: I agree with you. I
25 second that.
26
27 CHAIRMAN LOHSE: I think you have to
28 take the vote.
29
30 MR. KOMPKOFF: Let's take the vote.
31 All those in favor of Ralph Lohse signify by saying
32 aye.
33
34 IN UNISON: Aye.
35
36 MR. KOMPKOFF: Those opposed.
37
38 (No opposing votes)
39
40 MR. KOMPKOFF: Looks like we have a
41 unanimous chair decision.
42
43 CHAIRMAN LOHSE: Thank you, Pete, and
44 thank you fellow members of the Council. I appreciate
45 your confidence or unwillingness to do it yourself.
46
47 (Laughter)
48
49 CHAIRMAN LOHSE: With that we need a
50 nomination for vice chair. Pete.

1 MR. KOMPKOFF: I'd like to nominate Tom
2 Carpenter.
3
4 MR. BLOSSOM: I'll second that.
5
6 CHAIRMAN LOHSE: It's been moved and
7 seconded for Tom Carpenter. Other nominations.
8
9 MR. DEMENTI: Make a motion that the
10 nominations be closed.
11
12 CHAIRMAN LOHSE: It's been moved that
13 nominations be closed. Do I have a second?
14
15 MR. KOMPKOFF: Second.
16
17 CHAIRMAN LOHSE: I have a second. All
18 in favor of Tom Carpenter signify by saying aye.
19
20 IN UNISON: Aye.
21
22 CHAIRMAN LOHSE: Opposed signify by
23 saying nay.
24
25 (No opposing votes)
26
27 CHAIRMAN LOHSE: Motion carries. Now
28 we need a secretary. Nominations are open for
29 secretary.
30
31 MR. KOMPKOFF: I nominate Gloria
32 Stickwan.
33
34 MR. BLOSSOM: Second.
35
36 CHAIRMAN LOHSE: It's been moved and
37 seconded for Gloria Stickwan. Do we have any other
38 nominations.
39
40 MR. CARPENTER: Move and close
41 nominations for secretary.
42
43 CHAIRMAN LOHSE: Do I hear a second.
44
45 MR. BLOSSOM: Second.
46
47 CHAIRMAN LOHSE: It's been moved and
48 seconded that we close nominations for secretary. We
49 have Gloria Stickwan nominated. All in favor signify
50 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
9 unanimously. With that, we need to go on to the review
10 and adoption of our minutes. You'll find them starting
11 on Page 6. This is our October 25th to 27th meeting.
12
13 MR. MIKE: Mr. Chair.
14
15 CHAIRMAN LOHSE: Donald.
16
17 MR. MIKE: Just to clarify, we need
18 adoption of the agenda.
19
20 CHAIRMAN LOHSE: Oh, you're right. I
21 missed something. See, you should have got a different
22 chairman. Either that or I better wear my glasses.
23 Review and adoption of the agenda first. We have the
24 agenda in front of us. Does anybody see anything that
25 they would like to change or add to or move on the
26 agenda? I've had one request and that's that we move
27 item number 9. It's our charter review and other
28 things that Donald needs to present. If we would move
29 it to first thing tomorrow morning. If that's
30 acceptable to the rest of the Council, we could do
31 that.
32
33 Donald.
34
35 MR. MIKE: Yes, Mr. Chair. On the
36 crossover proposals on Page 3 on our agenda, Proposal
37 58 on moose, revise customary and traditional use
38 determination in a portion of Unit 12, that's going to
39 be presented by Helen Armstrong rather than Chuck
40 Ardizzone.
41
42 CHAIRMAN LOHSE: Okay. Helen
43 Armstrong.
44
45 MR. MIKE: I'll say some more.
46
47 CHAIRMAN LOHSE: Go ahead.
48
49 MR. MIKE: Under agency organization
50 reports, OSM reports on a draft closure review policy,

1 Bill Knauer will be presenting that review briefing and
2 he requested that he would like to present that before
3 noon on Thursday.

4
5 CHAIRMAN LOHSE: That's the bird flu
6 report.

7
8 MR. MIKE: No. The draft closure
9 review policy briefing.

10
11 CHAIRMAN LOHSE: Okay. The draft
12 closure review policy. And before noon on Thursday.

13
14 MR. MIKE: Right. And I also had
15 another request from the Native Village of Eyak. Mr.
16 Keith van den Broek would like to present that
17 presentation on the update on the monitoring project on
18 the Copper River probably today if we find some time.

19
20 CHAIRMAN LOHSE: When would he like to
21 do that, Donald?

22
23 MR. MIKE: Any time today before the
24 Council adjourns for the day.

25
26 CHAIRMAN LOHSE: Okay. Would that be
27 agreeable to the rest of the Council if we tried to fit
28 the Native Village of Eyak in before we quit today.

29
30 (No comments)

31
32 CHAIRMAN LOHSE: So we'll shoot for
33 4:00 o'clock then for that. Were there any other
34 requests for changes. Pete.

35
36 MR. KOMPKOFF: Mr. Chairman, I'd like
37 to move to adopt the agenda as corrected.

38
39 MR. CARPENTER: Second.

40
41 CHAIRMAN LOHSE: It's been moved and
42 seconded that we adopt the agenda as corrected.
43 Discussion.

44
45 (No comments)

46
47 CHAIRMAN LOHSE: If not, the question
48 is in order.

49
50 MR. DEMENTI: Question.

1 CHAIRMAN LOHSE: The question has been
2 called. All in favor signify by saying aye.
3
4 IN UNISON: Aye.
5
6 CHAIRMAN LOHSE: All opposed signify by
7 saying nay.
8
9 (No opposing votes)
10
11 CHAIRMAN LOHSE: Motion carries.
12 Donald, do you have something more for us.
13
14 MR. MIKE: Yes. Just some
15 administrative stuff. I handed out this morning a blue
16 folder and in it, on the left-hand side, we have the
17 Southcentral Section 805 report on the actions that the
18 Federal Subsistence Board acted on proposals. The
19 yellow document, that would be for later on during the
20 agency reports of subsistence use amounts protocol
21 briefing. It's a yellow document, so that will come up
22 later on. It will be used as a reference point.
23
24 We have a blue document from the
25 Southeast Regional Advisory Council and their comments
26 on policies and protocols that they took recently. In
27 the right hand side of the folder it's just comments we
28 received from the local advisory committees,
29 subsistence resource commissions and from refuges on
30 some proposals that they're commenting on on the
31 wildlife proposals the Council will be discussing.
32
33 Thank you, Mr. Chair.
34
35 CHAIRMAN LOHSE: Thank you, Donald. If
36 you have time, review those things in your blue folder.
37 With that, we'll go to the review and adoption of the
38 minutes. And that's on Page 6, where I tried to turn
39 you to before. Does anybody have any changes or
40 additions they'd like to see in the minutes.
41
42 MR. CARPENTER: Mr. Chair. I move that
43 we adopt the Southcentral Regional Advisory Council
44 minutes from October 25th to 27th.
45
46 MS. STICKWAN: Ralph, I have a
47 correction.
48
49 CHAIRMAN LOHSE: Yes, Gloria.
50

1 MS. STICKWAN: Where it says AHTNA
2 Inc./Copper River Native Association, Carey Carew, it
3 just should be AHTNA, Inc.
4
5 CHAIRMAN LOHSE: What page?
6
7 MS. STICKWAN: Under Native and non-
8 governmental organizations and public on the first
9 page.
10
11 CHAIRMAN LOHSE: I've got it. So it's
12 about the sixth or seventh line down.
13
14 MS. STICKWAN: Yes.
15
16 CHAIRMAN LOHSE: That should just be
17 AHTNA, Inc. Any other changes anybody came across.
18
19 (No comments)
20
21 CHAIRMAN LOHSE: If not, a motion to
22 accept the minutes is in order.
23
24 MR. CARPENTER: So moved.
25
26 CHAIRMAN LOHSE: It's been moved.
27 That's right, we already had that motion. I'm sorry,
28 Tom. Do I hear a second.
29
30 MR. BLOSSOM: Second.
31
32 CHAIRMAN LOHSE: It's been moved and
33 seconded to adopt the minutes with the change that
34 Gloria brought up on the second page. If there's no
35 other changes.....
36
37 MR. CARPENTER: Question.
38
39 CHAIRMAN LOHSE: The question has been
40 called. All in favor signify by saying aye.
41
42 IN UNISON: Aye.
43
44 CHAIRMAN LOHSE: All opposed signify by
45 saying nay.
46
47 (No opposing votes)
48
49 CHAIRMAN LOHSE: Motion carries. With
50 that we'll go on to the Chair's report and the 805

1 letter. The 805 letter tells us how the Board
2 responded to the actions we took in our October
3 meeting. There were 11 proposals in that meeting. Two
4 of them were rejected, three were modified. Their
5 modification was a little bit different, but not much.
6 And there was no action on one. Probably the biggest
7 modification was on the time limit for checking fish
8 wheels. It went from four to eight hours to 10 hours.
9 You can find the Board's actions in the 805 letter. It
10 was an interesting meeting and a lot of good
11 discussion. We had egg on our face on a couple of
12 them, but not too bad.

13

14 MR. CARPENTER: Tell us about it.

15

16 CHAIRMAN LOHSE: Okay. You want to
17 know where. The main one that they disagreed with us
18 the most on was one of the ones for down in the Cordova
19 area on the restriction to spears, gaffs and rod and
20 reel in the Prince William Sound area. They didn't go
21 along with it. They allowed more types of gear than we
22 did. And also the idea of aligning the subsistence
23 season with the State season on trout on the Copper
24 River/Prince William Sound drainage. They didn't go
25 along with either one of those two either. That was
26 one we kind of got side-swiped on that one. We didn't
27 realize there was an area that was catch and release
28 only. It's real hard to have a catch and release
29 subsistence fishery.

30

31 MR. CARPENTER: Mr. Chairman.

32

33 CHAIRMAN LOHSE: Yes, Tom.

34

35 MR. CARPENTER: I'd just like to ask a
36 question and make a comment. I read that letter and,
37 unfortunately, I was out of town so I didn't get to
38 attend the Board meeting in Anchorage because I
39 actually wanted to. I spoke with Tim Joyce in Cordova
40 after the Board meeting about those two proposals and,
41 understandably, the one with the catch and release was
42 obviously an oversight. The other one the Board
43 directed the Forest Service to hold a couple public
44 hearings in Cordova in regards to the dipnet issue
45 because that seemed to be the caveat of controversy, I
46 guess you'd say.

47

48 I think one of the interesting things
49 that happened in regards to that meeting is, for one,
50 very few people showed up and we actually had an

1 advisory committee meeting in which that was put on the
2 agenda and there were about 20 or 30 people at that
3 meeting, which I will say there was only one in favor
4 of allowing dipnetting, but then there was another
5 public meeting held and no one showed up.

6
7 I guess the point that I'm trying to
8 make, as long as I've been involved with this board or
9 when I wasn't on the board where I represented somebody
10 else to the Board, it seems like it's very unusual for
11 the Board typically to not follow the advice that the
12 Council recommends to them and I thought these two
13 issues were peculiar in that way. You know, there was
14 really no biological issue that they were ruling on to
15 overturn the advice of this Council. I don't know. It
16 seemed like a peculiar situation.

17
18 In my opinion, I wish that I could have
19 been at the meeting in Anchorage so that I could have
20 talked with the Members of the Board a little bit
21 because it's a bigger issue than I think, you know,
22 it's been let on to be. There wasn't a lot of public
23 participation, which is the bad thing. You can only
24 tell people that you need to come out and speak your
25 piece about this issue. I think if there's a way in
26 the future to separate Prince William Sound from the
27 Copper River delta, I think there's probably a way that
28 that proposal can be dealt with in the future. So,
29 anyway, just a couple comments.

30
31 CHAIRMAN LOHSE: Thank you, Tom. Yeah,
32 from the participation that was at those meetings it
33 doesn't sound like it's a burning issue at this point
34 in time. I think that was some of the Board's reaction
35 to it. That's why they turned it back to the Forest
36 Service.

37
38 Any other comments or questions for me
39 on the Board meeting.

40
41 (No comments)

42
43 CHAIRMAN LOHSE: With that, we'll go to
44 Council Members. Do any of the Council Members have
45 anything that they would like to report. Tom, thank
46 you for what you just gave us. That fits right into
47 that. Tom, one more.

48
49 MR. CARPENTER: Pete and I went to
50 Juneau in January for the Southcentral/Southeast

1 wildlife resource management meeting. It was a good
2 meeting. It was coordinated well. There was both
3 Federal and State biologist represented at the meeting.
4 Pete and I were there from Southcentral. There was two
5 representatives from Southeast RAC. Basically we took
6 all the burning issues on the Kenai Peninsula,
7 Southcentral and Southeast in regards to wildlife
8 projects and for a couple days, similar to what we did
9 with the fisheries monitoring program, kind of
10 chronologically stressed the important of the projects
11 that were on the table and I guess gave a little advice
12 to the people that are going to be needing to spend
13 some money to make some decisions as to where and how
14 and when we thought they should be prioritized. So
15 that ended up being a good meeting and I was glad to be
16 able to participate there.

17
18 CHAIRMAN LOHSE: Tom, was that mostly
19 from Federal side with the Forest Service and the
20 Chugach National Forest and Tongass?

21
22 MR. CARPENTER: There was. I'd say it
23 seemed like most of the issues were in Southeast.
24 There were some issues in Southcentral and there were a
25 few on the Kenai Peninsula and it was kind of hard, you
26 know, because the wildlife side of things, at least the
27 way it was portrayed to us, there wasn't a whole lot of
28 money set aside compared to the fisheries projects. So
29 here we've got a group of people and we're trying to
30 decide, well, which area in the state or which area in
31 these two regions, which of these projects are the most
32 important. At the beginning of the conference it was
33 kind of obvious that everybody wanted -- you know,
34 thought that their area was a little bit more
35 important, but the coordinator did such a good job that
36 by the time we got a couple hours into it everybody
37 realized that it was for the betterment of everybody to
38 really choose the best projects and that's what
39 happened in the long term. But it was both Federal and
40 State. Mostly there were Federal projects though.

41
42 CHAIRMAN LOHSE: Now you weren't
43 exactly choosing a project, you were mostly
44 prioritizing them so that as funding became available
45 there would be a priority list as to what would be
46 funded first.

47
48 MR. CARPENTER: Right. That's
49 basically what we were doing. There was so little
50 money in the wildlife program and it sounded like the

1 budget for '07-'08 was not going to be substantially
2 increased, so a lot of these projects could be on hold
3 for quite a long time, but it was a way for the people
4 involved on this level to let the people that are
5 actually going to be figuring out which projects get
6 done which ones are the most important. It may never
7 happen, it may happen.

8

9 CHAIRMAN LOHSE: Did you find the
10 meeting pretty instructive, Pete?

11

12 MR. KOMPKOFF: Yes, I did. It was very
13 instructive. I tried to introduce a proposal to get
14 elk on Montague Island, but that fell through. One of
15 the things I wanted to report was that the Department
16 of Fish and Game is doing some test fisheries for
17 herring in western Prince William Sound and they found
18 herring in Chenega Bay that were like six inches or a
19 little bigger, but they're too small and too immature
20 yet for that area to be opened up for any fisheries.

21

22 The other thing is, like we had 22
23 whales in November in Chenega Bay and most of them
24 stayed. We have six left in the bay and about 100 sea
25 lions, mostly females. I haven't seen a male around
26 that whole bunch of sea lions. Like one-year-old or
27 two-year-old females. It's exciting. Thanks.

28

29 CHAIRMAN LOHSE: It eats a lot of
30 herring, doesn't it?

31

32 MR. KOMPKOFF: It does.

33

34 CHAIRMAN LOHSE: With that, if there's
35 no other Council member reports. I'd just like to say
36 how good it is to see Gilbert here today and wish him
37 well. With that, we'll go on to public testimony. If
38 I call your name and you'd rather hold off the
39 testimony until a certain proposal comes up, just let
40 me know and we can do that instead of having it right
41 now. Blake Gettys.

42

43 MR. GETTYS: Chairman, Members of the
44 Board. I'm here to represent the Anchorage Advisory
45 Council, so don't let my uniform -- I'm also a member
46 of the Alaska Air National Guard. I just took a little
47 bit of time off work to come over here.

48

49 I'm a member of the Anchorage Advisory
50 Council and we're interested in participating in your

1 process for your Southcentral Subsistence Regional
2 Advisory Council. We represent a large portion of that
3 user group and I, myself, am a landowner on the Kenai,
4 right on the edge of the Federal lands. So it's of
5 particular interest to myself. I just wanted to take a
6 moment to come down here and let you know that the
7 Anchorage AC would like to have some input when this
8 process starts and you start to come up with your plan
9 and what you try to accomplish with that Regional
10 Advisory Committee.

11
12 CHAIRMAN LOHSE: If I understand right,
13 what you're talking about is that subcommittee we're
14 talking about setting up on the Kenai Peninsula to deal
15 with fish.

16
17 MR. GETTYS: Yes, sir. That's correct.

18
19 CHAIRMAN LOHSE: I think you were
20 listed as one of the ones that we needed to contact.
21 Jerry, weren't they one of the advisory councils we had
22 down?

23
24 MR. BERG: Yes.

25
26 CHAIRMAN LOHSE: So I know we'll be
27 looking for your participation, or at least maybe not
28 as a member of the subcommittee because it's going to
29 be limited and we can't have a subcommittee that has
30 everybody on it. But as far as looking at somebody
31 from your advisory committee that might want to sit on
32 that.

33
34 MR. GETTYS: Yes, sir. I signed up
35 four different names and all four are interested, but
36 if it is limited, then we'd like to have one
37 representative.

38
39 CHAIRMAN LOHSE: I'm sure you will.
40 Any questions. Doug.

41
42 MR. BLOSSOM: Mr. Chairman. Isn't Mr.
43 Churchill on your committee?

44
45 MR. GETTYS: He was. He resigned about
46 two months ago, sir.

47
48 CHAIRMAN LOHSE: Any other questions.

49
50 (No comments)

1 CHAIRMAN LOHSE: Thank you for your
2 time. Darrel Williams. I see you've got Proposal 68
3 on here. Do you want to wait until Proposal 68 comes
4 up?

5
6 MR. WILLIAMS: Yes, I would.

7
8 CHAIRMAN LOHSE: Okay. We'll do that
9 then, Darrel. Bill Stockwell.

10
11 MR. STOCKWELL: Good morning.

12
13 CHAIRMAN LOHSE: Good morning, Bill.

14
15 MR. STOCKWELL: I'm Bill Stockwell,
16 chairman of the advisory committee. I guess I'm on the
17 record now. I just want to state that I want to ensure
18 that Cooper Landing is represented on the stakeholders
19 process for the stakeholders group that you're putting
20 together for the Kenai fisheries issues.

21
22 A couple things. One is I have been
23 before the Alaska Flyfishers and the Alaska Flyfishers
24 said I can also represent them on the Council. I'm not
25 sure whether you will want letters of appointment from
26 organizations like that or not. They would be willing
27 to put that in writing if that's so desired by the
28 Council and I think you can get back to us on that
29 later on. I'll take this back to the community. I've
30 already talked to the community once and they wanted to
31 see what was going on obviously and I will also talk to
32 the community and see if they want me to represent the
33 entire community of Cooper Landing too and I'm not sure
34 that there's anybody else that's going to step up and
35 volunteer, so I'll probably do that also. I can also
36 get a letter of appointment from the Cooper Landing
37 Community Club, which is what functions for government
38 in Cooper Landing, and bring that forward to you for
39 the stakeholders process if that will also be helpful.

40
41 CHAIRMAN LOHSE: Thank you, Bill. Do
42 you have a copy of the draft yet?

43
44 MR. STOCKWELL: Yes.

45
46 CHAIRMAN LOHSE: Good. So you had that
47 in front of you then.

48
49 MR. STOCKWELL: Jerry Berg sent it to
50 me.

1 CHAIRMAN LOHSE: The Council is going
2 to be discussing that next, I think, on the agenda.

3
4 MR. STOCKWELL: Right. I just wanted
5 to be on the record and that's the reason I'm here.

6
7 CHAIRMAN LOHSE: Thank you. Jerry is
8 the one to let know all that, too.

9
10 MR. STOCKWELL: Right. I've talked to
11 Jerry also. I'm just making it official before you.

12
13 CHAIRMAN LOHSE: Thank you. Any
14 questions. Tom.

15
16 MR. CARPENTER: Yeah, Bill, I'd just
17 like to make a comment and say thanks. You seem to be
18 one of the more loyal participants in this process from
19 the AC level and I think it's important that the State
20 AC's are involved in a lot of these issues, so thanks
21 for coming.

22
23 MR. STOCKWELL: I've worked on AC level
24 things, too, and I agree with you. Of course, AC's
25 that really represent rural areas or Federally
26 designated rural areas, we've got a stake in this
27 process as we do with the State boards, too, so I
28 agree. Thanks, Tom.

29
30 CHAIRMAN LOHSE: Any other questions
31 for Bill.

32
33 (No comments)

34
35 CHAIRMAN LOHSE: Thank you. Okay.
36 With that, that's all of the requests for public
37 participation I have at this time. We will take those
38 requests at any time during this meeting. We don't
39 limit it to the fact that you had to have it in before
40 the meeting started. Again, like I said, if you have a
41 request to speak to a specific proposal, don't hesitate
42 to put in a green slip like this and speak to it.

43
44 With that, I think we deserve a break
45 before we listen to Jerry.

46
47 (Laughter)

48
49 CHAIRMAN LOHSE: I didn't mean it the
50 way it came out. Donald.

1 MR. MIKE: With Jerry's presentation he
2 has a handout titled Kenai Peninsula Fisheries
3 Stakeholders Subcommittee of the Southcentral
4 Subsistence Regional Advisory Council and was handed
5 out to each one of you on the table.

6
7 Thank you, Mr. Chair.

8
9 (Off record)

10
11 (On record)

12
13 CHAIRMAN LOHSE: Okay. We'll call this
14 meeting back in session. I have one more request for
15 testimony right now that we'll take since we just
16 finished with that. Darrel Williams. This is on a
17 different subject than your other one, right?

18
19 MR. WILLIAMS: Yes, Mr. Chairman. Good
20 morning, everybody. Sorry about the confusion earlier.
21 I thought we'd address this a little differently, but
22 this is probably going to be the best way to do it.

23
24 I'd like to make some comments for
25 Ninilchik Traditional Council about the formation of
26 the stakeholder group for the C&T determination that we
27 talked about at the last Federal Subsistence Board
28 meeting. Ninilchik Traditional Council I understand
29 they sent an official letter that will be put on the
30 record here. I believe Donald has that.

31
32 Some of our concerns from the Council
33 is that the RAC here is the group that's supposed to be
34 doing this job. Forming a lot of other groups to
35 address these kinds of issues tends to make a lot of
36 extra red tape and a lot of extra hurdles for people to
37 have to go through. As subsistence users, you should
38 be able to bring a proposal to the RAC to go to the
39 Federal Subsistence Board. That's the process that's
40 in place.

41
42 Some of the other concerns that the
43 Council has as far as stakeholders, we're very
44 concerned about the definition of a stakeholder. As
45 far as the tribe is concerned, the stakeholder should
46 be Kenaitze, Ninilchik and Seldovia, Federally
47 recognized Indian tribes. That probably isn't going to
48 happen. So the other concerns we have is that we're
49 going to have a lot of groups that will be involved in
50 the stakeholder group that are not necessarily users

1 and probably are not familiar with the actual
2 techniques in harvesting in areas that we're talking
3 about. So that's another concern.

4
5 Essentially, the NTC objects to the
6 whole process of having a stakeholder group formed and
7 having to have more groups to deal with to be able to
8 address a proposal. We feel that the RAC is here and
9 they're doing a good job and the process is going as it
10 should and changing that process and adding different
11 stakeholder groups as needed may be a very poor choice.

12
13 Kind of just to wrap this up, we had
14 lots and lots of testimony over these issues and we'd
15 just like to go ahead and note that testimony for the
16 record so that everybody has something to refer back to
17 without having to go through two days of going through
18 this all over again. Is there any questions.

19
20 MR. KOMPKOFF: What areas specifically
21 were you speaking of?

22
23 MR. WILLIAMS: Well, that's a really
24 good question because this ended up being an interim
25 C&T decision. At the Federal Subsistence Board when
26 one gentleman said, well, it's interim so they have C&T
27 and another gentleman would say, no, it's interim so
28 they don't have C&T.

29
30 What they passed was they delineated
31 the area to include the Kasilof River and Tustumena
32 Lake as being able to harvest freshwater fish for C&T
33 determination and that was a vast modification of the
34 proposal that we had. It was a very interesting
35 process where the commissioner of Fish and Game showed
36 up and things like that with really odd questions. We
37 had discussed a lot of this stuff here before.

38
39 Like I said, I didn't want to drag it
40 out and make a long process of a lot of testimony. I
41 wanted to make it clear and succinct. But we're
42 talking about generally the Kenai Peninsula and part of
43 what we asked for was areas and since we're all kind of
44 thinking about moose, we'll talk about 15(A), 15(B) and
45 15(C). The majority of places where people could go and
46 subsistence for freshwater fish. The majority of them
47 are in 15(A). Tustumena Lake is 15(C). It's a very
48 difficult venture there. It's a very large lake. It's
49 not your typical lake that you go out and people would
50 subsist on.

1 But that was what happened and I'll be
2 really honest, I am still even unclear of whether we
3 really have a C&T determination or we really don't have
4 a C&T determination. Now, taking that and giving it to
5 a stakeholder group out of whoever wants to show up to
6 it, we don't feel that's fair and we don't feel that's
7 right because this is the group here that's supposed to
8 make those decisions. Does that answer your question?
9

10 MR. KOMPKOFF: Yes. Thank you.

11
12 CHAIRMAN LOHSE: Any other questions
13 for Darrel. Darrel.

14
15 MR. WILLIAMS: Yes, sir.

16
17 CHAIRMAN LOHSE: You know, I had the
18 same confusion you did over interim and that's why I
19 asked the questions that I did at the meeting. To me,
20 an interim is a positive. We made sure that was
21 stated. I looked at the interim as a partial decision,
22 but the part that was done was a positive decision.
23 Now all determinations are interim from the standpoint
24 that anything can be changed, but that was a positive
25 determination as far as they went. If it turns out
26 that that's not, I'm going to call them too because I
27 specifically asked that at the Board meeting to make
28 sure that we understood that what was done was done.
29

30 MR. WILLIAMS: Yes, Mr. Chairman. I
31 remember that specifically. The interim decision is
32 very unusual and that's one of the reasons we wanted to
33 talk about it. We understand it's supposed to be done.
34 Some of my concerns come from some of the Board members
35 of the Federal Subsistence Board who were saying, well,
36 you know, when they started having the discussion about
37 whether they really have C&T or they really don't have
38 C&T and that's part of the reason I'm here today
39 talking about it. We have some profound concerns and
40 I'm not sure where this is going to go, so we thought
41 we'd discuss it and see what everybody thought.
42

43 CHAIRMAN LOHSE: Any other questions
44 for Darrel.

45
46 (No comments)

47
48 CHAIRMAN LOHSE: Thanks, Darrel. If
49 that comes up as a question in the future, as I stated
50 at the time, there's no sense even trying to work on

1 regulations unless you once have a decision for C&T.

2

3 MR. WILLIAMS: Absolutely, Mr.
4 Chairman. Thank you very much.

5

6 CHAIRMAN LOHSE: Okay. I don't have
7 any more requests at this time. Donald.

8

9 MR. MIKE: Thank you, Mr. Chair.
10 There's another individual. He couldn't be here. His
11 name is J.R. Mest. He filled out a green form just to
12 go on record that he was interested in serving on a
13 subcommittee, but he provided me with some individuals
14 names that are avid sports fishermen and they're
15 expressing interest in sitting on a subcommittee. I
16 informed Mr. Mest that it's up to the Council to form a
17 subcommittee, who they're going to be selecting. So
18 just to go on record, Mr. J.R. Mest from Anchorage,
19 Dennis McPhee, Larry Souter, William Ankowitz, all of
20 Anchorage. Ann Kitchens, Bill Ankowitz, Charles Ward,
21 Christopher Ornet, they're all of Anchorage and these
22 are the individuals that Mr. Mest provided to the
23 Council for the Council to consider to serve on the
24 subcommittee.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN LOHSE: Thank you, Donald.
29 Okay. With that, we're going to go on to Jerry Berg
30 and he's going to present us with where the call for
31 this subcommittee came from and the current draft of
32 what they look at it as consisting of. Again,
33 remember, if we decide to have a subcommittee, this is
34 a decision of the Council. The Council can modify the
35 draft in any way they'd like to or reject it. This is
36 a Council decision, but it has been requested by the
37 Board.

38

39 Jerry.

40

41 MR. BERG: Thank you, Mr. Chair. For
42 the record, my name is Jerry Berg with the Fish and
43 Wildlife Service, Members of the Council. I was going
44 to address the draft plan that we sent to you. Donald
45 sent it out a week or two ago for the Kenai Peninsula
46 Stakeholders Subcommittee. It mainly addresses seasons
47 and harvest limit type regulations. We're trying to
48 keep that separate from the C&T issue, realizing that
49 the Board did make a C&T determination. They did
50 express an interest to revisit that at some point once

1 they have some additional information.

2

3

4 But the draft plan was developed in
5 response to the Federal Subsistence Board's request
6 that the Southcentral Council establish a Stakeholders
7 Subcommittee to help craft Federal subsistence fishing
8 regulations for certain waters down on the Kenai
9 Peninsula. The Board made this request after they
10 revised the customary and traditional use determination
11 on the Kenai Peninsula during their meeting this past
12 January. They realized that the next step of
13 establishing the subsistence regulations on the Kenai
14 would be controversial, so they wanted the various user
15 groups to work together as much as possible. I think
16 part of that is just to help kind of educate each other
17 about the different fisheries.

17

18

19 The Board requested that the
20 subcommittee have representatives from the Council as
21 well as sport and commercial user groups. Since this
22 would be a subcommittee of your Council, the
23 subcommittee would make their recommendations directly
24 to you, to the Council, and then the Council would
25 forward your recommendations onto the Federal
26 Subsistence Board. So the subcommittee would not
27 report to the Board, they would report directly to you
28 and then the Council forwards their recommendations on
29 to the Board.

29

30

31 Regarding the plan itself, it talks
32 about how to go about establishing the subcommittee. A
33 number of Federal Staff, along with Chairman Ralph
34 Lohse, got together to work on this draft plan. The
35 intent today is to provide you with an overview of the
36 plan and then you can discuss it as a Council, make any
37 modifications you'd like and then the intent is for you
38 guys to adopt some sort of a plan to move forward with
39 from here.

39

40

41 You can see at the top of the plan, it
42 starts off with the charge of the subcommittee and
43 that's to craft Federal subsistence fishing regulations
44 using the existing customary and traditional use
45 determinations that the Board established this past
46 January. That includes Federal public waters of the
47 Kasilof River and waters north of and including the
48 Kenai River drainage. So that's the two areas that the
49 Board established C&T use determinations for. These
50 are waters within the Kenai National Wildlife Refuge
and the Chugach National Forest. I see you have place

1 maps in front of you, but if you want more detailed
2 maps I have them here.

3

4 The draft plan recommends that the
5 subcommittee focus their efforts on the Kasilof River
6 as a starting point since these fisheries generally
7 have fewer user groups and tend to be less complicated
8 than the Kenai River fisheries. It's recommended that
9 the subcommittee then build on these discussions and
10 then address the Kenai River and other fisheries north
11 of there as needed from there.

12

13 You may remember that there were four
14 proposals that were deferred through the last fisheries
15 cycle. These proposals and any others yet to be
16 submitted would be submitted to the subcommittee during
17 their discussions. And then all fishery proposals
18 addressing Kenai fisheries would be deferred until the
19 Stakeholders Subcommittee has completed their work and
20 reported back to you, the Council. The Council would
21 then submit any proposals or recommendations they have
22 onto the Federal Subsistence Board.

23

24 Moving on to the goal of the
25 Stakeholders Subcommittee at the bottom of the first
26 page. The overall goal is to craft recommendations
27 that would lead to proposals for Federal subsistence
28 fishing seasons, methods and means and harvest limits
29 for all fish species on Federal public waters of the
30 Kasilof River drainage and waters north of and
31 including the Kenai River drainage on the Kenai
32 Peninsula.

33

34 So the Federal Board did establish C&T
35 for all fish in those waters. Another key provision of
36 the goal is stated in the last sentence of that
37 paragraph and it states that the Federal subsistence
38 fishing regulations will need to ensure the long term
39 conservation of fish populations, allow subsistence
40 users to meet their needs as provided in ANILCA, and
41 not unnecessarily restrict non-subsistence fishers who
42 also rely on these same fish populations.

43

44 The plan also calls for all members of
45 the subcommittee to commit to agreeing to both the
46 charge and the goal before they be considered for
47 membership to the subcommittee. We felt like that was
48 very important that they agree to the charge and the
49 goal before they would be members of the subcommittee
50 so they could all work together.

1 To help identify who would be on the
2 subcommittee, the plan also outlines a selection
3 process and some membership criteria. The selection
4 process would be to use a large list of people who are
5 knowledgeable of Kenai fisheries and interview them
6 this summer to see who they think should be on the
7 subcommittee and why. The list of people identified to
8 be interviewed is not meant to be limited in any way.
9 You can see a list of people to be interviewed numbered
10 1 through 5 under letter C on the second page. It
11 includes Southcentral Council members, of course, local
12 fish and game advisory committee members, tribal
13 members, members of sport, commercial, personal use,
14 and educational fisheries and other members of the
15 Kenai Peninsula communities who are actively involved
16 with these fisheries.

17
18 The intent is to interview as many
19 people as possible. I've placed a sign-up sheet in the
20 back of the room for people to sign up if they're
21 interested in being interviewed to see who should be on
22 the subcommittee. Then the results of these interviews
23 will be summarized and presented to you at your next
24 Council meeting next fall for the Council to make
25 selection of the members as to who would be on the
26 subcommittee. So the Council would actually make the
27 selections.

28
29 And you can see under the heading of
30 membership at the bottom of the second page the plan
31 recommends that the subcommittee be a group of 10 to 15
32 people and that's to keep the subcommittee fairly small
33 as there would be a need for the people on the
34 subcommittee to hopefully represent multiple categories
35 in order to keep the group that small. For example,
36 you heard Bill talk this morning about how he could
37 represent the Flyfishers group and the community of
38 Cooper Landing and also the AC. I think that's exactly
39 the kind of people we'd be looking for to try to keep
40 the subcommittee as small as possible. We could also
41 get somebody from Ninilchik who's a tribal member who
42 could represent Ninilchik, maybe they're a commercial
43 fisherman and they're also a tribal member. I think
44 the more we can get people who represent multiple
45 categories, the smaller we can keep that group.

46
47 You can also see the criteria for
48 membership at the bottom of page 2. A couple of the
49 key criteria, as I mentioned earlier, is a willingness
50 to accept the charge and the goal of the subcommittee.

1 And then being able to commit to attending most, if not
2 all, the meetings. It's difficult to predetermine how
3 many subcommittee meetings will be needed, but I did
4 talk to some members of the Southeast Regional Council,
5 who just went through a similar process addressing Unit
6 2 deer in their region. The committee members that had
7 served on their subcommittees recommended no more than
8 three or four meetings at the most, basically because
9 everybody is a volunteer and it's hard to get people to
10 go to more meetings, so they recommended the fewer
11 meetings the better.

12
13 We've also included in the plan who
14 would actually be members of the subcommittee and we
15 broke that down into two categories, basically
16 Federally qualified users and then non-Federally
17 qualified users. Under Federally qualified users,
18 obviously members of the Council and then residents of
19 one of the three communities who have an existing C&T
20 determination and then under non-qualified users we
21 have educational fishery users, sport users, commercial
22 users and personal use fishery user groups.
23 Technically, not all Council members are Federally
24 qualified users because you have to be a resident of
25 one of the three communities to be a Federally
26 qualified user. But I think it will be critical to
27 have at least two Council members on the subcommittee.

28
29 This is all going to take a fair amount
30 of effort, as you can imagine, and we plan to hire a
31 professional facilitator to provide an unbiased
32 perspective and help guide the subcommittee process.
33 The facilitator would help organize, moderate and
34 provide some reports of the subcommittee meetings.
35 They'd also help us interview potential subcommittee
36 members this summer and write up a short summary of the
37 candidates qualifications and then we would use that
38 summary to present to you next fall for your selection
39 of the subcommittee members.

40
41 The plan also identifies Staff that
42 will be involved to help support the subcommittee
43 process. Right now there's a core group of Staff
44 members that is referred to as the Steering Committee.
45 That's listed about two-thirds of the way down on Page
46 3.

47
48 Towards the end of the plan we have an
49 estimated timeline. Basically we're on step 3 today.
50 We should be able to maintain a timeline through next

1 fall through step 8, which is the first subcommittee
2 meeting that could be held late next fall or maybe
3 early winter. And then starting on step 9 will really
4 depend on how the subcommittee's work progresses as to
5 how soon we'll actually have a recommendation or a
6 report back to the Council.

7
8 We've anticipated that the subcommittee
9 would be finished as early as a year from now, so next
10 winter of '07 at the earliest, or it could be two years
11 from now depending on how their meetings go and how we
12 can get that organized.

13
14 So, depending on how the timeline
15 progresses, the regulations would actually take effect,
16 once they worked through the regulatory cycle, the
17 regulations would take effect at the earliest in 2008,
18 or if it takes the stakeholder subcommittee process a
19 little bit longer, then the fishing regulations would
20 be effective in the 2009 season.

21
22 So that's an overview of the draft plan
23 that we've put together and I'd be glad to try to
24 answer any questions.

25
26 Mr. Chair.

27
28 CHAIRMAN LOHSE: Thank you, Jerry. Any
29 questions for Jerry. Doug.

30
31 MR. BLOSSOM: Mr. Chairman, Mr. Berg.
32 I guess let's start at the beginning. Is it final now
33 that there's a C&T finding for the two different groups
34 and if we work on this that's where it's going to be or
35 is that all going to change again?

36
37 MR. BERG: The Board did make a C&T
38 determination basically for residents of Ninilchik for
39 the Kasilof River drainage and they made a C&T
40 determination for residents of Hope and Cooper Landing
41 for the waters north of and including the Kenai River
42 drainage. So that's an existing C&T.

43
44 MR. BLOSSOM: So that's in stone now.
45 That's there.

46
47 MR. BERG: That's there.

48
49 MR. BLOSSOM: So all we're talking
50 about now is providing fish for subsistence people in

1 those two areas, correct?

2

3 MR. BERG: That's what the subcommittee
4 would be addressing, are just those fisheries that have
5 been established with that C&T determination at this
6 point.

7

8 MR. BLOSSOM: So I guess my follow-up
9 to you is why do you need all this subcommittee going
10 on? What's this Council for? That's what we do and
11 then we give it to the regular Council to act on it.
12 That's our job. There's commercial fishermen here,
13 there's subsistence users, there's sports fishermen,
14 there's hunters. That's what we do. That's why we're
15 here. I think this is just a whole lot of nothing.

16

17 CHAIRMAN LOHSE: Thank you, Doug.
18 Gloria.

19

20 MS. STICKWAN: I have a question. You
21 said this was interim. That, to me, sounds like it's
22 going to be for a short while and they'll decide later
23 or not if they're going to really have C&T. They say
24 it's positive, too, but that word interim it sounds
25 like they're still trying to decide do they have C&T.
26 So when are they going to make a decision that they do
27 have C&T?

28

29 CHAIRMAN LOHSE: Gloria, if I
30 understood right and that was the understanding that
31 was presented to us at the Board, the part that is
32 interim is there was a request for additional C&T and
33 this was a step -- this C&T is established. It can
34 still come back before the Board for additional C&T for
35 a bigger area. But as far as I'm concerned and as far
36 as what the Board said, this was a positive C&T
37 determination, which will be revisited as far as their
38 request for additional C&T. Pat.

39

40 MS. ARMSTRONG: Helen. Helen
41 Armstrong, anthropologist for Fish and Wildlife
42 Service. I was the analyst that worked on that and I
43 just thought maybe we should clarify that the Board
44 actually went down a little path talking about interim
45 C&T's and then the solicitor said there are no interim
46 C&T's because I think as someone said a little bit
47 earlier that all C&T's can be revisited. So everything
48 is permanent until someone comes along and makes a
49 proposal and the Council recommends to change it and
50 the Board changes it.

1 So, for right now, the C&T is, as Jerry
2 said, for Ninilchik, for the Kasilof and Cooper Landing
3 and Hope for the Kenai Rivers and the waters in north
4 of Kenai. At a later date, if someone makes another
5 proposal, could be the public, it could be this
6 Council, it could be an agency, to change that C&T then
7 that would happen, but there is no interim C&T. We
8 don't do interim C&T's.

9
10 CHAIRMAN LOHSE: Basically, Helen, what
11 you're saying is that this C&T is as positive as any
12 other C&T that's been passed.

13
14 MS. ARMSTRONG: Absolutely.

15
16 CHAIRMAN LOHSE: Tom.

17
18 MR. CARPENTER: Thank you, Mr. Chair.
19 I was under the assumption that our charter did not
20 allow us to have standing committees. Is that not
21 true?

22
23 MR. BERG: You can have a subcommittee
24 of the Council, but that subcommittee has to report
25 directly to the Council and then the Council is the one
26 that makes recommendations to the Board, but you can
27 have a subcommittee that works on an issue and reports
28 back to the Council with the information from their
29 subcommittee.

30
31 MR. CARPENTER: So a standing committee
32 would theoretically report right to the Board, which
33 we're not doing. We're coming back to this Council
34 first before it goes to the Board.

35
36 MR. BERG: That's correct. I'm not
37 exactly sure what a standing committee is, but you are
38 allowed to have a subcommittee to work on an issue and
39 then come back to the Council with their report to the
40 Council.

41
42 I guess just to respond to Mr. Blossom
43 a little bit, I think the Board was just concerned that
44 this would be a controversial issue because the Kenai
45 is such a high-use area and they just wanted to get as
46 many of the user groups together to work on the
47 proposals. I think that they realized that this
48 Council is very capable of coming up with proposals on
49 their own, but I think they just wanted to get a wider
50 group of people working on the issue to try to maybe

1 work out any of the differences before things elevated
2 up to the Board level.

3

4 I think it's just an effort to try to
5 get people to work together and maybe educate each
6 other because this would be establishing a different
7 type of fishery down there that hasn't been there for
8 many years.

9

10 Mr. Chair.

11

12 CHAIRMAN LOHSE: Thank you, Jerry. I
13 have a little comment on that. In response to Tom's
14 question, I think we have somebody in the back that's
15 supposed to look out for that kind of stuff and I'd
16 like to ask Ann to explain it to Tom.

17

18 MS. WILKINSON: Mr. Chairman. My name
19 is Ann Wilkinson and I have oversight of the Regional
20 Council system. Part of that is I do watch out for the
21 Federal Advisory Committee Act as it's applied to these
22 Councils. The Regional Advisory Councils may have
23 subcommittees and even a standing committee. A
24 standing committee is simply a committee that works on
25 a project for some period of time, but if you want a
26 subcommittee it has to be requested from the Board. In
27 any instance, any subcommittee of this Council must
28 report to the Council. They would never report
29 directly to the Board or to any agency. Does that
30 answer your question?

31

32 MR. CARPENTER: Yeah, Ann, thanks. The
33 reason I asked was, at least in my experience -- I mean
34 this project goes on for about three years. I would
35 consider that a standing committee, you know.
36 Subcommittee work, at least that I've been involved
37 with, is for a much shorter period of time. Granted,
38 we've been requested to do this from the Board and, by
39 all means, I think we should. I just had a question in
40 regards to if that was okay or not, but obviously it
41 is.

42

43 CHAIRMAN LOHSE: Gloria.

44

45 MS. STICKWAN: What if this group, the
46 subcommittee that is formed, is so controversial that
47 they don't come to an agreement on a proposal, what are
48 we going to do then?

49

50 CHAIRMAN LOHSE: Gloria, we'd be right

1 where we are right now. To me, I look at this, this is
2 totally different than the way this Council has ever
3 operated. This Council has never brought proposals.
4 This Council has acted on proposals that the user
5 groups have brought to us. So basically what this
6 subcommittee is asking is that we have a stakeholders
7 committee to come up with proposals to present to us
8 and then we are to present the proposal to the Board.
9 That's going to be a total different action than we
10 have taken because we have always dealt with proposals
11 that have come to us from the stakeholders or the users
12 and then acted on those proposals. At that time all
13 participants have the opportunity to present their side
14 of the case. Then we've always tried to make our
15 decision based on what we've heard and the best
16 information that's been able to be gathered to a
17 specific proposal.

18
19 So this is something we have to think
20 about as a Council. This is a step in a different
21 direction if we go this way or if we decide to accept
22 this draft or not change this draft. It's something to
23 think about. It is different, Jerry. I was trying to
24 remember how many proposals this Council has brought
25 forward that hadn't been -- we've modified a lot of
26 proposals, but always the proposals have come to us
27 from someplace else. I can't remember off the top of
28 my head where we've actually made a proposal. I may be
29 wrong on that.

30
31 We've even turned down proposals
32 because the makers haven't bothered to show up to even
33 give us any information. We've basically said in the
34 past this is to meet the needs of people who are
35 involved and are interested enough to bring something
36 to our attention. With that, that would kind of answer
37 what you were asking before, Gloria. If we make this
38 stakeholders committee and they don't bring a proposal
39 to us that we can then bring to the Board, then we're
40 right where we are right now. Anyone can put a
41 proposal in and they can do that even if we have this
42 stakeholders. But anyone can put a proposal in and
43 then we will have to act on the proposal with the best
44 knowledge that comes before us. Am I correct on that,
45 Jerry?

46
47 MR. BERG: Yes, that's correct. I
48 guess it could be that the stakeholder subcommittee
49 could forward some sort of a recommended proposal to
50 the Council for you to consider and forward on if you

1 so chose to do that.

2

3

CHAIRMAN LOHSE: Doug.

4

5 MR. BLOSSOM: Mr. Chairman, you said it
6 all. At the first meeting I attended I said that's our
7 job is to act on proposals, not make them. I think
8 that the audience out there can put all their proposals
9 in to us and we can look through and we can act on them
10 and I think that's the proper way to go. I don't think
11 we should be making proposals. We act on what the
12 community wants and there's plenty of people out there
13 that can submit these proposals to us and we don't need
14 to take three years to do it. At the next fishery
15 meeting we could act on the proposals and submit them
16 to the Council.

17

18 I'm just listening to Donald there.
19 He's already got 20 people that have signed up that
20 want to get in there and start arguing and I don't see
21 a big argument taking place. I think we've got some
22 subsistence people that have a need and if they have
23 C&T finding and the proposals come in for what they
24 want, we'll look at it and see if it's fair and then
25 we'll act on it.

26

27

CHAIRMAN LOHSE: Thank you, Doug.

28

29

30 MR. KOMPKOFF: Mr. Chairman. I have a
31 question for Jerry. Because of the controversial issue
32 that's being presented, you're recommending to us that
33 this committee be formed, is that correct, because the
34 issues are so great and so many stakeholders that are
35 involved?

35

36

37 MR. BERG: Mr. Chair, Pete. The
38 request came from the Federal Subsistence Board after
39 they made their C&T determination. They made a request
40 that the Southcentral Council establish a stakeholder
41 subcommittee that would get people that are interested
42 in the fishery down on the Kenai together to talk about
43 what kind of fisheries should be proposed and come
44 forward. I don't think it necessarily has to be the
45 Council that forwards the proposal. If the Council
46 says, okay, the subcommittee report recommends a
47 certain proposal for a certain river, I think the
48 Council can recommend that that proposal be forwarded
49 through. It can come from an individual, it can come
50 from anybody. It doesn't have to come from the
51 Council.

1 We do have other Councils throughout
2 the state that do submit proposals, but I think you may
3 be right. I can't remember seeing one from the
4 Southcentral Council before. That doesn't necessarily
5 mean that that proposal has to come from the Council.
6 It can come from an individual, an organization or
7 whatever. I do think it will be a good process to get
8 more people involved with the issue and discuss what
9 might be the right pathway to go down and get some
10 issues on the table and let people talk about it.

11

12 Mr. Chair.

13

14 MR. KOMPKOFF: If I understand you
15 correctly then, you're basically eliminating us from
16 the process if they go directly to the Federal Board.

17

18 CHAIRMAN LOHSE: Jerry.

19

20 MR. BERG: No. The subcommittee would
21 definitely report back to the Council and it would be
22 up to the Council whether you wanted to adopt the
23 proposal and forward it on to the Board as a Council or
24 not. You could recommend to the subcommittee that they
25 forward the proposal through another user group. It
26 would be up to the Council to decide what you would
27 like to do with the report from the subcommittee.

28

29 CHAIRMAN LOHSE: Tom.

30

31 MR. CARPENTER: I guess just one
32 comment. I like to kind of defer sometimes to the
33 people that live in the regions and I hear what Greg
34 and Doug are saying. Just one comment for you guys to
35 consider is that when I was down in Juneau at that
36 meeting with Pete in January I spent a little time
37 talking with the two representatives from the Southeast
38 RAC that were participating. One of the things we were
39 talking about was the Southeast deer subcommittee that
40 they had. The way it sounded to me, and I don't know
41 if it's as controversial or as hyped as this issue is,
42 but it appeared to me that had been a lingering problem
43 in Southeast for a long time. Until this subcommittee
44 was formed and they hashed it out with the user groups
45 involved, it didn't seem to go anywhere, even from the
46 RAC's perspective to the Board. It just kind of
47 lingered and there was no resolution. Just from what
48 it sounds like to me, it sounds like there's a more
49 cohesive agreement that was established through this
50 working group.

1 I'd hate to see this Kenai Peninsula,
2 because it is such a different kind of situation with
3 such a large area and similar size towns and only some
4 of them recognized with C&T, I'd hate to have it turn
5 into a 10-year controversy that could potentially be
6 diffused with some kind of a resolution quite easily.
7 So not saying we should do this or not, but just
8 something for everybody to consider while they're
9 thinking about this.

10

11 CHAIRMAN LOHSE: Greg.

12

13 MR. ENCELEWSKI: Mr. Chairman. I'm not
14 exactly sure where to start here. Ninilchik Natives I
15 know have had proposals before us for about five years
16 now to the Council for fisheries proposals and others
17 that are still not acted on. Like we say, anyone can
18 submit these proposals and a lot of these are
19 controversial.

20

21 There is a letter that is written from
22 Ivan Encelewski, my son, executive director of the
23 council, that takes about this issue and some of the
24 controversial stuff and I think this RAC is more than
25 capable of making those decisions. If it could
26 streamline and people could work on it, you know, and
27 more input helps, but I think that's why we have this
28 Regional Advisory Board. We're a very diverse group.
29 I, myself, am a commercial fisherman, I'm a Council
30 Member, I'm also a subsistence user. We've got people
31 from all over, they bring proposals to us, we talk, we
32 got to meetings.

33

34 I see this thing totally getting out of
35 hand with a subcommittee with special interest groups
36 on it. At some point I would request, Mr. Chairman,
37 either I step down and read the letter from the Council
38 or ask Donald to read it to me.

39

40 Thank you.

41

42 CHAIRMAN LOHSE: Ann, I have a question
43 for you. It's in regard to what Tom asked before. If
44 this is a subcommittee of the Council, we can't
45 recommend to that subcommittee to submit a proposal on
46 their own, can we?

47

48 MS. WILKINSON: Mr. Chairman. No. Any
49 work that is done by that subcommittee comes to the
50 Council, belongs to the Council. If you decide to

1 support recommendations they have made to you, then
2 those recommendations become your recommendations. If
3 you decide not to support those recommendations, they
4 go away. If someone from an organization who was
5 participating decides that one of those ideas you
6 decided not to support is still a good idea, certainly
7 they can take that idea to their organization and write
8 a proposal and submit it, but it would not be in any
9 way connected with this subcommittee.

10

11 CHAIRMAN LOHSE: Right. That was kind
12 of my impression, too. If somebody took the work of
13 that Stakeholders Subcommittee if it existed and
14 submitted a proposal that the Council didn't support,
15 they would not be submitting it as a member of the
16 Stakeholders Subcommittee, they would be submitting it
17 as an individual. Okay.

18

19 Ann.

20

21 MS. WILKINSON: Thank you. I just
22 wanted to say one other thing. I just want to make
23 sure you understand that when the Board spoke about
24 forming this subcommittee, that obligates you to form
25 the subcommittee. That's all I wanted to make clear.

26

27 CHAIRMAN LOHSE: Tom.

28

29 MR. CARPENTER: That was one thing I
30 was curious about. I've been on a few other
31 subcommittees that had been requested through the Board
32 of Game and I was curious if the rules were the same.
33 I guess one other question in regards to this. I mean
34 I hear Doug and Greg's concerns and I somewhat feel the
35 same way. I'm looking at this timeline and I'm looking
36 at all the agency people that are going to be involved.
37 Was there ever any consideration given to instead of
38 just having two of these RAC meetings a year having a
39 third one next year at a certain point in the year to
40 where there would only be a meeting dealing with these
41 issues, that proposals would only be accepted dealing
42 with this issue? Which would basically allow the
43 public forum to take place. It would also allow this
44 Council to make a recommendation to the Federal Board
45 in regards to those proposals, but only dealing with
46 proposals involving this project.

47

48 I mean was that ever a consideration?

49

50 MR. BERG: Mr. Chair. Tom, I don't

1 think that was ever specifically addressed. You're
2 suggesting that the Council could have a separate
3 meeting to address fishery proposals on the Kenai
4 instead of the subcommittee. Is that what you're
5 suggesting?

6
7 MR. CARPENTER: Right. I'm trying to
8 -- my idea is to fulfill what the Board is asking this
9 Council to do, allowing the people that are the
10 stakeholders with these issues to participate, but
11 trying to also incorporate some of the concerns the
12 Council Members have in this region in regards to the
13 process and how we get there. It just seems to me,
14 with the time frame we have, we only have two meetings
15 a year, if there are concerns I don't see why a call
16 for proposals couldn't go out that only deal with the
17 issues that the Federal Board is asking us to deal with
18 and that those proposals be brought, analyzed and dealt
19 with by this Council at a specific meeting for that
20 somewhere on the Kenai Peninsula. Just an observation.

21
22 CHAIRMAN LOHSE: Any comments on that,
23 Jerry?

24
25 MR. BERG: I think it's an interesting
26 idea. It was not discussed by the Board. As Ann
27 stated, if the Board requests the Council to establish
28 a subcommittee, she stated that you're obligated to
29 have that subcommittee. I'm not sure where that would
30 leave us. It really wasn't discussed by the Board, so
31 it wasn't under consideration at the Board meeting.

32
33 CHAIRMAN LOHSE: Thank you, Jerry.
34 Doug.

35
36 MR. BLOSSOM: Mr. Chairman, Mr. Berg.
37 I guess Ann just answered the thing. We have to have
38 the subcommittee. So I want to amend this draft that
39 the subcommittee meet and process and come before --
40 the fall meeting is fisheries, right? And come before
41 the fall meeting of this Advisory Council with their
42 proposal. Along with that, we will get proposals from
43 all the individuals like we're supposed to and October
44 or so we will act on it. If we've got to have this,
45 let's have it. That's fine. Let's not waste any more
46 time on that, but let's do it. Let's not horse around.
47 That gives the subcommittee all summer to come up with
48 what they want and bring it to us in the fall at the
49 fisheries meeting and then we'll submit it to the
50 Board. That's what I'd like to amend this draft to be.

1 CHAIRMAN LOHSE: Keep that in mind,
2 Doug, because we're going to have to get to -- as has
3 been pointed out, we have been charged to have the
4 subcommittee. The next thing we're going to do is go
5 through this draft and see how or where we want to
6 modify it. At that time would be the time to look at
7 that.

8

9 Pete, you had something to share with
10 us?

11

12 MR. PROBASCO: Mr. Chair. Hopefully
13 what I have to offer will help a little bit. As I look
14 around the table here and I go back to my history, I
15 look at individuals that have dealt with issues on the
16 Kenai Peninsula and how controversial it's been. I
17 also recognized that when the Board discussed this
18 issue they looked back at where they were successful in
19 dealing with a similar controversial issue and that was
20 the Unit 2 deer planning issue where you had different
21 users trying to reach a resolution and how to address
22 subsistence on Prince of Wales Island. It took some
23 time, it was difficult at the start, but the results
24 speak for themselves. They were able to deal with that
25 issue for Unit 2 deer planning in a subcommittee
26 process and come up with resolutions that were
27 presented to the Board, modified and a resolution
28 reached.

29

30 The Board is going down that same path
31 I would say because of that success and also
32 recognizing the controversial issues, the large number
33 of users involved in the Kenai Peninsula fisheries, to
34 provide an opportunity for that input for the Council
35 to review and then forward whatever this Council feels
36 is appropriate to the Board. It's still your product
37 that goes forward to the Board. It is not the
38 subcommittee's. I think that's important to
39 understand.

40

41 In speaking to Mr. Blossom's comment on
42 trying to do this for the summer, a lot of us are
43 fishermen and we look at the users that are on this
44 list. I think we have to put into consideration is it
45 reasonable to try to get this group together in the
46 summer, a very busy time, and try to find time that
47 will allow them to adequately look at the issues,
48 research the information and then bring a proposal or
49 recommendations to this Board.

50

1 Mr. Chair.

2

3 CHAIRMAN LOHSE: Thank you, Pete. Any
4 questions for Pete. I have a question for you, so
5 don't run off. Pete, even if this Council has a
6 subcommittee report and it comes up with a proposal
7 that they're willing to support, this does not preclude
8 in the same meeting that that proposal is brought
9 before the Board for others to submit even
10 contradictory proposals to the Council's proposal, does
11 it?

12

13 MR. PROBASCO: Mr. Chair. That's
14 correct. Nothing in this process would prevent other
15 proposals either from members of that group or even
16 outside the group that's observing the process to
17 submit proposals. They still would have to come
18 through the Council process and then go from there to
19 the Board.

20

21 Mr. Chair.

22

23 CHAIRMAN LOHSE: If I understood
24 correctly what the Board was looking at here, and you
25 can correct me if I'm wrong, I think the Board was
26 basically going to hold off acting on any other
27 proposals until this subcommittee met and came up with
28 some recommendations and that was the direction that I
29 felt I was getting from the Board. Is that the same
30 that you had?

31

32 MR. PROBASCO: Mr. Chairman. That is
33 my understanding as well. Proposals will be deferred
34 dealing with Kenai Peninsula, Kasilof and the upper
35 areas of Kenai until this subcommittee's work is done
36 and this Council gets to review that work.

37

38 Mr. Chair.

39

40 CHAIRMAN LOHSE: Correct me if I'm
41 wrong, but I believe they have the authority to do that
42 deferring until their recommendation that a Stakeholder
43 Subcommittee review it has been done.

44

45 MR. PROBASCO: That's correct, Mr.
46 Chair. The Board does have that authority to take an
47 issue and defer for information gathering, whatever the
48 reason may be.

49

50 Mr. Chair.

1 CHAIRMAN LOHSE: Tom. Darrel, would
2 you like to say something, too?

3
4 MR. WILLIAMS: Yes, sir.

5
6 MR. CARPENTER: I'll go ahead and let
7 Darrel speak, but I was just going to suggest that I
8 think we have direction here from Staff and we have
9 direction from the Board and I think as soon as the
10 public comments I think the Council should move along,
11 look at what's been suggested by Staff and see if we
12 need to modify, make corrections to the amount of
13 participants or the timeline.

14
15 CHAIRMAN LOHSE: Thank you, Tom.
16 Darrel.

17
18 MR. WILLIAMS: Mr. Chairman, Members of
19 the Council. There's one other issue here that I think
20 would address some of these issues. There is a 60-day
21 period after the Federal Subsistence Board makes their
22 determination where you can put in a motion for
23 reconsideration. Ninilchik Traditional Council
24 presently is putting in that motion for
25 reconsideration. So the process hasn't been exhausted
26 yet to put this in place, to actually make this
27 formation of the subcommittee. The process still needs
28 to be done. Those are the Federal guidelines that say
29 it has to be done. We need to have the opportunity to
30 exhaust the process, to continue with the process,
31 other than everybody changing their minds halfway
32 through it and saying, well, it's going to be up to
33 somebody else. We have the right to the process and
34 we'd like to see that done.

35
36 Thank you.

37
38 CHAIRMAN LOHSE: Darrel, can you
39 correct me if I'm wrong. You've put in a motion for
40 reconsideration on their C&T determination, not on the
41 subcommittee.

42
43 MR. WILLIAMS: That's correct, Mr.
44 Chair. Part of the C&T determination is the interim
45 determination, the actual part of the process of
46 forming subcommittees, so Federal users cannot -- they
47 have to go through a subcommittee to bring a proposal
48 to the Board.

49
50 I'll just kind of let the cat out of

1 the bag. Our attorney, David Case, is working on this.
2 This is something that is going to be addressed. It
3 has to be. As far as a Federally recognized Indian
4 Tribe, we expect to see this process exhausted. Now,
5 if we form a subcommittee here before that process is
6 exhausted, I'm not sure where that's going to leave us.
7 I think it's going to propose a very big problem.

8

9 CHAIRMAN LOHSE: Darrel, can I ask
10 another question then. I'll put you on the spot in
11 asking this question.

12

13 MR. WILLIAMS: Yes, sir.

14

15 CHAIRMAN LOHSE: This subcommittee is
16 only as valid as -- it only has validity if it has all
17 members of the stakeholders involved in the
18 subcommittee process. At this point in time, would
19 Ninilchik take part in this stakeholders process?

20

21 MR. WILLIAMS: At this point in time
22 Ninilchik would like to be included; however, they will
23 not waive any rights as a Federally recognized Indian
24 Tribe. We expect to be addressed as an independent
25 government and it will have to be a government to
26 government negotiation.

27

28 I'm sorry, Mr. Chair, but that's the
29 answer.

30

31 CHAIRMAN LOHSE: I'm not very good at
32 legalese, so basically what you're saying is that if
33 the stakeholder process did go forward, that you would
34 take part in it without waiving any of your other
35 rights.

36

37 MR. WILLIAMS: We would be involved
38 without waiving any rights and the same thing, as a
39 government to government relationship. That's
40 something that we would like to see happen. The
41 problem is, is it hasn't happened in the past. What we
42 see is we see subsistence being put secondary to sport
43 use, which is something I really didn't want to go
44 into, but when we start talking about the high use on
45 the Kenai Peninsula for fishing, especially freshwater
46 fishing, we're talking about sport fishing. Now, when
47 subsistence has to sit secondary to sport fishing, I
48 don't think that works very well and I think everybody
49 needs to consider that real well.

50

1 Honestly, yes, the tribe is trying to
2 have the motion for reconsideration. We're hoping that
3 the Federal Subsistence Board will recognize it and
4 take it seriously. Until that process is done, I don't
5 see how this decision can be made.

6
7 CHAIRMAN LOHSE: Tom, do you have a
8 question.

9
10 MR. CARPENTER: I just have a comment
11 or maybe a question for Darrel. Maybe I misunderstand
12 you, but, personally, I don't see how the public
13 process is not being allowed to go forward. The reason
14 I say that is that this subcommittee will not even be
15 formed until next October, so I believe that the 60-day
16 cooling off period, if you want to call it that, that
17 the Board has the option of reconsidering the action
18 that they took earlier would be exhausted by then.

19
20 The second thing is, even if a proposal
21 from a standing committee or a subcommittee, I believe
22 that that proposal would be actually included in the
23 book that was available to the Southcentral Council so
24 that the public would either have the ability to
25 comment on the proposal that was coming back to this
26 Council for consideration for forwarding to the full
27 Board or they would have the ability to submit a
28 contradictory proposal challenging what the
29 subcommittee came up with. So I think the process is
30 still there. If I'm not clear or not correct on that,
31 please tell me so.

32
33 MR. WILLIAMS: Mr. Chair, Mr.
34 Carpenter. I'm not going to make that decision either.
35 That's why we have it going through a different
36 process. From what we understand, we don't believe
37 this has been taken care of yet. It's not done. If we
38 get notification that our motion for reconsideration
39 will be denied, that's where we're going to be.
40 However, in the meantime, if we start making decisions
41 about this C&T determination when it can still be
42 changed in any fashion, through a motion for
43 reconsideration, I think it's going to be pretty hard
44 to set up a subcommittee to address these issues when
45 the issues may change before the subcommittee can do
46 anything about it.

47
48 I don't know what's going to happen on
49 this, honestly, so I thought I would bring it to your
50 attention. It needs to be out on the table so

1 everybody understands that there are some other issues
2 here. It's not cut and dried. You know, being
3 mandated to form a subcommittee to look at things, the
4 same thing, that's your decision and you need to
5 address that and take it seriously. I'm really glad
6 that you are, but there are some other things that are
7 in place too. I probably should have said something
8 about it in my testimony, but I kind of thought
9 everybody knew. Apparently they didn't.

10

11 CHAIRMAN LOHSE: Thank you, Darrel. I
12 think what Tom was pointing out was that in the time
13 period it will take to even get this -- I mean if we
14 look at the schedule and it just gets started, by the
15 time decisions are made for who is going to be on the
16 subcommittee, that's about a year down the road, so
17 there's quite a bit of time for the other process to
18 see if it works or doesn't work before the subcommittee
19 is actually active.

20

21 MR. WILLIAMS: Yes, Mr. Chair. Part of
22 what I'm going by when I'm thinking of this is, yes, it
23 probably will be a long process. However, when
24 Ninilchik Traditional Council has had to litigate these
25 issues before because our proposals are generally
26 deferred or denied and we've had to go to court to have
27 these addressed, for instance for the moose proposal,
28 it's a long, drawn out, expensive process. So even if
29 we put the stakeholder group out for a year, chances
30 are it probably still won't be resolved within a year's
31 time. It's precarious and I thought it might be a good
32 idea to think about some of those other issues too and
33 allowing us to continue with the actual process that's
34 in place before you change the process for the future.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN LOHSE: Thank you, Darrel.

39 Jerry.

40

41 MR. BERG: Thank you, Mr. Chair. Just
42 to try and clarify it a little bit. On an RFR, request
43 for reconsideration, if somebody submits an RFR on any
44 decision the Board makes, then they have 60 days to do
45 that, which is what he was referring to, but the
46 decision that the Board made was on the C&T
47 determination, so they can request a reconsideration of
48 the C&T determination that was made. The Stakeholder
49 Subcommittee was an administrative request that the
50 Board made of the Council. It's not part of the C&T

1 determination. So the Stakeholder Subcommittee process
2 would go forward and address the current C&T. Now, if
3 the RFR were successful and the C&T was changed, then
4 the Stakeholder Subcommittee would address whatever
5 existing C&T determination is made.

6
7 The Stakeholder Subcommittee is only
8 going to address seasons, harvest limits and bag
9 limits. It's not going to address the C&T issue, so
10 that's really a separate issue and would not be delayed
11 even if there were a successful RFR.

12
13 CHAIRMAN LOHSE: Thank you, Jerry. I
14 had one more question I was going to ask Darrel, if I
15 may. Darrel, that request for reconsideration wouldn't
16 be to throw out what's already to be done, it would be
17 to expand it, wouldn't it, pretty much? It basically
18 would throw out what's done by expanding it to include
19 what was in the original request.

20
21 MR. WILLIAMS: Mr. Chair. It may very
22 well do that. One of the other issues that hasn't come
23 up is that there is also a proposal that was deferred
24 for methods and means. I think that's where some of
25 the confusion is coming up about, do we really have C&T
26 or do we really not have C&T. If I go out this weekend
27 and cut a hole in the ice in Tustumena Lake and take
28 every fish out of there for subsistence use, is that
29 okay because we haven't determined methods and means.
30 That's what the stakeholder group is put together for.
31 Now, when they put together the stakeholder group to
32 determine methods and means, does that mean that the
33 proposal that we have deferred goes away? I don't
34 know. I don't have the answer.

35
36 CHAIRMAN LOHSE: I don't have the
37 answer to that either. In the request for
38 reconsideration, that dealt with the C&T process,
39 right?

40
41 MR. WILLIAMS: Yes, sir.

42
43 CHAIRMAN LOHSE: So their request is
44 probably to expand it to the original request.

45
46 MR. WILLIAMS: My understanding, Mr.
47 Chair, is that is part of it. The other part of it is
48 addressing the actual process. So what's going to
49 happen when that's all done, I could guess but I don't
50 know.

1 CHAIRMAN LOHSE: Thank you, Darrel.
2 Doug, did you have a question for Darrel.

3
4 MR. BLOSSOM: Mr. Chairman. I'd like
5 Pete to come back up a minute. The reason I have a
6 question for you, Pete, is I understand now we have to
7 have the subcommittee, so that's fine. I'll go along
8 with that. I just can't understand why it's going to
9 take so long. You just said it would, so tell me why.

10
11 MR. PROBASCO: Mr. Chair, Mr. Blossom.
12 I guess I would go back to what you and I have been
13 through in our past on Kenai Peninsula issues and
14 trying to meet the Board of Fisheries' request in
15 trying to do something in the summer with these user
16 groups. It was very difficult because of their
17 personal activities, be it commercial, sport, personal
18 use, whatever it is, to get these people to meet during
19 those months of the summer. So, consequently, we found
20 it was more successful to meet outside of their
21 activities.

22
23 Mr. Chair, I have another comment on
24 deferred proposals.

25
26 CHAIRMAN LOHSE: Thank you, Pete. Do
27 you have more questions for Pete, Doug.

28
29 MR. BLOSSOM: Yeah, I guess the follow
30 up is I think that the population that's going to be
31 involved is more there in the summer than any other
32 time. Winter time on the Kenai a whole lot of these
33 people that are interested are gone and I think that if
34 we started now and Mr. Berg and the others get the call
35 out, you've already got 20 names on the list, I would
36 think by May you could have 100 people that were
37 willing to serve and we don't meet again until October.
38 Why couldn't we come up with a proposal by then. We're
39 only talking about methods and means and bag limit. So
40 I don't see that as such an issue that can't be
41 discussed by everyone by October and brought before
42 this Council.

43
44 CHAIRMAN LOHSE: Pete.

45
46 MR. PROBASCO: Mr. Chair, Mr. Blossom.
47 I won't repeat myself. I'm just going by knowing what
48 it takes to get a sportfish user, sportfish guide,
49 commercial user, subsistence user and depending upon
50 what schedule we pick a date, that commercial user may

1 have an opening, that subsistence user may be involved
2 in their activity to harvest fish and there's a
3 conflict because the availability of fish is within a
4 certain window. It's not an expanded window.

5
6 Mr. Chair, under deferral proposals,
7 our process, which is the Board's process, is all
8 deferred proposals do not go away. Once that issue is
9 ready to be readdressed by the Councils and the Board,
10 we contact the proponent to see if they want that
11 proposal to continue. So deferred proposals do not go
12 away.

13
14 Mr. Chair.

15
16 CHAIRMAN LOHSE: Thank you. Jerry or
17 Pete, I've got a question and it's in regard to what
18 Doug is talking about. In the kind of time frame that
19 Doug is talking about, do you think it would be
20 possible to select members for this committee in a
21 manner that would give it some validity with the
22 stakeholders involved, to try to do it that fast?

23
24 MR. BERG: I think it would be
25 difficult to -- we're, I guess, currently trying to
26 figure out who to interview to try to find out who
27 people think should be on the subcommittee and then we
28 would come back to the Council and we would want the
29 Council to select who should be on the subcommittee.
30 So there needs to be some sort of special meetings or
31 some way for the Council to review who wants to be on
32 the subcommittee to begin with. The way it's laid out
33 in the plan is we would interview anybody interested in
34 the fisheries and see who they would recommend. The
35 one gentleman this morning said there was four people
36 he wrote down from the Anchorage AC. We would
37 interview those folks and say who would you recommend,
38 realizing that you can't have all four of you be on the
39 subcommittee. Is there somebody else that could
40 represent you on that subcommittee. Then we'd come
41 back to the Council with a summary of what everybody
42 had to say about who they thought should be on the
43 subcommittee and let the Council look at all that
44 information.

45
46 CHAIRMAN LOHSE: Jerry, correct me if
47 I'm wrong. I don't think it's a case of letting the
48 Council make that decision. I think that since this is
49 going to be a subcommittee of the Council, the Council
50 is required to make that decision. I don't know, can

1 we leave it up to Staff, can we leave it up to somebody
2 else to make the decision as to who is on the
3 subcommittee or are we required by FACA or by the
4 regulations to appoint the people to our subcommittees?
5

6 MR. BERG: Mr. Chair. I guess I'd have
7 to defer to Ann a little bit, but my understanding is
8 that the Southeast Council did defer to Staff to select
9 a subcommittee for the Unit 2 deer. That was their
10 choice. Let me defer to Ann to clarify that. But
11 before we get into that, I just wanted to clarify that
12 the process of how to deal with deferred proposals is
13 clearly defined. You can see in the middle of the
14 first page there's little bullet points. Those last
15 three bullet points clearly define how the subcommittee
16 and the Council would respond to the deferred
17 proposals. I can go into that in more detail if you
18 have questions, but it's clearly outlined in that first
19 page.

20
21 See if Ann has anything to clarify.

22
23 CHAIRMAN LOHSE: Ann.

24
25 MS. WILKINSON: Thank you. As per
26 selection of committee members, that task is generally
27 considered to be Council responsibility. However, if
28 you wanted to delegate that to the Staff or to the
29 Board, you could do that, but it is considered your
30 responsibility to take some sort of action to form the
31 committee.

32
33 CHAIRMAN LOHSE: Thank you, Ann. Any
34 questions for Ann. Doug.

35
36 MR. BLOSSOM: Mr. Chairman, Ann. I've
37 just got a comment on that. I guess if it's up to us
38 to pick who's going to be on it, I'm going to pick
39 everybody on this Council. That's good enough for me.
40 So I guess then what we should do is defer it to Staff
41 and let you do it and get it done with and bring it
42 back to us as a proposal.

43
44 CHAIRMAN LOHSE: Any comments on that
45 Ann.

46
47 MS. WILKINSON: No.

48
49 CHAIRMAN LOHSE: Okay.

50

1 MR. KESSLER: Mr. Chairman, Members of
2 the Council. I'm Steve Kessler with the Forest Service
3 and on the InterAgency Staff Committee. I was very
4 much involved in the Unit 2 deer subcommittee planning
5 process, so I can answer questions that you might have,
6 but one thing that I might just clear up is a little
7 bit about how the subcommittee members were picked.

8
9 First of all, the Council did say who
10 should be members from the Council on that
11 subcommittee. Otherwise, what they did was they said
12 here's the type of people that we want on the
13 subcommittee. We want people representing tribal
14 members, non-tribal members but from other communities
15 on Prince of Wales Island, they wanted outfitter guide
16 folks and they wanted sport hunters from non-rural
17 areas off island. So then they let Staff figure out
18 what would be the best representation. Of course, the
19 potential members were bounced informally off some of
20 the Council members, but ultimately the Staff figured
21 out who that final membership should be and a lot of
22 that has to do with just availability.

23
24 The Southeast Council did, I believe,
25 four or five meetings in about five or six months, so
26 it was very intensive and there were people that just
27 aren't able to meet that sort of schedule. So the
28 Staff had the flexibility to figure out who would be
29 the best people to do that.

30
31 CHAIRMAN LOHSE: Any questions. Thank
32 you. That makes it easier or more confusing, depending
33 on how you look at it. Justin. I saw you before and I
34 wasn't sure if you had your hand up or not.

35
36 MR. JUSTIN: Thank you. Good morning,
37 Council Members. I wanted to weigh in on a discussion
38 for a couple reasons. My name is Wilson Justin. I'm
39 here for Cheesh-Na Tribal Council and Mt. Sanford
40 Tribal Consortium. The primary reason that I wanted to
41 weigh in on the discussion is because I think this
42 issue sets a bad precedent and I think there's been
43 elements of that discussion throughout the entire time
44 that I've been here listening in.

45
46 I want to remind the Council that -- or
47 I should state for the record first Cheesh-Na Tribal
48 Council and Mt. Sandford does not oppose the Federal
49 Subsistence Board's request for a work group to look at
50 the issue in those particular regions. We do oppose

1 this particular proposal and we will continue to oppose
2 any proposal that is drafted up by Staff under any
3 conditions. There is no possible way to make a Staff-
4 driven proposal coincide with a public process. They
5 conflict with each other.

6
7 I would also add that Cheesh-Na Tribal
8 Council, a Federally recognized tribe, has its own
9 means and obligation to deal with the Federal
10 government on behalf of its constituents. The shortest
11 way to say this is that Federally recognized tribal
12 councils have been one of the main driving forces and
13 underpinnings of the SRAC throughout the state. We
14 provide much of the momentum, much of what you would
15 call expert discussions and articulation of issues, but
16 it's all volunteer. We're not compelled to be here.

17
18 I would say if Cheesh-Na asked me for a
19 recommendation on this kind of a process where these
20 Federal agencies and Staff members are beginning to
21 subsume the original mission and goals of the SRAC,
22 then I would ask that our tribal council withdraw from
23 participation. It is that serious and it is that kind
24 of an issue. I will stop there for questions.

25
26 Thank you, Mr. Chair.

27
28 CHAIRMAN LOHSE: Thank you. Questions.
29 Gloria.

30
31 MS. STICKWAN: Is he talking about this
32 draft proposal, this policy? Is that what you're
33 talking about?

34
35 MR. JUSTIN: Yes, this particular
36 proposal.

37
38 MS. STICKWAN: Is it a draft policy?

39
40 CHAIRMAN LOHSE: It's not a policy.
41 It's a draft plan for accomplishing what the Board
42 asked this Council to do. It's not a policy, it's not
43 a regulation. It's a draft plan to be presented to us
44 as a Council and we can change any or all parts of it
45 except the charge. The charge came from the Board.
46 This is what they asked us to do. If we think there
47 could be a different way to accomplish this, we could
48 modify this plan. This plan was put together by a
49 working group that included me because in order to try
50 to meet this charge we had to come up with a fair and

1 equitable way to do this over time. I have to disagree
2 with Doug. I don't think this can be done over a
3 summer, but maybe it could be.

4
5 It's going to be interesting to me to
6 see if there's any Council Members. That's why I asked
7 Darrel whether Ninilchik was going to sit in on this.
8 This stakeholders group is only as good as the
9 stakeholders that are willing to participate in it. If
10 Ninilchik doesn't want to participate in it as the
11 people with the C&T, the stakeholders process is
12 totally ineffective. If no member of this Council
13 wants to sit on it, this stakeholders group can't go
14 farther forward because this is only applicable if the
15 stakeholders in this process think this is valuable.

16
17 It is not a proposal, it is not a
18 regulation, it is just a tentative plan on how to
19 accomplish what was asked by the Board. I can
20 understand your concerns on it, too, Justin, because it
21 is a different process than we've gone through before
22 as a Council.

23
24 MR. JUSTIN: If I might add. The
25 primary reason why tribal councils participate in this
26 process with you is that you are directed and
27 completely responsible for the process as it were in
28 terms of not only the success or forwarding of
29 proposals. We don't object to who gives you proposals,
30 but we do object to this Council saying that a
31 subcommittee will start making determinations and pre-
32 determinations of substantial issues outside of the
33 public arena. We don't think you can give up that
34 authority. You may be directed to establish a work
35 group, but in our estimation a committee must be
36 authorized by resolution. A work group can be
37 designated by the chair or a working member of this
38 group.

39
40 CHAIRMAN LOHSE: You're right on that.
41 That is one of the things that is going to be in front
42 of this Council, whether we will pass a resolution to
43 accept this draft plan. If this Council doesn't pass
44 that kind of resolution, this draft plan doesn't go any
45 farther. That's the action this Council has to take.
46 It has to take the action to either accept it, to
47 modify it and to participate in it, despite the fact
48 that we've been charged to do it. That's what you're
49 talking about, isn't it?

50

1 MR. JUSTIN: Absolutely. And I would
2 add that I don't have substantial issues in the charge
3 that you've been given, but there are substantial
4 governmental issues in the way the charge was given to
5 you to carry out. That's a fine line that's hard to
6 understand unless you're a Federally recognized tribal
7 council like Cheesh-Na that has an operating memorandum
8 of agreement, a legal instrument, with the National
9 Park Service and the Bureau of Land Management and
10 several other agencies. This kind of process
11 substantially undermines those kind of activities in a
12 legal sense and I wanted to make it very clear as a
13 part of my testimony that's our primary concern.
14

15 CHAIRMAN LOHSE: Any questions. Dean.
16

17 MR. WILSON: Wilson, you're not opposed
18 to the subcommittee starting initially because of the
19 way that they handed this down to us. You're main
20 opposition is the Staff is getting too involved with
21 proposal making and this could start a precedent for
22 the future that could lead into other areas.
23

24 MR. JUSTIN: Absolutely. Correct. The
25 precedent I'm speaking about is the Staff leading the
26 proposal-making issues in terms of subcommittee. The
27 kind of information that's developed by Staff, which
28 is, as you can see, these proposals in here are for the
29 most part well written and, for the most part, Federal
30 Staff does an exemplary job, but I don't think they
31 have any place in the process leading to committees or
32 activities that are regarding committees that are
33 involved in the possibility of making proposals.
34 That's strictly a function in my estimation of not only
35 the public but also a legal function of tribal
36 councils.
37

38 MS. STICKWAN: I have a question.
39

40 CHAIRMAN LOHSE: Gloria.
41

42 MS. STICKWAN: Wilson, and then I have
43 another question for whoever. I have two questions.
44

45 CHAIRMAN LOHSE: You're more than
46 welcome.
47

48 MS. STICKWAN: Wilson, are you opposed
49 to a work group?
50

1 MR. JUSTIN: No.

2

3 MS. STICKWAN: My second question is
4 how long is this standing committee going to be? Is it
5 going to be forever or is it just temporary?

6

7 CHAIRMAN LOHSE: Gloria, the way the
8 draft plan is written, the standing committee stands
9 until it accomplishes what it's set out to accomplish,
10 which basically they're looking at anywhere from a year
11 to two years. Does that answer your question?

12

13 MS. STICKWAN: I guess I'm just
14 concerned about this process that we're going through
15 because any time there's going to be a controversial
16 issue we have to form a committee. All you have to do
17 is look in our region. We have a controversy there in
18 our fisheries and if we're going to start forming
19 committees to address these proposals, why did they
20 form the Southcentral Advisory Council. This Council
21 has been changed to have different membership on this
22 process. Why are we inventing another subcommittee to
23 address these proposals. I'm concerned about the
24 process. I would think that a temporary working group
25 would be a better way to deal with this than to have a
26 standing committee. I mean a working group is just
27 temporary in my mind. Standing committees could be a
28 lot longer and I don't know. That's what I think.

29

30 CHAIRMAN LOHSE: When we get to
31 discussing this draft plan as a Council, those are the
32 kinds of things that have to come forward at that time
33 and we have to make decisions as to how we want to
34 address the draft plan in front of us. If I understand
35 Justin right, what you were saying is that what you see
36 is out of this, instead of the proposals coming from,
37 like you said, private parties, interested parties,
38 tribal councils, things like that, that we could start
39 generating proposals this way and that's where your
40 objection comes.

41

42 MR. JUSTIN: I have two objections and
43 maybe I wasn't very clear. One of the objections is
44 the fact that the wording in the Staff's discussion of
45 this proposal, which concerns me deeply, there's a
46 certain amount of veto power in the process, meaning
47 that the Federal Subsistence Board will not consider
48 any proposals from that particular area until this is
49 resolved. That's extortionate. I don't see that as
50 furthering any issue in terms of community activities

1 legally or otherwise. So that I have a strong
2 objection to.

3
4 The other objection we have in terms of
5 a tribal council's point of view is that this kind of a
6 precedent is not unknown where you give a group the
7 authority to put something together and they exceed
8 their charter before they have a right to charter. The
9 charter for this particular proposal was never
10 discussed anywhere in terms of broad public
11 participation.

12
13 I knew about the decision by the
14 Federal Subsistence Board to ask for this particular
15 activity and it never crossed my mind that a committee
16 would be the end result. I thought it would be a work
17 group as Gloria said. You put together stakeholders on
18 a temporary basis to discuss the issue and form a
19 platform, a consensus agenda, and then proceed. But
20 this is not what this proposal is about and that
21 concerns me greatly.

22
23 CHAIRMAN LOHSE: Any questions.

24
25 MR. ENCELEWSKI: I'd just like to make
26 a comment. I agree with you, Justin, and I thank you
27 for your wisdom and your testimony. I too want to
28 state there is a letter here from our tribal council on
29 the controversy of issues. There's many issues that
30 are very controversial. If we are to form a
31 subcommittee, like Gloria said, every time we have a
32 controversial issue, we're not going to accomplish
33 anything. I think there are better ways to achieve
34 that and I think we've been picked and selected and the
35 process is there. I don't see how this could be
36 mandated to be honest with you.

37
38 Thank you.

39
40 CHAIRMAN LOHSE: Thank you. Any other
41 questions for Wilson. Thank you muchly. Bill, I've
42 taken quite a bit of authority here on the Council, but
43 I want everybody to talk before we get down to
44 discussing it ourselves. So, if you have a comment,
45 we'd appreciate hearing it.

46
47 MR. STOCKWELL: Thank you, Mr. Chair.
48 Bill Stockwell. Just a couple comments. I agree with
49 a lot of the things that people are saying, that they
50 have problems with this process. I've also thought

1 about some of them in the same manner. They're talking
2 about deferred proposals. Cooper Landing turned in
3 fisheries proposals three or four times and they're
4 always deferred. They never got to you and never got
5 in the book. So that has been going on and it's been
6 going on for quite a while and it's gone on with other
7 proposals from other people, people in Ninilchik and so
8 on. So this is not something new.

9
10 Just back to something Mr. Blossom was
11 talking about, putting together something this summer.
12 I'm an old, retired guy. I'm supposed to have all the
13 time in the world and I don't really feel like sitting
14 around all summer and talking about these issues. It
15 would be a very intense process and would take up a
16 great amount of time and I doubt if we could put
17 together a product out of that and I doubt if there's
18 enough people on this Council who want to sit there all
19 summer and do it to make a product that would be
20 worthwhile. If you're going to do that, you might as
21 well forget the whole process and take proposals in the
22 fall like Mr. Blossom says.

23
24 If you're going to do the stakeholder
25 process and make it some kind of a working group, or
26 whatever you want to call it, that's going to bring
27 back something that the public can look at and you can
28 look at and feel that it was work that was done
29 properly, it's going to take time. I would ask you, if
30 you're going to do it, do it properly. If you're not
31 going to do it, that's fine with me. I'm really not
32 impressed with the whole process either.

33
34 Thank you.

35
36 CHAIRMAN LOHSE: Thank you, Bill. I
37 agree with you there and that's the choice that's
38 facing this Council. We either don't do it or we do it
39 right. We have both those choices as a Council.

40
41 MS. STICKWAN: We don't have a choice.
42 We have to do it. That's what I heard.

43
44 CHAIRMAN LOHSE: Gloria, we have to
45 consider this draft plan. How the Council reacts to
46 this draft plan and who wants to sit on it is still
47 this Council's choice. If we don't, they're going to
48 come back with a different kind of charge for us.
49 They're going to have to. This is going to be the
50 Council's subcommittee and how we deal with it, we're

1 going to have to deal with it as a Council and that's
2 going to be part of it.

3

4 I saw somebody else that had a comment
5 to make on this. We can be charged, but somebody has
6 to be willing to do it.

7

8 MR. KESSLER: Mr. Chairman. Steve
9 Kessler again. One thing that I think might be
10 instructive is to understand, again, for the Unit 2
11 deer and what the Southeast Council did. The
12 subcommittee, after having met, put together a report
13 with 20 actions, 20 proposed actions, which some of
14 those had to do with regulatory actions and a lot of
15 them weren't regulatory in any way. Their report then
16 came to the Council. The Council looked at that report
17 and said we agree with all of these actions and we want
18 to make those our own except for one and that was an
19 action that was regulatory in nature and had to do with
20 Federal closures in Unit 2. So they actually modified
21 that action. So they took what the subcommittee did,
22 changed it and then adopted the plan now as their own.

23

24

25 So the subcommittee did the work, it
26 came to the Council, the Council modified it to meet
27 what the Council's expectations were, they now have
28 adopted that as their own for submittal to the Federal
29 Subsistence Board. So I guess what I'm trying to say
30 is that the subcommittee is like a work group, it does
31 the work for the Council, the Council looks at it, if
32 they don't agree with it, they modify it and the final
33 report is the Council's, not the subcommittee's
34 anymore.

35

36 CHAIRMAN LOHSE: Thank you. Any
37 questions.

38

39

40 MR. STUBBS: Mr. Chairman, Members of
41 the Council. My name is Zach Stubbs and I'm very
42 fortunate in the fact that I get to spend about 100
43 days a year down on these streams, so I'd consider
44 myself to be a stakeholder. As I listen to you guys
45 talk, I can't help but wonder what harm will come from
46 this. If you get people together that want to speak
47 about it and they present you with the final product,
48 you can still shoot it down.

48

49

49 Mr. Blossom I hear saying this is what
50 you guys do and I just don't see the problem with this

1 going forward when you can say no in the end. I don't
2 see any harm coming from that. I don't know how long
3 the process is that the public gets to speak to you
4 guys, but I doubt there's enough time to address this
5 issue. I think that that's why they asked you guys to
6 come up with something like this. It was far too
7 controversial and it was taking up too much time. This
8 way you can get all the people together to hash it out
9 and you guys can turn it down or accept it.

10

11 I don't think the group is trying to
12 steal the glory of this. You guys get to put your name
13 on it, go forward with it if you want and if you don't,
14 then don't. I really don't see the harm if this goes
15 forward.

16

17 Thank you.

18

19 CHAIRMAN LOHSE: Thank you, Zach.
20 Would you do me a favor. Would you go back and fill
21 out one of these green slips and give it to Donald.

22

23 Okay. Does anybody have any more
24 questions before we take a break and sit down and start
25 discussing this as a Council.

26

27 Jerry.

28

29 MR. BERG: Thank you, Mr. Chair. I
30 just wanted to comment on a couple of things that have
31 come up. One in regards to whether there needs to be a
32 special subcommittee because it's a controversial
33 issue. There are other controversial issues and I
34 agree with that. I think this one in particular the
35 Board saw it as having a high potential for being
36 extraordinarily controversial, so they wanted to try to
37 get people to work together to help work through the
38 process a little quicker.

39

40 I know, Mr. Chair, you've sat through
41 many Board meetings and you've heard that Unit 2 deer
42 issue discussed by the Board for many years. Then once
43 they got this subcommittee together and they worked on
44 it, they did come up with some consensus on it, so I
45 think that is a success story where this process did
46 work.

47

48 Whether you call this a subcommittee or
49 a work group, that's just a term that the Board needs
50 to use through FACA requirements. It's just like the

1 gentleman said, it's a platform for people to get
2 together and discuss things. It is being aired through
3 the public process. That's what this meeting is, a
4 public meeting, and all these subcommittee meetings
5 that come out as a result will also be open to the
6 public for people to participate in. Of course, when
7 the report comes back to the Council, that will also be
8 a public meeting. So I just wanted to comment on some
9 of those issues.

10

11 Thank you, Mr. Chair.

12

13 CHAIRMAN LOHSE: Thank you, Jerry.
14 Some of those things I was going to get to as we got
15 into our discussion. One of the things that nobody has
16 brought up is the fact that one of the requests in this
17 draft plan that we put together was that we had a
18 facilitator. I don't know how many people have worked
19 with a facilitator before, but I've sat on committees
20 where very strongly opposing sides that had very little
21 in common with the use of a facilitator actually
22 learned to talk to each other and, in talking to each
23 other, found a common grounds or consensus.

24

25 I think that that's what we were
26 looking for here, is to come up with some way so that
27 everybody could see the other person's side. That's
28 why I figured if it's going to be done, it's going to
29 take time. I agree with what somebody else just said.
30 If we're going to do it, we either need to do it right
31 or we don't need to do it at all. Doug.

32

33 MR. BLOSSOM: Mr. Chairman. I didn't
34 mean to run off. I didn't get the young fellow's name,
35 but I'd like to respond to him. I would like to think
36 that your proposal would be as good as someone else's
37 and that's my problem. I think the public needs to
38 bring the proposals before us and we need to look
39 through them all and act on them. What I see happening
40 here is what the Board of Fish fell into. They have
41 this consensus thing with a subcommittee and it really
42 eliminates a lot of the people that have good ideas and
43 that's my problem with this. I would like to consider
44 your proposal as important as his. You can't do that
45 when this process takes place like it's going to happen
46 and I don't think that's right. I don't think that's
47 what our job is.

48

49 CHAIRMAN LOHSE: Thank you, Doug. I'd
50 like to introduce somebody before we take our break.

1 We have with us right now Jennifer Thompson. She is
2 the assistant to Drue Pearce, our senior state advisor
3 to the Secretary of the Interior. This is Jennifer.
4 Do you have anything you'd like to say to us?
5

6 MS. THOMPSON: Mr. Chair, Council
7 Members and the public. I am here representing Drue
8 today and I'm just pleased to be able to come and
9 listen to some of the public comments and some of your
10 comments on these important issues that you have before
11 you today. So thank you.
12

13 CHAIRMAN LOHSE: Thank you, Jennifer.
14 Anybody have any questions for Jennifer. If you sit
15 down in that chair, you're open for questions. Thank
16 you.
17

18 Okay. Let's take a five-minute break.
19

20 MS. STICKWAN: I have a question.
21

22 CHAIRMAN LOHSE: Gloria.
23

24 MS. STICKWAN: If there's a lawsuit, is
25 this going to stop the process if somebody's bringing a
26 lawsuit to the Federal Subsistence Board? Is that
27 going to stop the process or are we just going to go
28 forward?
29

30 CHAIRMAN LOHSE: This won't stop any
31 process. And we don't know what we're going to do on
32 this yet. That's the whole thing. As a Council, we're
33 going to consider this draft plan. We're either going
34 to accept it, modify it, reject it or come up with
35 something else ourself. That's our responsibility at
36 this point in time, if I am correct in understanding
37 what our responsibility is. I pretty well covered the
38 four bases that I can think of. So that's what we're
39 going to do after our break.
40

41 (Off record)
42

43 (On record)
44

45 CHAIRMAN LOHSE: Okay. At this time
46 I'd like to call us back in session after our break. I
47 don't see Gloria here. She's still out. I'd like to
48 wait until she gets back before deliberating. What I'd
49 like to request the Council's permission to do, there
50 is a letter from Ninilchik that I'd like to have read

1 into the record and read to all of us. I spoke with
2 Bill Knauer a little bit over the break as to how this
3 has worked in other parts of the state in other issues
4 and I'd like him to address some of the concerns that
5 we've brought up. Then what I would like to do is I
6 would like to break for lunch and after we've all had
7 time to chew on this over lunch we can sit down as a
8 Council and begin deliberations on it if that's
9 acceptable to the rest of the Council.

10

11 (Pause)

12

13 CHAIRMAN LOHSE: Gloria is here now.
14 Darrel, do you want to read this into the record.

15

16 MR. WILLIAMS: Thank you, Mr. Chair.
17 This is a letter from Ninilchik Traditional Council
18 from the executive director. This is the official
19 letter I talked about during my testimony. I'll read
20 through it here to get it on the record. It starts
21 regarding WP06-68. Dear Honorable Chairman Lohse,
22 Ninilchik Traditional Council is a sponsor of the
23 Proposal WP06-68, formerly named WP05-07. Ninilchik
24 (NTC) has also previously submitted a freshwater fish
25 proposal as well as previous proposals for moose
26 hunting in our area.

27

28 First and foremost we want to express
29 our sincere appreciation to you Mr. Chairman, and the
30 Council, for the support and credibility that you have
31 afforded our proposals. In our view, this issue before
32 you has been debated, studied, and reviewed to death.

33

34 NTC objects to the process in which
35 this proposal now comes again before the Southcentral
36 Regional Advisory Council, as well as the method in
37 which our fish proposal was handled by the Federal
38 Subsistence Board. Ninilchik proposals seem to come at
39 the forefront of controversy, as I am sure you are well
40 aware. NTC has even had to go to court in the past to
41 obtain "a meaningful preference" as mandated in section
42 804 of ANILCA. Unfortunately, we find ourselves again
43 in this situation regarding our fish proposal.

44

45 It was noted at the recent Federal
46 Subsistence Board meeting that the Kenai Peninsula is
47 the most controversial areas in the state, and a
48 comment was made by Solicitor Goltz to create a
49 separate council for the Kenai Peninsula area. It is
50 the fiduciary responsibility of the Federal Subsistence

1 Board to act in due diligence according to Federal law
2 in carrying out the congressional mandate of Section
3 804 of ANILCA. Controversy is prevalent in every
4 aspect of life; from politics, law, to competing
5 interest groups.

6
7 Disparate treatment of proposals based
8 upon whether they are controversial or not isn't the
9 proper way to determine usage for subsistence users.
10 There is no scientific data or ecological reports
11 demonstrating that the Kenai Peninsula is an area of
12 extraordinary scientific concern, merely the fact that
13 there is highest level of competing interest groups in
14 the state with limited resources. Henceforth,
15 controversy develops in how to allocate those
16 resources. However, ANILCA makes it perfectly clear on
17 how to allocate resources of subsistence users in rural
18 communities; a meaningful preference must be provided.

19
20 To this date, we have expended
21 thousands of dollars fighting for subsistence rights
22 for the rural community of Ninilchik, Native and non-
23 Native. We can no longer afford to spend tens of
24 thousands of dollars, exert exhaustive physical,
25 spiritual and emotional energy, in order to get
26 community members to meetings to provide testimony
27 repeatedly. More concerning is the fact that public
28 testimony does not seem to be given the weight it
29 deserves in decisions by the Federal Subsistence Board
30 . We completely stand by the prior extensive public
31 testimony of the numerous people who have testified in
32 favor of this proposal.

33
34 On a similar subject to this proposal
35 (WP06-68), Ninilchik Traditional Council's freshwater
36 fish proposal has been ongoing for more than half a
37 decade, in which a sponsor has even passed away. Now
38 this moose proposal comes again before you. Will we
39 see the Federal mandate for a subsistence preference or
40 will it be our grandchildren and great-grandchildren,
41 if any at all? We have the consensus of the State and
42 Office of Subsistence Management supporting this
43 proposal and there should be little need for exhaustive
44 debate.

45
46 In regards to the freshwater fish
47 proposal, which is germane to WP06-68, we find concerns
48 with the process in which the Federal Subsistence Board
49 handled it. In this case, a questioned survey by the
50 State was given extreme credibility, assisted by the

1 fact that a Ph.D. was involved. NTC resource
2 management staff are just as extremely well qualified.
3 We believe proposals should not be weighted to give
4 additional credibility to those who happen to hold
5 doctorate degrees. NTC has never attempted to bolster
6 our case with the qualifications of NTC staff.

7
8 In addition, we have a grave concern
9 over the strategy and implementation of the State
10 survey, which is being used against us. NTC surveys,
11 which were Federally grant funded, seem to contradict
12 the assertion that Ninilchik residents did not
13 customarily and traditionally use freshwater fish in
14 the Kenai drainage. The fact of the matter is that
15 fresher and closer resources were available is simply
16 not true. Grayling and many freshwater fish do not
17 exist anywhere near Ninilchik. The rivers in the
18 Ninilchik simply do not sustain many freshwater fish
19 other than salmon, especially in the winter.

20
21 The Federal Subsistence Board has
22 announced to the State and to the public that they have
23 begun the process to create a subsistence priority for
24 freshwater fish on the Kasilof drainage for Ninilchik
25 residents. This may sound positive, yet it really is
26 just the beginning of a potential process which does
27 not guarantee Ninilchik residents anything. This also
28 does not address the Kenai drainage. This proposal
29 needed to be voted up or down. C&T has been granted
30 for proposals in which only one person testified.

31
32 It was also noted that Stakeholder
33 Subcommittees have worked well in the past. It seems
34 strange to NTC that it was expressed that this is the
35 most controversial area in the state, while at the same
36 time assuming that everyone is going to sit down, agree
37 and work regulations out. Let's not be naive. There
38 will be substantial controversy when you get all the
39 stakeholders to work this out in such a controversial
40 area and we can't forget over 10 years ago.

41
42 The Federal Subsistence Board process
43 is essentially a big stakeholder subcommittee group.
44 You have people making proposals, and anyone can
45 testify, provide information, et cetera. Everyone has
46 the opportunity for input and all stakeholders can be
47 involved. It's the job of the Federal Subsistence
48 Board to weigh the evidence, viability, potential
49 impacts, Regional Advisory Council recommendations, et
50 cetera. and render a decision in order to provide a

1 required Federal meaningful preference. Essential
2 deferral of our proposal once again does not, in our
3 view, meet this requirement.

4
5 In closing, we stand by the extensive
6 public testimony in support of our proposals and thank
7 you for your time and consideration. We commend you
8 for your work and efforts. Sincerely, Ivan Encelewski,
9 NTC Executive Director.

10
11 Thank you.

12
13 CHAIRMAN LOHSE: Thank you, Darrel.
14 We're going to come back at 1:30 if that's okay with
15 the rest of the Council. Bill, would you explain some
16 of the things that you were telling me over the recess.

17
18 MR. KNAUER: Mr. Chairman. Regional
19 Councils around the state and the Board have supported
20 and participated in local management planning efforts
21 with great success. The Seward Peninsula Muskox
22 Planning Group, the Koyukuk River Moose Management
23 Group, Mentasta Caribou Planning. Of course, you've
24 heard recently of the Unit 2 deer planning effort. In
25 most of these cases they have been a State sponsored
26 group whereby the Federal and the Councils have
27 supported and been participants. But, in all cases,
28 there have been forums for local users of varying
29 mindsets and disciplines to come together at a common
30 forum and learn what the issues were, what the biology
31 was and to express themselves, the differences and find
32 out what the common ground was.

33
34 In all these cases, where there was an
35 ongoing planning effort, the Councils with the Board
36 approval chose to defer proposals until those planning
37 efforts were finished to avoid precluding or
38 superseding actions or recommendations that those
39 working groups might put forward. In general, they
40 have been very successful because when groups come to
41 consensus and understand each other through
42 communication, there is both better understanding and
43 empowerment and better buy-in for the results.

44 Kenai, you've heard, is a very
45 controversial area and is very unique in that it is the
46 only National Wildlife Refuge that does not have
47 subsistence identified as a specific purpose for that
48 refuge. In fact, it is the only refuge where it is
49 identified that fish and wildlife oriented recreation
50 is a congressionally mandated purpose of the refuge.

1 So that does add a level of complexability and provides
2 further reasoning for including all stakeholders at a
3 table of discussion.

4
5 Thank you.

6
7 CHAIRMAN LOHSE: Thank you, Bill. Any
8 other questions for Bill. Tom.

9
10 MR. CARPENTER: Bill, that's
11 interesting. Was that a negotiated agreement when they
12 made the refuge that that criteria was put on it?

13
14 MR. KNAUER: Mr. Chairman, Mr.
15 Carpenter. That appears in Section 303 or 304 of
16 ANILCA. When ANILCA was passed, all the Alaska refuges
17 that were in existence or newly established or expanded
18 had a list of purposes identified for them, specific
19 purposes, irrespective of what some of the original
20 purposes were. In all of the refuges, the opportunity
21 for subsistence was a specifically identified purpose
22 except for Kenai. How it came about, I don't know.

23
24 CHAIRMAN LOHSE: Gloria.

25
26 MS. STICKWAN: I guess the area we're
27 talking about I'm not really familiar with. I guess
28 the refuge covers Ninilchik. Does it cover the four
29 communities?

30
31 CHAIRMAN LOHSE: Gloria, it doesn't
32 cover Ninilchik, but it's the area that we're talking
33 about as used by Ninilchik. Ninilchik is actually in a
34 State area and has no Federal lands surrounding it, but
35 the Kasilof River drainage goes into that National
36 Wildlife Refuge right there.

37
38 MR. KNAUER: On your map it would be
39 the pink area.

40
41 MS. STICKWAN: I don't understand what
42 he says when he says that it is congressional. I
43 didn't get your wording. What do you mean it doesn't
44 have subsistence uses? ANILCA doesn't apply, 804
45 doesn't apply to it? I don't understand.

46
47 MR. KNAUER: No. What I'm saying is
48 that subsistence was not an identified purpose of the
49 refuge; however, fish and wildlife oriented recreation
50 is. So that means that they have to be balanced with

1 Title VIII. The fish and wildlife oriented recreation
2 have to be taken into consideration along with Title
3 VIII, the subsistence priority. So it's not a
4 situation where we can just dismiss the non-subsistence
5 use.

6
7 CHAIRMAN LOHSE: I think, if I'm
8 understanding right what you're saying, Bill, is that
9 in the definition on the formation of the refuge, one
10 of the priorities for the refuge was recreational use.

11
12 MR. KNAUER: That is correct.

13
14 CHAIRMAN LOHSE: And they didn't put
15 subsistence as an identifiable purpose for that refuge,
16 but subsistence, because it's on Federal land under
17 ANILCA, is a priority on all Federal land.

18
19 MR. KNAUER: Right.

20
21 MR. KOMPKOFF: That was my question.
22 ANILCA identifies and makes a point that subsistence
23 users are taken into consideration and a traditional
24 council should make those proposals for subsistence
25 use, the amount, the time. We set that as traditional
26 councils. That was mandated by the Federal government.
27 So, in that process of what you're describing it,
28 you're saying that's not included?

29
30 MR. KNAUER: Mr. Chairman, Mr.
31 Kompkoff. No, I'm not saying that's not included. I'm
32 saying because of the emphasis for Kenai for fish and
33 wildlife oriented recreation, these other groups also
34 should be included and considered, not that the
35 subsistence users should be lessened, but there should
36 be discussion among all.

37
38 CHAIRMAN LOHSE: I think, if I
39 understood you right, Bill, what you're saying is this
40 is the only refuge that states that as a priority, so
41 the two of them are combined.

42
43 MR. KNAUER: That is correct.

44
45 MR. KOMPKOFF: Mr. Chairman.

46
47 CHAIRMAN LOHSE: Yes, Pete.

48
49 MR. KOMPKOFF: If I can ask Heather to
50 step forward and maybe clarify something for me on that

1 point. Would you do that, Heather.

2

3 MS. KENDELL-MILLER: Hi. Heather
4 Kendell-Miller. What would you like me to address.

5

6 MR. KOMPKOFF: That portion on the
7 traditional councils making proposals and the amount of
8 usage and time of fisheries or hunting.

9

10 MS. KENDELL-MILLER: From what I follow
11 from the conversation here and the point that was just
12 made about the fact that the Kenai Refuge has as one of
13 its purposes recreational fish and game, that does not
14 in any way undermine the fact that Title VIII impresses
15 upon all Federal public lands a subsistence priority.
16 That priority, nonetheless, is a priority over other
17 such uses when the resource is not sufficient to
18 provide enough for all. So subsistence continues to be
19 the primary purpose for which the refuge has to be and
20 for what your obligation as a Regional Advisory Council
21 in terms of making decisions with respect to
22 subsistence uses. It's the authority to make such
23 decisions continues to vest with this body. That's my
24 understanding of ANILCA and of the governing
25 regulations.

26

27 MR. KOMPKOFF: Thank you.

28

29 CHAIRMAN LOHSE: Bill, I don't think
30 you were disagreeing with that. You were just saying
31 that there was an additional priority that was stronger
32 there than it was in other places.

33

34 MR. KNAUER: That is correct. Also, I
35 might point out that this draft plan you'll discuss
36 after lunch did go before the Board in a work session
37 and was reviewed by them. Also, as we were discussing
38 during the break, any proposals coming from this
39 Council as a result of the work group, subcommittee,
40 whatever you want to call it, it's all semantics, it's
41 a temporary group serving one purpose for a limited
42 period of time. They would go through the normal
43 proposal process, which means they come in, they get
44 published in a booklet that goes out for thorough
45 public review, they're analyzed by Staff, the public
46 has an opportunity to comment on them, they come back
47 before this Council, they're presented just like the
48 proposals that you've dealt with before with a Staff
49 analysis, public comment, comment by the State, a
50 summary of written testimony and deliberation by the

1 Council, then the recommendation of the Council is
2 taken before the Board in their annual fisheries
3 meeting and goes through the process there. So the
4 public is fully involved throughout the process.

5
6 CHAIRMAN LOHSE: Thank you, Bill.
7 Gloria.

8
9 MS. STICKWAN: Since recreational is a
10 part of the refuge, does that mean then you'd have to
11 include recreational members into this subcommittee,
12 whatever it's called?

13
14 CHAIRMAN LOHSE: I think that was the
15 reasoning behind it, because it's a multiple-use area
16 that's specifically laid out. That was the reason
17 behind why you want to include as broad a diverse group
18 of people to work together on it, if I understood
19 correctly.

20
21 MS. STICKWAN: I guess I don't
22 understand what recreational is. How is that defined?

23
24 CHAIRMAN LOHSE: Recreational in this
25 case would be sport fishing and I think sport hunting
26 too, but I'm not positive on that.

27
28 MS. STICKWAN: Could you answer my
29 question?

30
31 MR. KNAUER: The State does separate
32 fishing into sport fishing and subsistence and personal
33 use and commercial, so that would include groups other
34 than subsistence users, but we need to remember in the
35 Kenai/Soldotna area there are a large number of people
36 who, because they're in a non-rural area don't qualify
37 for subsistence but have traditionally used the
38 resource in a manner that we would normally consider
39 subsistence. So the idea is to be inclusive, to bring
40 all parties to a forum to provide them the opportunity
41 to express their views and understand the process and
42 come to an understanding and recommendation of what all
43 feels would be best for the resource and the user.

44
45 CHAIRMAN LOHSE: Yes, Gloria.

46
47 MS. STICKWAN: In the past, when other
48 Councils formed a subcommittee, was it made of all --
49 what's going to be made -- what is proposed to be made
50 up here? Is it that same process?

1 CHAIRMAN LOHSE: Bill.

2

3 MR. KNAUER: Mr. Chairman, Ms.
4 Stickwan. The only other group that I'm real familiar
5 with that was a subcommittee of a Council was the Unit
6 2 Deer Planning Group. The others were generally
7 sponsored by either a local entity or the Alaska
8 Department of Fish and Game with the Regional Council
9 and the Board supporting and participating. They did
10 include other users. For large mammals like moose and
11 caribou and muskox, it included guides and non-
12 subsistence hunters and others that were interested and
13 users of the resource.

14

15 CHAIRMAN LOHSE: Dean.

16

17 MR. WILSON: Bill, this subcommittee or
18 work group that we're talking about here, their charge
19 is to be crafting recommendations which could be moved
20 into proposals. These other committees and
21 subcommittees you're talking about, how many of those
22 are actually putting in proposals as a committee or as
23 a work group or is this something they were just
24 discussing things and coming out with ideas or were
25 they actually making proposals for it?

26

27 MR. KNAUER: It has varied. Some of
28 them have actually submitted proposals. In fact, we
29 have I think two proposals this year from the Seward
30 Peninsula Muskox Management Group where they're
31 submitting regulatory proposals. In other cases,
32 proposals that have been submitted by individual
33 members or local people have been reviewed by the
34 working group and they come in with a recommendation
35 that this follows the management plan that they
36 developed or the recommendations or it doesn't. So
37 it's been a mixed bag. Some working groups have not
38 submitted proposals. Some have ceased when a
39 management plan has been developed for their area and
40 then disbanded. Others continue to operate.

41

42 CHAIRMAN LOHSE: Okay. If nobody has
43 any other questions for Bill, I think we're going to
44 recess for lunch and we'll try to get started back here
45 at 1:30.

46

47 (Off record)

48

49 (On record)

50

1 CHAIRMAN LOHSE: There's an advantage
2 to being Chair. You've got your microphone in front of
3 you and nobody can stop you from saying something if
4 you want to. I'm going to put a plug in for a friend
5 of mine. Actually, I'm going to give you all the
6 opportunity to have a very enjoyable educational
7 experience tonight if you'd like to take part in it.
8 It's free and it's open to the public. It's sponsored
9 by the Alaska Society of Outdoor and Nature
10 Photographers and it's at 7:00 at the Anchorage Art and
11 History Museum, which is at 7th and A Street. Milo,
12 who is sitting in the back row there from Cordova, who
13 spent part of the last two years in Tibet taking
14 pictures of animals, is going to be presenting a
15 program there tonight on China's Tibetan plateau. If
16 you go there, look at it. You'll enjoy it. I
17 guarantee it. We've done it twice in Cordova. So go
18 tonight to the Anchorage Art and History Museum at 7:00
19 and see some photographs from Tibet. And I won't tell
20 you how much he paid me to tell you that.

21
22 (Laughter)

23
24 MR. BURCHAM: Thanks, Ralph.

25
26 CHAIRMAN LOHSE: He didn't pay me
27 anything. Now, let's get back to where we were. I'll
28 call this meeting of the Southcentral Alaska
29 Subsistence Regional Advisory Council back in session.
30 We're missing Pete, I see. Donald, go give him a
31 wake-up call.

32
33 Okay. We've pretty well heard from
34 everybody. Now we have this in front of us, we really
35 should have a motion on the table so that we have
36 something to discuss. We can either make the motion to
37 accept it and then go from there or we can make a
38 motion to not accept that we've made motions in the
39 negative or whatever, but in order to discuss this we
40 need a motion on the table.

41
42 Greg.

43
44 MR. ENCELEWSKI: Mr. Chairman. I'll
45 attempt to make a motion. It may need a little
46 wordsmithing. My motion is basically to reject the
47 draft plan presented before us for the following
48 reasons. One, I don't think it meets the intent of
49 ANILCA. You have, two, non-subsistence users setting
50 means, methods and bag limits for subsistence. Three,

1 I think the RAC is in place to make those decisions
2 through the public process through the Advisory and on
3 to the Federal. Further in that motion I would call
4 for fish proposals to be in by the October meeting and
5 to go through the Southcentral Advisory Committee here
6 as a whole with the public to make comments on and that
7 we would make decisions on them and pass them on to the
8 Federal Board.

9

10 CHAIRMAN LOHSE: So, if I understand
11 you right, Greg, it's to reject the draft plan and call
12 for fish proposals by the fall meeting.

13

14 MR. ENCELEWSKI: That's correct, Mr.
15 Chair.

16

17 CHAIRMAN LOHSE: Do I hear a second.

18

19 MR. BLOSSOM: Second.

20

21 CHAIRMAN LOHSE: It's been moved and
22 seconded. Now it's on the table for discussion.

23

24 Tom.

25

26 MR. CARPENTER: Mr. Chair. Thank you.
27 I had a little discussion with Jerry, you know, at
28 lunch. I think there's a general idea we want to
29 achieve the goal that the Board has asked us to do. I
30 think the feeling among the Council Members, at least
31 as I understand it, is that they would rather have the
32 entire Council make the decision instead of having a
33 working group. Maybe one of the problems is that the
34 fisheries proposals are due at the end of this month
35 for the next cycle. The process that Greg has laid out
36 may be able to work but it may not be able to work this
37 next cycle because the deadline is in two weeks. I
38 don't know if that gives the general public, after we
39 make a determination of how we're going to do this,
40 enough time to come up with proposals. There may be
41 ways around that. Maybe Jerry would like to say
42 something about that.

43

44 CHAIRMAN LOHSE: Thank you, Tom. I was
45 going to ask Greg a question if I may. Greg, when you
46 were calling for proposals, were you calling for the
47 proposals that are already on the books that are
48 deferred?

49

50 MR. ENCELEWSKI: No. I'm calling for

1 all and any proposals.

2

3 CHAIRMAN LOHSE: But that would include
4 the proposals that are on the books that are deferred.

5

6 MR. ENCELEWSKI: Correct.

7

8 CHAIRMAN LOHSE: Dean.

9

10 MR. WILSON: I've got a question for
11 Greg. I'm not that familiar with the Kenai area and
12 this whole thing. I do know that's a real rats nest as
13 far as this whole thing goes. I'm a little confused, I
14 guess. I see where we're coming from as far as not
15 wanting decisions to be made other than with this
16 Council and not forming a subcommittee so they're not
17 directing us in any given way. I guess in a way we're
18 a subcommittee ourselves, so we're going to make a
19 subcommittee of a subcommittee. A lot of our proposals
20 are rejected anyhow.

21

22 A lot of us just don't have the time to
23 listen to all the public testimony to come forward.
24 We're looking at a lot of different people that have
25 already signed up for this and it could get more. I
26 know for those of us that are on the Council now it's a
27 full volunteer deal. So if we're going to be listening
28 to days of testimony like we did in Kluti Kaah last
29 year, we barely got a quorum to listen to them and I
30 just don't know that we've got the time to turn around
31 and listen to days of testimony from the different
32 people in the RAC and the different RAC's and user
33 groups down there. And if we have anybody on the
34 Council that's interested in being a part of that.

35

36 So that's why I thought this committee
37 that they're talking about would be for getting all
38 that taken care of because we don't have the people
39 that could get together and form a quorum to listen to
40 them and come up with something. I thought they were
41 just strictly coming up with a group that would make
42 recommendations. We could take it or leave it and then
43 we pass our information on.

44

45 CHAIRMAN LOHSE: Greg.

46

47 MR. ENCELEWSKI: Mr. Chairman and Dean.
48 The first part of my motion was I don't feel it meets
49 the intent of ANILCA and I don't feel non-subsistence
50 users should be making all the decisions necessarily

1 for the subsistence use areas. First of all on the
2 Kenai there for the subsistence user areas is you know
3 you've got Ninilchik, Seldovia and Port Graham south of
4 the Kasilof there and I don't think it's going to be
5 near as controversial as some of you say. There's
6 going to be subsistence use for a limited amount. I
7 fully don't feel that we're meeting the intent by
8 assigning another subcommittee of our committee. Who
9 knows where it's going to end. That's the way I see
10 it.

11

12

CHAIRMAN LOHSE: Gloria.

13

14

MS. STICKWAN: I just want to reiterate
15 what ANILCA said. We were given a responsibility to
16 make regulations on bag limits and regulations that
17 affect subsistence. That was what ANILCA says. So
18 this committee that could be formed is going to have a
19 very large influence on -- when they're discussing
20 this, they're going to be talking about these proposals
21 and we will not be involved in that discussion. We
22 will not know everything that is being said and I think
23 it's very important that this influence that could be
24 brought before us could sway people here.

25

26

I mean we're making decisions and we're
27 not being involved in it and that's what I object to.
28 Even though they say later on we can talk about it, we
29 will not be there at the table with these people
30 discussing proposals. It will come back to us
31 afterwards and that's what I object to.

32

33

We have a duty and responsibility to
34 make these regulations and the Federal Subsistence
35 Board should comply with ANILCA. Why are we
36 duplicating a process that's already in place. We have
37 half the Council members here commercial and sport
38 users. You look at the list of names and who's a sport
39 user and who's a commercial user. Half of this Council
40 is made up of those people and there's six subsistence
41 users. So we have a process right now and I don't see
42 why we have to duplicate this. It's just using
43 government money to form a subcommittee that we were
44 formed to do. I mean this is what our responsibility
45 is under ANILCA and I don't understand why we have to
46 have another subcommittee.

47

48

I can appreciate the fact that the
49 Federal Subsistence Board sees this as a way to work
50 through a controversial issue, but I still see this as

1 us giving up our authority in the discussions of the
2 proposals. I don't want to be hearing things second
3 hand on a proposal that I have nothing to say about
4 even though it's in my area. I still want to be there
5 involved in the discussions. I'm not saying I want to
6 be on the subcommittee, I'm just saying the process
7 that's already set up should be followed.

8

9 CHAIRMAN LOHSE: Thank you, Gloria.
10 Pete.

11

12 MR. KOMPKOFF: I'm sorry for being
13 late. Is there a motion on the floor?

14

15 CHAIRMAN LOHSE: Yes, Pete, there is a
16 motion on the floor. There's a motion to reject the
17 draft plan and call for fish proposals for the October
18 meeting.

19

20 MR. KOMPKOFF: Okay. Thank you.

21

22 CHAIRMAN LOHSE: Dean.

23

24 MR. WILSON: I guess the only concern
25 that I have with it is a time constraint. I know we
26 had a meeting at Kluti Kaah last year where we brought
27 a lot of people in for testimony and that was just a
28 microcosm of what this could become. I don't have the
29 time. I know many of you don't either and that's the
30 only thing I'm bringing up.

31

32 By the same token, I'd like to make
33 sure everybody gets heard and I don't want to be
34 shutting them out necessarily, whether we vote for them
35 or against it. I want to make sure they get heard. I
36 don't see where a workshop could take that authority
37 away as long as they're heard.

38

39 I know it can get heated at times and I
40 don't want to be involved with regulating that. If
41 it's a heated debate between different people and you
42 have a person that's a regulator or whatever it's
43 called that can run the meeting, I can see where that
44 would help.

45

46 I guess I don't understand why we
47 wouldn't want that. I don't want this to turn into a
48 huge thing. Like we were talking earlier, we'd have to
49 meet again for another three days or whatever. This
50 can go on and on and I'd like it done quicker, of

1 course. That's all I have to say.

2

3 CHAIRMAN LOHSE: Pete.

4

5 MR. KOMPKOFF: If there was to be
6 another meeting held, what part of the year would that
7 be.

8

9 CHAIRMAN LOHSE: Pete, I don't think we
10 can answer that yet because we haven't decided to have
11 another meeting.

12

13 Dean, in regard to what you were
14 saying, and I think if I understand Gloria correctly,
15 she feels that all sides could be heard but they should
16 be heard in this forum right here in our regular
17 meeting. Am I understanding that right, Gloria? But
18 that all sides should have the opportunity to be heard
19 here and to present their proposals.

20

21 One thing I'll tell you, when we start
22 getting on Kenai Peninsula, if we don't do preliminary
23 work ahead of time and we're going to have all sides be
24 heard here, expect some real long meetings I would
25 think. Look at how long it's taking us just to debate
26 whether or not we should have this kind of committee.
27 Now imagine we're doing the same thing on a specific
28 proposal and people with all kinds of interests come to
29 talk to us. Anyhow, that was an aside there.

30

31 Dean, in answer to your time commitment
32 and to what Gloria was saying about hearing it, one of
33 the things, if we were to accept this draft policy, one
34 of the things that has to happen is two of our Council
35 members need to commit themselves to being present at
36 these subcommittee meetings. So it doesn't take place
37 without us being there. That's where I was worried
38 about, would anybody even feel like they would be
39 willing to volunteer to be present at these meetings.
40 But we don't have that proposal on the table right now.
41 That discussion is not going to take place even in the
42 subcommittee without Council being there or at least
43 representation from this Council. Tom.

44

45 MR. CARPENTER: I thought I had a good
46 idea of what I thought would be the best way to do
47 this, but maybe I didn't. I guess maybe Jerry or
48 somebody. Do you believe that the direction the Board
49 gave us to form this working group, if we were to
50 reject that idea and decide to have a separate meeting

1 out of our normal cycle of meetings, would that satisfy
2 what the Board was striving for?

3

4 MR. BERG: Mr. Chair, Tom. I think if
5 you had a meeting that included the various user
6 groups, I think that was the intent of the Board. If
7 there was a special meeting of the Council instead of
8 the subcommittee, I think that's something we could
9 take back to the Board and see if they had any other
10 ideas or how they felt about that. I think as long as
11 you invited other user groups to the table, that was
12 the main intent of their request in my mind.

13

CHAIRMAN LOHSE: Tom.

14 MR. CARPENTER: Just follow up. The
15 main question in my mind was I was in favor just a
16 little while ago of having a separate meeting. But
17 I've sat here and thought about the different
18 positions. If we had a separate meeting in Ninilchik
19 or Kenai or somewhere for three or four days and we
20 dealt with proposals dealing with the methods, means
21 and bag limits and if we had 20 proposals before us and
22 we decided to pass four of them along to the Board, are
23 we really giving the Board what they want. We still
24 have a group of people that are going to be in
25 Ninilchik or wherever that are still not really going
26 to be getting what they want. I think the Board's
27 idea, at least in my mind now that I think about it a
28 little more, is that the only way to resolve this is to
29 have a facilitator, take the mixed bag of ideas and
30 come to a reasonable conclusion that most people could
31 live with in regard to the methods, means and bag
32 limits.

33

34 I agree with Dean. I wish that there
35 was a way to incorporate both ideas because I think
36 everybody has good points, but it will be quite
37 controversial and it will be quite long. I know from
38 myself there's no way that I'd be able to participate
39 in a meeting like that unless it was in the middle of
40 the winter. Looking around this Council most people
41 won't be able to do it unless it's in the winter. Most
42 people in Alaska earn their money between April and
43 November and I think it would be difficult to do.

44

45 CHAIRMAN LOHSE: Thank you, Tom. I'd
46 probably disagree with you if you said most people in
47 Alaska. I'd say most rural people in Alaska do, but
48 most people in Alaska today earn their living 50 weeks
49 of the year. Only a few fortunate rural people get to
50

1 earn their living in the summertime.

2

3 I would like to comment on something
4 you said, Tom, and that's the idea of having a
5 secondary meeting. I wanted to ask Jerry what would
6 happen if we go to the Board and say we reject their
7 idea of having a working group, this is what we want to
8 do. How is the Board going to react to that? I mean
9 how can they react to that? We are a volunteer group.
10 They can't fire us. What would be the response of the
11 Board?

12

13 MR. BERG: Mr. Chair. They might be
14 able to fire me. I don't know if they can fire you.

15

16 (Laughter)

17

18 MR. BERG: I'm not sure how they would
19 react. If you couldn't come up with some revisions to
20 this plan, if you could come up with some alternative
21 of how you think to best address the issues that would
22 include all the users, I think that's what they were
23 looking for. You were there, Mr. Chair, at the
24 meeting. I think they were just looking for a way to
25 get all the users together, discuss the issues and come
26 up with some sort of compromise type of solutions. If
27 the Council has some other ideas of how to do that,
28 maybe you guys could suggest an alternative method
29 other than a subcommittee.

30

31 CHAIRMAN LOHSE: That's what I think
32 I've been hearing from this Council, at least a fair
33 portion, that they feel there is an alternative way of
34 doing it. That is going to result in some long
35 meetings for us, but that alternative way is to have
36 proposals come through in the normal manner and invite
37 public participation from all sides to be present at
38 the meeting and present their sides for discussion and
39 go into deliberation and make a decision based on
40 what's presented at the meeting and then all sides have
41 the opportunity to go before the Board. What's going
42 to happen is both the Council and the Board are going
43 to have some long meetings.

44

45 I understand what they were trying to
46 do. They were trying to streamline this to the point
47 where some of that work would have been done ahead of
48 time. But if the Council rejects that, the Council is
49 stating that there is an alternative and that does give
50 everybody the chance to be heard. I don't know which

1 way this vote is going to go, but if that happens, do
2 you think that the Board can live with that or are they
3 going to have to come up with another thing to present
4 us to do.

5
6 MR. BERG: Mr. Chair. That's a tough
7 question to answer. Obviously I can't speak on behalf
8 of the Board. I think the Board is going to have to
9 respect the decision that comes from the Council. You
10 guys have given this a lot of time and discussed it and
11 I think you have to use your best judgment to do what
12 you think you can to help support the Board.

13
14 I think if you do ask for fishery
15 proposals in the fall as is in the current motion, I
16 think that could pose some other issues that would come
17 up as far as staffing because that's basically when
18 wildlife proposals are due, so that would put some
19 fishery proposals for the Kenai on top of the current
20 wildlife cycle, so you would have to have staff
21 analyzing along with wildlife proposals. What would
22 end up happening is your meeting at this time next year
23 you would have your regular wildlife proposals, which
24 you have before you today and then you would also have
25 the fishery proposals. So that would be an especially
26 long meeting if you were going to try to handle it that
27 way.

28
29 I'm just trying to understand the
30 rationale behind that would be basically to try to get
31 some regulations in place if the Board would act on
32 those at the following May meeting a year from now. I
33 guess that would be the only reason to have them take
34 those out of cycle.

35
36 CHAIRMAN LOHSE: I was under the
37 impression that what he was asking for, and the way I
38 wrote the motion down, he was calling for the fish
39 proposals to be on the meeting in the fall. Or were
40 you calling for the fish proposals to be put in by fall
41 for the next year? Greg.

42
43 MR. ENCELEWSKI: Well, I didn't get
44 real clear on that, I guess. What I was trying to do
45 exactly what you said, Jerry. I was trying to get them
46 in in time so we could move the process on. The first
47 part of my motion is to reject the draft plan for the
48 following reasons that I stated before, but my other
49 plan is to call for these proposals to come in whether
50 it's in a separate meeting of the Council. That would

1 be fine. If the timing isn't going to work and it
2 needs to be in the next spring cycle, I don't see that
3 that would be detrimental.

4
5 I'd also like to state as far as given
6 the time for everyone to make their proposals or their
7 comment, this process is an ongoing process. As I
8 stated earlier, Ninilchik has been waiting five years
9 for some of their proposals that are still in limbo.
10 This is not going to be decided overnight.

11
12 CHAIRMAN LOHSE: So you weren't calling
13 for us to deal with proposals this fall then.

14
15 MR. ENCELEWSKI: Not necessarily.

16
17 CHAIRMAN LOHSE: That's what I
18 understood in the motion and that changes things a
19 little bit. That fits your schedule better that way.
20 Tom.

21
22 MR. CARPENTER: Getting back to Greg's
23 point, if we put out a call for proposals that were
24 specific to seasons, means, methods and bag limits on
25 Federal public waters of the Kasilof drainage, waters
26 north including Kenai River, the proposals from the
27 public were due say by September 15th or sometime next
28 fall. If we were to have a special meeting in January,
29 would you have enough Staff to analyze those fisheries
30 proposals even though we have a Board meeting in
31 October on other fisheries, we'd only be dealing with
32 specific proposals that are specific to that criteria,
33 would you have enough Staff to analyze those in time
34 for January?

35
36 MR. BERG: I'm looking for Mr.
37 Probasco. It's his staff, not mine. I think the
38 easiest way would be to keep the normal regulatory
39 cycle. You could focus the call for proposals on Kenai
40 for the specific waters and you could ask that the
41 deadline be before your next Council meeting and that
42 way you would have the proposals before you at your
43 meeting next spring and you'd be aware of what those
44 proposals were, but then they would go through the
45 regular regulatory cycle where they would be analyzed
46 over the next summer and brought back to you the
47 following fall. But that still puts you on the earliest
48 timeline that's identified in the plan. It sounds like
49 what you're suggesting is a separate Council meeting in
50 January that would replace the subcommittee meetings.

1 MR. CARPENTER: I guess I'm just trying
2 to see if we can come to some kind of reasonable
3 conclusion that satisfies everybody's needs. Trying to
4 satisfy what the Board wants, also trying to satisfy
5 some of the concerns of the people that live on the
6 Peninsula, trying to keep the public involved as much
7 as possible because I think that's important. Maybe
8 the idea of when the proposals actually come back to us
9 is as much of a concern that we're the ones that are
10 making the decisions on the proposals and the general
11 public have as much participation.

12
13 I think one of the fears that some
14 people have is that if a subcommittee generates a
15 proposal with a facilitator, that that proposal is
16 going to have deference when it's presented to the
17 Board more than a proposal that comes from the general
18 public that might have as much merit. I think that's
19 the concern.

20
21 CHAIRMAN LOHSE: Dean.

22
23 MR. WILSON: That's good merit for
24 concern. Like Wilson said earlier, if we're jumping
25 out of the normal process when we start a group like
26 that, that would in turn come back and I think there's
27 going to be reason to give them more preference than
28 the average group coming in and putting in a proposal
29 to that.

30
31 Thinking about this and the
32 subcommittee, I do know I'm looking at it from a time
33 constraint, of course, but I don't want to hear days
34 and days of testimony. By the same token, anybody that
35 has any concern, whether there's a committee or not,
36 they're going to show up here and we're going to have
37 to listen to them anyhow, right?

38
39 CHAIRMAN LOHSE: Right.

40
41 MR. WILSON: So whether there's a
42 subcommittee or whatever, a work group, I think we're
43 going to hear it at the end anyhow. How much time are
44 we looking at here, Jerry, for proposals coming in? I
45 see in your draft plan you're looking at a few days
46 here and there for the committees to get together and
47 meet. What would that extend us out, a week?

48
49 CHAIRMAN LOHSE: Dean, are you asking
50 how much longer would our fall meeting last?

1 MR. WILSON: Yes.

2

3 CHAIRMAN LOHSE: Your guess is as good
4 as mine on that. It could be a real long meeting. It
5 all depended on what the public decided to do. It's
6 possible that what we would probably have to do is what
7 the Fish Board does, one year we handle Kenai, one year
8 we handle the Interior.

9

10 Pete, you were going to say something.

11

12 MR. PROBASCO: Mr. Chair. A couple
13 things. I was talking with Bill and Judy. A couple
14 points and the Council is really wrestling with it. I
15 think it boils down to the mechanics. How do we pull
16 off dealing with Kenai Peninsula subsistence fishery
17 issues.

18

19 If you recall, during the Board
20 discussion of forming this committee, the Board,
21 hearing from the State and Staff as well, revisited
22 what other Boards, i.e. the Board of Fishery, and how
23 much time they have consumed in dealing with Kenai
24 issues, those meetings are notorious. Sometimes they
25 last up to 20-plus days, but that's multiple issues.

26

27 They recognize that and they also
28 recognize there's a lot of people that have interest in
29 this Kenai Peninsula and they wanted to hear not only
30 from subsistence users but the other stakeholders as
31 well and how to facilitate that so that they could get
32 a meaningful product out of the process. The mechanics
33 of this is large and it is time consuming. This is the
34 proposal Staff presented to the Council because it
35 still is the Council's product and they want to hear
36 from the Council.

37

38 I think Mr. Lohse pointed out that in
39 order for this to be successful it also has to have
40 council member participation. So I would counsel all
41 of you to really take a hard look at the mechanics of
42 this issue and the time it would take to pull this off.

43

44 Mr. Chair.

45

46 CHAIRMAN LOHSE: Thank you, Pete.

47

48 MR. KOMPKOFF: I have a question for
49 you, Pete. If we were to take Tom's suggestion and
50 have a meeting in January to cover those issues of

1 Kenai, would that suffice?

2

3 MR. PROBASCO: Mr. Chair, Pete. I
4 think the difficulty you're going to have is you're
5 going to be conflicting with the Federal Subsistence
6 Board meeting which occurs in January, plus the
7 wildlife cycle is going on at that time as well. So
8 you start putting very important issues on top of each
9 other and your time window shrinks.

10

11 Mr. Chair.

12

13 CHAIRMAN LOHSE: Thank you, Pete. I'd
14 have to go along with you on that knowing what goes on
15 in January. I would see the only time this Council
16 would have a chance to work with fisheries issues is if
17 we put it on our regular fisheries schedule. Like I
18 said, we may have to cut that fisheries schedule up and
19 not deal with everything every year. I see too that
20 once we get started on the Kenai Peninsula ones they
21 could be long meetings.

22

23 If I understand right, Greg, your
24 motion was actually in two parts then. The first part
25 was to reject the draft plan.

26

27 MR. ENCELEWSKI: That's correct.

28

29 CHAIRMAN LOHSE: And the second part
30 was part of that motion or was just an after thing to
31 the motion, to call for proposals.

32

33 MR. ENCELEWSKI: It was part of the
34 motion.

35

36 CHAIRMAN LOHSE: It was part of the
37 motion. Okay. So it's reject the draft plan and call
38 for fish proposals.

39

40 MR. ENCELEWSKI: That's correct.

41

42 CHAIRMAN LOHSE: But there's no time
43 limit on it.

44

45 MR. ENCELEWSKI: That's correct also.

46

47 CHAIRMAN LOHSE: So we have a motion on
48 the table that our discussion should stay to and it can
49 be voted up or down. What we've done so far is that
50 we've recognized if we go along with this motion there

1 are certain other things that are going to happen
2 because of it. Either way there's going to be a lot of
3 time spent on this issue. I saw by Pete's eyes that he
4 agrees with me pretty seriously. No matter what we do,
5 this Council is going to deal with this issue and it's
6 going to take a lot of time.

7

8

Any other discussion. Tom.

9

10 MR. CARPENTER: I guess I'd make one
11 final comment. I mean I can see where this is leading
12 right now. I'm quite confident if we reject this
13 proposal that Staff brought to us that the Board is
14 going to direct this Council to hold this workshop. In
15 their eyes, this is the only way of dealing with this
16 situation. OSM only has so much staff and so much
17 money. There's a lot of good ideas here. It's a
18 convoluted problem. Maybe we could have a workshop in
19 Maui next year and we wouldn't have any participation
20 problems. I don't know.

21

22 CHAIRMAN LOHSE: I'd like to ask one
23 question as the Chair because I'm the one that's going
24 to get put on the spot by this. It would affect how I
25 would vote on this one. If we accepted the draft plan,
26 would I have any volunteers that would be the two
27 Council members to sit in on the workshop? Greg.

28

29 MR. ENCELEWSKI: I couldn't answer that
30 until we vote on this motion.

31

32 CHAIRMAN LOHSE: Very good point.
33 Doug.

34

35 MR. BLOSSOM: If you're looking at me,
36 the answer is no. I will sit and work for days and
37 months on it if we all work on it, but I don't believe
38 in rules by committee. I believe we're put here to all
39 participate. So I'll work my rear end off, but I want
40 everybody to know what's going on. I don't want this
41 one or two members pushing the rest of the Council to
42 do something.

43

44 CHAIRMAN LOHSE: Dean.

45

46 MR. WILSON: If we did start a work
47 group or committee, do we think we're going to speed it
48 up that much. Either way they're going to come to us
49 and hear proposal by proposal and we're going to have
50 to debate it after Staff reviews it anyway. With that

1 in mind, I don't feel we're going to go anywhere with
2 that committee.

3

4 CHAIRMAN LOHSE: Jerry.

5

6 MR. BERG: I just want to clarify with
7 Greg on the motion. The motion is to reject the draft
8 plan and come out with a call for proposals. Since we
9 come out with a call for proposals every year on an
10 annual basis anyway, your motion would be to reject the
11 plan and go through the normal regulatory process and
12 have proposals come in next year through the normal
13 process.

14

15 MR. ENCELEWSKI: Yeah, that's correct.
16 I believe that's what I think should be done. I have
17 to agree with Dean. We're going to be debating them
18 one way or the other. I definitely feel the RAC has
19 been appointed to handle this situation and I feel
20 that's the way it should be done.

21

22 CHAIRMAN LOHSE: Any other discussion.
23 Pete.

24

25 MR. PROBASCO: I think as part of
26 Greg's motion, he felt this was in violation of ANILCA
27 and I'd like to have Mr. Kessler come speak to that if
28 I may, Mr. Chair, so we can have it on the record.

29

30 CHAIRMAN LOHSE: Okay.

31

32 MR. KESSLER: Mr. Chairman, Council.
33 Steve Kessler. There's just one section of ANILCA that
34 I wanted to bring up and make sure that you're aware of
35 that really does get to the question of advisors to the
36 Regional Advisory Councils. That's in Section 805 of
37 ANILCA. The state fish and game advisory committees or
38 such local advisory committees as the Secretary may
39 establish pursuant to paragraph 2 of this subsection
40 may provide advice to and assist the regional advisory
41 councils in carrying out their functions. ANILCA in
42 Section 805 envisioned that the regional advisory
43 councils couldn't do it all and that there was a role
44 for local fish and game advisory committees.

45

46 So, really, what we're talking about
47 here is something that's essentially equivalent to
48 that, to have a local group, local stakeholders get
49 together and provide advice to the regional council.
50 The way I see what this proposal was, I don't see this

1 as a conflict with ANILCA, I see it as implementing
2 ANILCA not quite through the local fish and game
3 advisory committees as that section was stated, but
4 recognizing that you can't do it all. Thanks.

5
6 CHAIRMAN LOHSE: Thank you, Steve.
7 Greg.

8
9 MR. ENCELEWSKI: Steve, I agree.
10 Provide advice and we're open to all that advice,
11 always have been. But when it tends to sway decisions
12 or could tend to sway decisions from another committee,
13 I think we may be going in the wrong direction.

14
15 CHAIRMAN LOHSE: Steve.

16
17 MR. KESSLER: Mr. Chairman, Mr.
18 Encelewski. The control would always come back to the
19 Regional Advisory Council and I can think about the way
20 it worked again in the Unit 2 subcommittee down in
21 Southeast. It made a whole series of recommendations,
22 20 recommendations to the Southeast RAC. The Regional
23 Advisory Council took all those and said, well, we
24 agree with 19 of them but we don't agree with 20 and
25 they changed it. What they say is what lives on. The
26 subcommittee goes away. It was doing essentially staff
27 work for the Council. The Council took it, said we
28 agree with most of it, not quite all of it, we're going
29 to change it and we're the final authority on that.
30 That's the way that one worked. Whether you believe it
31 can work that way or not, I don't know, but that's the
32 way they went.

33
34 MR. ENCELEWSKI: I believe it can work
35 that way if everyone was involved. The RAC is going to
36 have to be involved anyway. That's a good point.
37 Thanks.

38
39 CHAIRMAN LOHSE: Thank you, Steve.
40 Tom.

41
42 MR. CARPENTER: Jerry, are you going to
43 guarantee, and you have to turn your microphone on when
44 you answer this.

45
46 (Laughter)

47
48 MR. CARPENTER: If these workshops are
49 going to be held, they're going to be held in the
50 winter. You're not going to hold these workshops in

1 the summer. I mean you must know as well as we do that
2 you're never going to get any participation. Do you
3 agree with that point? I'm trying to look at it as a
4 way to move on here. Everybody's got good points.
5 After Steve just said that, ultimately that makes the
6 most sense. It doesn't matter what happens, we
7 ultimately have the final decision.

8
9 I guess I looked at it -- you know,
10 this board voted to have me and Pete go to this meeting
11 in Juneau and another meeting a year ago in regards to
12 these wildlife monitoring programs and the whole
13 Council wasn't there to make the decisions that Pete
14 and I did when we were voting on things. Ultimately
15 it's coming back to us and ultimately the public is
16 going to have the ability to come back to us also and
17 go to the Federal Board. I guess to speed things along
18 -- I hate to say this, but if you're looking and had to
19 have a volunteer to participate in this process, as
20 long as it was in the winter, I mean I could possibly
21 participate in something like that.

22
23 We've been debating this for four hours
24 now and it doesn't seem like we're getting anywhere.
25 If we reject this thing, the only thing we're going to
26 do is get a letter from the Federal Board next week
27 saying you guys are going to hold a workshop and you're
28 going to do it next winter three times, two days each.
29 So I mean it's kind of pointless where we're going
30 right now.

31
32 CHAIRMAN LOHSE: I don't know if I
33 could agree with you on that, Tom. I don't know if the
34 Federal Board could or would do that. It's a
35 possibility. But I thank you for your offer that if
36 this motion on the table fails that you'd be willing to
37 possibly be a volunteer to do it if we have to go the
38 other route.

39
40 What I've heard basically from a lot of
41 the Council is that they feel like one way or the other
42 we're going to all listen to the testimony and it might
43 as well be done in a Council meeting. If we don't have
44 any more discussion.....

45
46 MR. CARPENTER: Question.

47
48 CHAIRMAN LOHSE: The question is
49 called. All in favor of the motion, and the motion is
50 to reject the draft plan and call for fish proposals

1 signify by saying aye.
2
3 IN UNISON: Aye
4
5 CHAIRMAN LOHSE: All opposed signify by
6 saying aye.
7
8 (One opposing vote)
9
10 CHAIRMAN LOHSE: Motion carries. I
11 think we better have a show of hands on this one.
12
13 MS. STICKWAN: I have a question.
14
15 CHAIRMAN LOHSE: Yes, Gloria.
16
17 MS. STICKWAN: This motion was without
18 set limits or set time?
19
20 CHAIRMAN LOHSE: This was without a set
21 time.
22
23 MR. BLOSSOM: Normal process.
24
25 CHAIRMAN LOHSE: To go to the normal
26 process, no rush. So I think we better have a show of
27 hands on this one here because I couldn't really even
28 tell. I think I only heard one, possibly two
29 objections, but I couldn't tell how many were for it.
30 All in favor of the motion to reject the draft plan
31 signify by holding your hand up. Six. All opposed
32 signify by saying aye.
33
34 (No opposing votes)
35
36 MR. CARPENTER: Because I don't think
37 it really is going to matter. We're going to hear it
38 one way or the other.
39
40 CHAIRMAN LOHSE: Okay. Motion carries.
41 With that, we're going to take a break.
42
43 Jerry. Doug.
44
45 MR. BLOSSOM: Mr. Chairman. You can
46 tell the Federal Board that our reasons are that we're
47 going to hear it all anyway because the ones that
48 aren't happy with the group are going to still testify
49 and it's our job to do it and we want it to be a fair
50 and public process. Just explain it to them and

1 they'll do what they're going to do, but I think this
2 is the fair way to do it so the public all gets
3 involved.

4
5 CHAIRMAN LOHSE: Thank you, Doug. And
6 I appreciate you -- I should have reiterated that just
7 so that we had it on record and that's the reason we
8 voted the way we did. With that, we're going to take a
9 break. Jerry, you have one more comment to make on
10 this.

11
12 MR. BERG: One more comment. I just
13 wanted to say -- I was brainstorming when Steve was up
14 here on one way that you might respond to the Federal
15 Board, would be to make more of an effort to the
16 proposals that do come forward before they get brought
17 to the Council that maybe we make more of an effort to
18 bring those issues to the different advisory committees
19 on the Peninsula before they come to you and try to get
20 more input from the public that way. I know Doug is on
21 the Central Peninsula AC and I know Bill is on the
22 Cooper Landing AC and I don't know how often you guys
23 meet, but that might be a way to get more people
24 involved with those proposals before they come to the
25 Council.

26
27 CHAIRMAN LOHSE: Jerry, could I say
28 something on that. I think that one thing that has
29 come out of this draft plan is stakeholders have been
30 identified and if we're going to do what the Council
31 has asked for and we're going to listen to the public
32 testimony here, we're going to have to make a real
33 effort to make sure that all stakeholders know what's
34 on the table and call for participation. Then they
35 have a choice to participate or not. If they don't,
36 they don't have any complaint. That's probably the
37 best we're going to be able to do.

38
39 You know something. If it turns out
40 that we're swamped, we can always change it. We can
41 always decide that we need a stakeholders process.

42
43 MR. BLOSSOM: It won't help.

44
45 CHAIRMAN LOHSE: It won't help. I
46 agree with you, Doug. I don't think it will either.
47 With that, a break time. Five minutes and then we're
48 going to go on with proposals.

49
50 (Off record)

1 (On record)

2

3

CHAIRMAN LOHSE: I'd like to call this
4 spring session of the Southcentral Alaska Subsistence
5 Regional Advisory Council back into session. It's 3:00
6 o'clock and we had somebody scheduled to do something
7 at 4:00 o'clock this afternoon, so we have about an
8 hour. We're going to start with the State wildlife
9 proposals. Our procedures for going through them is
10 we'll introduce the proposals and have the analysis by
11 a Staff member, we'll have the ADF&G comments, other
12 Federal, State and Tribal agency comments, InterAgency
13 Staff Committee comments, Fish and Game Advisory
14 Committee comments and summary of written public
15 testimony and then public testimony and then the
16 Regional Council will deliberate and decide or make a
17 decision on them.

18

19

With that, we're going to Proposal
20 WP06-01. Chuck is going to present it to us and you'll
21 find it on Page 22 of your book. This is a statewide
22 proposal.

23

24

MR. ARDIZZONE: Good afternoon, Mr.
25 Chair. For the record, I'm Chuck Ardizzone. I'll hop
26 right into the analysis. This proposal addresses the
27 commercial sales of handicrafts made from bear claws.
28 Last year we had a proposal that addressed several
29 elements of the bear handicraft regulations. The
30 Federal Subsistence Board adopted most elements of the
31 proposal as the definition of handicraft, the
32 definition of skin, hide, pelt, fur, language that
33 clarified that claws can be used in handicrafts for
34 sale. However, the Board deferred the part of the
35 proposal that addressed commercial sales to allow the
36 Councils to review the Board's modified language.

37

38

Remember handicrafts made from black
39 bears harvested on Federal lands statewide can be sold.
40 Handicrafts made from brown bears can only be sold if
41 the bear is harvested on Federal lands in the Eastern
42 Interior, Bristol Bay and the Southeast Regions. The
43 Board is considering regulation that limits commercial
44 sales of bear claws as handicrafts because an
45 opportunity to sell large quantities of bear claw
46 products may create an incentive for poaching. State
47 regulations allow the sale of handicraft made from
48 brown and black bear fur, not claws; therefore,
49 handicrafts with claws can only be sold under Federal
50 regulations.

1 The Board's proposed language would not
2 prohibit a subsistence user with a business license
3 from selling their handicrafts to individuals, such as
4 a craft show; however, it would not allow these
5 handicrafts to be sold to a business and it does not
6 allow a business to buy the bear claw handicrafts.
7 I'll repeat that just for clarity. The Board's
8 proposed language would not prohibit a subsistence user
9 with a business license from selling their handicrafts
10 to an individual, such as at a craft show, for
11 instance; however, it would not allow these handicraft
12 to be sold to a business and it does not allow a
13 business to buy the bear claw handicrafts.

14
15 Gift shops selling handicrafts under
16 consignment would also be prohibited if the gift shop
17 is generating a profit from this activity, from the
18 sale. This regulation will remove commercial
19 incentives for harvesting bears, thereby providing
20 additional protection from over harvest of bear
21 populations. The Board's intent in allowing the sale
22 of bear handicrafts is to provide for the customary and
23 traditional making and selling of handicrafts from
24 bears taken for subsistence, not to provide a
25 commercial incentive to harvest bears.

26
27 The State has recently adopted
28 regulations to provide a commercial incentive to
29 harvest bears in specific areas. A regulation adopted
30 by the Board of Game in January will allow bear hides
31 with claws attached from bears harvested in active
32 brown bear predator control areas, such as Unit 20(E)
33 and also Unit 12, and these are to be sold through the
34 use of a permit. This is not a handicraft regulation.
35 It applies to raw or tanned bear hides with claws
36 attached.

37
38 The Staff recommendation for WP06-01 is
39 found on Page 27. It's to support this proposal with
40 the modification to remove the exemption of Southeast
41 Alaska. The proposed Southeast exemption will result
42 in difficulty with enforcement of the regulation.
43 Allowing commercial sales of handicrafts made from bear
44 claws taken in any part of the state without a tracking
45 system will have a significantly detrimental affect on
46 the ability of law enforcement officers to
47 differentiate between legitimate sales and the
48 commercial sale of products from poached bears, bears
49 harvested under State regulations and brown bears
50 harvested under Federal regulations in Eastern Interior

1 and Bristol Bay Regions.

2

3

4 Subsistence users in Southeast Alaska
5 should be able to carry out their customary and
6 traditional making and selling of bear claw handicrafts
7 from bear taken for subsistence uses without selling to
8 businesses or becoming a significant commercial
9 enterprise.

9

10

Are there any questions.

11

12

CHAIRMAN LOHSE: Does anybody have any
13 questions for Chuck. Tom.

14

15

MR. CARPENTER: Chuck, this has already
16 been adopted by the Federal Board, right? So
17 regardless of what we do I mean this proposal is going
18 forward.

19

20

MR. ARDIZZONE: No, this hasn't been
21 adopted by the Board. It's back before you for your
22 comments. This is what they came up with, but they
23 didn't want to adopt anything until they had further
24 input from the Councils.

25

26

MR. CARPENTER: It says the Board moved
27 to adopt the following regulation, however the action
28 was deferred until '06 to allow the Advisory Councils
29 the opportunity to review this proposal.

30

31

MR. ARDIZZONE: If you look on Page 24,
32 proposed regulation language, they didn't adopt these
33 yet. They're waiting for further input from the
34 Councils.

35

36

MR. CARPENTER: Okay.

37

38

CHAIRMAN LOHSE: Any other questions
39 for Chuck. Gloria.

40

41

MS. STICKWAN: Do they allow co-
42 assignments?

43

44

MR. ARDIZZONE: The way this reads is
45 if a gift shop, consignment shop is making a profit
46 from the sale of the item, it would be no. If you had
47 it in a shop and they weren't generating money off the
48 sale, it would be okay.

49

50

CHAIRMAN LOHSE: Tom.

1 MR. CARPENTER: Is that enforceable?
2
3 MR. ARDIZZONE: I don't know, I'm not a
4 law enforcement officer, but that's what they wanted.
5
6 CHAIRMAN LOHSE: Any other questions
7 for Chuck.
8
9 (No comments)
10
11 CHAIRMAN LOHSE: ADF&G.
12
13 MR. HAYNES: Thank you, Mr. Chair. I'm
14 Terry Haynes with the Alaska Department of Fish and
15 Game. The Department's comments on this proposal are
16 on Page 36 of your Council book. The Department does
17 not support this proposal primarily because we do not
18 believe the Federal Subsistence Board has established a
19 record demonstrating that the sale, as opposed to the
20 barter, sharing, or use of bear claws, teeth, and bones
21 for use in making handicrafts for sale is a customary
22 and traditional practice. Even if the Federal board
23 made such a determination, the record still would only
24 support limited non-commercial exchanges adhering to
25 customary practices in some areas of the state.
26
27 Thank you.
28
29 CHAIRMAN LOHSE: Thank you, Terry. Any
30 questions for Terry.
31 Tom.
32
33 MR. CARPENTER: I guess I'd ask Terry
34 the same question. What does the State feel in regards
35 to some of the conditions that we just talked about in
36 regards to -- I mean some of this seems like it's
37 unenforceable and I would assume that the State
38 probably takes that position. Am I correct?
39
40 MR. HAYNES: Mr. Chairman, Tom. Yes.
41 Over the last couple of years when these regulations
42 have been developed and implemented we have been very
43 concerned about their enforceability and, in fact, at
44 the Federal Board meeting about using bear claws in
45 handicrafts even Federal enforcement personnel raised
46 concerns about the enforceability of the regulations.
47
48 I would point out that some might
49 question why does the Department have concerns about
50 this Federal proposal, yet the Board of Game is

1 allowing the sale of bear hides. Those hides under the
2 State regulations have to be sealed. There are still
3 formal tracking measures in place that will help to
4 enforce the State regulation. So we have a mechanism.
5 Of course, the State regulation is not locked to that
6 practice being a customary and traditional practice, so
7 there are differences in these State and Federal
8 regulations that involves bear skins and some bear
9 parts.

10

11 CHAIRMAN LOHSE: Any other questions
12 for Terry. Terry, I was reading the ADF&G comments and
13 one of the things that was brought out in your comments
14 is that even if the Federal government allows their
15 sale by subsistence users, because of the conflict with
16 State law, a person could be in violation if they
17 weren't a Federal user. There's some question whether
18 you could sell -- if it's against the law in the state
19 to sell those parts, what happens if you're not on
20 Federal land and you're selling those parts?

21

22 MR. HAYNES: Mr. Chair. Yes, we'll
23 have to see if that occurs at some point.

24

25 CHAIRMAN LOHSE: Has there been any
26 prosecution on any of our customary trade, barter, sale
27 laws that are supposed to take place among Federal
28 subsistence users by the State when they've taken place
29 off of Federal land and on State land that you know of?

30

31 MR. HAYNES: Mr. Chairman. I'm not
32 aware of any. There have been some cases involving the
33 sale of bear parts that have been prosecuted, but I
34 don't know that they were linked to these current
35 regulations and to whether the practice took place on
36 or off Federal public lands.

37

38 CHAIRMAN LOHSE: I wasn't thinking of
39 just bear parts. That was one of the issues that came
40 up with the whole customary trade and barter, sale
41 thing to start off with when we started on that years
42 ago already. It was brought up that the customary
43 trade and barter of fish, for example, even if it was
44 harvested on Federal land by Federally qualified
45 subsistence user, if they sold it on State land in a
46 State type place, technically speaking, they were
47 violating State law and they could be prosecuted. But
48 that was an issue that was raised. I haven't heard of
49 any examples of that having been done.

50

1 MR. HAYNES: I'm not aware of any
2 either right now, Mr. Chairman. I could be mistaken,
3 but I don't believe any have taken place.

4
5 CHAIRMAN LOHSE: Any other questions
6 for Terry.

7
8 (No comments)

9
10 CHAIRMAN LOHSE: Thank you, Terry. Do
11 we have any other Federal, State or Tribal agency
12 comments.

13
14 (No comments)

15
16 CHAIRMAN LOHSE: How about InterAgency
17 Staff Committee comments.

18
19 MR. BOS: Thank you, Mr. Chair. My
20 name is Greg Bos with the Fish and Wildlife Service
21 Staff Committee. Just a couple of points I'd like to
22 clarify so you understand this is not language being
23 proposed by the Federal Board. It is language that was
24 in a proposal considered by the Board last year, had
25 considerable discussion, was modified and the Board
26 felt it wanted it to go back out to the Councils for
27 additional comment on this aspect of the proposal that
28 was considered last year.

29
30 The second point is that it's not a
31 proposal about whether or not sales should be allowed.
32 The Board already adopted a regulation last year that
33 authorizes sale of bear claws. This is strictly
34 language to deal with the commercialized sale of
35 handicrafts made from bear claws and whether or not
36 there should be an exemption for the Southeast Region
37 for different restrictions than for the rest of the
38 state.

39
40 CHAIRMAN LOHSE: Tom.

41
42 MR. CARPENTER: Understanding what you
43 just said, there are parts of the state that this is
44 not applicable to, right? Are there units in
45 Southcentral that this is true, that they are no
46 applicable?

47
48 MR. BOS: Mr. Chair, Mr. Carpenter.
49 There are only three regions where the sale of
50 handicrafts made from brown bear claws is permitted.

1 The bear is taken in only three regions; Southeast,
2 Eastern Interior and Bristol Bay. This proposed
3 language also deals with black bear claws and black
4 bear claws made into handicrafts may be sold from bears
5 taken throughout the state. So regarding black bear
6 claws, it does affect your region. It does not apply
7 to brown bear claws from bears taken in Southcentral.

8

9 CHAIRMAN LOHSE: Tom.

10

11 MR. CARPENTER: That's all I had.

12 Thanks.

13

14 CHAIRMAN LOHSE: Any other questions.

15

16 (No comments)

17

18 CHAIRMAN LOHSE: Thank you. Fish and
19 Game Advisory Committee comments. Do we have any.

20

21 (No comments)

22

23 CHAIRMAN LOHSE: Summary of written
24 public comments.

25

26 MR. MIKE: Thank you, Mr. Chair.
27 Donald Mike, council coordinator. You'll find the
28 written public comments starting on Page 36 for
29 Proposal 01.

30

31 Additional comments are in your blue
32 folder I handed out this morning, located on the right-
33 hand side of the folder pocket.

34

35 Defenders of Wildlife support the
36 proposal with an amendment deleting
37 Unit 1-5 exemption. The sale of claws
38 to businesses as defined in As
39 43.70.110 (1) should apply to all game
40 management units. Without further
41 justification, there is no reason to
42 exempt Units 1-5. The sale of claws
43 has been closely restricted in state
44 regulation for the obvious commercial
45 incentive involved and the relative
46 ease of procurement, handling and
47 transfer of these desired items in the
48 broad commercial market. Exceptions
49 for parts of the state are inconsistent
50 and raise serious monitoring and

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enforcement problems for state and federal agencies.

The AHTNA Subsistence Committee do not support WP06-01 as proposed; however, we support small sales by rural residents of handicrafts made from claws of black and brown bears taken under Federal subsistence hunting regulations.

The Denali Subsistence Resource Commission commented that motion to adopt the draft staff analysis to support the proposal with modification to remove the Southeast exemption was passed unanimously. The proposed Federal regulation as supported by the SRC should read -- and they have their language in the green handout in your folder. Their justification to support the proposal is this regulation will remove commercial incentives for harvesting bears thereby providing additional protection from over harvest of bear populations.

The Western Interior on Proposal 01, Council recommendations is to support as modified by the staff. Mr. Reakoff made the motion, seconded by Collins to support the proposal as modified by the staff and the motion passed unanimously. The justification is that because of our cultural beliefs, the Council defers to the home regions. There are concerns about commercialization of sales. There are concerns about the impact on the bear resources. The Council is also concerned about the sale of bear parts and would like to restrict that sale. The Council supported the staff recommendation to support the proposal with modification to remove the Southeast exemption. Passage of the Council's recommendation would remove commercial incentives for harvesting bears thereby providing additional protection from over harvest of bear

1 populations. Removal of the proposed
2 Southeast exception is necessary
3 because of the difficulty of enforcing
4 such a regulation.
5

6 Mr. Chair, I have a report that
7 basically summarizes what the rest of the Councils in
8 the state did. The Southeast Region opposed the
9 proposal, the Bristol Bay Region opposes, the Y-K
10 supports, the Western Interior supports, the Seward
11 Peninsula Region opposes and the Northwest area
12 supports with modification and the North Slope
13 supported with modification.
14

15 Thank you, Mr. Chair.
16

17 CHAIRMAN LOHSE: I didn't quite get all
18 of those. Do you want to go through them one more
19 time. North Slope.
20

21 MR. MIKE: Okay. Starting from the
22 top, the Southeast Region opposed the proposal, the
23 Bristol Bay opposes, the Y-K supports, the Western
24 Interior supports with modification as presented by
25 Staff, the Seward Peninsula opposes, the Northwest area
26 supports with modification and the North Slope
27 supported with modification. The Kodiak-Aleutian and
28 Eastern Interior Council haven't met yet.
29

30 Thank you.
31

32 CHAIRMAN LOHSE: Thank you. I don't
33 believe I have any public testimony on this one.
34 Barbara.
35

36 MS. CELLARIUS: Mr. Chair, Members of
37 the Council. My name is Barbara Cellarius and I'm the
38 subsistence coordinator for Wrangell-St. Elias National
39 Park and Preserve. One of the things I do in that role
40 is provide Staff support to the Wrangell-St. Elias
41 Subsistence Resource Commission, which is a body of
42 nine local subsistence users who advise the Park on
43 subsistence hunting and fishing issues. So I'm going
44 to present the recommendation from the SRC.
45

46 The Wrangell-St. Elias National Park
47 Subsistence Resource Commission opposes the proposal as
48 modified in the staff recommendation. Because the vote
49 on this proposal was very close, four votes to support,
50 five votes to oppose, the concerns of both sides are

1 presented here.

2

3

4 We would also note that a vote was
5 taken on the proposal as modified in the Staff
6 recommendation because there was general consensus that
7 an exemption for one region would make the proposed
8 regulation unenforceable. The prevailing opinion is
9 that the proposal is unnecessary. Commercialization is
10 not felt to be common or to cause a conservation
11 concern in the Wrangell-St. Elias area. Thus, the
12 proposal would unnecessarily limit the opportunity for
13 subsistence users to sell handicrafts made from the
14 claws of subsistence harvested bears.

15

16 Those in the minority support the
17 proposal both for concerns about the potential for
18 commercial sales to lead to over harvest and for
19 cultural reasons. Bears are of great cultural
20 significance to some people and the commercialization
21 of handicrafts made from their claws is disrespectful
22 to the bear and its spirit.

23

24 That concludes their comment on this
25 proposal.

26

27 CHAIRMAN LOHSE: Thank you, Barbara.
28 Any questions for her.

29

30 (No comments)

31

32 CHAIRMAN LOHSE: Thank you. Okay. At
33 this point in time a motion to put this Proposal WP06-
34 01 on the table is in order.

35

36 MR. CARPENTER: So moved.

37

38 CHAIRMAN LOHSE: It's been moved. Do I
39 hear a second.

40

41 MR. BLOSSOM: Second.

42

43 CHAIRMAN LOHSE: It's been moved and
44 seconded to put Proposal WP06-01 on the table.
45 Discussion. Comments.

46

47 MR. KOMPKOFF: Mr. Chairman.

48

49 CHAIRMAN LOHSE: Pete.

50

MR. KOMPKOFF: Donald, could you give

1 me Bristol Bay Council's recommendation and Eastern
2 Interior, Northwest Arctic Region and Southcentral.

3

4 MR. MIKE: Mr. Chair, Mr. Kompkoff.
5 The Bristol Bay on Proposal 01 they opposed the
6 proposal. The Eastern Interior hasn't met yet, so
7 they'll be meeting next week or the week after. The
8 Kodiak-Aleutian Islands Council hasn't met yet either.

9

10 MR. KOMPKOFF: How about Southcentral?

11

12 MR. MIKE: We're discussing it.

13

14 (Laughter)

15

16 CHAIRMAN LOHSE: Okay. Any other
17 discussion or comments. Basically, to synopsize this
18 one, this part of the proposal makes it illegal to sell
19 brown or black bear claws to an entity operating as a
20 business or if you are a business you can't purchase
21 claws or handicrafts made out of claws, and if the sale
22 of handicrafts made from non-edible byproducts of brown
23 and black bears may not constitute a significant
24 commercial enterprise. If I remember right, didn't it
25 also remove the exemption? For 1 to 5.

26

27 That's what we have on the table. So
28 it makes it uniform all over the state. Everything is
29 in place except that this point in time 1 to 5 have an
30 exemption. These have already been passed. Tom.

31

32 MR. CARPENTER: I guess I'm curious
33 about this exemption in 1 through 5. What's the
34 rationale behind it? I don't understand why it's not
35 enforceable there but it would be somewhere else.

36 MR. ARDIZZONE: I'd call Mr. Kessler up
37 to answer that question. He's more familiar with
38 Southeast than I am.

39

40 CHAIRMAN LOHSE: Okay. Steve.

41

42 MR. KESSLER: Actually, Mr. Chairman, I
43 was sort of reacting to something you just said, that
44 these have been passed. These are not passed. None of
45 this is in regulation.

46

47 CHAIRMAN LOHSE: All right. I
48 apologize. It was my mistake.

49

50 MR. KESSLER: If you take a look at

1 Page 24, existing Federal regulation. There is
2 currently no existing regulatory language addressing
3 commercial sales of handicrafts. So this is all new
4 language.

5
6 CHAIRMAN LOHSE: Okay. I stand
7 corrected.

8
9 MR. KESSLER: I'm not sure, was it Mr.
10 Carpenter or who asked the question about Southeast.

11
12 MR. CARPENTER: My question was why has
13 the Units 1 through 5 exemption been put in there.
14 They say it's unenforceable. Is that what I'm hearing?

15
16 MR. KESSLER: Mr. Chair, Mr. Carpenter.
17 The reason for the language of the exemption for Units
18 1 through 5 is in there right now is because when this
19 was going through the regulatory process a year ago the
20 Southeast said we ought to be exempt from this. They
21 felt that there was no reason for their commercial
22 sales and business sales to be regulated, as was stated
23 in here. So the proposal that the Board has asked for
24 your comments on includes that exemption for Units 1
25 through 5.

26
27 As far as the rationale in the Staff
28 recommendation to take out that exemption, it would be
29 much better for you to deal with that.

30
31 MR. CARPENTER: So Staff is supporting
32 this language with the modification that the Southeast
33 exemption not be excepted.

34
35 MR. KESSLER: That's correct. I think
36 the problem is you don't know where the bear is
37 harvested from, there's no tracking system, so it would
38 result in difficulty of enforcement. So if they had an
39 exemption, it would be difficult because there's other
40 areas where bears could be harvested.

41
42 MR. CARPENTER: That was my concern.
43 In Units 5 and 6, it's not likely that would happen,
44 but it just seems unenforceable. I don't see how you
45 can exempt an eighth of the state. I think Staff
46 recommendation is probably correct.

47
48 CHAIRMAN LOHSE: Chuck, can I ask you a
49 question or Donald. The Councils that supported it with
50 modification, was their modification to drop the 1 to 5

1 part?

2

3 MR. ARDIZZONE: Mr. Chair. The
4 meetings that I was at, that's correct.

5

6 CHAIRMAN LOHSE: So they supported the
7 proposal, but they supported the modification to drop
8 the 1 to 5 exemption.

9

10 MR. ARDIZZONE: As far as I understand,
11 that's correct.

12

13 CHAIRMAN LOHSE: Gloria.

14

15 MS. STICKWAN: My understanding of this
16 proposal is that this is a statewide proposal for black
17 bear so that the subsistence users can sell their
18 handicrafts made out of black bear only since brown
19 bear is already in place, but we can't sell it to a
20 business, so I think I'll vote no because of that,
21 because we're restricting our subsistence users. They
22 can't sell their handicrafts to a business and that's
23 where most of them would sell their handicrafts is at a
24 business. There isn't very many trade centers around
25 where they would be able to take their handicrafts to
26 sell.

27

28 CHAIRMAN LOHSE: So are you basically
29 opposed to this proposal then, Gloria?

30

31 MS. STICKWAN: Yes.

32

33 CHAIRMAN LOHSE: Okay. Dean.

34

35 MR. WILSON: This proposed regulation
36 has been hashed around a lot. It seems to come up
37 every spring with something new on it. This is just an
38 attempt to regulate the businesses, to regulate people
39 that are making crafts to not let this get fully blown
40 out to where they're hitting a black market and it just
41 loses control. I'd rather see a monetary amount like
42 we did with the fish. Put a few thousand dollars,
43 whatever, on there.

44

45 To regulate it just strictly to
46 regulate it with the wording they have in here, is
47 really confusing. You're going to end up getting some
48 people that are going to be arrested for putting their
49 handiwork on a table that's for sale at some business
50 somewhere. They could be arrested or be in violation

1 certainly. It doesn't handle one issue.

2

3 Our family owns a gift shop and my mom
4 may well get a subsistence claw. My understanding is
5 she may be in violation yet she's making maximum use of
6 the animal, which is what subsistence is all about and
7 that's the reason for the initial proposal to allow
8 handicrafts made from claws.

9

10 So all this, I think, is just an
11 attempt to shut that down. There's no big market out
12 there for these things anymore like there might have
13 been and there's certainly not a market, I don't see,
14 for like the gall bladders or any of the other things.
15 So I'll be opposing this as well.

16

17 CHAIRMAN LOHSE: Thank you, Dean. I'd
18 like some correction or instruction on this because if
19 I understand this proposal correctly, your mother has a
20 business with a business license, but if she makes
21 something out of a bear claw she can sell it, but if I
22 make something out of a bear claw she can't buy it from
23 me and sell it. Am I correct on that?

24

25 MR. KNAUER: Mr. Chairman, Mr. Wilson.
26 If she makes it as a handicraft as a subsistence user
27 and if she sells it not as part of her business but if
28 she sells it to an individual, under this regulation
29 she would be legal.

30

31 CHAIRMAN LOHSE: Even if she has a
32 business license, she can sell a handicraft that she
33 makes as part of her business, but she can't buy a
34 handicraft from someone else and sell it as part of her
35 business. If you are a business as defined under
36 Alaska
37 Statute 43.70.110(1), you may not purchase handicrafts
38 made
39 from the claws of a black or brown bear as part of your
40 business
41 transactions and you may not sell handicrafts made from
42 the claws
43 of a black or brown bear to an entity operating as a
44 business, but it doesn't say that if you have a
45 business that you can't sell handicrafts that you made
46 yourself.

47

48 MR. ARDIZZONE: The way this is
49 written, I believe you're absolutely correct.

50

1 CHAIRMAN LOHSE: So your mother could
2 sell any handicraft that she makes out of a claw that
3 she takes, but I couldn't make a handicraft out of a
4 claw, sell it to your mother and she couldn't resell
5 it.

6
7 MR. WILSON: Yeah, that's what I
8 understand is correct up until the point where you get
9 into the business portion. She holds a business
10 license, she makes a product of her own, she sells it,
11 she owns her business. This is just confusing wording
12 that's going to be construed down the road as a
13 violation. That's all I'm saying. This is very
14 confusing wording for very little benefit. Again,
15 we're going to be asked to support a regulation that's
16 going to put more subsistence users in a violation
17 status.

18
19 CHAIRMAN LOHSE: Any comments. Tom.

20
21 MR. CARPENTER: I think you may be
22 right on, Dean. If you dealt with a dollar value, it
23 seems like it takes some of the significant business
24 interpretation and some of the leeway out of it.

25
26 One other thing I'm not sure it
27 addresses is if you go shoot a bear and give the claws
28 to your mother and she makes a handicraft from
29 something you harvested, what is that.

30
31 CHAIRMAN LOHSE: It's a violation.
32 Besides, your mother is trying to have a significant
33 commercial enterprise. She plans on making a profit.

34
35 MR. CARPENTER: I think maybe we could
36 offer an amendment to the Board in regards to maybe
37 coming up with some kind of language that cleared up a
38 few of these issues. I don't know if we need to come
39 up with a dollar figure. I think some of those
40 questions would be answered if there was a dollar value
41 that was involved. It's going to come up to the
42 interpretation of the officer that's there at the time
43 and it seems to me like you're going to hauling people
44 and writing tickets for things that are pretty minimal
45 or insignificant.

46
47 I mean I do think that there needs to
48 be some sort of regulation in regards to the commercial
49 sales and I do agree with Staff. I don't believe that
50 a part of the state should be exempt from that. But I

1 don't want to put an undue burden on subsistence users
2 in regards to some of these technicalities because of
3 wording. I'm not sure what the answer is.

4

5 CHAIRMAN LOHSE: Mr. Knauer, can I ask
6 you a question. Currently we've had some of our
7 Council say that they would just oppose this proposal.
8 If we and the Board vote this proposal down, is the
9 sale of brown bear and black bear claws in the state
10 then legal or not legal?

11

12 MR. KNAUER: It is legal under the
13 Federal Subsistence Program.

14

15 CHAIRMAN LOHSE: It's legal, but
16 there's no limitations on businesses.

17

18 MR. KNAUER: There's no limitations on
19 the rural user on selling it, nor is there a limitation
20 under Federal regulations on who may purchase.

21

22 CHAIRMAN LOHSE: So this proposal
23 doesn't make the sale of black bear or grizzly bear
24 claws legal or illegal, but it makes the sale of the
25 claws to a business illegal or the purchase by a
26 business illegal.

27

28 MR. KNAUER: Mr. Chairman, that is
29 correct. This proposed regulation was initially put in
30 as a proposal a year ago and had been spoken to a
31 number of times previously because of concern over
32 potential abuse and commercialization and the adverse
33 view that subsistence users would be painted with
34 commercialization of a subsistence product.

35

36 CHAIRMAN LOHSE: Can I ask you one more
37 question. We heard from the question that I asked
38 Terry. One of the things when we started this
39 customary trade was pointed out that they were still
40 liable under State law for violations even if they sold
41 them as Federal subsistence users, but basically we
42 haven't seen any prosecutions under that and I'm not
43 saying there isn't a problem there, but evidently it's
44 not a large enough problem to attract the State's
45 attention.

46

47 Because of the way our system works, if
48 this potential problem, if we don't pass this and this
49 potential problem becomes a problem, at that point in
50 time we have the ability -- the fact that we don't pass

1 it now doesn't mean we can't bring it back up and pass
2 it again in the future.

3

4 MR. KNAUER: Mr. Chairman, that is
5 correct. Any time this Council or anyone may make a
6 proposal related to anything, whether or not it has
7 been previously accepted or rejected by the Board or
8 never addressed by the Board.

9

10 CHAIRMAN LOHSE: So if this potential
11 problem became a problem and it could be documented
12 that it was a problem, this could quickly be brought
13 back to us again. We basically have a one-year time
14 period and it could be back on our table.

15

16 MR. KNAUER: That is correct, Mr.
17 Chairman.

18

19 CHAIRMAN LOHSE: Thank you. Gloria.

20

21 MS. STICKWAN: I was just going to say
22 you guys talked about this when you did the salmon
23 thing and that regulation has been in place and so far
24 there hasn't been a problem with that.

25

26 CHAIRMAN LOHSE: Okay. Any other
27 questions. Tom.

28

29 MR. CARPENTER: What's the definition
30 of significant income under the wildlife definition of
31 it. I'm looking under the definitions part of the
32 Federal Subsistence Manual and there is no definition
33 in the back. There must be a definition. I remember
34 talking about it when we were dealing with fish. Or
35 is that why the dollar value was put in there in
36 regards to the different regions?

37

38 MR. KNAUER: Mr. Chairman, Mr.
39 Carpenter. In the Congressional Record, not ANILCA, is
40 where we find the term significant commercial
41 enterprise. The Board and the Councils many years ago
42 tried to deal with that and tried to define it. They
43 were unable to do so. And you're correct, that is why
44 when they were dealing with customary trade with fish a
45 number of regions put what they felt was a reasonable
46 dollar limit on the customary trade to alleviate the
47 concern over what actually constitutes significant
48 commercial enterprise. Rather than just use the term
49 or try to come up with a definition, they just put what
50 they felt was a reasonable dollar limit on it.

1 CHAIRMAN LOHSE: Any other discussion.
2 Dean.
3
4 MR. WILSON: Which, when it comes to
5 unenforceable, the dollar limit would be just as
6 unenforceable as any of them, but at least that's
7 something that's a hard figure and it would make some
8 folks happier than others. I don't really see where
9 that would help out as well. That's exactly why I'm
10 just going to oppose this thing straight out.
11
12 CHAIRMAN LOHSE: Tom.
13
14 MR. CARPENTER: I agree. I do feel
15 very strongly that there needs to be some sort of
16 control. I don't believe there may be now, but I think
17 there could be a problem in the future. I don't think
18 we need to be proactive right now in regards to this
19 problem. I would hope that there would be a proposal
20 generated potentially in the future that would answer
21 some of these questions. I don't think it's prudent
22 right now to put the burden of proof on the subsistence
23 user, at least I haven't heard of there being
24 significant problems. I'm going to have to oppose the
25 proposal for that reason.
26
27 CHAIRMAN LOHSE: Any other discussion.
28 Bill.
29
30 MR. KNAUER: Mr. Bos wanted me to
31 mention that in the regulation related to fish there is
32 the restriction on sale to and purchase by a commercial
33 entity. The other thing is a procedural one. Your
34 motion was just to put the proposal on the table. You
35 really need to have a motion that addresses the
36 proposal, either support or oppose.
37
38 MR. CARPENTER: Mr. Chair. My intent
39 when adopting the proposal, I always move to adopt in
40 the affirmative. That was my intent when I did that
41 just to clarify things.
42
43 CHAIRMAN LOHSE: So your motion was to
44 support the proposal.
45
46 MR. CARPENTER: (Nods affirmatively)
47
48 CHAIRMAN LOHSE: Was that the intent of
49 the second?
50

1 MR. BLOSSOM: (Nods affirmatively)
2
3 CHAIRMAN LOHSE: Okay. So we have the
4 motion on the table to support the proposal. The
5 question has been called. All in favor signify by
6 saying aye.
7
8 (No aye votes)
9
10 CHAIRMAN LOHSE: All opposed signify by
11 saying nay.
12
13 IN UNISON: Nay.
14
15 CHAIRMAN LOHSE: Motion fails
16 unanimously. Okay. With that, we will go on to WP06-
17 02. Chuck.
18
19 MR. ARDIZZONE: Mr. Chair. WP06-02 can
20 be found on Page 39. It addresses the sale of
21 handicrafts made from non-edible byproducts of wildlife
22 other than bears. We just talked about bears. This is
23 other than bears.
24
25 Current Federal regulations prohibit
26 the sale of wildlife or byproducts of wildlife unless
27 specifically permitted in Federal regulations.
28
29 Current Federal regulations only allow
30 the sale of handicrafts made from bear skin, hide,
31 pelts or fur including claws from some parts of the
32 state, the sale of handicrafts made from bear bones,
33 teeth, sinew or skulls taken in the Southeast and pelts
34 from furbearers and subsistence harvested fish under
35 the customary trade regulations.
36
37 Under State regulations, many
38 handicrafts and parts of game can be sold, purchased or
39 bartered. They have a specific list of what cannot be
40 sold, such as most meat, bear parts, big game trophies,
41 et cetera. Therefore, many wildlife handicrafts,
42 individual antlers and horns, capes and other items can
43 be sold under State regulations, but they cannot be
44 sold from animals harvested on Federal public lands
45 under Federal regulations.
46
47 The purpose of this proposal is to make
48 Federal regulations consistent with existing State
49 regulations with respect to handicrafts. This action
50 will not alter existing harvest limits or seasons and,

1 therefore, should have no impact on wildlife
2 populations. This action will provide those
3 subsistence users who make handicrafts an opportunity
4 to sell those handicrafts made from wildlife harvested
5 under Federal subsistence regulations. This change
6 will be minimal because the activity is currently
7 allowed for wildlife harvested under State regulations.
8 This change will have no effect on other users.

9
10 Because this proposed regulation uses
11 the term big game and trophy, definitions are provided
12 in the analysis for those terms. This proposed
13 regulation also prohibits sales from constituting a
14 significant commercial enterprise consistent with the
15 sale of bear claw handicrafts. Adoption of these new
16 regulations will provide Federally qualified
17 subsistence hunters the same opportunities that are
18 currently available to those harvesting under State
19 regulations and it would accommodate existing
20 practices.

21
22 There's a question, why doesn't the
23 proposed regulation allow the sale of capes and
24 individual horns and antlers. The answer to that
25 question is the proposed Federal regulations requires
26 that the sales be limited to handicrafts to be
27 consistent with subsistence uses in Section 803 of
28 ANILCA.

29
30 The Staff recommendation is to adopt
31 the proposal with the recommended modifications as
32 found on Page 41 of your Council book. Are there any
33 questions.

34 CHAIRMAN LOHSE: Chuck, I have a
35 question for you. If I understand you correct, under
36 current State regulations, a cape or a hide of a
37 legally taken big game animal can be sold. Am I
38 correct?

39
40 MR. ARDIZZONE: That's my
41 understanding, but to be completely correct I better
42 ask the State to come up to make sure.

43
44 CHAIRMAN LOHSE: Under Federal
45 regulations, unless that cape or hide was changed into
46 a handicraft, either tanned, drawn on or made into a
47 placque or something, it couldn't be sold.

48
49 MR. ARDIZZONE: That's correct.

50

1 CHAIRMAN LOHSE: Am I correct on that,
2 Terry?

3
4 MR. HAYNES: Mr. Chairman, if you look
5 at the existing State regulations that deal with this
6 issue on Page 39 of your book, and I guess what you
7 could be referring to would in part be covered under
8 (b)(2) at the bottom of the page, big game trophy. A
9 person may not purchase, sell, barter, advertise, or
10 otherwise
11 offer for sale or barter a big game trophy.

12
13 CHAIRMAN LOHSE: But is a cape or a
14 hide of a big game classified as a trophy under State
15 law today?

16
17 MR. HAYNES: Mr. Chairman. Gino
18 clarified for me. You can sell a cape or a hide.

19
20 CHAIRMAN LOHSE: You can. That's what
21 I thought. Basically the Federal regulation is more
22 restrictive than the State regulation because in this
23 case the cape or the hide is classed as part of a
24 trophy and that's why I was wondering why it would have
25 to be classed as part of a trophy. It says trophy
26 means a mount of a big game animal including the skin
27 of the head, cape or the entire skin in a life-like
28 representation of the animal. See, that doesn't say you
29 couldn't sell the skin or the hide because they're not
30 a mount if you just sold the cape or the hide. The
31 trophy also includes a European mount. That's why I
32 was questioning Chuck's definition that a subsistence
33 user couldn't sell a cape or a hide where I know that a
34 State user can sell a cape or a hide. Terry.

35
36 MR. HAYNES: I don't want to speak for
37 Chuck or any of the Federal people, but I think the
38 main distinction here is that the attempt of this
39 proposal is to make legal in Federal regulation the use
40 of the parts in making handicrafts. The State
41 regulation is more liberal because they're not limited
42 to that restriction of using the item for handicrafts.

43
44 CHAIRMAN LOHSE: So under this proposal
45 from the Federal government, that cape or hide would
46 have to be converted to a handicraft and that could be
47 anything from smoked tanning to decorating or anything
48 like that.

49
50 MR. ARDIZZONE: Mr. Chair. That's my

1 understanding, yes.

2

3 CHAIRMAN LOHSE: Any other questions
4 for Chuck on this one.

5 (No comments)

6

7 CHAIRMAN LOHSE: Terry, for the State.

8

9 MR. HAYNES: Mr. Chairman. The
10 Department's comments are included in your books on
11 Page 42. We support this proposal because, as I
12 mentioned earlier, it does make legal in Federal
13 regulation use of non-edible byproducts in making
14 handicrafts and it makes sense for that to be a legal
15 use of those parts, so we support this proposal.

16

17 CHAIRMAN LOHSE: Any questions for
18 Terry.

19

20 (No comments)

21

22 CHAIRMAN LOHSE: Are there any other
23 Federal, State or Tribal agencies that want to comment
24 on this proposal.

25

26 (No comments)

27

28 CHAIRMAN LOHSE: Hearing none.
29 InterAgency Staff Committee comments.

30

31 (No comments)

32

33 CHAIRMAN LOHSE: Fish and Game Advisory
34 Committee comments.

35

36 (No comments)

37

38 CHAIRMAN LOHSE: Summary of written
39 public comments.

40

41 MR. MIKE: Thank you, Mr. Chair.
42 Donald Mike, council coordinator. You'll find written
43 public comments on Page 42 of your Council books. I
44 received two written public comments.

45

46 The AHTNA Subsistence Committee
47 supports the proposal WP06-02 so that
48 rural residents may sell handicrafts
49 made from non-edible byproducts of most
50 wildlife. This practice has been done

1 under State regulation, but not under
2 the Federal regulation, since there is
3 no regulation in place under Federal
4 subsistence management.

5
6 The Mentasta Traditional Council
7 supports the proposal.

8
9 In your blue folder, the green
10 document, the Denali Subsistence
11 Resource Commission on Proposal 02
12 commented and their recommendation is a
13 motion to adopt the draft Staff
14 analysis was passed unanimously. The
15 modified proposed regulation as
16 supported by the SRC should read -- and
17 it's outlined on the green handout.
18 The justification is adoption of these
19 new regulations will provide Federally
20 qualified subsistence hunters the same
21 opportunities that are currently
22 available to those harvesting under
23 State regulations, and it would
24 accommodate existing practices.

25
26 The Western Interior Council supports
27 as modified by Staff. Their
28 justification is the Council supports
29 the adoption of this proposal as
30 modified by Staff because the practice
31 is currently allowed by State
32 regulation while currently it is
33 prohibited under Federal subsistence
34 regulations. Adoption of this proposal
35 with the modifications would provide
36 Federally qualified subsistence hunters
37 the same opportunities that are
38 currently allowed under State
39 regulations.

40
41 We have Barbara Cellarius to present
42 the Wrangell-St. Elias Subsistence Resource
43 Commission's recommendations.

44
45 CHAIRMAN LOHSE: Barbara.

46
47 MR. MIKE: While she's on her way up,
48 the log we have on actions taken by other Councils on
49 Proposal 02, Southeast supports the proposal, Kodiak-
50 Aleutian hasn't acted on this proposal, Bristol Bay

1 supports with modification as presented by Staff, the
2 Y-K supports the proposal, Western Interior supports
3 with modification as presented by Staff, Seward
4 Peninsula supports the proposal, Northwest supports
5 with modification, Eastern Interior hasn't acted on the
6 proposal and the North Slope Council supports with
7 modification as presented by Staff.

8

9 Thank you, Mr. Chair.

10

11 CHAIRMAN LOHSE: Barbara.

12

13 MS. CELLARIUS: Mr. Chair, Members of
14 the Council. Barbara Cellarius from Wrangell-St. Elias
15 National Park.

16

17 The Wrangell-St. Elias National Park
18 Subsistence Resource Commission
19 unanimously supports the proposal as
20 modified in the Staff recommendation.
21 The proposal should not cause a
22 conservation concern and it will allow
23 subsistence users to more fully make
24 use of the wildlife that they harvest.
25 That's their comment.

26

27 CHAIRMAN LOHSE: Thank you, Barbara.
28 Any questions for Barbara.

29

30 (No comments)

31

32 CHAIRMAN LOHSE: Okay. We've had no
33 request for public testimony, so at this point in time
34 a motion to accept or reject the proposal either with
35 modification or the way it is originally written is in
36 order.

37

38 MR. KOMPKOFF: Mr. Chairman. I move
39 that we adopt this proposal.

40

41 CHAIRMAN LOHSE: As modified?

42

43 MR. KOMPKOFF: As modified.

44

45 CHAIRMAN LOHSE: Okay. Do I hear a
46 second.

47

48 MR. BLOSSOM: Second.

49

50 CHAIRMAN LOHSE: It's been moved and

1 seconded that we adopt the proposal as modified on Page
2 41. The only modification is to add the definitions of
3 big game and trophy. Any discussion. Tom.

4
5 MR. CARPENTER: Chuck, the
6 modification, I'm trying to think what we did on the
7 proposal before this. Is there any correlation between
8 what you're asking for modification here and the last
9 proposal that we opposed?

10
11 MR. ARDIZZONE: I have to think about
12 that for a second. Based on what you did in the last
13 proposal, I think the only thing that has any overlap
14 is that significant commercial enterprise, which is the
15 very last paragraph on Page 42 in the modified
16 language.

17
18 MR. CARPENTER: But there's no
19 definition of significant commercial enterprise.

20
21 MR. ARDIZZONE: Correct.

22
23 MR. CARPENTER: So why would Staff
24 recommend modified language that has no definition?
25 I'm not trying to put you on the spot. In my opinion,
26 I don't want to adopt something that's unenforceable or
27 means nothing.

28
29 MR. ARDIZZONE: I think it's just
30 another way to try to control commercial sales. There
31 is no definition of it. I guess the only way we'll get
32 to the definition is if the Board comes up with one or
33 there's a court case that decides what a significant
34 commercial enterprise is.

35
36 MR. CARPENTER: I guess my real
37 question is in the last proposal in regards to bears
38 there was Council members that had problems because we
39 didn't feel it should be left up to an individual law
40 enforcement officer trying to come up with what his
41 definition of significant commercial sale is versus the
42 next guy that comes along, so we opposed that proposal.
43 I mean I have no problem with this proposal except for
44 we're going to put -- I agree there needs to be a
45 definition and I agree there ought to be a way to
46 regulate it, but I do not agree with adopting this
47 language if it doesn't really mean anything.

48
49 CHAIRMAN LOHSE: Chuck.

50

1 MR. ARDIZZONE: I was just going to
2 defer to Ken Lord. He's our solicitor.

3
4 MR. LORD: Mr. Chairman. For the
5 record, Ken Lord for the Office of the Solicitor. The
6 reason that we've included that language in there from
7 the beginning of this program is because, as Mr. Knauer
8 explained, it's in the legislative history of ANILCA,
9 but we have been struggling with it ever since. It's
10 not something that is easily defined. No one has been
11 able to come up with a good definition of it.

12
13 The reason to include it is not so that
14 law enforcement can pick on the little guy, it's so
15 that there is something in regulation that might give
16 law enforcement a tool to deal with extreme cases. If
17 we leave it out, there's nothing to prevent somebody
18 from doing \$50,000 worth of business in a year. So we
19 include it in there in the hope that a judge in that
20 extreme case would accept it even though it's not a
21 well-defined term, that in certain cases it would
22 qualify as a significant commercial enterprise.

23
24 MR. CARPENTER: Then I guess my
25 question would be -- I appreciate that, but are we then
26 leaving it up to the subsistence user to fight the
27 Federal government over terminology that is very vague
28 and debatable?

29
30 MR. LORD: That's not the way we're
31 looking at it. The reason for including it is so that
32 a business, when cited, would have to -- obviously that
33 would be the defense that that business would raise as
34 an argument, that this term is non-defensible, but
35 judge could, and in extreme cases probably would,
36 accept that the term has a dictionary definition or
37 meaning that would apply in that case.

38
39 MR. CARPENTER: Just one follow up.
40 I'm not trying to put the pressure on you guys, but
41 it's like this is the third year in a row that we've
42 had proposals that deal like this. It's difficult for
43 people in our positions to make determinations about
44 the law especially when the people that are supposed to
45 be dealing with that have yet to come up with a
46 definition. And this isn't the only definition. I
47 mean, granted, I realize this is a touching situation,
48 but I don't feel like we should put the pressure on
49 your average Joe Blow down the street. I don't think
50 he should have to debate and fight the Federal

1 government or law enforcement in a Federal court over
2 something that's very vague and I would hope that next
3 year we wouldn't have the debate.

4
5 MR. LORD: The only alternative that we
6 can come up with that we discussed at Staff level was
7 to impose a dollar limit, as you suggested. You're
8 right, that does have the benefit of giving a clear
9 guidance to anybody in the field. But the Staff at
10 least wasn't comfortable trying to impose a single
11 limit statewide when practices are so different from
12 one region to another. It is something that is
13 possible with time and with input from the RAC's, but
14 at this juncture in the development of this whole
15 process we didn't feel comfortable doing that.

16
17 MR. CARPENTER: Just one more comment.
18 I guess when this whole debate went on in regards to
19 fish and how to set the dollar limits, there was a
20 request from the office to the different RAC's to come
21 up with a dollar value. I guess I'm curious as to why
22 they haven't asked for the same thing in this case. I
23 mean if this is a debatable issue in different regions,
24 and I agree with you 100 percent every region is
25 different, then maybe some language maybe for the next
26 meeting when we deal with game proposals is that each
27 region should have to do the same thing they did with
28 fish so that some of these questions can be set and put
29 to a final rest.

30
31 CHAIRMAN LOHSE: No argument on that.
32 What we have in front of us is the motion as modified.
33 You can always make an amendment to drop a portion of
34 that modification if you so wish, if you'd like to do
35 that, Tom.

36
37 MR. CARPENTER: Mr. Chairman. I'd like
38 to speak to that first. While I feel very adamant
39 about the idea and understand from the Solicitor's
40 Office that we need to have some sort of language in
41 this, I don't think it's the general public's duty to
42 have to prove why they violated or why they didn't
43 violate this. I think by taking the language out it
44 will force the office or force the Board to come up
45 with some sort of idea or language as to how to deal
46 with this.

47
48 So I would offer up an amendment that
49 we strike just the one portion of the modified language
50 that is the sale of handicrafts made from non-edible

1 byproducts of wildlife when authorized may not
2 constitute a significant commercial enterprise.

3

4 CHAIRMAN LOHSE: Thank you. Do I hear
5 a second for the motion.

6

7

MR. BLOSSOM: Second.

8

9

CHAIRMAN LOHSE: It's been moved and
10 seconded to strike .25 the sale of handicrafts made
11 from the non-edible byproducts of wildlife, when
12 authorized in this part, may not constitute a
13 significant commercial enterprise. Tom.

14

15 MR. CARPENTER: I'll just speak to my
16 amendment. I think that's consistent with what we did
17 in Proposal 01 where we believe it's the Federal
18 government's responsibility to come up with language
19 that's easily interpretable by the general public. In
20 my opinion, if this amendment that strikes .25 of this
21 modified language does that, then we're all better off
22 in the future.

23

24 CHAIRMAN LOHSE: Thank you, Tom. I'll
25 make a comment on this just for the sake of putting
26 things in a scale. From what I understand, this allows
27 a subsistence user to make use of the horns, the hoofs.
28 So let's take your subsistence user who is also an
29 artist, for example, and he takes a sheep. He takes a
30 nice 38-inch ram. He's a good horn carver and he
31 carves both antlers very nicely into a set of carved
32 antlers. He puts them up for sale \$3,500 a piece.
33 He's just taken this sheep and then under this
34 definition, by having this significant commercial
35 enterprise in here, most people would say \$7,000 is
36 fairly significant, yet that's what he could realize
37 just off the horns.

38

39

Take a moose. I don't know how many of
40 you kept track of what a smoked tanned moose hide costs
41 today. If you've tried to buy any recently, you've got
42 a pretty good idea of what they cost. In my way of
43 thinking, this is an extreme handicraft because of the
44 amount of hand labor that goes into it. You've got
45 \$3,000. Is that a significant commercial enterprise?
46 Or is it only a significant commercial enterprise if
47 you do 10 of them?

48

49

That's why I'm with Tom on this. When
50 we're dealing with things here, we're not dealing with

1 something that's worth \$25. It's not a bear claw
2 hanging on a necklace or something like that. It's a
3 set of moose horns that have been carved nicely and all
4 of a sudden they're worth \$2,000.

5
6 MR. LORD: Mr. Chairman. Just a quick
7 reminder to the Council that vagueness in a statute is
8 construed in favor of the defendant, so it's the
9 government's burden to prove that someone violated this
10 regulation and the government couldn't do that except
11 in extreme cases.

12
13 CHAIRMAN LOHSE: I would think that in
14 order to do it they would have to show that the person
15 is purposefully going out and hunting and taking more
16 than his limit and converting them -- you know, if I
17 ended up going out and getting proxies and shooting 10
18 moose and turning 10 moose into antler carvings, that
19 would be significant commercial enterprise. But if I
20 can take one moose, let's say you take a moose down in
21 Cordova and it turns out to be one of those big
22 monsters and you convert that into a real fancy horn
23 carving, some of those horn carvings go for enough that
24 I'd consider it a commercial enterprise because you
25 could make half a year's wages off of it. But you
26 can't say that's a significant commercial enterprise
27 because he's not going out and taking more than his
28 limit to do it.

29
30 That's why it's going to be hard if you
31 want to start setting a dollar limit on this because of
32 the kind of things that you're dealing with. You might
33 set a dollar limit that a person can only use half of
34 one horn that he took off of the moose that he shot,
35 you know.

36
37 MR. LORD: Like I said, this is
38 something the program has been struggling with, so if
39 anyone has any good ideas, we're all ears.

40
41 CHAIRMAN LOHSE: Dean.

42
43 MR. WILSON: It also has to do with who
44 does the work. There's some carvers and some beaders
45 out there that whatever they touch turns into huge
46 amounts of money and a major commercial enterprise
47 alone. So it's not necessarily just the use of the
48 horn that they're getting. You mentioned \$50,000.
49 That may be a high end excess, but if you have several
50 people that carved up horns and they go for four or

1 five thousand each and it's a family doing it, they're
2 going to be chased down with a violation. The last
3 portion of this is going to be used to go after them
4 with that. So at what point can they say, wait a
5 minute, we know we can go to this level and we've got
6 to stop at that level. As it is right now, by leaving
7 that in there, they don't know when to stop.

8

9 So I'd go for throwing it out as well.

10

11 CHAIRMAN LOHSE: Tom.

12

13 MR. CARPENTER: I'll just speak one
14 more time. I just feel strongly and at least in my
15 opinion this is a serious question that needs to be
16 answered and it needs to be answered in a relatively
17 short period of time. I think this amendment, by
18 striking this language, shows the Federal Subsistence
19 Board that this Council is serious about this question
20 being answered.

21

22 I would call the question on the
23 amendment.

24

25 CHAIRMAN LOHSE: The question has been
26 called on the amendment. The amendment is to drop .25,
27 the sale of handicrafts made from the non-edible
28 byproducts of wildlife, when authorized in this part,
29 may not constitute a significant commercial enterprise.
30 All in favor signify by saying aye.

31

32 IN UNISON: Aye.

33

34 CHAIRMAN LOHSE: All opposed, signify
35 by saying nay.

36

37 (No opposing votes)

38

39 CHAIRMAN LOHSE: The amendment carries.
40 We now have an amended motion in front of us. It's
41 basically .25(j)(9) If you are a Federally qualified
42 subsistence user, you may sell handicraft articles made
43 from non-edible byproducts of wildlife harvested for
44 subsistence uses (excluding bear) to include: skin,
45 hide, pelt, fur, claws, bones (except skulls of moose,
46 caribou, elk, deer, sheep, goat and muskox), teeth,
47 sinew, antlers and/or horns (if not attached to any
48 part of the skull or made to represent a big game
49 trophy) and hooves.

50

1 .25(a) Definitions. Big game means
2 black bear, brown bear, bison, caribou, Sitka
3 black-tailed deer, elk, mountain goat, moose, muskox,
4 Dall sheep, wolf, and wolverine. Trophy means a mount
5 of a big game animal, including the skin of the head
6 (cape) or the entire skin, in a lifelike representation
7 of the animal, including a lifelike representation made
8 from any part of a big game animal; trophy also
9 includes a European mount in which the horns or antlers
10 and the skull or a portion of the skull are mounted for
11 display.

12
13 Any more discussion.

14
15 MR. CARPENTER: Question.

16
17 CHAIRMAN LOHSE: The question has been
18 called. All in favor signify by saying aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN LOHSE: All opposed signify by
23 saying nay.

24
25 (No opposing votes)

26
27 CHAIRMAN LOHSE: Motion carries. With
28 that, we're going to stop working on proposals for
29 today. We said that we would give the Native Village
30 of Eyak an opportunity at 4:00. Let's take a break and
31 if we can find him, we'll give him a chance to make his
32 presentation. If we can't find him, maybe we will go
33 on to one more proposal.

34
35 (Off record)

36
37 (On record)

38
39 CHAIRMAN LOHSE: Okay. The
40 Southcentral Regional Subsistence Advisory Council is
41 back in session after our break. We have a
42 presentation by the Native Village of Eyak.

43
44 MR. van den BROEK: Thank you, Mr.
45 Chair. Keith van den Broek from the Native Village of
46 Eyak for the record. I apologize I won't be able to
47 fit into my previously scheduled slot. I'm only
48 available here today. I don't have a lot for you.
49 It's been a long day, so I don't want to waste too much
50 of your time. I just wanted to give a brief

1 informational update on the status of this season's
2 projects.

3
4 The Native Village of Eyak is going to
5 be involved in five different FR&P funded projects this
6 summer. The Lower River sonar project, the chinook
7 salmon escapement monitoring program, the new sockeye
8 salmon escapement study, sockeye radiotelemetry and the
9 steelhead and coho radiotelemetry.

10
11 We'll start out with the Lower River
12 sonar project. For the 2005 season the report is
13 complete and it was distributed last week. So that
14 puts us into 2006. That completes all our requirements
15 for 2005. 2006 is the final year that this project
16 will be funded by FR&P. We'll be looking at a
17 mobilization date of around May 5th. Of course, it
18 depends on river conditions. I drove out to 27 Mile a
19 couple weeks ago and it looks like, from a preliminary
20 survey, the Flag Point channel is going to be suitable
21 again, but you can never tell until after breakup, so
22 hopefully that will work out for us.

23
24 Potential change to the design of the
25 study. We've been informed by Cordova Telephone Co-op
26 that we're probably going to have availability of DSL
27 internet and land-line phone out there. They've got a
28 new repeater tower that they built for getting a phone
29 out to the million dollar bridge and they think we
30 should be able to tap into that. So if we do that,
31 we're going to have to go back to some sort of a
32 wireless setup to get down to the sonar and be able to
33 plug in. That's going to mean better data transfers is
34 the main thing with that. We won't have to rely on the
35 Starband satellite internet anymore.

36
37 So hiring has been completed for the
38 NVE technician on this. ADF&G still needs to hire
39 their technician still. They usually have an answer
40 for us on that around April.

41
42 The chinook escapement monitoring, I
43 already presented all these projects at the last
44 meeting, so I'm not going to give too much background
45 on them. For the 2005 study we ended up with a final
46 estimate of 30,333 fish, so a standard error of 1,529.
47 So after the Fish and Game estimate of 10,000 in-river
48 harvest, this does put the escapement estimate around
49 20,000, which is about 4,000 fish lower than the
50 escapement goal. So this was a pretty hot topic at the

1 Board of Fish back in December. I think everyone is
2 probably aware of what happened there.

3
4 The final report for the 2005 season is
5 pretty much completed. It's being reviewed right now
6 and we'll probably be distributing it next week or the
7 week after.

8
9 So the 2006 season on this project is
10 the final year and the current three-year funding
11 cycle, we've got a new pre-proposal in, which is being
12 reviewed by the TRC this week, I guess, and we're
13 working on the investigation plan, hoping that this
14 will be funded for another year. The original pre-
15 proposal was just for 2007. We might try to expand
16 that into three years because of uncertainly of funding
17 at this point.

18
19 So mobilization, again we'll be looking
20 at around the 8th of May. Depends on river conditions.
21 All hiring is now complete. We've got five technicians
22 returning from last year and five new hires. This
23 number of technicians is ramped up because we'll be
24 doing the sockeye mark/recapture work as well.

25
26 Another thing we're going to be doing
27 alongside the sockeye work, I discussed the tagging
28 method we're going to be using now, so we are going to
29 do some validation of that method using the chinook
30 salmon. We're going to be applying a pit tag and a
31 spaghetti tag to all the king salmon that we do. That
32 way we will be able to have the visual mark as well as
33 the pit tag just to make sure our receivers upriver are
34 working for the pit tags.

35
36 Going to the sockeye escapement then,
37 this is the new study which is just funded in 2006 and
38 we've got the proposal in for funding in 2007. We're
39 going to aim to mark 10,000 sockeye salmon at Baird
40 Canyon with these pit tags. We'd like to be able to
41 tag more. It's simply cost. The tags are worth about
42 \$4 a piece, so there's only a limited number we can put
43 out.

44
45 Like I've said, we've increased
46 technician support at Baird Canyon. We're going to
47 have six technicians plus one LGL person, so we'll have
48 a total of seven people working at Baird Canyon. We've
49 increased the expert technical support at Canyon Creek.
50 I've hired one electrical engineer who should be able

1 to run the system up there pretty well. Other than
2 that, all preparations are complete and ready to go.
3 We've got all the supplies ordered and everything is
4 ready to roll as soon as the river lets us.

5
6 For the sockeye radiotelemetry, last
7 year was the first year on that. I don't have a lot of
8 data to present to you right now. The final report is
9 being reviewed and distributed this week. We're going
10 to be deploying 500 or more radio tags. I say or more
11 because if we get returns from the in-river fishery, we
12 can send them out again. We had some problems last
13 year with the signal strength on the tags when we were
14 doing aerial surveys, so we've ordered new tags with a
15 stronger signal. We've also ordered a new receiver
16 that we're going to use for in-river boat surveys
17 between Bird Canyon and Hayley Creek. Hopefully will
18 be able to account for a lot of the fish that we had as
19 upstream migrants and weren't able to actually assign a
20 spawning ground for them.

21
22 We're also going to be applying a
23 secondary mark on a spaghetti tag on all the radio-
24 tagged fish. That's another problem we had last year.
25 I think a lot of the radio tags were just being thrown
26 out by the dipnetters or fishwheelers because they
27 didn't know they were in there. The only visible thing
28 is a tiny piece of wire sticking out of their mouth.
29 The only problem I anticipate with that is the
30 potential that people can target these fish to try to
31 get some type of reward, but we're not really offering
32 too much of a reward. It wasn't an issue with the
33 chinook study.

34
35 We've got the steelhead radiotelemetry
36 project. This is operated primarily by ADF&G and I
37 think James Savereide will be here to give a full
38 presentation on this on Thursday. So we're going to be
39 providing two technicians at Canyon Creek and all the
40 equipment, fishwheels and technical support they need
41 to run that.

42
43 So that's all I've got if anyone has
44 any questions.

45
46 CHAIRMAN LOHSE: So were the radio tags
47 for the steelhead applied at Canyon Creek instead of
48 Baird Canyon?

49
50 MR. van den BROEK: That's correct,

1 yeah.

2

3 CHAIRMAN LOHSE: Off the top of your
4 head, how many did they put in?

5

6 MR. van den BROEK: Not as many as they
7 would have liked.

8

9 UNIDENTIFIED SPEAKER: Fifty-three.

10

11 CHAIRMAN LOHSE: Fifty-three. Tom.

12

13 MR. CARPENTER: I have two questions.
14 Is the recapture site for the sockeye going to be in
15 the same place where they're recapturing the chinooks
16 and that's before the dipnet fishery, right?

17

18 MR. van den BROEK: That's correct.

19

20 MR. CARPENTER: I would appreciate if
21 you could send me a copy of the report when it comes
22 out or if Donald gets it if he'd send me a copy because
23 I'd like to read that. Thanks.

24

25 MR. van den BROEK: No problem.

26

27 CHAIRMAN LOHSE: Pete.

28

29 MR. KOMPKOFF: I didn't hear you. How
30 far up the Copper are you guys doing these studies?

31

32 MR. van den BROEK: Our mark site is at
33 Baird Canyon, which is located about five miles above
34 Miles Lake and the recapture site is at Canyon Creek,
35 which is just below Chitina, below Wood Canyon.

36

37 MR. KOMPKOFF: Thank you.

38

39 CHAIRMAN LOHSE: Now if you go to your
40 spaghetti tags, do you offer a reward for the radios
41 that are returned?

42

43 MR. van den BROEK: Not a monetary
44 reward, no. What we're doing for the last year, I
45 haven't sent anything out yet, but I'll be sending out
46 a T-shirt that we had designed to everyone who returned
47 a radio tag. Sort of promote it a little bit so people
48 are aware of what's going on. I know there have been
49 instances in other studies where they've offered a
50 monetary reward and people did start targeting the

1 radio tagged fish so they could get the monetary
2 reward.

3
4 CHAIRMAN LOHSE: But in this case it
5 would be pretty hard to target those fish in that kind
6 of water, although they could target them up on the
7 spawning grounds.

8
9 MR. van den BROEK: Right.

10
11 CHAIRMAN LOHSE: Now if a king salmon
12 had a spaghetti tag in it last year, did it also have a
13 radio in it?

14
15 MR. van den BROEK: No. There were no
16 radio tags for king salmon last year. In previous
17 years we used a color difference. There was a gray
18 tag on the radio tagged fish and a yellow tag on the
19 others.

20
21 CHAIRMAN LOHSE: They were yellow tags
22 last year, weren't they?

23
24 MR. van den BROEK: Yes. I think
25 they're going to be orange this year.

26
27 CHAIRMAN LOHSE: And those aren't just
28 inserted, they're sewed through and tied.

29
30 MR. van den BROEK: They're sewed
31 through the dorsal musculature. The spaghetti tags
32 we're using on the sockeye for the radio tagged ones
33 will be the same.

34
35 CHAIRMAN LOHSE: They'll be sewed
36 through, they won't just be inserted?

37
38 MR. van den BROEK: The radio tags will
39 be inserted into the stomach.

40
41 CHAIRMAN LOHSE: I mean the spaghetti
42 tags that you put on those fish, will they be all the
43 way through or will they just be inserted?

44
45 MR. van den BROEK: If it works. We've
46 had trouble spaghetti tagging sockeye in the past
47 because they're smaller and they kick around a lot
48 more. We may be able to go with some sort of a T-bar
49 tag where you just pop it in there like a clothing tag.

50

1 CHAIRMAN LOHSE: Those seemed to work
2 pretty good in the old days, those T-tags.
3
4 MR. van den BROEK: So we might
5 experiment with something like that. The crew is
6 familiar with the spaghetti tagging technique, which is
7 why we were just planning on doing that. There's no
8 new equipment or new training needed.
9
10 CHAIRMAN LOHSE: Tom.
11
12 MR. CARPENTER: Just one more question.
13 Have you guys ever thought about a project or put in
14 maybe to try to verify how many sockeye are making it
15 to the index streams?
16
17 MR. van den BROEK: The sockeye
18 radiotelemetry work will do that in some small part.
19 You can look at the percentage that are taken by the
20 in-river fishery, but it's tough to know exactly what's
21 happening there anyway. You can't get a real accurate
22 estimate. The only real way to get an estimate like
23 that is through a reporting system.
24
25 CHAIRMAN LOHSE: Did you get any
26 surprising data on your sockeyes this year, places that
27 you didn't expect them to go?
28
29 MR. van den BROEK: I don't think so,
30 no.
31
32 CHAIRMAN LOHSE: So how many radio tags
33 went out on the sockeye?
34
35 MR. van den BROEK: 523, I think.
36
37 CHAIRMAN LOHSE: And they all ended up
38 on known sockeye spawning grounds, huh?
39
40 MR. van den BROEK: Well, for the most
41 part, yeah. For the major tributaries anyway.
42
43 CHAIRMAN LOHSE: Any other questions.
44
45 MR. van den BROEK: At the next meeting
46 I'll plan on bringing some copies of the maps showing
47 the full distribution for two years of the study
48 hopefully.
49
50 CHAIRMAN LOHSE: I'd be interested in

1 seeing that. Nobody else.

2

3

(No comments)

4

5 CHAIRMAN LOHSE: Thank you. We have 15
6 minutes until 5:00 o'clock. What's the pleasure of the
7 rest of the Council. Make this a short day for today
8 since we worked pretty hard on the other one. Start in
9 the morning, bright and early at 9:00.

10

11

MR. BLOSSOM: Sound good.

12

13

14 CHAIRMAN LOHSE: Okay. With that,
15 unless there's further business that somebody would
16 like to bring up that they need taken care of today,
17 I'd like to put this meeting in recess until tomorrow
18 morning at 9:00 o'clock.

18

19

Thank you all for your patience.

20

21

(Off record)

22

23

(PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

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