

SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME III

TELECONFERENCE - Alaska
October 22, 2020
9:00 a.m.

COUNCIL MEMBERS PRESENT:

Donald Hernandez, Chair
Michael Douville
Albert Howard
Cathy Needham
Harold Robbins
Robert Schroeder
Frank Wright
John Yeager

Regional Council Coordinator, DeAnna Perry

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P R O C E E D I N G S

(Teleconference - 10/22/2020)

(On record)

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7 MS. PERRY: Mr. Chair, you do have a
8 quorum. You have seven of your nine currently seated
9 members on the line. And I've done a little bit of
10 housekeeping already and checked for Staff, so I'll
11 hand it over to you.

12
13 CHAIRMAN HERNANDEZ: Okay, thank you,
14 DeAnna. Good morning Council members and everybody,
15 and Staff on the phone. I notice that Larry Bemis is
16 still not with us, but I did want to offer him some
17 congratulations, I saw on the news this morning that
18 he's been elected to the Yakutat Borough Council. I
19 think that's probably occupying some of his time right
20 at the moment. So congratulations to Larry on that.

21
22 So we will start today's meeting with
23 public comments.

24
25 Before we get to that I just kind of
26 want to recap what needs to be finished up today and,
27 DeAnna, I might need a little help here from you. But
28 right now I see that we still have a Staff
29 report/Agency report from the Office of Subsistence
30 Management. I think Mr. Kron was going to do that. I
31 believe we finished all of our action items except for
32 future meeting dates, we have to be thinking about
33 future meeting dates, I don't know if we will be able
34 to meet in person but we still have set dates and
35 locations. We have to have a discussion on other Board
36 of Fish proposals that the Council may want to support
37 or oppose, so hopefully Council members have been
38 looking over the State Board of Fish proposals and
39 getting ideas of what they want to do there. We want
40 to submit some comments on timber sales. And any
41 letters that need to be written as a result of this
42 meeting, we need to be thinking about those comments
43 and letters.

44
45 So is there anything else that -- oh,
46 one more thing, we have a presentation on changes to
47 NEPA policy. And I believe we set that for 1:00
48 o'clock this afternoon.

1 DeAnna, have I missed anything?

2

3 MS. PERRY: Mr. Chair. The annual
4 report, I put together some thoughts from the notes I
5 had and sent that by email to everyone last night. I
6 don't know if you've had a chance to look that over,
7 but we do still need to vote on the record for those
8 particular items, just, again, not approving the
9 language I can work on that, but it's just approving
10 the list now and we'll come back at the spring or the
11 winter meeting and approve the annual report as a
12 final.

13

14 Also during this meeting you guys have
15 mentioned talking possibly about delegations of
16 authority so I don't know if you want to have that
17 discussion. And, yeah, I think you've already covered
18 the State proposals. The Council voted to send two
19 representatives, or up to two representatives to the
20 Board of Fish meeting and we'll make sure that they
21 have some notes based on the comments the Council has
22 shared in the last couple of meetings. And then
23 whatever additional State proposals you want to do
24 formal written comments on, we can do that during this
25 meeting.

26

27 Thank you, Mr. Chair.

28

29 CHAIRMAN HERNANDEZ: Okay, thank you,
30 DeAnna. Yes, I did see your notes there on the annual
31 report and thanks for reminding we, we still have to
32 have a vote on that, finalizing it -- or not finalizing
33 it, but approving the preliminaries. And maybe in the
34 course of discussions today there might be some topics
35 to add to that annual report so that's good that we
36 still have that open.

37

38 Okay, thank you, very much, I've
39 updated my agenda here so now I would like to get to
40 the public testimony here this morning. DeAnna, I'll
41 ask you first have you been in contact with anybody
42 that you know has testimony this morning.

43

44 MS. PERRY: Mr. Chair. I did reach out
45 to Keenan Sanderson. I realized that Tony Gallegos was
46 not available for the Ketchikan Indian Community,
47 however, Keenan is not speaking on behalf of the tribe
48 but now would probably be the best opportunity for him
49 to share his thoughts about subsistence and I believe

50

1 he's standing by to do that. Again, we're doing that
2 during the public comment period instead of the agency
3 reports.

4
5 CHAIRMAN HERNANDEZ: Okay, thank you.
6 We'll hear from him soon but first I just want to check
7 the phone lines and ask if there is anybody that's on
8 the telephone that was wanting to give us public
9 testimony this morning.

10
11 (No comments)

12
13 CHAIRMAN HERNANDEZ: Okay, I'm not
14 hearing anybody DeAnna, so maybe somebody will come on
15 but if Mr. Sanderson is ready we can have him introduce
16 himself and give his testimony.

17
18 MR. SANDERSON: Hi, yeah, can you guys
19 hear me.

20
21 CHAIRMAN HERNANDEZ: I hear you fine.

22
23 MR. SANDERSON: So for the record my
24 name is Keenan Sanderson, K-E-E-N-A-N S-A-N-D-E-R-S-O-N
25 from Ketchikan Alaska and I'm the indigenous food
26 sovereignty coordinator for the Ketchikan Indian
27 Community. And as stated previously, although I am a
28 Staff member for the Ketchikan Indian Community, I do
29 not speak on behalf of the tribe down here.

30
31 I just wanted to give you guys a couple
32 of updates on some things that we're working on in
33 regards to subsistence. A couple weeks ago we had an
34 Our Way of Life committee meeting and we invited both
35 the Alaska Department of Fish and Game and the U.S.
36 Forest Service members from the Ketchikan area. One of
37 the big things that we talked about was the eulachon
38 run in the Unuk River. We haven't had an open fishery
39 here at the Unuk River for quite some time now, I
40 believe it's been about 17 years or so since we've had
41 an open fishery for that here. And having both Fish
42 and Game and the U.S. Forest Service was really helpful
43 to be able to tease out some new and creative ideas to
44 be able to help our tribal citizens down here have
45 access to that resource that has traditionally been
46 really important to us for a really long time but we
47 haven't had access to it also for a very long time.
48 And part of opening that fishery back up is actually
49 within the Board of Fisheries proposals. I don't

50

1 remember what number it is but it's starting to get
2 some language in the regulations to be able to have
3 access to that resource when better data is made
4 available to us for the population abundance for
5 eulachon in the Unuk River. So that's one of the big
6 things that we are working on down here.

7
8 As of right now our department that I
9 work for, the Cultural Resources Department, are also
10 working on a number of different Board of Fish
11 proposals outside of that as well, as you guys are, in
12 the last couple of days from listening in. I believe
13 we're going to be commenting on roughly 40 to 50
14 different proposals that indirectly or directly impacts
15 traditional use of resources here in Southeast Alaska.
16 I think there was a number thrown out, it might have
17 been like the first day of this meeting, that there's
18 going to be a bunch of proposals being suggested to
19 comment on so it sounds like we're both in agreement in
20 that there's a lot of proposals that need to be
21 addressed this upcoming meeting cycle.

22
23 A couple other things that we're doing
24 down here, let me pull out my notes here.

25
26 One thing that our department and the
27 Ketchikan Indian Community is trying to do is trying to
28 create a subsistence program that allows our tribal
29 citizens down here to have more access to traditional
30 resources in the Ketchikan area. And part of that is
31 creating a boat program that we will be able to take
32 our own tribal citizens out on the water to be able to
33 go harvesting like salmon, halibut, beach seafoods,
34 deer and moose and all sorts of other things, hopefully
35 in the near future. That's a project that we've been
36 working on for quite some time now and hopefully we'll
37 have -- be able to get that started once we start to
38 build our capacity on that.

39
40 We also, at the Ketchikan Indian
41 Community, have recently passed a subsistence guiding
42 principles for moving forward as our community.
43 There's about five different, I guess you can call them
44 pillars, that we generally want to focus on to help our
45 -- allow our tribe to be able to reach our goal of
46 securing food sovereignty and food security for our
47 tribal citizens. And it's stuff like encouraging
48 priority to subsistence users, making sure that we're
49 protecting the environment that our resources reside

50

1 in, sustainable harvest practices, all sorts of stuff
2 like that too. And that was recently just passed at
3 our meeting, I believe it was this week.

4
5 And then another thing that we are
6 focusing on, too, is our herring egg program. I don't
7 know if you guys seen the news last April, but the
8 Ketchikan Indian Community was involved in a herring
9 egg giveaway that ended up providing at least 400 to
10 500 different households with upwards of like six
11 pounds of herring eggs for their households which
12 actually made national news last year and we were
13 hoping to enhance that program even further this year,
14 too, as well. And on part of that, too, is also
15 working on those Board of Fish proposals that also deal
16 with herring eggs as well.

17
18 Aside from that, I won't take up too
19 much more of your time but those are a number of things
20 that the Ketchikan Indian Community is working on and I
21 thought it would be useful to share with the SERAC. So
22 other than that I'll step down.

23
24 Thank you.

25
26 CHAIRMAN HERNANDEZ: Thank you, Keenan,
27 for bringing all those issues before us today. It's
28 always really good to hear from the Ketchikan Indian
29 Community. It sounds like you have a lot going on down
30 there. Would you be willing to answer any questions
31 from Council members, if they have any?

32
33 MR. SANDERSON: I'll do my best, but,
34 absolutely.

35
36 CHAIRMAN HERNANDEZ: Okay. Council, if
37 you have questions for Mr. Sanderson, go ahead and
38 speak up.

39
40 MR. WRIGHT: Mr. Chair.

41
42 CHAIRMAN HERNANDEZ: Yep, go ahead,
43 Frank. It sounds like Frank, go ahead, Frank.

44
45 MR. WRIGHT: Okay. What is this elder
46 -- taking out elders to participate in hunting or do
47 you guys do proxy hunting for your elders?

48
49 MR. SANDERSON: As far as, no, we don't
50

1 do proxy hunting. Our department is fairly new and in
2 this position I'm currently in, I haven't even hit a
3 year in this position yet, we will, with our boat
4 program, will be -- the idea is to be taking tribal
5 citizens out to remote areas off the road system to be
6 able to go harvest deer and moose that otherwise would
7 be -- they wouldn't have access to. We really want to
8 try to hit home on people who don't already have really
9 good access to motor vessels or any other equipment, to
10 be able to help them harvest those resources.

11
12 Part of this program, too, and in the
13 first couple of years we'll probably be focusing really
14 hard on halibut and deer and maybe moose, but part of
15 the program will be physically taking out tribal
16 citizens so they can gain skill and knowledge to be
17 able to do those harvesting activities on their own.
18 But part of that will also be taking some of those
19 resources and distributing those resources out to
20 tribal citizens, and especially elders that can't go
21 out themselves, and don't have anybody in their
22 immediate family to be able to provide those resources
23 for them, so that they still can have those traditional
24 foods that are so important to them.

25
26 MR. WRIGHT: Followup question, Mr.
27 Chair.

28
29 CHAIRMAN HERNANDEZ: Go ahead, Frank.

30
31 MR. WRIGHT: I think that the tribe has
32 a program where they hire someone to just do that, you
33 know, get food for elders and I think they hire a
34 hunter. I know I had a cousin that used to do that for
35 him but I don't know if he does it anymore. But anyway
36 that's a program that you might be able to look into is
37 they hire a person to go out and bring food back.

38
39 Thank you, Mr. Chair.

40
41 CHAIRMAN HERNANDEZ: Thank you, Frank.
42 Any other Council members with comments or questions.

43
44 MS. NEEDHAM: Mr. Chair.

45
46 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

47
48 MS. NEEDHAM: Thank you, Mr. Chair.
49 I'd like to thank Keenan for taking the time to come in

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1 and testify before the Council today. Many of you may
2 not know this since we don't get to meet in person but
3 Keenan is a young individual from -- and his family is
4 from Hydaburg, his father is Rob Sanderson, who has
5 been before our Council numerous times in the past.
6 And, Keenan, I don't know if you remember me but I've
7 worked with Hydaburg Cooperative Association for a
8 number of years and you actually worked on one of the
9 Fisheries Resource Monitoring Programs that they have
10 out there running a weir with Tony Christianson. And
11 so we've met a few times at fish camp as part of our
12 work out there. And so I want to commend you on the
13 work that you're doing. I know that you just recently
14 received a college degree in fisheries and I think
15 you're a huge asset to the tribe that I'm involved in
16 KIC, and I support the work that you're doing.

17
18 What I took from your testimony today
19 is that KIC has been very involved with this round of
20 Board of Fish proposals and this body has also put some
21 fish proposals forward but one of the things that we're
22 going to work on today is looking at other proposals to
23 the Board of Fish that we might want to provide
24 comments on or support for. So I appreciate that you
25 put that list together and I wanted to know if you're
26 going to be around if we had some specific questions or
27 if there were specific proposals that you would like to
28 see is kind of review and potentially put support
29 behind in making some comments. I know that we'll also
30 have time to work on that at our next meeting, I
31 believe, in March, but it would be good to kind of get
32 a bead on that this time. So are there any specific
33 Board of Fish proposals that KIC is putting forward
34 that you think would benefit for this RAC support.

35
36 MR. SANDERSON: Absolutely. And I'll
37 be around all day and I'll most likely be at that March
38 meeting too. So whenever is convenient for you guys to
39 have me come and work with you guys I'd be more than
40 happy to. I'll just also say, that, yes, I do
41 definitely remember you. My time with the Hydaburg
42 Cooperative Association sitting out in Hetta and Eek
43 was probably one of the best times in my whole life. I
44 remember we didn't get a whole lot of fish that year
45 but I definitely learned a lot from everybody out there
46 and had a really great time. And like you said, I did
47 get my degree recently from UAF. I am definitely
48 trying to do my best to help support my tribes in
49 Southeast Alaska and my family and everybody else that
50

1 really relies on all these resources that we've
2 depended on for so long. So I really appreciate the
3 recognition that you just gave me, it really means a
4 lot to me.

5
6 MS. NEEDHAM: Mr. Chair, I have a
7 followup.

8
9 CHAIRMAN HERNANDEZ: Yep, go ahead,
10 Cathy.

11
12 MS. NEEDHAM: I would just like to
13 point out to you, Keenan, that this Council accepts
14 application every year for three year seats and we have
15 a rotating schedule, and if you have not already, I
16 would encourage you to apply for a seat on this
17 Council.

18
19 Thank you.

20
21 CHAIRMAN HERNANDEZ: Okay.

22
23 MR. SANDERSON: Thank you very much, I
24 appreciate that and I'll definitely consider that,
25 Cathy. Thank you.

26
27 CHAIRMAN HERNANDEZ: Yeah, we've been
28 kind of lacking a representative from the Ketchikan
29 area for quite awhile now, we're missing out there.

30
31 Keenan, if you do have a list of
32 proposals, Board of Fish proposals that you want the
33 Council to, you know, take a look at, you can either
34 maybe get those to our coordinator before the meeting's
35 over. We'll probably be looking at these this
36 afternoon, or if you would like to call back in after
37 lunch, we always have public testimony available after
38 lunch as well. We have one time specific presentation
39 at 1:00 o'clock, but if you would like to call back in
40 after that that's welcome as well so we'll give you
41 some options there. But we would be interested in
42 hearing what Board of Fish proposals you have been
43 focusing on.

44
45 Any other Council members with
46 questions or comments.

47
48 MR. HOWARD: Mr. Chairman, this is
49 Albert.

50

1 CHAIRMAN HERNANDEZ: Go ahead, Albert.

2
3 MR. HOWARD: Thank you, Mr. Chairman.
4 So Mr. Sanderson, I've worked with your dad on many
5 issues and we've attended a lot of general assemblies,
6 well, not a lot, a couple together where, you know,
7 we've become known as troublemakers I guess, and Floyd
8 Kookesh said it best, when you're an advocate for your
9 people, as Natives, you're a troublemaker; if you're a
10 non-Native you're an advocate. So that's kind of how
11 him and I met, was he helped Angoon with a lot of
12 issues and we solved a lot of problems together so I
13 guess what I'm offering is if you have any questions or
14 can't seem to figure out how to get from A to Z, maybe
15 I can help you. So this is my offer to help with
16 anything you need, don't hesitate to find me.

17
18 Thanks, Mr. Chair.

19
20 MR. SANDERSON: Thank you. Thank you
21 very much. And I'll definitely reach out to anybody
22 and everybody to help me progress and help our tribe
23 progress as a people. I really appreciate that, thank
24 you very much.

25
26 CHAIRMAN HERNANDEZ: Any other Council
27 members with a question or a comment.

28
29 (No comments)

30
31 CHAIRMAN HERNANDEZ: I have one myself,
32 Keenan. I was just wondering if Ketchikan Indian
33 Community has been very involved in working with the
34 Forest Service on that South Revilla sale. We heard
35 some testimony yesterday, it sounds like there's been
36 some problems in, you know, getting community
37 involvement due to this whole pandemic situation and
38 the ability to hold meetings. I was just wondering how
39 KIC has been engaged on this at all.

40
41 MR. SANDERSON: I know that our tribe
42 has been taking a look at that. In terms of what
43 they're -- the tribe and the Council is doing, we
44 haven't finalized anything yet so I can't speak more
45 than that. We are working on something but as far as
46 what it is we have nothing official yet.

47
48 CHAIRMAN HERNANDEZ: Okay. Glad to
49 hear that though, thank you. Other Council members, a
50

1 question or a comment.

2

3

(No comments)

4

5

6 CHAIRMAN HERNANDEZ: Not hearing
7 anything so, yeah, thank you, Keenan, for your time and
8 testimony this morning. And I'm really glad that
9 you're pretty actively involved in these Board of Fish
10 proposals coming up. I was looking through them and I
11 noticed a number of proposals from the Ketchikan Indian
12 Community and I highlighted those as ones for the
13 Council to take a look at more seriously that we might
14 want to support. And like I say, if there's other
15 proposals from other folks that came to your attention
16 that you want to bring to our attention to support that
17 would also be very helpful.

17

18

19

So once again appreciate your testimony
this morning.

20

21

MR. SANDERSON: Howaa, thank you.

22

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26

CHAIRMAN HERNANDEZ: So I'm going to go
back to the phone lines here and ask if there is
anybody else that has called in this morning that wants
to give public testimony.

27

28

(No comments)

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CHAIRMAN HERNANDEZ: Apparently not.
So we'll move on with the agenda. I think it's time
for -- I'm going to leave the annual report item open
until later in the day in case we want to add issues.
Maybe we'll -- we were doing agency reports yesterday
afternoon, one agency left was the Office of
Subsistence Management, so if Mr. Kron is available
maybe we'll have that report now.

38

39

MR. KRON: Thank you,

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First of all we wanted to thank you and
all the Council members for your hard work. Thank you,
very much. It's been very difficult for all of us,
dealing with the Covid19 environment. We are holding
all 10 fall 2020 Regional Advisory Council meetings via
teleconference. This decision was made with the utmost
consideration and concern for the health and safety of
Council members, families, rural communities, the
public, and Staff who are all part of the Council

1 meetings. The health and safety of everyone is our
2 highest priority. The Center for Disease Control and
3 Prevention guidelines suggests that people avoid travel
4 and refrain from meeting in person to minimize risk and
5 help prevent the spread of Covid19. The Regional
6 Advisory Councils are the foundation of Alaska's
7 Federal Subsistence Management Program. We recognize
8 that holding face to face Council meetings in rural
9 communities across Alaska is preferable for engaging
10 the public most effectively. The Federal Subsistence
11 Management Program is fully committed to resuming in
12 person meetings across Alaska as soon as possible, to
13 do so safely.

14
15 Next, I'll move on quickly to OSM
16 Staffing changes since your last meeting.

17
18 Tom Doolittle, the former acting
19 Assistant Regional Director and Deputy Assistant
20 Regional Director will retire this fall. Tom has
21 already gone hunting but knows that the Program will be
22 served well by our new ARD, Assistant Regional Director
23 Sue Detwiler.

24
25 Chris McKee, who was OSM's wildlife
26 division lead took a position with the Bureau of Land
27 Management and will serve on the InterAgency Staff
28 Committee member for BLM. We are grateful to have
29 experienced people on the InterAgency Staff Committee
30 that will remain with the Program as advisors to their
31 Board members.

32
33 Suzanne Worker, one of the OSM's
34 wildlife biologist took another position with the U.S.
35 Fish and Wildlife Service Ecological Services Program
36 in Portland, Oregon.

37
38 Lisa Maas, one of our wildlife
39 biologists is currently acting OSM policy coordinator.

40
41 Frank Harris, an OSM fishery biologist
42 transferred to the Kenai Fisheries Office of the U.S.
43 Fish and Wildlife Service and will be working on
44 Kuskokwim fisheries projects.

45
46 Scott Ayers, another OSM fishery
47 biologist took a promotion with the U.S. Fish and
48 Wildlife Service to work in the Wildlife and Sportfish
49 Restoration Program in Anchorage.

50

1 OSM has hired two new fisheries
2 biologists, Jared Stone, and Cory Graham.

3
4 OSM recently also hired Sherri Gould-
5 Fehrs to our clerk position and hired Dr. Brent Vickers
6 as the supervisory anthropologist.

7
8 Next I'll talk about some policy
9 changes.

10
11 During the August work session of the
12 Federal Subsistence Board they approved changes to the
13 closure policy and non-rural determination policy which
14 Councils were previously briefed on. The Board also
15 approved revisions to the special action section of the
16 tribal consultation implementation guidelines. Copies
17 of theses documents are available upon request as well
18 as on the OSM website

19
20 Next I'll move on to RealIDs for travel
21 to Council meetings in the future.

22
23 Over the past two years we've been
24 reminding Council members about the changes in
25 requirements for IDs at airports. The due date was
26 originally October 1, 2020, however, it has been now
27 postponed until October 1st, 2021, so a year from now.
28 Note that all Council members will need to make sure
29 that they have the correct ID to travel next fall. If
30 you don't have a correct ID, please, make sure you get
31 it before the fall 2021 Council meeting.

32
33 Finally, I'll touch on the latest
34 update on the lawsuit from the State of Alaska. I just
35 talked to Ken Lord at the Solicitor's Office last week,
36 Friday, to doublecheck. But here's the update.

37
38 On August 10th the State of Alaska
39 filed a lawsuit against the Federal Subsistence Board
40 after it adopted Emergency Special Action, WSA19-14,
41 this allowed the village of Kake to engage in a
42 community harvest of two antlered bull moose and three
43 [sic] male Sitka deer. Also included in the lawsuit
44 was a Temporary Special Action WSA20-03, which closed
45 Federal public lands in Units 13A and B to non-
46 Federally-qualified moose and caribou hunters. As part
47 of the lawsuit the State asked the court to issue two
48 preliminary injunctions. One, to prevent the Unit 13
49 closure from taking effect, and another vacating the
50

1 Kake hunt and prohibiting the Board from allowing any
2 additional emergency hunts related to the impacts of
3 Covid19. On September 18th, the U.S. District Court
4 denied the State's request for a preliminary injunction
5 on the Unit 13 closure. The Court found that:
6 "Because the State has not demonstrated either a
7 likelihood of success or serious questions on the
8 merits of its claims, the Court need not consider the
9 remaining elements of the preliminary injunction
10 analysis."

11
12 As of this writing, the Court has not
13 yet ruled on the request to enjoin the Kake hunt or the
14 adoption of other Covid19-related emergency actions.

15
16 A ruling on the preliminary injunction does not
17 resolve the litigation. Barring a settlement with the
18 State, the questions raised by the State concerning the
19 Board's authority to take these actions will be argued
20 over the coming months. The Solicitor's Office
21 estimates that the briefings should be complete in late
22 winter or spring of 2021 and the Court will issue its
23 decision in early summer, next year.

24
25 Based on legal guidance, Program Staff
26 does not comment on any active litigation directed
27 against the Federal Subsistence Board beyond what is
28 set forth here.

29
30 I would be happy to answer any
31 questions.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN HERNANDEZ: Thank you for the
36 report, Tom. Do we have questions for Mr. Kron from
37 the Council? Questions or comments.

38
39 (No comments)

40
41 CHAIRMAN HERNANDEZ: Not hearing
42 anybody, Tom, I did want to maybe talk a little bit
43 more about our Council make up here and how many
44 Council members we have. I really don't think we have
45 a real clear yet from anybody on why we are chartered
46 as a 13 member Council and we only have 10 seated
47 members. And I did look at that Executive Order that
48 relates to FACA Advisory Committees, and I don't know I
49 just didn't understand how that related to our

50

1 particular situation, being a committee that's
2 designated by Congress and, you know, exists due to
3 Legislation and our functions are pretty well
4 established and not in any question, and I don't know
5 can you comment on that. Is that something you know
6 about.

7
8 MR. KRON: I will provide a little bit
9 of comment and then maybe if DeAnna could followup as
10 well.

11
12 Again, as I think as all of you know,
13 individual applications or nominations are considered
14 by a review panel. The review panel Staff from various
15 agencies interview those people that have applied. The
16 applications then go through the Staff Committee and
17 the Board. The Board has completed their process, they
18 did that in early August, and the names have gone in to
19 Washington, D.C., for the 10 Councils.

20
21 Last year, as I think as you all know,
22 you know, many of the Board members that were
23 recommended by the Federal Subsistence Board were not
24 accepted for your Council, or for the other nine
25 Councils across the state. There were also impacts the
26 year before. None of us know what's going to happen
27 this year. We might as well be hopeful. But beyond
28 that I really don't have an answer but we are hopeful
29 to be able to refill the Southeast Council back to its
30 13 members.

31
32 DeAnna, do you have anything to add?

33
34 MS. PERRY: Tom, not really, other than
35 once the nominations panel met early on, that's the
36 first process in the application procedure, we did have
37 enough applicants to fill the vacant positions, those
38 were -- you know the interviews happened, they were
39 ranked and those went to the InterAgency Staff
40 Committee and as Tom said, that's part of the process.
41 It's my understanding that once it got to Washington,
42 that's when things changed, and, again, we're not given
43 any reasons other than here's who's appointed and
44 here's who's not appointed, and so that's what we
45 experienced last year. And like Tom said some Councils
46 did experience that the year before, in that, some
47 longstanding Council members were not reappointed. And
48 I know this Council, you know, has been on record a
49 couple of times in its disappointment about some of our
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1 longstanding members not being reappointed.

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So that's what I know about the process. Again, it's my understanding that the change in what was approved happened in Washington, and, Tom, correct me if I'm wrong, but we had enough applicants that were forwarded, to fill the vacant seats, but once it hit Washington and went through the vetting process, not all of those folks were appointed.

MR. KRON: Yes, thank you, DeAnna. That's my understanding as well.

Thank you, Mr. Chair.

CHAIRMAN HERNANDEZ: Okay. So to followup on that, that does clarify a little bit to us, I mean how this came about. The only clarification being that nobody really knows, so that's interesting. Okay, so I'll accept the fact that it happened back in Washington, D.C., and nobody here in Alaska is to blame. So I will ask you, maybe some expertise, I mean I read that Executive Order, and I just didn't see anything in that Executive Order that would have justified, you know, our Councils being affected. I don't know do you see anything in that Executive Order that would justify what was done back in D.C., or are we to just accept the fact that it was an arbitrary decision not based on any facts whatsoever.

MR. KRON: My understanding -- just for your information, my understanding is there are hundreds of Advisory Committees and Councils across the nation, you know, as a result of that Executive Order, the Office of Subsistence Management had to provide a lot of information through the summer and fall, and, again, the basic argument is exactly what you're saying, is that this Council, the Southeast Council, the other 10 [sic] Councils were all created by ANILCA and as such they need to be maintained but, you know, as part of that Executive Order process there was a decision, I guess, made to try to reduce the size of the Councils. And, again, none of us here in Alaska had any input into that decision.

But anyway that's what happened last year, and we've submitted a full list again, as DeAnna mentioned, we have a full list recommended for the Southeast Council of 13, we remain hopeful -- normally

1 the appointments are made in December timeframe, so we
2 are hopeful that that will happen this winter. But,
3 again, we will have to wait and see and remain hopeful.

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Thank you, Mr. Chair.

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CHAIRMAN HERNANDEZ: Okay, thank you for those answers. One more line of questioning kind of in the same vein. Tom, I think you're pretty involved with Council budgets and budgeting the Program, is there any budgeting concerns about having 13 members on the Council as opposed to 10; are they trying to save money here, would that be a justification or do we have plenty of funding?

MR. KRON: I am guessing that was part of the thinking in Washington, D.C. You know as I mentioned earlier, Councils, and the Council process is the foundation to the Federal Subsistence Program in Alaska and, you know, again, within OSM's budget this is a priority, you know, we did not push at all for any reduction in the size of Council members and Councils. So, again, budget is not the issue from our perspective but it may have very well been an issue in D.C., when they were thinking about things, but, again, I do not know, I'm just speculating.

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Thank you, Mr. Chair.

CHAIRMAN HERNANDEZ: Okay. Appreciate that answer. Anybody else on the Council have a question or comment.

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(No comments)

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CHAIRMAN HERNANDEZ: I'm not hearing anything. Maybe one more topic in regards to our meetings, and this might be something we want to add to the annual report. But I'm still a little bit concerned that Councils are not given the opportunity to meet in some of the smaller communities. And I believe there is a policy in place, I don't know if it's a flexible policy or if it's been set, if it's budgetary related, but my recollection some of it might have been related to budget. And it seems like in the past year we've saved a pile of money on not having meetings held in person with all these virtual meetings. When we get the opportunity to meet in person again I would really hope that we could meet in

1 some of our smaller communities and make that happen.
2 And the other revelation from these virtual meetings is
3 that, you know, they can happen, they have worked
4 reasonably well, not for the Council necessarily, but I
5 would throw out there that the option that in order to
6 save money to have some of these meetings, I think it
7 would be possible to send the Council to these smaller
8 communities and we don't necessarily need all of the
9 Staff to go to these meetings, a lot of Staff can be on
10 virtually but I think it's really important that the
11 Council gets out to these smaller communities and if we
12 could make that happen I'd really want to push for
13 that.

14
15 Do you have any comments, possibilities
16 there Tom.

17
18 MR. KRON: Yeah, I agree with you it's
19 really important for the Councils to meet across Alaska
20 in small communities, it's important for Southeast
21 Council to be able to meet in small communities. The
22 decision -- yeah, I think this all relates back to a
23 decision about a dozen years ago when there were budget
24 reductions to basically that Councils meet in hub
25 communities, places where Alaska Airlines flies into
26 for example, hub communities. And basically if a
27 Council wishes to not meet in a hub community, they
28 wanted to -- the Assistant Regional Director wanted to
29 hear about it in advance, be able to review and
30 consider it before it was approved, so basically it'd
31 be matter of just deciding on a location, and then
32 asking DeAnna to submit a request for consideration.
33 But, again, this process was established about a dozen
34 years ago to save money and it's been in place. But,
35 again, I, personally, think that there's a tremendous
36 benefit to meeting in rural communities and I know I've
37 heard that from you, I've heard that from a lot of the
38 Council members, it's important to hear from the
39 subsistence users in the rural areas.

40
41 So, you know, my suggestion is to
42 decide what you think makes sense based on the issues
43 that are occurring in the area and proposals that are
44 being considered by the Federal Program or the State
45 Program, decide where it makes sense to meet and then
46 provide that explanation/argument through DeAnna to the
47 Assistant Regional Director.

48
49 Thank you, Mr. Chair.

1 CHAIRMAN HERNANDEZ: Thank you for that
2 answer. We probably will be exploring that.

3
4 Any other comments or questions from
5 Council members for Mr. Kron.

6
7 MR. HOWARD: I have a comment, Mr.
8 Chair, this is Albert.

9
10 CHAIRMAN HERNANDEZ: Yeah, go ahead,
11 Albert.

12
13 MR. HOWARD: Mr. Chairman, I have to
14 agree that the smaller communities, we should be
15 holding meetings in those communities. I mean a lot
16 of this has been set up for their benefit and a lot of
17 them are Federally-qualified subsistence users. When
18 we meet in hubs, most of the time, the hubs are not --
19 they don't fall in that category. I'm fortunate to be
20 on there and bring the concerns of the community I live
21 in to the meeting but not everyone has that ability. I
22 know we've lost members from Kake, Pelican now, and
23 Sitka, so some of those smaller communities aren't
24 represented. It's interesting that we don't meet
25 because our Staff isn't able to come in because they're
26 not allowed to fly on a single engine plane but yet
27 they let me leave Angoon on a single engine plane, so I
28 guess I'm expendable, and that's not the point I'm
29 getting at. And, you're correct, we're not -- you know
30 it seems like the funding agency is taking away our
31 Staff and they're the important part of this puzzle.
32 They bring a lot of good information that's useful to
33 us but they're never with us and now they're with us on
34 the phone so I think this maybe could be an annual
35 report.

36
37 The other thought was maybe figuring
38 out how we can support the Federal Subsistence Board on
39 their allowing Kake a hunt, but that's for all of us to
40 decide.

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN HERNANDEZ: Okay, thank you,
45 Albert. Anybody else on the Council want to comment or
46 thought of a question for Mr. Kron.

47
48 (No comments)

49
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1 CHAIRMAN HERNANDEZ: Sounds like maybe
2 we don't so you're done with your report, Tom. So
3 appreciate you coming forth and giving that report and
4 answering our questions.

5
6 MR. KRON: Thank you, Mr. Chair.

7
8 CHAIRMAN HERNANDEZ: Okay, we're moving
9 right along here. Maybe it's time, Council, to begin
10 talking about some other Board of Fish proposals.
11 Maybe we should introduce that topic and start talking
12 about it this morning.

13
14 MS. PERRY: Mr. Chair.

15
16 CHAIRMAN HERNANDEZ: Go ahead, DeAnna.

17
18 MS. PERRY: This is DeAnna. I just --
19 as we're moving off of the Office of Subsistence
20 Management report, I don't think we've had the
21 opportunity to introduce our new Assistant Regional
22 Director, Sue Detwiler for OSM, and I do know that
23 she's listening. So I don't know if you wanted to have
24 an opportunity to just let her introduce herself to the
25 Council at this time.

26
27 CHAIRMAN HERNANDEZ: Sure.

28
29 MS. DETWILER: DeAnna, can you hear me?

30
31 MS. PERRY: Yes, we can, thanks.

32
33 MS. DETWILER: Oh, great, thanks. So,
34 hi, this is Sue Detwiler, the new Assistant Regional
35 Director for the Office of Subsistence Management.
36 I've been in this position since April. And I have
37 been able to catch parts of your meeting the last
38 couple days. And I just signed in, I heard the very
39 last portion of the discussion about the Regional
40 Advisory Council nominations and the process. And I
41 have heard some of those concerns before and I will be
42 paying attention to that process as we move the current
43 package of nominations before -- back to the -- as it
44 moves through Washington, D.C.

45
46 So just wanted to let you know I'm on
47 the call. I'm kind of hopping on and off of these
48 Regional Advisory Council calls as other things come up
49 but I do appreciate the opportunity to listen in and

50

1 actually hear firsthand what the issues are. It really
2 helps give me some context as we move forward with the
3 current year and the current regulatory process for a
4 number of things that we have going on.

5

6 So thank you, Mr. Chair, and thank you,
7 DeAnna, helping me interject myself and just say hello
8 to folks.

9

10 CHAIRMAN HERNANDEZ: Yeah, thank you
11 for introducing yourself to us and appreciate that
12 you've been able to listen in on some of our meeting
13 here. Look forward to meeting you some time in the
14 future at in person meetings when they happen again,
15 so, thanks, again.

16

17 DeAnna, was there any other OSM
18 business we need to talk about here?

19

20 MS. PERRY: No, Mr. Chair. Mr. Kron
21 had the report and I, again, just wanted to give the
22 opportunity for Ms. Detwiler to introduce herself.

23

24 MS. DETWILER: Mr. Chair.

25

26 CHAIRMAN HERNANDEZ: Yeah, go ahead,
27 Tom. I see you back up there.

28

29 MS. DETWILER: Yes, I just wanted to
30 followup on Sue's introduction. Sue has worked for the
31 Forest Service there in Juneau. She's worked in Alaska
32 for several decades. She's got a lot of experience and
33 I think she's going to be a great Assistant Regional
34 Director for OSM. And representing all of the Councils
35 through the Federal Subsistence Program. So, again,
36 wanted to thank Sue and welcome her to the Program.

37

38 Thank you.

39

40 CHAIRMAN HERNANDEZ: Okay, thank you.
41 Good to hear she's got a lot of experience here in
42 Southeast Alaska, that's good to hear.

43

44 So Council members, are we prepared to
45 at least start a discussion on Board of Fish proposals.
46 We may -- I don't know if we can finish up that
47 discussion this morning but maybe just start talking
48 about it, I guess.

49

50

1 So in our supplemental packets I think
2 the Staff, probably Terry and Justin, I'm guessing, put
3 together a list of proposals before the Board of Fish
4 that they thought might be of interest to the Council
5 and.....

6
7 MS. PERRY: Mr. Chair.

8
9 CHAIRMAN HERNANDEZ: Yeah, go ahead,
10 DeAnna.

11
12 MS. PERRY: Sorry. I just wanted to
13 remind the Council that I actually just put together a
14 screenshot of the table of contents. There is no list
15 of these are pertinent proposals. I just wanted to make
16 that clear. This is simply a list of all of the
17 Southeast proposals. And while Mr. Sanderson was
18 speaking, I did look in the Board of Fish proposal book
19 and it looks like Proposal 142 is the KIC proposal
20 regarding eulachon and I can put that up on the screen
21 if you would like to kick off the discussion with that
22 or we can go in order, whatever you prefer. I just
23 wanted to let the Council members know that that list
24 isn't one that was purposely put together, it's just a
25 table of contents list of the proposals.

26
27 Thank you.

28
29 CHAIRMAN HERNANDEZ: Okay, yeah, my
30 mistake. So I see they're broken down into
31 subsistence, personal use, sport and herring. So is
32 that just a list of all the proposals in those
33 categories then?

34
35 MS. PERRY: Yes, Mr. Chair. Taken from
36 the Board of Fish proposal book.

37
38 CHAIRMAN HERNANDEZ: Okay.

39
40 MS. NEEDHAM: Mr. Chair.

41
42 CHAIRMAN HERNANDEZ: Okay, thank you
43 for that clarification. Somebody else have a comment.

44
45 MS. NEEDHAM: Mr. Chair, this is Cathy.

46
47 CHAIRMAN HERNANDEZ: Yeah, go ahead,
48 Cathy.

49
50

1 MS. NEEDHAM: Thank you, Mr. Chair.
2 I'm looking at the handout that was provided and there
3 were two proposals that I wanted to bring to the
4 attention of the Council on behalf of Hydaburg
5 Cooperative Association that I don't see on this list
6 so I can just briefly tell you that one of those
7 proposals was Proposal No. 177, which is to establish
8 closed waters in the Hydaburg area of Section 3A to
9 closing for shrimp commercial fisheries. This is put
10 forward by the Hydaburg local area committee, which
11 includes members of their subsistence committee for the
12 Hydaburg Cooperative Association. And the rationale
13 for closing it is there's been a drastic decline in
14 available shrimp in those waters for personal use due
15 to the over -- what they consider the overfishing of
16 commercial shrimpers that target those areas close to
17 the community pretty heavily.

18
19 The second proposal is No. 210, which
20 is a similar proposal to the shrimp proposal made by
21 the same committee down there. It's to close Klukwan
22 Straits for the commercial harvest of dungeness crab
23 for the same reason. Essentially the committee down
24 there that met feel that people are not -- in Hydaburg
25 are not able to meet their personal use or subsistence
26 use needs for either of those two species due to the
27 heavy commercial use within the same area, essentially,
28 just it seems different between the proposals because
29 they're different species so they have different
30 management areas.

31
32 I'd like to see, personally, from the
33 Council's perspective if we want to weigh in on that
34 support of those two proposals on behalf of the
35 community of Hydaburg.

36
37 Thank you, Mr. Chair.

38
39 CHAIRMAN HERNANDEZ: Okay. Thank you,
40 Cathy. That's exactly what we're looking for from
41 Council members, if they've gone through the proposals
42 and see something that they want the Council to give
43 closer look at and, you know, either be in support or
44 opposition, so that's helpful.

45
46 I have a few checked off myself here
47 but I'll ask other Council members, provided some
48 proposals that they want to bring to the attention of
49 the Council.

50

1 (Teleconference interference -
2 participants not muted)

3
4 CHAIRMAN HERNANDEZ: I think we've got
5 someone.....

6
7 (Teleconference interference -
8 participants not muted)

9
10 CHAIRMAN HERNANDEZ: Say, Bob, this is
11 Don, you're on the Council call as well and you're on
12 the phone on another line.

13
14 (Pause)

15
16 CHAIRMAN HERNANDEZ: Okay, I think we
17 have that muted. So I don't know if the rest of the
18 Council is still here with me but we're looking for
19 proposals of interest from other Council members.

20
21 (No comments)

22
23 CHAIRMAN HERNANDEZ: Anybody else see
24 anything in the State proposals they want to bring
25 before the attention of the Council.

26
27 (No comments)

28
29 CHAIRMAN HERNANDEZ: Okay, I'd like to
30 bring a few to people's attention and, you know, I'm
31 not real familiar with all of these but other Council
32 members might be, might want to make suggestions.

33
34 I'm looking at Proposal 128 -- excuse
35 me -- so I have a little bit of difficulty here,
36 DeAnna, because I can't bring up the proposal book and
37 do this at the same time.

38
39 MS. PERRY: Mr. Chair. I can show --
40 for those that are on teams, I can show the table of
41 contents on the screen if that would be helpful. And
42 apologies if I didn't capture all the pages when I sent
43 that out to the Council. I know I also sent a link out
44 to the whole proposal book. But would it help if I
45 showed that on the screen, Mr. Chair, the table of
46 contents to help you identify the proposals.

47
48 CHAIRMAN HERNANDEZ: Well, I was
49 wondering if you could, as we talk about these

50

1 proposals that are in the book, can you put them up on
2 the screen from the proposal book?

3
4 MS. PERRY: Yes, I'd be happy to. I
5 have the book open already so we're good.

6
7 CHAIRMAN HERNANDEZ: Okay. That would
8 probably be the best way to go about this so we all
9 know we're looking at the same thing here at the same
10 time.

11
12 I highlighted proposal.....

13
14 MS. NEEDHAM: Mr. Chair.

15
16 CHAIRMAN HERNANDEZ: Go ahead,
17 somebody.

18
19 MS. NEEDHAM: Thank you, Mr. Chair. I
20 have the proposal book up on my computer, but I have
21 not been successful in signing into teams for the last
22 two days so when DeAnna puts it up there, if she could
23 refer to the page number that would help me
24 considerably.

25
26 Thank you.

27
28 MS. PERRY: Okay.

29
30 CHAIRMAN HERNANDEZ: Okay. So I was
31 looking at Page 144 is Proposal 128, and I don't have a
32 hard copy of the proposal book to refer to, I got all
33 this stuff up on the screen and I don't know how to go
34 back and forth so if it could be up on the screen,
35 DeAnna, that might be helpful. Go to Page 144,
36 Proposal 128.

37
38 (Pause)

39
40 CHAIRMAN HERNANDEZ: Yeah, I'm not
41 seeing that on my screen.

42
43 MS. PERRY: There seems to be a bit of
44 a delay so if you'll just bear with me here. Can you
45 see it now.

46
47 CHAIRMAN HERNANDEZ: Oh, there it is,
48 okay. Yeah.

49
50

1 MS. PERRY: Okay. On my book it's on
2 Page 146 so there seems like -- so, Cathy, hopefully
3 that -- between both Don and my page numbers that'll
4 get you in the right area.

5
6 CHAIRMAN HERNANDEZ: Yeah, I see that,
7 Page 146. Part of it's hidden by this toolbar.

8
9 MS. PERRY: I moved it up, does that
10 help, Mr. Chair.

11
12 CHAIRMAN HERNANDEZ: Yeah, it has to do
13 with, it said gillnets in Southeast Alaska, is that the
14 one that we put in?

15
16 MS. PERRY: Yes, it is, Mr. Chair.

17
18 CHAIRMAN HERNANDEZ: Oh, okay. So
19 that's one we're already supporting.

20
21 The next one, Proposal No. 129 deals
22 with modifying the closed waters and limits in Klawock
23 River. And I didn't know if that was something you
24 folks down there in Craig and Klawock were interested
25 in us supporting. They were submitted by Klawock Fish
26 and Game Advisory Committee. And I don't know if Mike
27 or Cathy are more familiar with that.

28
29 MS. NEEDHAM: Mr. Chair, I just need a
30 minute to review what they put here.

31
32 Thank you.

33
34 CHAIRMAN HERNANDEZ: Yeah, 129 and 130
35 both deal with Klawock River.

36
37 MS. NEEDHAM: Mr. Chair, this is Cathy.

38
39 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

40
41 MS. NEEDHAM: I would have to defer to
42 Mr. Douville how he feels about opening up stream
43 fishing above the bridge, I think during that period of
44 time sockeye could still be going into the river. That
45 one seems to be quite a bit later these days and so
46 there's the potential for harvesting sockeye above the
47 bridge at that pinchpoint before they go into the
48 river, might be increased if that were to be opened.
49 But dependent upon if he confirms that or not, I'm not

1 sure that I would necessarily want to support that
2 because I know they worked to get that portion of the
3 fishery closed, at least for sockeye retention.
4

5 CHAIRMAN HERNANDEZ: Right.
6

7 MS. NEEDHAM: The second half of the
8 proposal is regarding a daily limit for coho and
9 personally I fished that, I don't necessarily see a
10 problem with having a no annual limit. There are a lot
11 of coho that kind of come right back into the estuary.
12 My understanding is that's where the hatchery is
13 releasing coho -- well, a portion of the coho that
14 they're raising in the lake and it's an opportunity for
15 the community to fish -- the number of fish in there
16 especially during that time period if the -- I mean
17 there's not much sockeye bycatch during that period of
18 time, I don't believe. But I would defer to Mr.
19 Douville if he knows more.
20

21 Thank you, Mr. Chair.
22

23 CHAIRMAN HERNANDEZ: Okay, thank you,
24 Cathy. Yeah, both of these proposals kind of relate to
25 the fact that they have a hatchery coho run there now
26 that seems to be fairly abundant, they want to take
27 more advantage of.
28

29 So, I don't know, Mike, are you on the
30 line, is that something you're familiar with.
31

32 MR. DOUVILLE: Yes, this is Mike
33 Douville. The comment I would have on this is I think
34 that the August 15th date is a bit early. Most of the
35 sockeyes are gone through by then but because it is a
36 troubled run I would not support that date and would
37 rather see the end of August, August 31 -- or I think
38 there's 31 days in August. And then this would be
39 effective September 1. It just opens the area. Most
40 of the guys are able to get the fish below the bridge
41 but there was an instance of some sightings made for
42 fishing above the bridge, I believe last year. I think
43 it's okay to fish above the bridge after sockeyes have
44 gone through and just to ensure that, the August 15th
45 date would be questionable in my mind. But the rest of
46 it I support.
47

48 CHAIRMAN HERNANDEZ: Okay, thank you.
49 In regard to the Board of Fish proposals, you know,
50

1 some of them could possibly get modified in the course
2 of discussions with the Board of Fish. I think as a
3 Council, you know, I'd be hesitant to, you know,
4 suggest modifications or anything. I think, you know,
5 if there's something that we can see that we would
6 obviously firmly support or firmly oppose, we should do
7 that, but if it's something that we see that might need
8 some modification, I don't know, that all happens in
9 the committee process there at the Board of Fish and
10 I'm a little uncomfortable making recommendations there
11 because you might have to be involved in the
12 negotiation process and I don't know if we're going to
13 be able to do that or not.

14

15 So.....

16

17 MR. DOUVILLE: Yeah, Mr. Chair, I fully
18 -- this is Mike Douville here again. I fully
19 understand and agree with you, I would not try to make
20 a change at this point, but in committee deliberations
21 or at the Board of Fish, certainly that option, I think
22 is available.

23

24 CHAIRMAN HERNANDEZ: Right. Yeah, and
25 I think that's a good policy for us. So we just won't
26 take any action on Proposal 129, we'll let that work
27 its way through the system.

28

29 But Proposal 130 on the other hand,
30 that might have some merit, increasing the -- let's
31 see, well, let's take a look at 130.

32

33 MR. PAPPAS: Mr. Chair, George Pappas.
34 Might I add to 129, please?

35

36 CHAIRMAN HERNANDEZ: Sure, go ahead,
37 George. It might be helpful here.

38

39 MR. PAPPAS: So I'll be attending the
40 meeting and if it does come up in question, what did
41 the Regional Advisory Council say about this, they said
42 they alternately considered a delay in the opening day
43 to ensure that sockeye passage was complete. And that
44 will be sufficient to plant the idea for that
45 discussion.

46

47 Thank you, Mr. Chair.

48

49 CHAIRMAN HERNANDEZ: Okay, so I guess

50

1 we could make recommendations if we want to on these,
2 Mike, so.

3

4 MR. HOWARD: Mr. Chairman, I have a
5 question.

6

7 CHAIRMAN HERNANDEZ: Yeah, go ahead,
8 Albert.

9

10 MR. HOWARD: Thank you, Mr. Chairman.
11 The Klawock Fish and Game Committee, who is that?

12

13 CHAIRMAN HERNANDEZ: Mike, do you have
14 a good answer for that?

15

16 MR. DOUVILLE: Excuse me I was muted.
17 Okay, which proposal are we discussing here at this
18 point, I was reading 130 right now?

19

20 CHAIRMAN HERNANDEZ: Well, there's
21 several proposals put forth by the Klawock Fish and
22 Game Advisory Committee. I don't know, Albert was
23 interested as to who that was. I would assume it's,
24 you know, the State Advisory Committee that's local
25 residents of Klawock.

26

27 MR. DOUVILLE: The question about the
28 Advisory Committee is composed mostly of, I would
29 assume, Klawock. They have not been active in a few
30 years and I think they just became active in the last
31 year or so. So I'm not -- the membership is not clear
32 to myself, although on the Craig Advisory Committee,
33 which I am a member, we have made effort to, you know,
34 we try to keep the Advisory Committees of local
35 residents. You know I don't think that's a law or
36 whatever, but we ask questions about that sort of
37 thing.

38

39 Thank you.

40

41 CHAIRMAN HERNANDEZ: Thanks, Mike.

42

43 MS. NEEDHAM: Mr. Chair.

44

45 CHAIRMAN HERNANDEZ: Cathy.

46

47 MS. NEEDHAM: Thank you, Mr. Chair.
48 Mr. Douville is correct, it is a Fish and Game Advisory
49 Committee that was not active for quite some time. But

50

1 as a result of that Klawock Management Plan that was
2 finished this past year, one of the priorities was to
3 have the community reengage with potential management
4 action that could occur that would work towards trying
5 to improve the sockeye run there for the community and
6 so the Advisory Committee was reengaged and had a
7 meeting prior -- a number of meetings prior to this
8 proposal process for the Board of Fish in order to
9 develop proposals that came from some of the
10 discussions that happened during that management
11 planning. I was unable to attend the meeting, however
12 I was on the committee for the management planning
13 portion of the process that compiled some of the ideas
14 that came out of that of potential Board of Fish
15 proposals, and they presented that list to the Fish and
16 Game Advisory Committee.

17
18 But because I wasn't at the meeting and
19 the residents that turned up for the meeting, it had
20 good representation, I felt, but they also took most of
21 the proposals that came from the management plan and
22 kind of revised them and tweak them and I did not have
23 a chance to understand much of the rationale behind it.
24 And so I don't have anything necessarily more to add in
25 that light. But that's why they became active again
26 and why we're seeing a number of proposals from that
27 committee in this years BOF process.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN HERNANDEZ: Thanks, Cathy.

32
33 MS. KENNER: Mr. Chair.

34
35 CHAIRMAN HERNANDEZ: Is there somebody
36 else on line.

37
38 MS. KENNER: Mr. Chair, this is Pippa.

39
40 CHAIRMAN HERNANDEZ: Oh, Pippa, hi, go
41 ahead.

42
43 MS. KENNER: Hi. I just wanted to let
44 you know that I do have a list of the Advisory
45 Committee members on my screen if you're still
46 interested.

47
48 CHAIRMAN HERNANDEZ: Well, I don't
49 think that's necessary for the rest of the Council but
50

1 thank you.

2

3

4 MR. HOWARD: There's always a reason
5 for my question, I guess. We have to be mindful of who
6 we're supporting. This could be an arm of a Federally-
7 recognized tribe, which is fine with supporting, or
8 this could be an outside group representing Klawock.
9 So it's just a valid question for my peace of mind.
10 It's easier to support something when it comes from the
11 community, so, yeah, I'd like to see the list. We
12 still haven't had a clear answer on who's on there and
13 now she's offering one.

13

14

Thank you, Mr. Chair.

15

16

17

CHAIRMAN HERNANDEZ: Okay, that's fine,
Albert. Yeah, if you could put that up, Pippa.

18

19

20

21

MS. KENNER: Yeah, my ability to
communicate with DeAnna is down right now or I would
have just sent it to her.

22

23

24

25

26

27

It's Dennis Nickerson, Brenda Leask,
Stacey Skan, Marvin George, Mike Kennedy, Sr., Tom
Leask, Nick Nickerson, Algie Fisby, John Skan, Carl
Benston, Irving Langmaid, Kurt Whitehead, and Tylo
Kennedy.

28

29

30

31

32

CHAIRMAN HERNANDEZ: Okay, thank you,
Pippa. Some of those names are familiar to me. I'm
sure Mike knows them all. Albert might even know some
of those folks so.

33

34

35

36

37

MS. KENNER: I would like to add I
don't know how often they update this list, but it is
probably close to correct.

38

39

40

41

42

CHAIRMAN HERNANDEZ: Okay. Albert, are
you happy with that?

43

44

45

46

47

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49

50

(No comments)

MR. DOUVILLE: Mr. Chairman.

CHAIRMAN HERNANDEZ: Yeah, go ahead,
Mike.

1 MR. DOUVILLE: I would like to ask if
2 she'd read the list for the Craig Advisory Committee.

3
4 CHAIRMAN HERNANDEZ: Okay. Do you have
5 that Pippa.

6
7 MS. KENNER: Okay, this is Pippa.
8 Thank you, Mr. Chair. Mr. Doolittle [sic]. Just a
9 second here, it will just be probably about 15 seconds.

10
11 (Pause)

12
13 MS. KENNER: Again, this is what Fish
14 and Game has posted at their website, it's probably
15 close to correct.

16
17 It is:

18
19 Ellen Hannan, Fred Hamilton, Kurt
20 Whitehead, Joel Steenstra, David Creighton, Mike
21 Kampnich, Michael Douville, Raymond Douville, Kirk
22 Agnitsch, Charles or Chuck Haydu, and Brian Castle.

23
24 CHAIRMAN HERNANDEZ: Does that sound
25 like a current list, Mike?

26
27 MR. DOUVILLE: Yes, that is, I believe,
28 a current list, and Mr. Whitehead is -- was the one we
29 questioned. We've been having some conversation with
30 the Department about having somebody from Klawock or
31 somewhere else on the island participating in a -- say
32 in Craig's AC when they live in Klawock, and so on.
33 But I don't know, I can't give you a clear answer
34 because I can't remember if we got one, but in any case
35 that's something we had discussion on.

36
37 CHAIRMAN HERNANDEZ: Okay. We'll keep
38 that in mind. But, yeah, getting back to the Klawock
39 River, I mean I highlighted those proposals because
40 we've had so much discussion about, you know, Klawock
41 River subsistence fishing over the years and when these
42 changes came up, you know, I just was wanting to make
43 sure that we took a look at them and see if they're in
44 line with how we've been asking for things to be done
45 there or if there are major changes or, you know, what
46 we want to do. So just because Klawock River's been
47 such an issue over the years, I highlighted those.

48
49 So it's kind sounding like we can

50

1 support some of them but maybe with slight
2 modifications, to at least one of them.

3

4 So we haven't really looked at Proposal
5 130 close enough yet.

6

7 MS. PERRY: Mr. Chair, this is DeAnna.
8 I just wanted to make sure that as we go through these,
9 that we're going to be capturing enough information for
10 a comment to be put forth (indiscernible - cutting
11 out). They require a rationale, identifying factors
12 (indiscernible - cutting out) so I know some of the
13 Council members have spoken and I've captured those,
14 but just wanted to make sure that in addition to either
15 supporting or supporting with modification, that we
16 make sure that we provide a rationale as well because
17 they will require that in our -- in submitting our
18 comments.

19

20 Thank you.

21

22 CHAIRMAN HERNANDEZ: Okay, thank you,
23 DeAnna. We'll keep that in mind. I think going back
24 to Proposal 129, I think we were supporting that with a
25 modification to move that date back to the end of
26 August with the rationale that we would like to see an
27 increased opportunity to harvest hatchery run coho,
28 however, we don't want it to affect the wild sockeye
29 run in Klawock River. We can support it with a
30 modification.

31

32 And then Proposal.....

33

34 MS. PERRY: Thank you, Mr. Chair.

35

36 CHAIRMAN HERNANDEZ: And then Proposal
37 130, that's the one we were talking about, we still
38 need a little more discussion on that one.

39

40 MS. NEEDHAM: Mr. Chair.

41

42 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

43

44 MS. NEEDHAM: Thank you, Mr. Chair.
45 I've read Proposal 130 a couple of times since we've
46 been having this discussion and I am not understanding
47 what this proposal is requesting and I'm wondering if
48 somebody can make it a little clearer to me.

49

50

1 CHAIRMAN HERNANDEZ: Thank you, Cathy.
2
3 MR. DOUVILLE: Mr. Chairman.
4
5 CHAIRMAN HERNANDEZ: Maybe Mr. Douville
6 can. Go ahead, Mike.
7
8 MR. DOUVILLE: Thank you, Mr. Chair.
9 Mike Douville here. This, to me, is confusing because
10 I'm not able to see the current regulations and so I'm
11 not sure what this is trying to accomplish. I think
12 this is already in place but -- so I am not sure.
13
14 CHAIRMAN HERNANDEZ: Well, I think my
15 recommendation would be just not to take any action on
16 it then if it's unclear. We'll let the Board of Fish
17 worry about that, they'll get some explanations from
18 the proponents.
19
20 MS. NEEDHAM: Mr. Chair.
21
22 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
23
24 MS. NEEDHAM: Thank you, Mr. Chair.
25 You know we had -- when we met in Craig, we had Dennis
26 Nickerson come before us and we've had members from the
27 Klawock Cooperative Association come before us a number
28 of times asking for support for proposals that we've
29 continuously steered them to the Board of Fish process
30 because many of the things that they've been asking for
31 are not within our purview. And I wish we had the
32 opportunity and maybe we can make sure we have the
33 opportunity by our March meeting for a representative
34 from the community to explain maybe some of their
35 rationale behind proposals that we just don't know
36 enough about at this point in time because I know
37 through that management plan process that they've been
38 trying to be really engaged, and we've asked them to
39 engage in the Board of Fish process a little more. And
40 so I think us going through them, like you've mentioned
41 earlier, is something that we should definitely do but
42 when we come to proposals like this one where we might
43 not want to support it if they're trying to change
44 things that are going to dis-align things from the
45 regulations that we put in place in the Klawock River,
46 it's just I can't tell reading this proposal as it is
47 right now on the screen, what exactly is this going to
48 end up doing. And so rather than like maybe taking no
49 action and asking for representatives from the Klawock
50

1 AC and/or Klawock Cooperative Association to be present
2 next meeting to dialogue with us a little more might be
3 the way to handle that.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN HERNANDEZ: Thank you, Cathy.
8 That makes perfect sense. So if that's the case on
9 some of these proposals we'll just maybe have DeAnna
10 make a note that we'd like to revisit, you know, these
11 proposals in our winter meeting where we have another
12 meeting and maybe get more information.

13

14 So I think that's the case on Proposal
15 130.

16

17 MR. DOUVILLE: I agree. And Cathy read
18 off -- excuse me, Mr. Chair, if I may.

19

20 CHAIRMAN HERNANDEZ: No, go ahead,
21 Mike.

22

23 MR. DOUVILLE: Speaking out of turn
24 here. Mike Douville. I would like to do more research
25 on some of these proposals, including the ones that
26 Cathy mentioned that the Hydaburg -- that came from
27 Hydaburg, and I'm sure we'll discuss these more at our
28 AC meeting and have a clearer picture of what they
29 involve and so on at the next meeting. But, certainly,
30 I would like to see them highlighted to bring them to
31 our attention, and if we can support or not support
32 them then.....

33

34 (Teleconference interference -
35 participants not muted)

36

37 MR. DOUVILLE:at the.....

38

39 (Teleconference interference -
40 participants not muted)

41

42 CHAIRMAN HERNANDEZ: Yeah, Mike, I
43 think that's exactly what we want to be doing here. If
44 we see something that we obviously want to support or
45 oppose right now we'll get on the record with that, but
46 if there's something we need more information on, we'll
47 take note of that and come back to it. This is just an
48 opportunity for us at this meeting to at least get
49 familiarized with these Board of Fish proposals so

50

1 we'll be prepared when the time comes.

2

3 Was there somebody else trying to say
4 something.

5

6 MR. PAPPAS: Mr. Chair, George Pappas.
7 I'm comparing the proposal to the actual standing
8 regulations. I can explain the difference, if you're
9 interested here, or we can have a better package for
10 you at the next meeting. It's up to you, sir.

11

12 (Teleconference interference -
13 participants not muted)

14

15 CHAIRMAN HERNANDEZ: What was that
16 Albert.

17

18 MR. HOWARD: Oh, I'm in the office, Mr.
19 Chair, sorry about that.

20

21 CHAIRMAN HERNANDEZ: Oh, okay. Let's
22 just hold off on that one, George. We'll maybe get
23 some -- have a chance to get some better
24 clarifications, you know, from the RAC Committees -- or
25 the Advisory Committees and we'll come back to that in
26 March.

27

28 MR. PAPPAS: Understood, thank you, Mr.
29 Chair.

30

31 CHAIRMAN HERNANDEZ: Yeah, thank you.
32 We may be drawing on you here as we move forward so
33 stay with us.

34

35 Okay, after the Klawock proposals, in
36 the subsistence category we have several that involve
37 Redoubt Bay proposals, and I am not at all familiar
38 with situations in Redoubt Bay. I don't know if
39 there's -- I know it's a -- we've heard at this meeting
40 that it's probably the major sockeye producer for the
41 folks over there in Sitka. I don't know if anybody on
42 the Council is familiar with these proposals and wants
43 to weigh in on Redoubt Bay. Unfortunately we don't
44 have anybody from Sitka on the Council but are other
45 Council members familiar enough with it.

46

47 (No comments)

48

49 CHAIRMAN HERNANDEZ: Apparently not.

50

1 So I'm not going to recommend taking any actions.

2

3

MR. WRIGHT: Mr. Chairman.

4

5

CHAIRMAN HERNANDEZ: Frank, go ahead.

6

7

MR. WRIGHT: I'm not too comfortable
8 about making recommendations about, or anything, when
9 we don't have anyone to speak for it because I'm not
10 sure about -- I don't know anything about Redoubt Bay,
11 but that's where I'm sitting, is, like, hum, I wonder
12 -- you know, I wish we had someone from Sitka to say
13 something about it. So that's my position, Mr. Chair.

14

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So I'm not hearing that from anybody on
Redoubt Bay. But, once again, we'll have another
opportunity in March if somebody comes forward and
wants our support, we can do that.

MR. ROBBINS: Mr. Chair, this is
Harold.

CHAIRMAN HERNANDEZ: Yeah, go ahead,
Harold.

MR. ROBBINS: Yeah, I've got a couple
thoughts on Proposal 126 and 127 and these are just
personal observations. The reason that that was
originally put in was because of the high predation on
a lot of those set gillnets that were left in the bay
unattended for a considerable length of time and that
caused a lot of hate and discontent in the community,
knowing that the sea lions and the seals were just kind
of pulling up to them and using them as a feeding
point. So that's my personal observation for the
reason for those two, without being able to read the
complete proposal. That would be, you know, the reason
that they were enacted to start with, but my personal
opinion is I can go along with however it works out so.

CHAIRMAN HERNANDEZ: Thank you, Harold.
It looks like DeAnna just put 126 up on the screen.

1 It's recommended that new regulations be repealed and
2 restored to its original regulation.

3
4 MR. ROBBINS: Yes. And the original
5 was for -- there wasn't any demand on the end of the
6 net, whether you checked it once a week or once an
7 hour, that was up to the individual. So -- and that
8 seemed to be kind of a point of contention in the
9 community where the sea lions would just lay on the net
10 and just eat everything that came by.

11
12 CHAIRMAN HERNANDEZ: Okay. So it
13 sounds like this proposal wants to do away with that
14 net tending regulation?

15
16 MR. ROBBINS: Right. They want to do
17 away with the net tending regulation where you can be
18 cited for not being on the net and taking care of the
19 catch.

20
21 CHAIRMAN HERNANDEZ: And your opinion
22 on that was that doing away with that regulation would
23 be justified, you think there's enough net tending?

24
25 MR. ROBBINS: Well, it doesn't appear
26 to be that there is enough net tending if you -- if
27 you, you know, you set the net and then you go off for
28 four or five hours and come back and see what's left
29 instead of staying at the net and taking care of it as
30 it works. I know in some areas that I particularly
31 like to fish in, you go off and leave it, and you come
32 back there's nothing but heads and gills so you don't
33 end up with much.

34
35 CHAIRMAN HERNANDEZ: It sounds
36 like.....

37
38 MR. ROBBINS: Not as.....

39
40 CHAIRMAN HERNANDEZ: It sounds like
41 your recommendation would be to oppose this regulation
42 then -- or this proposal.

43
44 MR. ROBBINS: Well, I would highly
45 consider that, yes. But maybe need to hear a little
46 bit more from the local Advisory Committee and see how
47 things develop here before the Board meeting.

48
49 CHAIRMAN HERNANDEZ: Okay.

50

1 MR. ROBBINS: But I would sure consider
2 not being for this getting rescinded.
3
4 CHAIRMAN HERNANDEZ: Okay. So let's
5 highlight that one and maybe we'll get more input from
6 the Yakutat.....
7
8 MR. ROBBINS: I'm sure that Larry may
9 have some ideas on that too, and that would be Proposal
10 126 and 127, both.
11
12 CHAIRMAN HERNANDEZ: Yeah, 126 and 127
13 both, I see, yeah. Okay, DeAnna, take a note on those
14 two proposals that we'll probably want to revisit those
15 with more information in March.
16
17 (No comments)
18
19 CHAIRMAN HERNANDEZ: Okay, do you have
20 that DeAnna?
21
22 MS. PERRY: Yes, Mr. Chair.
23
24 CHAIRMAN HERNANDEZ: So if we delay any
25 actions on issues regarding subsistence fisheries in
26 Redoubt Bay, it might be nice to be taking a look at
27 personal use fisheries and those start with Proposal
28 134.
29
30 MR. ROBBINS; Mr. Chair, this is
31 Harold.
32
33 CHAIRMAN HERNANDEZ: Go ahead, Harold.
34
35 MR. ROBBINS: Yeah, with 134, I know in
36 the Yakutat area we have a (cuts off).....
37
38 CHAIRMAN HERNANDEZ: It sounds like
39 Harold just got muted.
40
41 MS. PERRY: Harold. Harold are you
42 there.
43
44 MR. ROBBINS: Is that better?
45
46 CHAIRMAN HERNANDEZ: Yep, yeah, there
47 you are.
48
49 MR. ROBBINS: Okay. In the Yakutat
50

1 area there is a regulation that does not allow you to
2 restrict more than two-thirds of the salmon streams at
3 any time for personal or commercial. So that's where
4 that regulation comes in. But if you want to go to
5 half, I guess that would be a difference.

6
7 CHAIRMAN HERNANDEZ: Apparently, in my
8 reading that one, probably there's some streams where
9 you can close off the entire stream, I guess if there's
10 no specific regulation against it you can close off the
11 entire stream, is my reading on that one. And somebody
12 put in a proposal to not allow more than half the
13 stream to be closed off.

14
15 MR. ROBBINS: Yeah.

16
17 CHAIRMAN HERNANDEZ: Okay, that's up on
18 the screen now. That was proposed by East Prince of
19 Wales Fish and Game Advisory Committee. Apparently
20 they have some issues with streams here on Prince of
21 Wales Island with personal use -- this is personal use
22 fishing, which would be under State jurisdiction.

23
24 MR. ROBBINS: I know from reading the
25 regulations for subsistence and personal use and
26 commercial (indiscernible - fades off) more than two-
27 thirds.

28
29 MS. PERRY: Harold, this is DeAnna, it
30 sounds like maybe there's an issue with your
31 microphone. You'll begin to speak and we can hear you
32 and then it sounds like there's some movement and we
33 can't hear you. Are you still there Harold?

34
35 MR. ROBBINS: Okay, I'll just hold it
36 closer.

37
38 CHAIRMAN HERNANDEZ: Okay.

39
40 MR. ROBBINS: But that's the only
41 comment I have. Is I know, know for a fact that you
42 can't obstruct more than two-thirds of a stream in the
43 Yakutat area for any of the -- whether it be
44 commercial, personal use, or subsistence.

45
46 CHAIRMAN HERNANDEZ: Okay. So is there
47 any opinions from the Council, whether or not we want
48 to support this or not.

49
50

1 (No comments)
2
3 CHAIRMAN HERNANDEZ: Albert, it looks
4 like your hand is up.
5
6 MR. HOWARD: Thank you, Mr. Chairman.
7 It appears as though we have different regulations
8 throughout Southeast because I know if somebody comes
9 and sees me within 300 yards of a stream with my net, I
10 get a ticket, and I'm fine with that, but I'm just
11 wondering -- it'd be nice to know if these were
12 Federally-recognized tribes putting these proposals in
13 or if they're just a committee that got put together. I
14 mean it makes it easier for me to support or not
15 support it.
16
17 Just kind of my thought process.
18
19 Thanks, Mr. Chair.
20
21 CHAIRMAN HERNANDEZ: Yeah, thank you,
22 Albert. This one was submitted by East Prince of Wales
23 Fish and Game Advisory Committee and that's an Advisory
24 Committee of communities on the east side of Prince of
25 Wales Island, you know, as opposed to the west side of
26 Prince of Wales who has Advisory Committees in Craig
27 and Klawock. And the east side of the island, I think
28 those members come from Thorne Bay, Coffman Cove, maybe
29 Kasaan, I'm not sure, communities on the east side of
30 the island. It would not be a Native tribal entity,
31 no.
32
33 MR. DOUVILLE: Mr. Chairman, Mike
34 Douville.
35
36 CHAIRMAN HERNANDEZ: Yeah, go ahead,
37 Mike.
38
39 MR. DOUVILLE: If I could request that
40 Pippa pull up the East Prince of Wales Fish and Game
41 Advisory Committee and read us the names that are on
42 that Committee, it might be somewhat helpful. This
43 particular proposal, I'm not sure why it's coming from
44 them because there's only maybe one or two places in
45 Unit 2 that has a gillnet option. But in any case I
46 would make that request.
47
48 MR. PAPPAS: Mr. Chair, George Pappas.
49 I can provide a clarification on Federal subsistence
50

1 regulations for this issue.

2

3 CHAIRMAN HERNANDEZ: Yeah, go ahead,
4 George.

5

6 MR. PAPPAS: So if you look at the
7 general provisions on Page 21 of our regulations it
8 says, you may not obstruct more than one-half of a
9 width of any subsistence fishing of a stream. But
10 there are exceptions to that regulation and one of
11 those exceptions on Page 76 for the Yakutat area, it
12 says you may not obstruct more than two-thirds of a
13 stream. Now the Board of Fisheries has, I think on
14 average across the state, you're not allowed to
15 obstruct more than half, but they do make exceptions,
16 like out of Huslia you're allowed to go three-quarters.
17 So it's an area specific regulation. It looks like
18 there was an exception on the State side for the
19 Yakutat area to go to two-thirds, and it looks like we
20 have adopted that in our Federal subsistence
21 regulations. So at this time our Federal subsistence
22 regulations say two-thirds.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN HERNANDEZ: Okay, thank you,
27 George, that's helpful. Just responding to.....

28

29 MS. KENNER: Mr. Chair.

30

31 CHAIRMAN HERNANDEZ:George Pappas
32 there, it sounds like this personal use regulation
33 would kind of make personal use and subsistence align
34 better, and it sounds like it would apply to the entire
35 region except where there's exceptions like apparently
36 up in Yakutat is a little more leeway there on
37 obstructing the streams.

38

39 So did somebody else have something to
40 this. I see the East Prince of Wales Advisory
41 Committee list is up for -- that Mike was interested
42 in.

43

44 MS. NEEDHAM: Mr. Chair.

45

46 CHAIRMAN HERNANDEZ: So Pippa, did you
47 have something to add -- I see there are members from
48 -- there's a lot of vacant seats, but there's members
49 from Thorne Bay, Coffman Cove, Kasaan and Whale Pass --

50

1 I forgot Whale Pass, yeah, they're a community on the
2 east side.

3
4 Cathy, did you have something to add to
5 this.

6
7 MS. NEEDHAM: Yeah, Mr. Chair, thank
8 you.

9
10 MR. DOUVILLE: Mr. Chairman.

11
12 MS. NEEDHAM: This is Cathy.

13
14 CHAIRMAN HERNANDEZ: Okay. And then
15 Mike.

16
17 MS. NEEDHAM: My understanding is that
18 and maybe it's just not in regulation but if you are
19 fishing under State subsistence permit, that the permit
20 stipulation also restricts streams from being blocked
21 off with -- blocked off for more than half of the --
22 and I don't know if there's somebody that can confirm
23 that but I do believe that that is something that is
24 already being addressed, just it might not be in
25 regulation.

26
27 Thank you, Mr. Chair.

28
29 CHAIRMAN HERNANDEZ: Okay, thank you,
30 Cathy. Somebody would have to check on that, I guess.
31 And, Mike, you have something to add.

32
33 MR. DOUVILLE: Yeah. I see Mr. --
34 thank you, Mr. Chair, Mike Douville. Mr. Whitehead is
35 on three Advisory Committees and we, on our Committee,
36 don't think that's quite correct, however, I can't
37 remember the final results of our consultation on that.
38 But it's kind of interesting but the same person is on
39 three different Advisory Committees on this island so
40 it's, for lack of a better term, interesting.

41
42 CHAIRMAN HERNANDEZ: Okay, yeah, I
43 noticed that. Yeah, I caught that name. Don't know
44 how the State regards those types of things.

45
46 So do we have consensus that we could
47 support Proposal 134 which would make personal use and
48 subsistence regulations align better in regards to
49 closing off a stream with a gillnet.

50

1 MR. DOUVILLE: Mr. Chairman, Mike
2 Douville. I wouldn't support it because it sounds like
3 individual areas have their -- have that in place
4 already.

5
6 CHAIRMAN HERNANDEZ: So is that what
7 Cathy was saying it's on the permit requirement, and I
8 don't know if anybody has more knowledge about permit
9 requirements. Is there anybody on the Staff who has
10 the access to permit requirements.

11
12 MS. KENNER: Hi, Mr. Chair, this is
13 Pippa.

14
15 CHAIRMAN HERNANDEZ: Go ahead, Pippa.

16
17 MS. KENNER: It's very hard to get
18 immediate control of the State permits for any area of
19 the State without going through a process.

20
21 CHAIRMAN HERNANDEZ: Right.

22
23 MS. KENNER: I'm conferring with George
24 right now. George, can you speak up.

25
26 MR. PAPPAS: I'm sorry, I don't have a
27 copy of the State permit, I'm hoping somebody from Fish
28 and Game's on line.

29
30 MS. KENNER: And, Mr. Chair, this is
31 Pippa again.

32
33 CHAIRMAN HERNANDEZ: Go ahead, Pippa.

34
35 MS. KENNER: Could you repeat the
36 question, I got caught up in the permit and forgot the
37 question.

38
39 CHAIRMAN HERNANDEZ: I think the
40 question was, are there already permit stipulations
41 about whether or not you can obstruct a stream, because
42 we're looking at a regulation, but it might already be
43 part of a permit stipulation.

44
45 MR. PAPPAS: Mr. Chair. In accordance
46 to the write up, the presentation -- excuse me, the
47 proposal, the proponent indicates that the Department
48 of Fish and Game does have it as a permit stipulation
49 and if you look at it closely here it looks like, if
50

1 this proposal is adopted they would remove it from a
2 permit stipulation and put it in regulation.

3
4 CHAIRMAN HERNANDEZ: Okay. Well,
5 that's good clarification.

6
7 MR. PAPPAS: And if it's adopted it
8 would become more restrictive than the Federal
9 subsistence regulations.

10
11 Thanks, Mr. Chair.

12
13 CHAIRMAN HERNANDEZ: All right, say
14 that again, how would it be more restrictive. I
15 thought the subsistence regulations had stipula -- is
16 this not in -- excuse me -- is it not in regulation in
17 the Federal system but is it also a permit requirement?

18
19 MR. PAPPAS: In the Federal subsistence
20 regulations on Page 76 for the Yakutat area, it says --
21 let's see here, you may block up to two-thirds of a
22 stream with a gillnet or seine used for subsistence
23 fishing, so that's under Federal subsistence
24 regulations. And for the State regulations, if this
25 was adopted, a State personal use fisher person would
26 only be able to block half of a stream.

27
28 Thank you, Mr. Chair.

29
30 For the Yakutat area.

31
32 CHAIRMAN HERNANDEZ: Okay. For the
33 Yakutat area, okay, thank you for that clarification.

34
35 MR. SUMINSKI: Mr. Chairman, this is
36 Terry Suminski.

37
38 CHAIRMAN HERNANDEZ: Yeah, go ahead,
39 Terry.

40
41 MR. SUMINSKI: Just to be aware there's
42 multiple permits throughout Southeast Alaska as well as
43 Yakutat. I don't remember how many right off the bat,
44 but at least four or five different ones for different
45 areas of the region. And I don't know -- I don't have
46 all those permits in front of me right now, but I think
47 they all include a similar requirement, but I can't
48 verify without a little research if they're all the
49 same. So it looks like this proposal would apply to
50

1 the whole area and I don't know how that would affect
2 all of the areas, you know, all the permits in the
3 Southeast area.

4
5 CHAIRMAN HERNANDEZ: Yeah, thank you
6 for that clarification, Terry. Yeah, well, I guess
7 that's the issue here, putting something in regulation
8 would make it a region-wide requirement and it sounds
9 like right now it kind of varies from area to area or
10 stream to stream, perhaps. So that makes it a little
11 more complicated.

12
13 MR. SUMINSKI: Yeah, I'm not advocating
14 support one way or the other, I'm just saying that, you
15 know, we don't know the implications of it region-wide.

16
17 CHAIRMAN HERNANDEZ: Right. Albert,
18 you got your hand up.

19
20 MR. HOWARD: Thank you, Mr. Chairman.
21 The conversation we had about stream gaging and so on
22 and so forth, my concern with allowing this type of
23 activity to block off a stream at certain times of the
24 year around here, we've tried to keep this bit of
25 information a secret but we call Chatham Strait our
26 Banana Belt and it doesn't rain, so what happens is the
27 salmon hold up on the lower end of the stream, and if
28 you allow somebody to block off a stream -- as an
29 example, Kanalku, if they do that there, they have the
30 potential of wiping out the rest of what's supposed to
31 make it up over the falls. So I'm hoping it doesn't
32 impact this area. I mean what's good for one area
33 isn't necessarily good for another.

34
35 So it's something to think about. I
36 wouldn't agree with blocking off any part of any of
37 these streams but I know having been in Yakutat it's
38 necessary up there because they have rivers, where we
39 have streams I can walk across down here. It's totally
40 different.

41
42 Thank you, Mr. Chair.

43
44 CHAIRMAN HERNANDEZ: Thank you, Albert.
45 That's a good observation. So.....

46
47 MS. KENNER: Mr. Chair, this is Pippa.

48
49 CHAIRMAN HERNANDEZ: Go ahead, Pippa.

50

1 MS. KENNER: I'm just reading the
2 regulation now. I withdraw my interruption, I thought
3 I had it but I don't.

4
5 CHAIRMAN HERNANDEZ: Okay.

6
7 MS. KENNER: Okay. It's interesting
8 because this is -- it says it's -- am I correct in
9 saying this regulation applies to 5AAC77.699.

10
11 CHAIRMAN HERNANDEZ: That's what it
12 says, yes.

13
14 MS. KENNER: Okay, well, this is
15 interesting. This regulation says an owner, operator
16 or employee of a lodge, charter vessel, or other
17 enterprise that furnishes food, lodging and
18 sportfishing guide services may not furnish a client or
19 guest of that enterprise shellfish that has been taken
20 under this chapter for personal use. So I think we've
21 got a disconnect somewhere.

22
23 MR. PAPPAS: Mr. Chair, this is George
24 Pappas. The way this proposal is proposed, they're
25 adding a section number 4 to that regulation. Right
26 now it's only one -- it's A, B and C, they're looking
27 to put on a No. 4 into it. So it would be an
28 additional regulation, not modifying something that's
29 standing, it would be adding to it.

30
31 Thank you, Mr. Chair.

32
33 And it might be, as Pippa's pointing
34 out here, it might have been an incorrect place to
35 insert such a recommended proposal -- proposed
36 language. Sir.

37
38 CHAIRMAN HERNANDEZ: Okay.

39
40 MS. NEEDHAM: Mr. Chair.

41
42 MS. KENNER: Yes. It.....

43
44 CHAIRMAN HERNANDEZ: Go ahead, Cathy, I
45 think.

46
47 MS. NEEDHAM: Thank you, Mr. Chair.
48 Proposal 134 to the Board of Fish, I wouldn't -- I
49 don't know that I would support this change after given

50

1 this discussion and would even potentially recommend us
2 putting comments forth that show that we don't support
3 change to this based on the justification that putting
4 this into regulation puts it into regulation across the
5 region and then we'd subsequently make Federal
6 regulations more restrictive than State regulations,
7 which we don't want to do. We don't want to limit
8 subsistence users first in that aspect. I do feel that
9 the current permit requirements that are listed on
10 individual permits most likely address the issue more
11 broadly without having to actually set it into
12 regulation. I'm looking at my copy of the Ketchikan
13 Management Area and it does say a beach seine may not
14 obstruct more than one-half of the width of any fish
15 stream or any side channel -- or any channel or side
16 channel of a stream including the estuary leading into
17 a stream, no more than one-half of the width. So the
18 area that these Advisory Council -- not us, but the
19 Advisory Committee represents is already covered within
20 those permit stipulations.

21
22 And, again, I don't necessarily support
23 putting something into regulation that would make it
24 more restrictive to Federal -- you know, for
25 subsistence users in Yakutat, given that they already
26 have something in Federal regulations that makes it
27 more restrictive.

28
29 Thank you, Mr. Chair.

30
31 CHAIRMAN HERNANDEZ: Thank you, Cathy,
32 for doing the research on that. I think that makes
33 sense to me as well hearing more about the permit
34 stipulation. So yeah, we don't want to have something
35 unnecessarily restrictive. So I would go with that
36 recommendation. Other Council members.

37
38 (No comments)

39
40 CHAIRMAN HERNANDEZ: Okay. DeAnna.....

41
42 MR. ROBBINS: This is Harold.

43
44 CHAIRMAN HERNANDEZ: Yeah, go ahead,
45 Harold.

46
47 MR. ROBBINS: Yeah, I'm with Cathy 100
48 percent on that. I know as far as any of the sportfish
49 lodges or any of the entities that serve guests, that
50

1 the regulation pretty firmly states that it has to be
2 commercially caught and processed rather than -- unless
3 the client is fishing and catching that fish. So those
4 are prohibited (indiscernible - fades off) that's all I
5 have.

6
7 CHAIRMAN HERNANDEZ: All right, thanks,
8 Harold. DeAnna, let's make a note that the Council
9 recommendation would be to oppose that. And then I
10 think it might be a good idea to take a short break
11 here and kind of regroup a little bit. And I think we
12 can come back to this for awhile up until lunch break,
13 so let's take 10 minutes and come back at 11:15 and
14 maybe folks can look ahead here and take a look at some
15 of these other proposals coming up. So take a break
16 until 11:15.

17
18 (Off record)

19
20 (On record)

21
22 MS. PERRY: Mr. Chair, you have seven
23 of your nine seated Council members on line. And as we
24 start the discussion again, I wondered if maybe I could
25 address the Council.

26
27 CHAIRMAN HERNANDEZ: Sure, go ahead,
28 DeAnna.

29
30 MS. PERRY: As we're discussing the
31 proposals I just thought I would maybe offer a way
32 forward, at least for this meeting. I would like to
33 propose that the Council, that we capture the proposal
34 number now, and that I can generalize whether we're
35 opposing, supporting, modifying or needing more
36 information, and that's what we can vote on today, if
37 you'd like. And then between this meeting and the next
38 meeting, the Staff can continue to research some of our
39 questions, I'll attempt to reach out to the proponent,
40 the individual AC members and invite them to the next
41 meeting, and then at the next meeting I can give a
42 draft comment on the proposal we've talked about today,
43 based on the discussion and then also that'll be our
44 opportunity to put together any additional comments
45 based on what we hear at the next meeting from Staff
46 and the Advisory Councils -- or the Advisory
47 Committees, rather, and then a final vote at the next
48 meeting on all of the comments. That would still be
49 within the State proposal comment period.

1 I wondered if that might be agreeable
2 to the Council.

3
4 CHAIRMAN HERNANDEZ: Yeah, thank you
5 for that suggestion, DeAnna. That certainly sounds
6 like a good idea to me. Any other comments from other
7 Council members.

8
9 (No comments)

10
11 CHAIRMAN HERNANDEZ: Yes, and I'm glad
12 we have an opportunity to come back to these in March
13 because I think that is going to be necessary it's
14 certainly looking like. So as far as dealing with
15 these for the rest of the meeting, I think we can work
16 on this up until lunch but then we do have a time
17 specific after lunch and we might have to do a little
18 -- take care of a couple other items, I want to make
19 sure we get those done, and then come back to these.
20 It's good to know that we'll have a second look at
21 these in March. But let's continue on with the State
22 proposals, at least for another 40 minutes or so and
23 see how far we can get.

24
25 MS. PERRY: Mr. Chair.

26
27 CHAIRMAN HERNANDEZ: Yeah, go ahead,
28 DeAnna.

29
30 MS. PERRY: Sorry to interrupt again.
31 But I did want to let you know that Lauren Sill from
32 ADF&G did let me know that she's on the line and that
33 if you have permit questions she is willing to step in
34 and try to answer those. And then Pippa sent me some
35 additional information on the proposal we just talked
36 about and that's your choice whether you want to
37 revisit that. But I wanted to let you know that those
38 two resources are out there.

39
40 Thank you.

41
42 CHAIRMAN HERNANDEZ: Okay, appreciate
43 Lauren being available and Pippa. Go ahead if you have
44 -- I think that was Proposal 134 on the blocking the
45 stream proposal, you have a little more information
46 there, Pippa.

47
48 MS. PERRY: Pippa, do you want to share
49 what you sent me in an email?

50

1 MS. KENNER: Sure. For the record this
2 is Pippa Kenner with OSM. And I just wanted to point
3 out that this regulation, this proposal affects
4 personal use regulations in State regulations and
5 currently the restriction of blocking a stream with a
6 net is on the permit as Cathy -- as Member Needham
7 indicated. And I was just pointing out that it has no
8 affect on Federally-qualified subsistence users fishing
9 under Federal subsistence regulations. Because we --
10 there is a regulation that says you may block up to
11 two-thirds of a stream with a gillnet or seine used for
12 subsistence fishing, and this regulation supersedes the
13 State permit requirement, or State regulation.

14
15 Thank you, Mr. Chair.

16
17 (Teleconference interference -
18 participants not muted)

19
20 CHAIRMAN HERNANDEZ: All right, thank
21 you, Pippa. I don't know how.....

22
23 MS. KENNER: Maybe that didn't bring
24 clarity but I did point that out to our Staff.

25
26 CHAIRMAN HERNANDEZ: Okay. Yeah, I
27 don't know if anybody wants to revisit our opposition
28 to that proposal but I'll ask do any Council members
29 want to take that into consideration.

30
31 (No comments)

32
33 CHAIRMAN HERNANDEZ: Otherwise I'm
34 ready to move on and like I say, again, there's quite a
35 few proposals here obviously. I don't know, perhaps
36 the best way to go about this would have been trying to
37 set up some working groups to go through all these, but
38 I just think that would have been kind of hard to do
39 here with everybody scattered and on the phones and
40 having different resources to look at. And I don't
41 know, I thought it would not work very well for us, I
42 personally didn't want to spend my evenings working on
43 this. When you're home there's just kind of other
44 things going on. So we'll try and get done what we can
45 here at this meeting.

46
47 And I'll ask again if, you know, in the
48 time remaining, if the Council members have any
49 proposals highlighted that they want to bring forward.

50

1 I know Cathy has already done that, she highlighted two
2 proposals for us, 177 and 210. On this long list of
3 proposals I only have a few others highlighted myself.
4 So there's a couple of proposals that are actually very
5 similar to ones that we put in, I don't know if we want
6 to support those or not. Ketchikan Indian Community
7 has a proposal in dealing with the eulachon fishery, I
8 thought we should take a look at that one. And Sitka
9 Tribe has submitted several proposals dealing with the
10 herring fishery. I thought we might want to take a look
11 at those.

12
13 So I'll ask again if the Council has
14 any proposals that they want us to focus on here for
15 the remainder of our time this morning.

16
17 MS. NEEDHAM: Mr. Chair.

18
19 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

20
21 MS. NEEDHAM: Thank you, Mr. Chair.
22 I'd like to prioritize looking at -- with the time that
23 we have before lunch to prioritize looking at the
24 proposals where we have a proponent that's sitting in
25 with us. Those would be the proposals brought forward
26 by KIC, because that way if we have questions
27 specifically to the proponent, we would have somebody
28 -- a resource to tap at this meeting, and that might be
29 a way to efficiently do it since a lot of times we come
30 up with questions and we don't have the proponent to
31 talk about like what was their intent if we end up
32 having questions. So if we could prioritize those this
33 morning and then move into some of the other ones as
34 time allows, I think that would be appropriate.

35
36 Thank you, Mr. Chair.

37
38 CHAIRMAN HERNANDEZ: Thank you, Cathy,
39 that makes a lot of sense. And actually after Proposal
40 134, the next one I had marked was Proposal 142 which
41 did regard eulachon fishing and that was the one
42 submitted by the Ketchikan Indian Community. So this
43 might be a good time to take a look at that right now
44 as Cathy suggested.

45
46 So, DeAnna, can you bring up 142 --
47 looks like you already have, thank you.

48
49 And as Mr. Sanderson, you know, pointed
50

1 out in his public testimony, this is pretty high
2 priority for folks in Ketchikan. It's been a topic of
3 concern for the Council for -- ever since the fishery
4 was closed like 15 years ago or so and now Ketchikan
5 Indian Community has come up with a proposal to maybe
6 address this. So -- and that proposal is to establish
7 a bag and possession limit and lawful gear for smelt
8 fishing in the Ketchikan area as follows:

9
10 Smelt may be taken for personal use at
11 any time in Ketchikan District and the daily and
12 possession limit is 50 pounds per individual, and the
13 gear allowed would be dipnets, throw nets, proxy
14 fishing is allowed on behalf of qualified
15 permitholders.

16
17 So maybe to recap, let's see, Staff may
18 have to inform us on this. I believe that for all of
19 this time the -- now, I don't know if it's both State
20 and Federal system, but the eulachon fishery on the
21 Unuk has been closed by emergency order every year, I
22 believe, is that correct?

23
24 MR. SUMINSKI: Mr. Chairman, this is
25 Terry Suminski. I don't remember when the closure
26 started but it's been at least 10 years of closures
27 every year by special action.

28
29 CHAIRMAN HERNANDEZ: Right. So I don't
30 know how this relates to that when, you know, a fishery
31 is being closed by special action -- now, of course,
32 this proposal has to do with, you know, eulachon
33 fishing in State waters, which is below the tide line,
34 and I don't -- I'm not familiar enough with how much of
35 the fishing takes place in State and Federal waters,
36 and how it would affect our subsistence management in
37 the Federal side but I guess it's my understanding that
38 the State also closes by emergency order every year, or
39 a special action of some kind.

40
41 MR. SUMINSKI: Mr. Chairman, this is
42 Terry Suminski with the Forest Service. That's
43 correct. It's been a joint closure. I'm thinking what
44 the -- and you can check with Mr. Sanderson, but I
45 believe what that -- it's an idea that's been out there
46 where one of the reasons that we close it each year is
47 because there's no -- there's really no limit. This
48 would provide a -- what seems like a reasonable limit
49 so there could potentially be -- potentially be an

50

1 opening, you know, if the returns warrant and not have
2 to worry about a large scale harvest. I think that's
3 the intent of this but you could verify that with Mr.
4 Sanderson.

5
6 CHAIRMAN HERNANDEZ: Okay. Yeah, that
7 -- that appears to be the intent. And they also
8 specify allowed gear and it's, you know, dipnets and
9 throw nets and so they're not proposing that seines or
10 gillnets be used. So that would also restrict the
11 fishery somewhat.

12
13 So on a management side, if this
14 proposal were adopted, would this supersede regulation
15 that's in place -- and I guess the regulation that's in
16 place right now would be that.....

17
18 (Teleconference interference -
19 participants not muted - typing)

20
21 CHAIRMAN HERNANDEZ:if it were
22 open you could fish those waters with -- probably the
23 lawful gear is the seine and gillnet, so it would --
24 would this supersede that, would that regulation go
25 away, do you know?

26
27 MR. SUMINSKI: Mr. Chairman, this is
28 Terry Suminski. Are you referring to the in-season
29 closures going away?

30
31 CHAIRMAN HERNANDEZ: No, I'm asking
32 about existing regulation. It sounds like there is
33 existing regulation to allow for a fishery and -- I
34 guess I'd want to know what the existing regulation is
35 and if this were enacted would it supersede that or
36 would this only go into effect if there was a closure
37 -- a special action dealing with less restrictive
38 takes, I guess. I'm a little unclear what the
39 implications of this are. I mean I like -- it sounds
40 good on the merits, I'm just not sure what all the
41 implications are here, how it would go into effect.

42
43 MR. SUMINSKI: Mr. Chairman, this is
44 Terry Suminski. Yeah, and we'd have to do a little
45 research to figure out all those nuances but I think
46 the intent is to provide something less than a complete
47 closure, you know, another option into the regulation.
48 Again, I'd have to do some thinking about it and check
49 State regulations and such.

50

1 Thank you, Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Yeah. Other
4 Council members have some thoughts on this proposal.
5
6 (No comments)
7
8 CHAIRMAN HERNANDEZ: Hum. Not hearing
9 anything, I don't know if we have a recommendation on
10 this. DeAnna, would this be one that we'd want to
11 request more information on for a later date.
12
13 MS. PERRY: We could certainly do that,
14 Mr. Chair.
15
16 CHAIRMAN HERNANDEZ: I think it's
17 certainly one worth considering though -- consider
18 supporting.
19
20 MS. NEEDHAM: Mr. Chair.
21
22 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
23
24 MS. NEEDHAM: Thank you, Mr. Chair. I
25 don't know if we could confirm with Mr. Sanderson so
26 that we have an understanding of what Ketchikan Indian
27 Community's intent is with this proposal. I think I
28 understand what it is, but I'd like his confirmation.
29
30 Thank you, Mr. Chair.
31
32 CHAIRMAN HERNANDEZ: If Mr. Sanderson
33 is listening in on this we would welcome him to
34 participate right now.
35
36 MR. SANDERSON: Yeah, Keenan here.
37
38 CHAIRMAN HERNANDEZ: Oh, good, you're
39 still there, thank you, Keenan. Yeah, if you could --
40 if you're listening to this discussion if you could
41 clarify a little bit about, you know, what your intent
42 is and how you anticipate this working. That would be
43 helpful.
44
45 MR. SANDERSON: Right. So part of the
46 reason why we wrote this proposal, I'll reiterate
47 again, is because we haven't had access to this
48 resource for a number of years now. And I didn't know
49 this prior to our meeting that we had with the Forest
50

1 Service and Department of Fish and Game here in
2 Ketchikan, but most of the -- a lot of the reason why
3 that they don't open up the fishery is because of their
4 lack of data that they have on that resource up there.
5 It's really hard to get up there. The Forest Service
6 does a lot of aerial surveys, but they did aerial
7 surveys up there to be able to get some sort of
8 anecdotal data to be able to help them determine
9 whether to open or close the fishery.

10
11 In talking with regional manager, our
12 area manager here in Ketchikan, a lot of the reason why
13 that he has been very hesitant to open this fishery is
14 because of there was no bag limit in regulation and if
15 he were to open up that fishery, somebody could go up
16 there, you know, and go get a couple thousand pounds
17 without, you know, having a problem -- or not a
18 problem, but having nobody be able to tell him to stop
19 doing that or whatever.

20
21 So we talked with the Department of
22 Fish and Game manager here in Ketchikan and he is in
23 support of this proposal due to the fact that there is
24 going to be a bag limit on eulachon in that area.
25 Fifty pounds is definitely a conservative number
26 considering the haul that we have to go to go all the
27 way up there, it takes a couple of hours by boat just
28 to get there, you know, and especially during the time
29 of year, once you go up there, you kind of have to stay
30 up there for a couple days in order for you to actually
31 to be able to have fishing time during the day.

32
33 One thing that we also threw out at
34 that meeting, which isn't on this proposal, I believe,
35 but it's something that we can definitely consider,
36 too, in terms of modifying this proposal, is making it
37 into a lottery, getting a permit through a lottery. I
38 don't think I've ever heard that ever being done for a
39 fishery. It happens all the time for game, of course.
40 But it's something that the area biologist and manager
41 said that he'd be looking into to see if that's
42 something that can be done for the eulachon on the Unuk
43 River.

44
45 But from what I heard from the Council
46 on your interpretations on the proposal are correct, as
47 far as I'm aware.

48
49 I will also point out I actually did
50

1 not write this proposal, it was Tony Gallegos who took
2 the lead on this proposal. I am fairly knowledgeable
3 on this, but more in-depth questions might need to be
4 reserved for him.

5
6 CHAIRMAN HERNANDEZ: Okay, thank you.

7
8 MR. SANDERSON: Hopefully that gives
9 you better clarification on this proposal.

10
11 CHAIRMAN HERNANDEZ: No, it does, yeah,
12 it's very helpful. Yeah, and I would like to point out
13 while you're on the line that, you know, Ketchikan
14 Indian Community has been partnering with the Federal
15 Staff in going up there in the spring and doing
16 assessments of what the run strength is and I think
17 your help has been pretty invaluable and it's really
18 important to have that help in trying to determine, you
19 know, what the stocks are doing up there, and we
20 certainly hope that will continue because the local
21 knowledge is really important in this case and it would
22 probably help a lot, you know, in convincing folks that
23 it is warranted to open it. And I could certainly see
24 that -- I see the objective here now is to have a
25 limited harvest that, you know, has some control over
26 it.

27
28 I'm also glad to hear that the local
29 area management biologist would be in support of this,
30 that's pretty helpful information as well.

31
32 So any other questions for Keenan while
33 he's on the line.

34
35 MR. DOUVILLE: Mr. Chairman, Mike
36 Douville.

37
38 CHAIRMAN HERNANDEZ: Go ahead, Mike.

39
40 MR. DOUVILLE: Yeah, Mr. Chair, if I
41 may. It says 50 pounds, but not everybody packs a
42 scale, so I wonder -- my thought was like, I wonder if
43 five gallon buckets could be an equivalent, but anyway
44 just thinking about down the road confusion. I do
45 support this. It does sound like it could work and
46 hopefully would give you an opportunity for at least a
47 small amount of fish.

48
49 CHAIRMAN HERNANDEZ: Yeah, thank you,

50

1 Mike. Any other Council members.
2
3 (No comments)
4
5 CHAIRMAN HERNANDEZ: Okay. Not hearing
6 any more questions it sounds like Mike's willing to
7 support it. I think I'm willing to support it. Any
8 other Council members want to weigh in on that.
9
10 MR. HOWARD: Mr. Chairman, this is
11 Albert.
12
13 CHAIRMAN HERNANDEZ: Go ahead, Albert.
14
15 MR. HOWARD: Do you need a motion?
16
17 CHAIRMAN HERNANDEZ: Not at this point,
18 we're just going to essentially try and get consensus,
19 I guess, from the Council on these and then we'll come
20 back and probably vote as a group on what we've decided
21 on.
22
23 MR. HOWARD: Okay.
24
25 CHAIRMAN HERNANDEZ: I think what we're
26 looking for right now is, you know, if there's any
27 strong opinions either way we want to hear those, but
28 if we can say that there is general consensus on these
29 we'll come back and vote on all the ones we have
30 consensus on.
31
32 MR. HOWARD: I think I'd vote to
33 support, Mr. Chairman.
34
35 MR. WRIGHT: Yeah, this is Frank, I
36 support.
37
38 CHAIRMAN HERNANDEZ: Thanks, Frank.
39 Okay, I'm not hearing anybody say they're opposed so
40 DeAnna, let's put that one down for support from the
41 Council.
42
43 MS. PERRY: And, Mr. Chair, Mr.
44 Sanderson has sent me the rest of the list of the KIC
45 proposals. As Ms. Needham mentioned, maybe
46 prioritizing those. We could do that if you'd like, I
47 have that list.
48
49 CHAIRMAN HERNANDEZ: Yeah, that would
50

1 be good. Can you just tell us those or start putting
2 them up on the screen or -- yeah, I don't know how many
3 there are.

4
5 MS. PERRY: Yeah, the first one is 93
6 and I'll put that up on the screen and give Cathy the
7 page number in just a second.

8
9 CHAIRMAN HERNANDEZ: Okay.

10
11 MS. PERRY: Okay. It starts on Page
12 116, again, that's Proposal 93. And for those on teams
13 I've got that up on the screen.

14
15 CHAIRMAN HERNANDEZ: Okay. King salmon
16 management plan. Amend the management plan for king
17 salmon by reducing the maximum non-resident annual
18 limit to three king salmon as follows: So just a
19 synopsis here, it's setting an annual harvest limit for
20 non-residents of three king salmon. So on -- and let's
21 see that must be for -- if it's non-residents, it must
22 be sportfish, sport caught, it would have to be, so,
23 yeah.

24
25 (Pause)

26
27 CHAIRMAN HERNANDEZ: Comments from the
28 Council on this one. And I think I'll point out, I
29 know the Advisory Council put in proposals on non-
30 resident annual limits. Without having that right in
31 front of me I can't remember if we proposed an annual
32 limit on king salmon and what that might be. So let's
33 keep that in mind.

34
35 Any input from the Council.

36
37 MR. WRIGHT: Mr. Chairman.

38
39 MR. SUMINSKI: Mr. Chair.

40
41 CHAIRMAN HERNANDEZ: Yeah, Frank, go
42 ahead.

43
44 MR. WRIGHT: Yeah, I'm in favor of this
45 proposal, you know, on the limits, you know, or on the
46 sport section there, you know, log books and log book
47 discussion on Proposal 144 and 143 and I know a lot of
48 people were -- sport people from around here, they just
49 come in with anything, you know, so it's -- and it's

50

1 hard to get -- the one State Trooper we have to check
2 everybody, they come in with small crab and everything,
3 so -- even small king salmon, so I think that I would
4 be in favor of this.

5

6 Thank you, Mr. Chair.

7

8 CHAIRMAN HERNANDEZ: Thank you, Frank.
9 And as you pointed out there are a number of proposals
10 from different groups all regarding an annual limit on
11 sport caught salmon so, yeah, it's being addressed a
12 number of different ways by a number of different
13 people, us included. So I was just kind of looking for
14 a comparison, what our proposal was to this proposal.
15 They might be the same, if not very similar. I just
16 can't remember what number we put on it for ours.

17

18 MS. PERRY: It's Proposal.....

19

20 CHAIRMAN HERNANDEZ: Is that ours
21 coming up, Proposal 125?

22

23 MS. PERRY: Yeah, I'm trying to split
24 the screen but I know it's probably really small for
25 people so apologies. But do you want me to put it up I
26 can certainly do that.

27

28 CHAIRMAN HERNANDEZ: Yeah, it would be
29 helpful for me.

30

31 MS. NEEDHAM: Mr. Chair. Our proposal
32 is No. 145 if you need that, DeAnna.

33

34 CHAIRMAN HERNANDEZ: Did you say 125,
35 yes, that's what.....

36

37 MS. NEEDHAM: No, Mr. Chair, 145, I
38 thought. I'm looking at 145 and it's our proposal for
39 general provisions for seasons and bag possession,
40 annual and size limits for salt waters in Southeast
41 Alaska.

42

43 CHAIRMAN HERNANDEZ: Oh, yeah, excuse
44 me, yeah, she's -- DeAnna, Cathy's right, it's not 125,
45 it's 145.

46

47 MS. PERRY: Okay. So heard king salmon
48 so bear with me just a moment.

49

50

1 CHAIRMAN HERNANDEZ: Okay.

2

3 MS. PERRY: Thanks, Cathy.

4

5 CHAIRMAN HERNANDEZ: Yeah.

6

7 (Pause)

8

9 CHAIRMAN HERNANDEZ: That one only
10 deals with coho and sockeye salmon, but we did not
11 address king salmon, I don't believe.

12

13 MR. ROBBINS: Mr. Chair, Harold.

14

15 CHAIRMAN HERNANDEZ: Yeah, go ahead,
16 Harold.

17

18 MR. ROBBINS: I know in the Yakutat area
19 the king salmon tag for non-residents would take care
20 of that issue, where we don't have that for the coho
21 and sockeye and that annual limit was to help get past
22 those guys that are trying to take -- they process
23 their fish every day so they have -- it's not part of
24 their bag limit, or possession limit, and this annual
25 limit would circumvent that loophole that's been
26 plaguing (ph) the sportfish industry, especially here
27 in the Yakutat area for ever and keep the guys from
28 taking home several hundred pounds of fillets of coho
29 in the fall.

30

31 CHAIRMAN HERNANDEZ: Yes, thank you,
32 Harold. I know about that loophole and I know that's
33 something we were trying to address, and this proposal
34 would as well.

35

36 So on our Proposal 145 it doesn't look
37 like we specifically addressed king salmon to me, is
38 that what other people are seeing.

39

40 MS. NEEDHAM: Mr. Chair, this is Cathy.

41

42 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

43

44 MS. NEEDHAM: Mr. Chair. Our proposal
45 does not include a bag limit for king salmon. I mean
46 my understanding from our discussion when we put this
47 proposal together was that we've been trying various
48 different methods over a couple of Board of Fish cycles
49 to address non-resident bag and annual limits to no

50

1 degree of success. We've been trying to do that
2 specifically because we were concerned with sockeye
3 salmon and we felt -- we keep narrowing it down. Like
4 in the beginning when we put it before the Board of
5 Fish it was broad and included all species and we've
6 been trying to specify and focus on specific things.
7 And so I think maybe we just didn't address the
8 concern, and, one, at that time because it was
9 complicated and we kind of knew what we wanted from the
10 other species, and so that's how our proposal came
11 about, and that's my understanding of it.

12
13 So it does not look like the Ketchikan
14 Indian Community proposal would necessarily be -- like
15 we could support both proposals and there wouldn't be
16 any conflict between the two.

17
18 Thank you, Mr. Chair.

19
20 CHAIRMAN HERNANDEZ: Thank you, Cathy.
21 Yeah, that's my recollection as well. That we limited
22 our efforts here just for practical reasons. But I
23 would certainly not discourage anybody else from, you
24 know, being more ambitious than us. I just wanted to
25 make sure that we didn't have, you know, conflicting
26 proposals here, that maybe we had asked for something
27 more restrictive than that, yeah, but apparently not.
28 So I certainly would be in support of KIC's efforts to
29 restrict the king salmon bag limit for non-residents.

30
31 Any other Council member's opinions on
32 that.

33
34 MR. WRIGHT: Mr. Chair.

35
36 CHAIRMAN HERNANDEZ: Frank.

37
38 MR. WRIGHT: I would be really in
39 support of this because, you know, this summer we
40 didn't get any king salmon because of the limits with
41 Canada and Alaska and this summer, because of the
42 shortage of fish, we didn't even hardly get a king
43 salmon opening so it's kind of -- you know, we're here
44 to look after our self and not anybody else and people
45 from down south just pretty much come and do for the
46 fun of it. And whether they take the fish home or not,
47 I don't know. And if they get more than that how do
48 they freeze it without getting burned.

49
50

1 Thank you, Mr. Chair.

2

3 CHAIRMAN HERNANDEZ: Thank you, Frank.
4 It sounds like you're in support.

5

6 MR. YEAGER: Mr. Chair.

7

8 CHAIRMAN HERNANDEZ: Go ahead.

9

10 MR. YEAGER: This is John.

11

12 CHAIRMAN HERNANDEZ: Yeah, hi, John.

13

14 MR. YEAGER: I would support this as
15 well for a few different reasons. One, was I think the
16 protection of king salmon has to be at the forefront
17 here because so many of our systems are struggling and
18 our king salmon returns are struggling as well. So on
19 a normal year the impacts and pressure of sportfishing
20 on king salmon is tremendous and I think that we have
21 to do everything we can to keep that in check and help
22 the biology aspect of it so that maybe these fish can
23 come back a little better every year.

24

25 The other reason is, is I support an
26 annual limit on these king salmon because if you were
27 looking this summer, Fish and Game kept changing the
28 daily bag limit and annual limits throughout the course
29 of the summer due to them realizing the low impact of
30 sportfishing this year because of Covid. So I think
31 that that just adds for confusion. I know that I had
32 to stay on top of it so that I knew what was going on
33 there and I think there can be mistakes made there and
34 could lead to some potential overharvesting, maybe not
35 on purpose, but I think the more straightforward it can
36 be the better off it can be and Fish and Game will make
37 adjustments accordingly as they see fit.

38

39 But I am in favor of a non-resident
40 annual limit for that reason.

41

42 Thank you.

43

44 CHAIRMAN HERNANDEZ: Thank you, John.
45 Any other Council members want to comment on this one.

46

47 (No comments)

48

49 CHAIRMAN HERNANDEZ: I'm not hearing

50

1 any opposition so I think we can say we have consensus
2 to support that proposal, DeAnna.

3
4 MS. PERRY: Okay. Noted.

5
6 CHAIRMAN HERNANDEZ: Okay. Another KIC
7 proposal.

8
9 MS. PERRY: The next would be Proposal
10 No. 146.

11
12 CHAIRMAN HERNANDEZ: Okay.

13
14 MS. PERRY: And that's on Page 159 of
15 the proposal book.

16
17 CHAIRMAN HERNANDEZ: Right. I see you
18 put that one up.

19
20 MS. PERRY: And, Mr. Chair, before we
21 dive into that I believe Terry Suminski had his hand
22 up.

23
24 CHAIRMAN HERNANDEZ: Oh, yes, I did see
25 that, sorry. Terry, go ahead.

26
27 MR. SUMINSKI: This is Terry Suminski.
28 I don't mean to belabor it but the one proposal that
29 the SERAC submitted that would be complimentary to that
30 last proposal is 143, the non-resident log book
31 requirement. I just wanted to point that out.

32
33 Thank you.

34
35 CHAIRMAN HERNANDEZ: Okay. Well, we
36 already know we're supporting that one so, yeah, they
37 do go hand in hand though, you do have to have
38 accountability, that's true. And that's what we were
39 looking for with that one is accountability.

40
41 Thank you, Terry.

42
43 Proposal 146 is establishing non-
44 resident bag and possession limits for coho, sockeye,
45 chum and pink salmon in salt waters.

46
47 So, DeAnna, I believe our Council
48 proposal was 145 and I think that was the one that also
49 dealt with non-resident bag limits. Could we look at
50

1 that one, 145 as well, scroll up to that.

2

3

(Pause)

4

5

6

CHAIRMAN HERNANDEZ: If you could scroll down a little bit, I think we addressed coho with I think -- oh, where is it.

7

8

9

MS. NEEDHAM: Mr. Chair.

10

11

12

13

CHAIRMAN HERNANDEZ: Annual limit -- yeah, okay. I was just trying to compare what KIC came up with and what we came up with.

14

15

16

MS. NEEDHAM: Mr. Chair.

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MS. NEEDHAM: Thank you, Mr. Chair. I don't want to say that I'm not in support of the proposal that KIC put forward but I would like to point out that that proposal, again, is similar to a proposal that the Southeast Regional Advisory Council put forward a couple of Board of Fish cycles and, again, did not have much success in getting it because we didn't have enough specificity for some of the species so when I view these two proposals, I look at our proposal that has been a refinement over a couple of Board of Fish cycles that we feel might be more successful this round with the Board of Fish because it has some specific things that they've always questioned or asked for in the past. I think the KIC proposal is trying to get at the same thing, it also includes chum and pink where we do not because some of the complications associated with that.

37

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But I'm not opposed to the KIC proposal. I support it because I think that they're supporting to get at the same thing that our Council has been trying to get at and might even like to ask for Mr. Sanderson to take that message back to KIC so that they understand that we're not -- that we probably -- that I would recommend defer any comment on their proposal just because we have something that is similar and more refined and represents what we've been trying to get non-resident accountability, bag limits and possession into regulation.

Thank you, Mr. Chair.

1 CHAIRMAN HERNANDEZ: Right. Thank you,
2 Cathy. That's why I was trying to look at the two
3 proposals here side by side and see how they compared
4 and I think you put it pretty well. I guess my
5 recommendation on this would be to just not take any
6 action on 146. We'll just stick with our proposal and
7 be a proponent for that. And at some point, you know,
8 we might want to consider pink and chum salmon but as
9 you noted they kind of view those differently at the
10 Board of Fish so it's kind of problematic.

11
12 So, yeah, any thoughts from other
13 Council members, if anybody feel strongly that they
14 want to support this, I don't think we want to oppose
15 it as Cathy said but if there's strong support --
16 Albert, go ahead.

17
18 MR. HOWARD: Thank you, Mr. Chairman.
19 I think the reason we went from six to four was if one
20 client fishes for six days he gets 36 cohos he can take
21 home with him to California or wherever he's from. Now
22 if it's a family of four, six cohos is 160 pounds of
23 fillets they take home for the year, one person. Now,
24 if it's a family of four 640 for the family of four,
25 that doesn't include rockfish, cod, halibut or any of
26 that, that's straight 640 pounds of coho fillets. I am
27 still working on my 50 pounds of cohos from a couple
28 years ago in my freezer, so if anything maybe we can
29 suggest they modify theirs to match ours and then it'll
30 look like we're both on the same page where -- I think
31 we didn't do pinks because the State even allows us to
32 use pinks and chums for bait and so they don't even
33 really value them enough.

34
35 It's just a thought.

36
37 Thank you, Mr. Chair.

38
39 CHAIRMAN HERNANDEZ: Thank you, Albert.
40 I guess if Mr. Sanderson's still listening, you might
41 want to consider that, what we've been saying. But, I
42 thank you for that Albert.

43
44 Any other Council members have thoughts
45 on these two proposals we're talking about, I guess.

46
47 (No comments)

48
49 CHAIRMAN HERNANDEZ: Not hearing

50

1 anything, DeAnna, I think we'll maybe go with that
2 recommendation that we will just not take an action on
3 146 and just go and kind of be proponents for our
4 proposal which is similar and see how that plays out, I
5 guess. Does that sound fine to the rest of the
6 Council, do we have consensus on this -- anybody
7 disagree?

8

9

MR. YEAGER: Sounds good.

10

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CHAIRMAN HERNANDEZ: Okay. Duly noted,
DeAnna. I notice we're starting to run into the lunch
hour here and we do have somebody scheduled for 1:00
o'clock. DeAnna, or Cathy, do you have a list of the
other KIC proposals that we might want to consider
today?

18

19

20

MS. PERRY: Mr. Chair. I do have that
list. There are five more on it.

21

22

23

(Teleconference interference -
participants not muted - dog barking)

24

25

26

CHAIRMAN HERNANDEZ: We have a dog
barking in the background, did you say five more?

27

28

29

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33

MS. PERRY: Yeah, five more for
Ketchikan Indian Community and I believe one of those
was also a proposal that Cathy noted, 147, and then I
believe Cathy also noted 210. Correct me if I'm wrong,
Cathy. So that would be (indiscernible - fades
off).....

34

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41

CHAIRMAN HERNANDEZ: Well, I think
we're going to have to take a lunch break. When we get
back to proposals we'll start up with those. I don't
know if, Keenan, if you're still on the line, will you
be available later this afternoon. Like I say, we do
have a little bit of business we have to take care of
right after lunch, but are you still available in the
afternoon?

42

43

44

45

MR. SANDERSON: This is Keenan, yeah,
I'll be here all day.

46

47

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49

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CHAIRMAN HERNANDEZ: Very good, thank
you. Okay, let's do that, let's take our lunch break
and come back and have our presentation on NEPA policy
changes and we can move on from there. We do have

1 other business to get to this afternoon as well.

2

3 Okay, let's say 1:15. I think Lauren
4 McChesney could probably wait another 15 minutes
5 hopefully so we can get a decent lunch hour and,
6 DeAnna, if you can inform her of that and say 1:15.

7

8 MS. PERRY: Okay, I can do that.

9

10 CHAIRMAN HERNANDEZ: Okay, thank you
11 very much.

12

13 (Off record)

14

15 (On record)

16

17 MS. PERRY: Mr. Chair. You have seven
18 of your nine seated Council members that are back on
19 line to participate.

20

21 CHAIRMAN HERNANDEZ: Okay. Thank you,
22 DeAnna. Do we have Laura McChesney available for us.

23

24 MS. MCCHESENEY: I am here, thank you
25 for having me.

26

27 CHAIRMAN HERNANDEZ: Very good. Okay,
28 good afternoon, is it Laura or Lauren?

29

30 MS. MCCHESENEY: Lauren.

31

32 CHAIRMAN HERNANDEZ: Lauren, okay. So
33 you have, I guess, some updated information for the
34 Council on changes in the NEPA policy, I guess, how
35 NEPA is being conducted -- NEPA analysis is being
36 conducted; is that correct?

37

38 MS. MCCHESENEY: That is correct, I have
39 some.

40

41 MS. PERRY: Mr. Chair.

42

43 CHAIRMAN HERNANDEZ: Okay.

44

45 MS. PERRY: Mr. Chair.

46

47 CHAIRMAN HERNANDEZ: DeAnna.

48

49 MS. PERRY: Yeah, this is DeAnna. I

50

1 just wanted to remind everybody to please mute your
2 phones and if you're on teams mute that as well. For
3 those on teams, I do have a PowerPoint slide show that
4 accompanies Lauren's presentation. And for those not
5 participating by teams it has been emailed to you.

6
7 Thanks.

8
9 CHAIRMAN HERNANDEZ: Okay, very good, I
10 see that up on my screen now. So if you want to get
11 started Lauren that would be great.

12
13 MS. MCCHESENEY: Okay. Thank you, Mr.
14 Chair and thank you, Council, for letting me speak
15 today. So I do have some NEPA updates, but I will
16 preface this entire presentation with the fact that a
17 lot of these are updates from the Council on
18 Environmental Quality, which is not Forest Service. So
19 I can speak a little bit to what they have shared up to
20 this point, but I am by no means the expert,
21 unfortunately, in CEQ matters. So I will say where I
22 know there are differences between past regulations for
23 CEQ for NEPA regulations and where there are
24 differences between what we expect with the upcoming
25 Forest Service regulations. But I want to get that
26 qualifier out there.

27
28 So thank you, DeAnna, for sharing the
29 PowerPoint here. For those who don't have it, don't
30 worry it's mostly just a guide, you won't be missing
31 anything Earth-shattering in the presentation itself,
32 and with that I will get started.

33
34 So, thank you, again, I'm Lauren
35 McChesney. I'm usually the environmental coordinator
36 for the Regional Office here in Alaska, I'm currently
37 acting as Ecosystem Planning and Budget Director, but I
38 still get to have fun with all things planning, and
39 NEPA, or the National Environmental Policy Act.

40
41 The presentation that is being shared
42 with people on teams, I want to acknowledge Cory
43 Marchowski, our Chugach environmental coordinator,
44 first draft of this. So I have quite liberally
45 borrowed from her original presentation.

46
47 And please advance to the next slide,
48 DeAnna.

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Thank you.

So there has been a lot going on within the world of NEPA, some things I want to highlight for you -- there's actually a couple of Executive Orders, or EOs but the one I'll talk about today is 13927, and that is called Accelerating the Nations Economic Recovery from the Covid19 emergency by expediting infrastructure investments and other activities.

Unlike the name of that Executive Order, the intent is to streamline things, make them more efficient and faster processes to be getting things done. But we'll get into that a little bit more.

There's also been, and much more significantly, the final revision to the Council on Environmental Quality NEPA regulation at 40 CFR Codified Federal Regulations, the entire 1500 section, so those are umbrella regulations for all things NEPA from Council on Environmental Quality. And then we also have the ongoing revision of the Forest Service NEPA regulations that sit within those CEQ regulations and under the umbrella law of NEPA and those are at 36 CFR 220.

Next slide, please.

Thank you, DeAnna.

So as I mentioned we have this Executive Order from June 4th of this year and this is basically just encouraging the use of emergency authorities and other methods of increasing efficiency. This doesn't give any new authority to Federal agencies, it just encourages their use for being more efficient with NEPA projects especially in relation to infrastructure investment. So not a whole lot of impact from this particularly Executive Order on Forest Service or National NEPA but definitely gives an indication of the desire for more expeditious work in the arena of NEPA. And this hasn't had a big effect here at a local level, it's mostly being handled at a national level. So, for example, our Washington office basically shared with us that this is encouraging to move expeditiously but it's within our existing authorities. So, again, no new authority with this Executive Order.

1 participants not muted)

2

3 MS. MCCHESENEY:and time limits.
4 And these were originally within the CEQ regulations as
5 well but that direction is now strengthened in these
6 updated regulations.

7

8 So going forward from projects after
9 September 14th of this year, some of those time limits
10 are -- sorry, page limit first for (indiscernible -
11 background noise), they're required to be under 300
12 pages for a proposal of unusual scope or complexity but
13 for 150 pages the presumptive page limits for all.....

14

15 (Teleconference interference -
16 participants not muted)

17

18 MS. MCCHESENEY:and then 75 pages
19 for an EA. The CEQ regulations do not give page or
20 time limits for categorical conclusions, the proposed
21 changes to the Forest Service regulations do. So we
22 can get into that a little bit more.

23

24 There are also some additional
25 requirements that have changed. For example, the new
26 regulations.....

27

28 (Teleconference interference -
29 participants not muted)

30

31 MS. MCCHESENEY: I'm sorry, I'm getting
32 a lot of feedback on my end.

33

34 MS. PERRY: I'm sorry, Ms. McChesney,
35 please excuse the interruption. Again, if we can
36 everybody please mute their phones, star six. It's
37 hard to listen to the speaker. We are getting a lot of
38 break up in her presentation so, again, please press
39 star on your phone to mute and when you're ready to
40 speak you can star six and kind of toggle off.

41

42 Thank you, Ms. McChesney, and again
43 sorry for the interruption.

44

45 MS. MCCHESENEY: Thank you so much. I
46 hope that wasn't a reflection on me by itself. But
47 I'll take it if it is.

48

49 Some of the new requirements is

50

1 requiring certification regarding consideration of
2 information submitted and that's submitted by State,
3 tribal and local governments and public comments for a
4 final EIS. And there are more logistical requirements
5 within these new regulations of what is required
6 especially in an environmental impact statement. For
7 example, to disclose the cost for preparation of an
8 EIS. That's something we've had rough estimates on in
9 the past but have not had that requirement on an
10 individual project basis. So that is definitely
11 something we are still trying to figure out what that
12 means at the logistical level of what we'll be doing
13 with projects.

14
15 But the intent over all of these
16 changes was to consolidate case law to update the
17 regulations because, again, they had not been updated
18 in 40 years, and so to include that new information
19 from case law, to strengthen the role of lead agency,
20 to become a more efficient process.

21
22 And go to the next slide, please.

23
24 Thank you.

25
26 It does require more disclosure about
27 publication, especially for the notice of intent and to
28 give a summary of comments, and how they relate to
29 issues and alternatives. This is similar in practice
30 to what we've done in the past but now it is a formal
31 requirement for how it will be presented to the public.
32 And for CE's, for the categorical exclusions, the
33 change is that we can now adopt another agency's
34 categorical exclusions if we meet certain conditions.
35 So for example if another agency typically has a
36 project that, for them, they have a categorical
37 exclusion that they could do it under but as Forest
38 Service we don't and we would typically have to do an
39 environmental assessment, we can use their categorical
40 exclusion. However, there are requirements for this
41 process that need to be met. So for that example, we
42 would need to, as an agency, establish a process for
43 implementing their regulations for using their CE
44 category and making sure that we are still within the
45 requirements of the over arching law, that we are
46 meeting those requirements.

47
48 But overall the agency's regulations
49 for the upcoming Forest Service NEPA regulations cannot
50

1 be more restrictive than the new updated CEQ
2 regulation.

3

4 Next slide, please.

5

6 There we go, thank you.

7

8 So what does this mean for us now. And
9 one of the big things is timing. So proposals
10 initiated after September 14 of this year must comply
11 with these new regulations and that's EIS, and EA,
12 environmental impact statement and environmental
13 assessments, and for these new CE categories as well.

14

15 For proposals initiated prior to that
16 date of when they took affect, agencies may choose to
17 apply the final rule, the new regulations or to follow
18 the existing Forest Service NEPA procedures.

19

20 So, for example, here, within the
21 Alaska region we currently have six environmental
22 impact statements that are in process and were
23 initiated prior to September 14th and in those cases we
24 have decided that it makes more sense and it would be
25 clearer for the public for us to continue under the old
26 CEQ regulations, rather than adopting the new CEQ
27 regulations for those specific projects. But anything
28 initiated after September 14th must comply with the new
29 regulations.

30

31 So ones in effect as they are now,
32 those CEQ regulations immediately supersede any
33 provision within the Forest Service NEPA procedures
34 because those take a lower rung in the hierarchy of
35 regulations so to supersede any Forest Service NEPA
36 procedures that are inconsistent with the revised CEQ
37 regulations unless there's a clear and fundamental
38 conflict with the requirements of another statute. So
39 for example Endangered Species Act. If there's a
40 conflict between the new CEQ regulations and Endangered
41 Species Act, Endangered Species Act would trump that.

42

43 And agencies have 12 months to revise
44 the implementing regulation to be consistent with the
45 new rule. So this brings us to where the Forest
46 Service is now.

47

48 Next slide, please.

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1 So the Forest Service had actually
2 begun the process of updating our regulations in
3 implementing NEPA prior to when CEQ proposed its new
4 rule. We first published our proposed rule in June of
5 2019 so seven months before the proposed CEQ rule, but,
6 again, this CEQ rule is a higher level than the Forest
7 Service regulations so that is now being revised and as
8 of December 2019 we had received comments on our
9 proposal and had drafted responses to those, but that
10 now is being revised.

11
12 Next slide, please.

13
14 Actually, I'm sorry, I'll go back to
15 that just briefly to highlight one of the differences
16 between those. Thank you.

17
18 Sorry, I mentioned there is a
19 difference between incorporation of CEs, there's also a
20 slight difference between the Forest Service proposal
21 and the CEQ proposal in terms of when exactly the clock
22 runs for a project because I mentioned the new
23 timelines. And those timelines are under both the CEQ
24 new rule and the proposed Forest Service changes to the
25 regulation. But Forest Service, if some of you are
26 more familiar with than others, our regulations include
27 an objection period for a project, so prior to a final
28 signature on a project we have an opportunity for an
29 administrative review, so outside of court, just within
30 the agency itself, to give additional opportunity for
31 members of the public to have input on the project and
32 say my concerns have not been addressed, I object to
33 this draft decision that is being proposed and we have
34 a process to work through those and see if we can come
35 to a resolution before finalizing the document itself.
36 The national CEQ regulation do not include that process
37 because that's not a process that's universal between
38 all Federal agencies, that's specific to the Forest
39 Service. So that's quite a bit of time, that's at
40 least 90 days but it is required for a Forest Service
41 project, so that's part of the discrepancy between the
42 CEQ final rule and our proposed Forest Service rule
43 that we are still trying to work out. Our assumption
44 right now is that the timeline for EAs and EISs goes to
45 the objection period but not to including the objection
46 period. That has not been completely verified at this
47 point but that is our assumption. We're also trying to
48 work out the details between who has authority when a
49 project does not meet those deadlines either page or
50

1 time to give a waiver for the project, and there are
2 discussions being had between the Forest Service and
3 the CEQ to determine who has that authority based on
4 regulations.

5

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Next slide, please.

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9 So there's a lot going on here and a
10 lot more than I can cover in this presentation and
11 definitely encourage you all to look through the
12 materials that CEQ has published on their website that
13 I think was shared with everyone, a fact sheet that
14 they have in some of those background materials.

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But just overall I want to leave you with the impression, at least, that the intent of this was for more efficient NEPA processes and this goes in with our EADM concepts, if you've heard of that. It's our Environmental analysis and decisionmaking concepts, our attempts to make this a more transparent, more efficient process for all involved, to improve organization internally, to engage the public better, to have more focused analysis that has greater accountability and recognizing, you know, in the past we've had documents that are hundreds if not thousands of pages long and that is not realistic to expect anyone else to read, to go through and understand what's truly going on. So the intent of this is to be clear, is to really focus on the most important aspects of a project and to just have it more in plain writing for those projects and to go from there. So we have a lot left to do to decide how exactly we're going from here but this is the current status, at least as I know it.

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So please go to the last slide.

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And with that, that's my broad overview of this. I'm sure there are more questions. If we have time I would be happy to try to answer any of them.

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CHAIRMAN HERNANDEZ: Okay. Thank you, Lauren. I'll open it up to Council members if they have any questions on this.

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(No comments)

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CHAIRMAN HERNANDEZ: Not hearing any

1 from the Council, Lauren.

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MR. WRIGHT: Mr. Chairman.

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CHAIRMAN HERNANDEZ: There's Frank, go ahead Frank.

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MR. WRIGHT: How do they decide when they're going to make changes in these NEPA regulations, and who decides and who does it?

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MS. MCCHESENEY: That is a great question. And both of these, I should have noted, have been ongoing processes for quite some time. This is not a recent endeavor to change either one, either the CEQ regulations or the Forest Service implementing regulations. It is quite a process to go through that. Basically it's similar to a project in the NEPA process, but we give notice of advanced rulemaking to the public similar to a project's notice of intent for an EIS and that's close to kind of a scoping period where we would say here's what we are looking to propose, here are the reasons why, in this case for CEQ it was these regulations are 40 years old, a lot has changed in that time, a lot of the case law has changed, a lot of the technology has changed, so wanting to acknowledge those things and wanting to make improvements to those. And then walking through the steps to get public input at the required stages of that. So going through the public comment period, having open houses, having webinars to get feedback on those, going through those written comments, drafting the final rule, putting that out for public comment, and then publishing the final rule, in this case.

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So that's similar for both the CEQ regulations and the Forest Service regulations, it's just they slightly come together and then separated in their paths. But the Forest Service ones actually started first but then CEQ moved faster and we are now revising ours for the Forest Service to be consistent with the CEQ changes.

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MR. WRIGHT: So, Mr. Chairman.

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CHAIRMAN HERNANDEZ: Yeah, go ahead, Frank.

MR. WRIGHT: When the start of the

1 changes, is there -- is it given out to the whole
2 public and how is it -- how does the public find out
3 about it, because, I don't know we never heard about
4 the changes coming about so I don't know, we haven't
5 been able to weigh in on it so I'm just curious about
6 what part of the public gets notified and how soon is
7 it done at the start or -- the start of the changes or
8 -- thank you.
9

10 MS. MCCHESENEY: That is a great point.
11 It is definitely the intent with any rule changes to
12 have wide distribution of that information. In the
13 case of CEQ, it looks like -- I'm going to go back to
14 their timeline, I think they had it -- okay, so I'm
15 trying to look at their website here. The official
16 advertisement of one of these changes is through the
17 Federal Register and that's the -- it's basically like
18 a national newspaper but the most official version you
19 could have of that, so on line, so searchable, you can
20 have alerts for different things coming in but then
21 distribution goes from there. So that's the
22 requirement. It should also go out to more local
23 distribution if possible. So, again, for CEQ, Forest
24 Service didn't have any control over those
25 advertisements. For the Forest Service ones, for
26 example, we've published the Federal Register notice,
27 we have it on our web pages, we've talked about it in
28 meetings, so those comments, but it is definitely a
29 valid concern so how to reach everyone and
30 unfortunately there's not a perfect way for this. I
31 don't think there's a national set up at this point for
32 getting alerts for big national issues. So
33 unfortunately it does take a lot of research and having
34 those connections on both -- going both ways.
35

36 Sorry, that's probably not a very
37 satisfying answer to your question at all.
38

39 MR. WRIGHT: Okay. Well, I tried to
40 understand, but, anyway, you know, people like me don't
41 look at the Federal Register too often.
42

43 Thank you, anyway.
44

45 MS. MCCHESENEY: Right. And that's why
46 Forest Service, at least, does not rely exclusively on
47 the Federal Register. So for our actions we would have
48 press releases, we would have it posted on our website,
49 we would try to share that information in meetings such
50

1 as this, trying to get invited to be on agendas for
2 those types of things. I would definitely be open to
3 more ideas on that but those are the methods that we
4 use for Forest Service.

5
6 CHAIRMAN HERNANDEZ: Okay, thank you,
7 Frank. Albert, it looks like you have a question.

8
9 MR. HOWARD: I have a couple of them,
10 Mr. Chairman. One of them is accountability, what does
11 that mean and who's being, I guess, who does that
12 affect. I mean in my mind I'm hoping it's the person,
13 you hold them accountable for the actions that they
14 after you put in public comments that doesn't get
15 recognized. That's probably the first question.

16
17 MS. MCCHESENEY: Could you help me
18 understand a little bit more at the stage that you're
19 asking for accountability. Are you specifically
20 speaking to CEQ or the Forest Service regulations or
21 just in general when you are submitting comments for
22 any projects?

23
24 MR. HOWARD: Mr. Chairman. I'll give
25 an example of what I'd like to see someone held
26 accountable for. When a Federally-recognized tribe
27 objects to a tailings expansion and the tailing
28 expansion happens anyway, so I'm sitting here looking
29 at a pile of papers, so even if we submit comments in
30 writing they could end up in this pile of papers that I
31 have that I don't even know what's in it, that seems to
32 be the case, so I'm wondering if there's any
33 accountability for that.

34
35 MS. MCCHESENEY: Thank you for that,
36 that does help. So this is definitely a broader issue
37 and there are a lot of parts to this.

38
39 The NEPA regulations require
40 consideration of all different viewpoints and
41 consideration of that information into the decision.
42 But we also have other constraints. And I'm speaking
43 entirely for Forest Service here at this point. We
44 also have other considerations and constraints for
45 those decisions.

46
47 So in that example, from mining laws --
48 or sorry, mining projects, we are under the constraints
49 of the mining law which actually predates NEPA. So

50

1 this is similar to the hierarchy of NEPA, CEQ
2 regulations and Forest Service implementing NEPA
3 regulations as well.

4
5 (Teleconference interference -
6 participants not muted)

7
8 MS. MCCHESENEY: For Federal laws, those
9 that predate would carry those constraints forward.
10 And that's definitely a bigger legal issue. That does
11 not mean we have not taken them into consideration, we,
12 unfortunately -- I think it's impossible to have
13 everyone be happy with a decision, but that is
14 definitely our intent to listen to all of those
15 considerations, all of the concerns for a project, but
16 we do have other constraints in our decisionmaking.

17
18 So I think to get to your
19 accountability question, where we can show that and how
20 at least we try to show that, maybe not always
21 successfully, is to show that we have considered those
22 things, that we have heard them, to have that forum
23 available to share those ideas and those issues with
24 different projects and concerns, we definitely have a
25 platform to show how we have considered them. But that
26 does not always mean that will be what the decision is
27 because of our other constraints and obligations.

28
29 CHAIRMAN HERNANDEZ: Okay. Does that
30 answer your question, Albert.

31
32 MR. HOWARD: That just led to more
33 questions, Mr. Chairman, and also comments on Mr.
34 Wright's Glacier Bay concerns yesterday.

35
36 Just, to me, when she says that the
37 mining law supersedes anything from there, it seems to
38 me like their claim in Glacier Bay should have
39 superseded everything else.

40
41 Now, when you're talking about
42 Admiralty Island National Monument, the Forest Service
43 also has a responsibility to the indigenous people of
44 the island to make sure the mine is not causing any
45 irreparable harm, meaning it has to be exactly the way
46 it was when they started mining. So I guess that
47 brings me right back to the accountability part, who's
48 accountable when, in fact, they created an impaired
49 body water by spilling tailings into Hawk Inlet, who's

50

1 accountable for that since it's the Forest Service's
2 responsibility.

3
4 MS. MCCHESENEY: I'm sorry, I can't
5 speak exactly to that particular project other than to
6 say our responsibilities are different for different
7 areas. We both have to meet the obligations of the
8 mining law and also NEPA, and there might be conflicts
9 between those two in some cases. But I unfortunately
10 cannot speak as an expert for mining law. I'm throwing
11 that out as a general example of something that
12 predates our NEPA law and our NEPA implementation
13 regulation.

14
15 (Teleconference interference -
16 participants not muted)

17
18 CHAIRMAN HERNANDEZ: Any other
19 questions, Albert.

20
21 MR. HOWARD: Just on the efficiency
22 part, Mr. Chairman. In my mind efficiency means Albert
23 wants to push a project through so we're going to make
24 it happen as fast as possible, and we'll use the 18-
25 whatever mining law as an excuse not to address the
26 real concerns of the future. So is that pretty
27 accurate as far as creating a process that's more
28 efficient, because that seems to be the direction we're
29 heading when it comes to this process, that I'm not
30 sure exactly why it exists anymore if you're going to
31 do it anyway.

32
33 MS. MCCHESENEY: I appreciate that
34 concern and even the perspective on it. I am still
35 optimistic that NEPA the law itself still stands and we
36 do have those requirements. That is the umbrella that
37 we need to meet. We might have other laws that
38 conflict with us as a multi-use agency that need to be
39 considered, but the intent of NEPA is still there to
40 have all of those concerns considered in our decision.
41 It just depends on what will come out in a decision of
42 what those concerns are from the public and from a
43 legal standpoint, but we absolutely have to consider
44 them for NEPA.

45
46 Where the efficiency comes in, I think
47 that is definitely subject to interpretation and I can
48 see that concern, I would even echo it for certain
49 projects, from a personal level, I think -- I can give
50

1 you another example, it's not exactly specific to
2 Region 10, but for example, the fires out west right
3 now. There are a lot of projects that have been
4 proposed but because of regulatory hurdles have not
5 been implemented and projects that could have reduced
6 the fuel loading in areas that are now completely
7 burned over because of the recent fires. So that's an
8 example of what these regulatory changes are trying to
9 achieve, is to be able to implement things on the
10 ground that are protecting our natural resources that
11 are for the benefit of the lands we manage and for the
12 people who use them and rely upon them. And that is a
13 goal, it's definitely a lofty goal and I'm sure we'll
14 stumble along the way but that is at least our goal to
15 be able to improve conditions.

16
17 CHAIRMAN HERNANDEZ: Any more followup,
18 Albert.

19
20 MR. HOWARD: The meeting I attended
21 with Greens Creek, they said they don't have to do
22 subsistence hearings on the tailings expansion because
23 it isn't really an expansion even though they're asking
24 for 13 more acres and they're moving everything to the
25 left of the pond. So it's interesting that a mining
26 law supersedes the NEPA process but the subsistence
27 user has been there before the mine. So it seems to me
28 like we still have some standing above and beyond the
29 mine superseding everything else. So I'm taking notes
30 and trying to figure that out.

31
32 Thank you, Mr. Chair.

33
34 CHAIRMAN HERNANDEZ: Okay, Albert. Bob
35 Schroeder, it looks like you hand your hand up.

36
37 MR. SCHROEDER: Yes, let's see, do you
38 have me here?

39
40 CHAIRMAN HERNANDEZ: Yep, got you.

41
42 MR. SCHROEDER: I've been having -- I
43 seem to have trouble knowing whether my phone is on or
44 off here. But, thank you, Lauren, very much for giving
45 us an overview of this.

46
47 Although, you know, just very frankly
48 it just comes off as basically a very encouraging
49 attempt to put lipstick on a pig. What we have going
50

1 on here is, you know, major social change. This is a
2 highly political change that didn't come from agencies
3 saying that they wanted it, it definitely didn't come
4 from participants in the NEPA process, at least members
5 of the public saying they want it. I'm sure that
6 develop interests who want to get something through
7 quicker without public review are more or less
8 thrilled. The political power wasn't there to
9 completely eliminate NEPA, so what can we do.

10

11 A little bit of background.

12

13 Some of the most important laws that we
14 deal with as a Regional Council were passed under the
15 Nixon Administration in the early 70s. NEPA is 1970s,
16 the Federal Advisory Committee Act, we're a Federal
17 Advisory Committee Act which passed in 1972. The
18 Endangered Species Act in 1973. And the Clean Water
19 Act in 1972. Now, you might think that this means that
20 Bob is like a total Nixon fan, although these did take
21 place in his Administration, and he was responsive to
22 the times. We had gone through a tumultuous time with
23 the war in Vietnam, and in the late 70s and that led to
24 an idea that perhaps we need to do -- have laws on the
25 books that allow much greater inclusion of the public
26 and much greater protection of environmental resources
27 that the country has.

28

29 Quite clearly, you know, I appreciate
30 that you covered things, does anyone, in fact, believe
31 that the modus -- the reason for doing this is to
32 modernize some obsolete law. The reason NEPAs been
33 around for 40 years without a huge change is that it
34 represented a major step forward and it also was a
35 major compromise. The National Environmental Policy
36 Act requires development on Federal land to go through
37 a process that says what the effects are going to be
38 and if those are presented very clearly projects do go
39 forward and this has happened for 40 years. So what we
40 have is something that wasn't particularly broken,
41 perhaps it should have been modified to include Zoom
42 meetings, team meetings and electronic gizmos that
43 didn't exist at that time, but this is a law that has
44 really served our Nation very well.

45

46 I will note that our dear leader's
47 Administration did not attempt to completely overrule
48 this law and eliminate it but as you see, the vehicle
49 of administrative action, an Administration does have

50

1 the job of implementing laws, so what the changes are
2 doing is pushing that implementation to the extreme, to
3 basically eliminate most of what the law wants to do.
4 Now, this isn't like really shocking, I mean there
5 isn't anything amazing about a rule like this.
6 Development interest in our country haven't
7 particularly liked this, just as other interests don't
8 like the Federal Advisory Committee Act, the Endangered
9 Species Act, or the Clean Water Act. But, you know,
10 let's call a rollback what it is, that is what it is.
11 We should note that we do elect people, we did elect
12 our dear leaders and this is somewhat within his
13 prerogative to change things, even though they
14 essentially kneecap the ability for the public to
15 respond to development activities.

16
17 NEPA has been absolutely at the center
18 of what this Council has been involved with in
19 commenting on land management plans, and, it, along
20 with ANILCA Section .810 has been the major legal
21 avenue for this Council to be involved in protecting
22 subsistence uses.

23
24 So I know you didn't write the law,
25 Lauren, and I do appreciate your knowledge and ability
26 to present what's going on here.

27
28 I would also point out that this
29 Council had no opportunity to review the proposed
30 changes, not that that would have made a great deal of
31 difference, and that this basically has been pushed
32 through not -- not through an involved public process
33 but frankly through a closed door action by an
34 Administration which is hostile to environmental
35 protection and definitely in our part of the world,
36 hostile to environmental conservation and hostile to
37 subsistence use of fish and wildlife.

38
39 So I just wanted to put those things on
40 our record so that we don't spend our time saying, gee,
41 boy, that's going to be really a lot more efficient now
42 that people can't comment on things and they won't know
43 what's going to happen to them.

44
45 No response is needed, thank you.

46
47 CHAIRMAN HERNANDEZ: Okay, thank.....

48
49 MS. MCCHESENEY: May I give a quick

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1 response anyway, Mr. Chair.

2

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CHAIRMAN HERNANDEZ: Go ahead, yeah.

4

5

6 MS. MCCHESENEY: Thank you for that. I
7 do very much appreciate that and I think those are
8 excellent points. I would actually agree with quite a
9 bit of that and there is a lot of concern over these.
10 I think there is a lot of benefit to these, and a lot
11 of these changes were needed, but I think you're
12 absolutely right to identify the concerns of these and
13 I would encourage you to continue voicing those
14 concerns. That, yes, this is after the comment period
15 for this final rule, for CEQ, but there are still
16 opportunities for those. So, for example, the previous
17 speaker mentioned Green Creek, and that is in the
18 scoping period right now until November 8th, so that is
19 an opportunity to voice those concerns with that
20 project, for any other projects where there are
21 concerns or even questions about what the regulation
22 means for a specific project.

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I highly encourage using that -- these
new CEQ NEPA regulations do not do away with public
comment. That is a fundamental aspect of NEPA that we
still have and I encourage the use of that.

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MR. SCHROEDER: Mr. Chair, could I have
a followup question.

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CHAIRMAN HERNANDEZ: Yep, go ahead,
Bob.

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MR. SCHROEDER: This is slightly
tangential but we've been dealing with the Roadless
Rule, which is perhaps is now in effect. I believe
today was the day that it was supposed to be going into
effect and we have heard that there are different
provisions for final decisions on something like the
Roadless Rule, which is both a plan and a rule, that
can be overturned by a new Administration if there's --
something about the 100 day rule, do you know what I'm
talking about Ms. McChesney?

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MS. MCCHESENEY: I do. I'm not an
expert. But I believe you're referring to the
Congressional Review Act.

49

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MR. SCHROEDER: Yes.

1 MS. MCCHESENEY: So any final rules
2 within 100 days of potentially a new Administration
3 could be reviewed by the new Administration, yes.
4

5 MR. SCHROEDER: That's -- and would
6 this rule be subject to that 100 days because it is
7 coming into effect today, that clearly doesn't allow
8 100 days for Congress to do anything. I'm just
9 wondering whether the 100 days will apply to this.

10
11 MS. MCCHESENEY: I'm not sure if it will
12 be invoked for Roadless. I would encourage those
13 questions to go to the Secretary. But I can say that
14 at least my understanding of the background of that
15 Congressional Review Act is actually the opposite of my
16 understanding, at least, but it's more -- things can be
17 reviewed by Congress prior to that 100 days before
18 potentially a new Administration and not taken up by
19 the new, whereas if they fit within the 100 days of the
20 Roadless Rule would -- when it is finalized -- I have
21 not seen a final Roadless Rule today even though it
22 could be finalized at this point. So that could be
23 taken up, at least, as I understand by the next
24 Congress.

25
26 MR. SCHROEDER: Thank you, again.
27

28 CHAIRMAN HERNANDEZ: Okay, thank you
29 Bob. Are there any other Council members who have a
30 question or a comment for Lauren.

31
32 MS. NEEDHAM: Mr. Chair.

33
34 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

35
36 MS. NEEDHAM: Thank you, Mr. Chair,
37 this is Cathy. Lauren thank you for your presentation
38 and your comment a moment ago about the importance of
39 the public commenting period for the NEPA process.

40
41 One of the things that you highlighted
42 as a key change in the CEQ was the requirement of
43 certification regarding the consideration of
44 information submitted by State, tribal and local
45 governments and public commenters for a final EIS. And
46 my understanding of what that means, just based on your
47 presentation because I haven't (indiscernible -
48 muffled) to it myself, is that something -- information
49 that's given during the public comment period between a
50

1 draft EIS and a final EIS would need to be certified.
2 And so I'm interested in knowing how the U.S. Forest
3 Service is interpreting that, what they might require
4 for certification and whether or not that would apply
5 to FACA Committee comments?

6

7

Thank you.

8

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10 MS. MCCHESENEY: Those are all excellent
11 questions, Cathy, and I do not know. I am looking
12 forward to that type of specific response from our
13 Forest Service regulations but they're not final at
14 this point. so unfortunately that is one of those
15 things that is still unknown for projects that is
16 different. In practice, I don't -- I'm not sure that
17 will be a huge change because for EIS, especially,
18 we've had to show we considered comments. It just
19 hasn't been a set format, a certification of how we've
20 considered comments but unfortunately those logistics
21 have not been worked out, at least not that I am aware
22 of at my level.

22

23

MS. NEEDHAM: Thank you.

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CHAIRMAN HERNANDEZ: Okay, followup,

27 Cathy.

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MS. NEEDHAM: No, no followup, thank
you.

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CHAIRMAN HERNANDEZ: All right.
Anybody else on the Council with a question.

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34

(No comments)

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CHAIRMAN HERNANDEZ: I do have one
basic question. Wherein does that Council of
Environmental Quality lie in the government, I'm not
really familiar with that>

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MS. MCCHESENEY: That was directly
created by NEPA and that is under the White House
itself, under the Executive Office of the President.

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CHAIRMAN HERNANDEZ: Oh, okay, that
explains a lot.

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MS. MCCHESENEY: Which is -- yes,
exactly. Which is why the CEQ regulations would

1 supersede any Forest Service regulations.

2

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4 CHAIRMAN HERNANDEZ: Right. Has that
5 Council of Environmental Quality, has that been ongoing
6 through a number of Administrations or is that new to
7 this Administration?

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9 MS. MCCHESENEY: No, the CEQ had been in
10 effect, again, I think it was established itself by
11 NEPA in 1970.

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CHAIRMAN HERNANDEZ: Okay.

MS. MCCHESENEY: And functioning since then. But, you know, like with anything under different Administrations, I'm sure there have been changes. for example, my understanding is there are two permanent positions within CEQ that deal exclusively with NEPA and the people in those two positions have transitioned out this year so there are changes of people and that's part of the delay in getting exactly what updates will be needed for the Forest Service regulations. But the Council itself is longstanding throughout history from at least 1970.

CHAIRMAN HERNANDEZ: Okay.

MS. MCCHESENEY: I'm not positive it actually started in 1970 but I do know it was created from NEPA itself.

CHAIRMAN HERNANDEZ: Okay, that's very helpful, thank you. Any other questions from the Council.

(No comments)

CHAIRMAN HERNANDEZ: Okay, perhaps we're done then, that was a lot of information, very interesting discussion and I certainly see the implications moving forward here as new projects come up. We were told yesterday by Mr. Stewart that existing projects are still being conducted under the old NEPA guidelines, but as we move forward we'll have to bear in mind that we have a new set of rules to play the game here. So appreciate your coming to us and trying to explain it all to us, Lauren, although I do have realized through your presentation there's still some details and questions, but do appreciate your

1 efforts though.

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So, thank you.

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MS. MCCHESENEY: Absolutely. Thank you, Mr. Chair and thank you Council. If I can help with any followup questions in the future, please, don't hesitate to reach out but I may not know the answers for awhile. But I appreciate the questions and the opportunity to talk with you all today.

CHAIRMAN HERNANDEZ: Thank you. It's good to know we have an expert there in the regional office on this, so, thank you very much.

Now, Council, I think maybe we should get back to our Fish and Game proposals. Things were going a little better there before we recessed. I know we were kind of going through a group of proposals put forward by the Ketchikan Indian Community that we thought were of interest and we had Keenan Sanderson from Ketchikan Indian Community available, and I see on this teams roster here that he's still with us. So we can pick up where we left off, I think.

First off, Bob, you have a hand raised there on the screen so.....

MR. SCHROEDER: No, sir, it's leftover.

CHAIRMAN HERNANDEZ: That's a leftover, okay. Well, if we could get back to proposals then. And, you know, I don't know if we're going to get through all of these today, we've got some other business to get through but maybe I'll stay with this up until our next break and if we're not done by then we might just have to put this topic off until our March meeting. So let's see how it goes here.

And, somebody may have to refresh my memory, we had a list of proposals that were put forward by Ketchikan Indian Community and I don't know exactly what they are right now, I don't have that in front of me. So I don't know, DeAnna.....

MS. PERRY: Mr. Chair.

CHAIRMAN HERNANDEZ:if you could help me out.

1 MS. PERRY: Absolutely. We were
2 getting ready to look at Proposal 147. It's on the
3 screen. And for those that are following along, maybe
4 through the email or online book, it's Page 160. And
5 this was identified as a proposal that was put in by
6 Ketchikan Indian Community and I believe Council Member
7 Ms. Needham also mentioned this as a proposal of
8 interest as well.
9

10 CHAIRMAN HERNANDEZ: Right, very good,
11 thank you. And there it is up on the screen. This is
12 another proposal dealing with annual possession limits
13 for non-residents. This one is specific for, it looks
14 like, coho salmon in fresh waters in East of Cape
15 Fairweather. So if everybody's looking at that, I
16 don't know if we have any comments on this proposal.
17 Maybe I will first, Keenan, if you're on the phone
18 line, maybe you could just give us a little brief
19 explanation of what you're trying to accomplish here.
20

21 MR. SANDERSON: Yeah, thank you, Mr.
22 Chairman. Keenan, here. So proposals 146, 147, 148
23 are all pretty similar. Basically the intent of these
24 three proposals was to attempt to give more priority of
25 these resources to resident Alaskans and specifically
26 -- well, it's not set in regulation, but the idea is to
27 help give traditional users, tribal citizens more
28 access to these fishery resources by limiting some
29 access to non-resident sportsfishermen. And the reason
30 why they were broken up into three different proposals
31 were because they -- from my understanding from the
32 Board of Fish is, since they don't specifically relate
33 to the exact same regulation they had to be separated
34 out into three separate proposals and that's why
35 they're like that.
36

37 There is an awful lot of background
38 behind it, this is just, again, to make available more
39 resources to tribal citizens of Southeast Alaska.
40

41 CHAIRMAN HERNANDEZ: Okay, once, again,
42 thank you very much. I do see now that, yeah, 146,
43 147, and 148 are all kind of dealing with the same
44 topic and now I understand why they're three separate
45 proposals so that's helpful.
46

47 Yeah, we dealt with 146 which was salt
48 water fishing, and now 147 and 148 kind of deal with
49 the same situation in fresh water, which of course is
50

1 of particular interest to folks that are subsistence
2 fishing on Federal waters, which would be the fresh
3 waters, so, Council members, any comments.
4

5 I have to say that I would tend to
6 support these proposals, but what do we hear from other
7 Council members.
8

9 MR. ROBBINS: Mr. Chair, this is
10 Harold.
11

12 CHAIRMAN HERNANDEZ: Yeah, go ahead,
13 Harold.
14

15 MR. ROBBINS: I find it interesting
16 that you cut off the Yakutat area by starting out at
17 Cape Fairweather instead of going on to Icy Bay, which
18 is part of Southeast. So what's the reasoning on that?
19

20 MR. SANDERSON: Keenan, here. From
21 what I seen in the sports regulation, they specifically
22 map out two different regions for Southeast that didn't
23 include Yakutat. I think Yakutat has a different
24 regulation book from what I can tell. I don't know all
25 the specifics on that but I do believe that there would
26 have to be another proposal for Yakutat, specifically
27 for the Yakutat region, and for the purposes of what
28 we're doing down here in the Ketchikan Indian
29 Community, and I guess I just didn't notice it myself.
30 We didn't bother going further north than Cape
31 Fairweather. I mean I definitely would not be opposed
32 to adding that in the proposal, if that was possible,
33 to help cover that area as well. But I just didn't get
34 to that, so, yeah, thank you.
35

36 MR. ROBBINS: Yeah, I don't see it as
37 an issue but I was just kind of wondering the logic of
38 it because it's all lumped together with Southeast.
39

40 CHAIRMAN HERNANDEZ: Okay, thank you,
41 Harold. Thank you, Keenan. Other Council members with
42 questions on this.
43

44 MS. NEEDHAM: Mr. Chair.
45

46 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
47

48 MS. NEEDHAM: Thank you, Mr. Chair. I
49 would generally support, actually both of these
50

1 proposals, although I feel like we might want to defer
2 until we get some more information on how it relates
3 back to the Federal Subsistence proposals. I don't
4 think that this would be a conflict, but as you
5 mentioned in your opening comments that both of these
6 proposals deal with fresh water, which potentially
7 would have corresponding Federal subsistence
8 regulations and I would want to compare just to make
9 sure that there are no conflicts with that before -- I
10 don't see it as limiting since this is non-resident,
11 but maybe the opportunities that Ketchikan Indian
12 Community are trying to go for towards here do exist
13 for subsistence users, and I do understand that
14 Ketchikan is not considered a rural community, but I
15 would just like to see that comparison so maybe we
16 could defer those two until our next meeting and we can
17 look at how that relates back to Federal fresh waters
18 and subsistence users, specifically.

19
20 Thank you.

21
22 CHAIRMAN HERNANDEZ: Yeah, okay, Cathy.
23 I don't see that there would be conflicts due to the
24 fact that it is addressing non-resident sportfishermen.
25 But, like I say, we might just want to do a little more
26 investigating to see what our Federal regs are in
27 regard to that and, yeah, see if there is some overlap
28 or conflict or -- yeah. So like I say this will be a
29 proposal that I certainly don't oppose, most likely
30 would support, but if we want to put it into the
31 category of a little bit more investigation to come
32 back in March that would be fine with me.

33
34 Any other Council want to weigh in on
35 that.

36 CHAIRMAN HERNANDEZ: I'm kind of
37 looking for a consensus here so if nobody objects.

38
39 (No objections)

40
41 CHAIRMAN HERNANDEZ: Let's do that
42 then.

43
44 MR. WRIGHT: I would feel better when
45 we got more information.

46
47 CHAIRMAN HERNANDEZ: Thank you, Frank.
48 Okay, I think that's what we'll do with those. What's
49 another one on the list here from KIC.

50

1 MS. PERRY: So that would be 148, Mr.
2 Chair. And, again, I believe Mr. Sanderson mentioned
3 that this was similar to 146 and 147, and 148.

4
5 CHAIRMAN HERNANDEZ: Right. I think
6 all three of those -- I think 146 we could support,
7 that dealt with the salt waters and there wouldn't be
8 any conflicts with subsistence uses there. So just 147
9 and 148 are both similar, just different species. So I
10 think we can lump those together for further
11 investigation. So after 148 do we have another
12 proposal that we want to look at?

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14 MS. PERRY: Yes, Mr. Chair, 170. If
15 you'll bear with me I'll get that on the screen here.

16
17 (Pause)

18
19 MS. PERRY: Okay. 170 is on Page 177
20 of the proposal book.

21
22 CHAIRMAN HERNANDEZ: Okay, this looks
23 like a shrimp proposal, or, no, not necessarily shrimp,
24 but shrimp and miscellaneous. I'll just go ahead and
25 read it off here.

26
27 Deals with customary and traditional
28 subsistence uses of shellfish stocks, customary and
29 traditional subsistence uses of fish stocks and amounts
30 necessary for the subsistence users with the quote
31 statutes there for the regs. Subsistence use of
32 aquatic plants in Southeast Alaska area and 5 AAC,
33 customary and traditional subsistence uses of fish
34 stocks and amounts necessary for subsistence uses. And
35 it adds the wording, unless otherwise specified include
36 all beach seafood in the Southeast Alaska and Yakutat
37 area as defined by -- I don't know there's statutes
38 listed there and I don't know what they are. So I
39 guess we'll need some explanation but it looks like it
40 deals with shellfish and plants, intertidal shellfish
41 and plants.

42
43 So Keenan, could you further explain
44 that for us.

45
46 MR. SANDERSON: Yes, thank you, Mr.
47 Chair. This is Keenan here again. So the idea behind
48 this and I'll start off by saying I am no intertidal
49 expert whatsoever, my background is mainly in salmon

50

1 and groundfish. But one of the things that the tribal
2 council really wanted to focus on is the designation of
3 -- the goal of the designation of basically all
4 organisms in the Southeast area being listed as
5 customary and traditional uses so that it puts less
6 restrictions and allows for more harvesting activities
7 for anything, you know, that's out in our waters.

8
9 And for the purpose of this proposal,
10 it focuses specifically on intertidal beach seafoods
11 that could be gathered. That's stuff like clams,
12 cockles, black seaweed, gumboots, sea asparagus, sea
13 cucumbers, sea urchins, basically anything that you can
14 find on the shores of Southeast Alaska. We want those
15 to be designated to be customary and traditional use,
16 so, again, we can have our tribal citizens to have
17 better access and less restrictions on them to harvest
18 those resources.

19
20 CHAIRMAN HERNANDEZ: Okay, thank you.
21 I understand that now. Other people on the Council
22 have thoughts on this one. It's kind of new to me as
23 well so I'm not too familiar with it so maybe somebody
24 else has some knowledge about this.

25
26 MS. NEEDHAM: Mr. Chair.

27
28 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

29
30 MS. NEEDHAM: Thank you, Mr. Chair. I
31 actually have a question. So it looks like the
32 proposal says to establish a positive customary and
33 traditional use finding for shellfish and plants for
34 all intertidal areas. My question would be does this
35 include or not include shrimp and dungeness crab?

36
37 MR. SANDERSON: This is Keenan here
38 again. That language actually was not put in by
39 myself, that was language put in from the Board of Fish
40 Staff, the explanation. I don't know why they would
41 use that language, it kind of confused me as well.
42 That, I guess it would be kind of up for debate. This
43 proposal is pretty broad because we only used the
44 language of all beach, which you could theoretically
45 find shrimp and dungeness crab on the beach, but that'd
46 be something that'd be discussed further and maybe an
47 alteration to the proposal itself.

48
49 That's all I have for that question,

50

1 though.

2

3 CHAIRMAN HERNANDEZ: Any followup,
4 Cathy.

5

6 (No comments)

7

8 CHAIRMAN HERNANDEZ: If Lauren Sill is
9 on the line might have a question for her.

10

11 MS. SILL: Hi, Mr. Chair, this is
12 Lauren Sill, I'm here.

13

14 CHAIRMAN HERNANDEZ: Good afternoon,
15 Lauren. My question is, you know, what does it entail
16 when you're asking for a, you know, under the State
17 system, we're pretty familiar with the Federal system,
18 but asking for a customary and traditional finding on a
19 resource in the State system.

20

21 MS. SILL: Right. So for a proposal
22 looking for a customary and traditional finding, we
23 would prepare a C&T worksheet, which basically goes
24 through the sort of eight criteria about, history of
25 use, seasonality of use, and sort of specify out how
26 the resources have been used and present that to the
27 Board, and then the Board of Fisheries would make a
28 decision about whether or not there is a -- whether
29 they'd find there's a positive customary and
30 traditional use for that resource.

31

32 CHAIRMAN HERNANDEZ: Okay. And then
33 that's what, I guess, this proposal is asking for, that
34 determination. And then if that determination were
35 made favorably then there could be subsistence harvest
36 of those resources, correct?

37

38 MS. SILL: That is correct. And it's
39 not based on any particular community or resident, so
40 it would be, you know, customary and traditional uses
41 for those resources in those areas by whoever were to
42 harvest them. And there are -- I should mention there
43 are some C&Ts -- there are already some findings for
44 some species of shellfish in different areas around
45 Southeast right now.

46

47 CHAIRMAN HERNANDEZ: Okay, thank you.
48 My feeling on this is that there may be a few details
49 to work out but the intent, I think, is a good one.

50

1 The Federal system would then (indiscernible - breaking
2 up) our jurisdiction but I certainly could support the
3 concept. I don't know, feelings from other Council
4 members.

5

6

Albert.

7

8

MR. HOWARD: Thank you, Mr. Chairman.
9 This is one of those, I guess, you almost want the
10 State to prove that you haven't been using those areas
11 as areas of providing for their families, instead of
12 asking them if it's okay if you make this -- recognize
13 this as a customary and traditional use area. You
14 know, I have a problem with any -- with even -- it's
15 almost -- you're almost giving the State the right to
16 tell you no, you're not -- this almost ends up another
17 Glacier Bay thing where you're proving that you used an
18 area, or you're asking the State's permission to say
19 it's okay to use an area that you've already used.

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So I don't -- that's just my opinion
and I just don't agree with asking the State if it's
okay if I go fish in Basket Bay or not when I've always
done that, that's just an example.

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Thank you, Mr. Chair.

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CHAIRMAN HERNANDEZ: That's an
interesting perspective, Albert, thank you for that.
Other Council members.

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(No comments)

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CHAIRMAN HERNANDEZ: So, I don't know,
anybody got a recommendation on this one.

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(No comments)

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CHAIRMAN HERNANDEZ: I don't know if
we'll have consensus on this.

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(No comments)

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CHAIRMAN HERNANDEZ: Okay, let's --
DeAnna, let's put it on the list for further
consideration, we're not quite ready to approve it yet.
And let's move on to another proposal, if we have any
more from KIC.

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1 MS. PERRY: The next proposal would be
2 234.

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4 CHAIRMAN HERNANDEZ: 234.

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6 MS. PERRY: And that's on Page 224.

7
8 CHAIRMAN HERNANDEZ: Okay, thank you.
9 Sport proposal.

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11 MR. WRIGHT: What number was that?

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13 CHAIRMAN HERNANDEZ: 234. 234 on Page
14 -- oh, I lost the page number.

15
16 MS. PERRY: 224.

17
18 CHAIRMAN HERNANDEZ: This is a proposal
19 requiring in-season reporting of non-resident sportfish
20 harvest and effort as follows: All non-resident
21 sportsfishermen must keep track of the catch and
22 harvest record of all species finfish and shellfish
23 regardless of annual limit status of the species.
24 Sounds similar to a proposal we put in with log book
25 requirements, except it looks like this goes a little
26 further than our -- I think we were only asking for log
27 book requirements on non-residents for salmon, I think
28 this goes a little further perhaps with finfish and
29 shellfish as well.

30
31 Keenan, is that a pretty good synopsis
32 of what you're looking for here, accountability on all
33 species for non-residents.

34
35 MR. SANDERSON: Hi, Mr. Chair. This is
36 Keenan again. Yeah, this proposal, there's probably
37 about seven proposals in here that deals with this
38 exact same topic of having accountability in non-
39 resident sportfishers in Southeast Alaska. One thing
40 that I will point out that I didn't really get from the
41 other proposals, I may have missed it, but there is
42 quite a difference between having a catch record and a
43 harvest record and the harvest record, as you very well
44 know, is just what you're retaining after you catch the
45 fish. But I also want to have in there as well -- or
46 the Ketchikan Indian Community, I should say, wants to
47 have a catch record as well because there is a lot of
48 fish that is being, once they're caught, they're being
49 put back into these waters and as you very well may
50

1 know there is an associated mortality rate with catch
2 and release fishing. And I feel like having -- I
3 shouldn't say I -- the Ketchikan Indian Community feels
4 that it is necessary to have that important data to see
5 how much of our fish is being harvested, but then also
6 fish that's being released back and may potentially
7 die-off after being released from being caught.

8
9 This goes a little bit further to
10 require them to include what these sportfishers are
11 landing, not just harvesting.

12
13 CHAIRMAN HERNANDEZ: Boy, that's an
14 excellent idea, that's something that didn't occur to
15 us when we were crafting proposals. That's a really
16 good point. There's definitely some mortality there
17 that isn't accounted for, probably not at all. So I
18 certainly like this proposal. Other Council members,
19 anybody else want to weigh in.

20
21 MR. YEAGER: Mr. Chair, this is John.

22
23 CHAIRMAN HERNANDEZ: Yeah, go ahead,
24 John.

25
26 MR. YEAGER: There are aspects of this
27 proposal that I agree with. I think all along I've
28 been a proponent of more data collecting and more data,
29 tracking and so forth on the sportfishing side of
30 things. Being a guide, I'm required every year and Mr.
31 Howard can attest to this as well, that we're required
32 to track more and more every year in our log books for
33 the trips that we provide our clients, so I am not
34 opposed at all to having the non-resident, particularly
35 the non-guided non-resident have to keep track of their
36 catch as well.

37
38 One thing that I am a little concerned
39 with though with this proposal is, one, is we have hard
40 enough time with enforcement of the current regulations
41 that are put upon the non-resident angler right as it
42 stands right now. And to have the requirements that
43 they document what they catch keep and release could be
44 one that the Board of Fish may not even look at, they
45 could consider it just too monotonous and too time
46 consuming and whatever they want to say for a non-
47 resident angler that fishes in Alaska even though this
48 information would be helpful. But I wonder how much
49 we're going to gain out of all of this as far as

1 information being filled in, even if it is required.

2

3

4 The shrimp aspect of this is if a non-
5 resident is abiding the rules they have to have a
6 personal use shrimp permit which they have to fill out
7 each time they haul their gear how much they caught of
8 species of shrimp so there is a documentation process
9 already on the personal use shrimp permit for them to
10 be able to harvest, and it's the same with us as well
11 as residents. So I don't know if they would need to
12 add that in this particular proposal. The only thing
13 that it doesn't address is how many dungeness crab
14 would be caught and kept or released or whatever.

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But I like the concept of it. I think that it might be shot down just because of the type of proposal -- or type of requirement that's being asked but I think this is a start and I am a proponent for resubmitting proposals like this even if they get kicked out the first round, I think it's important to keep your head in the game there. So I'll support this, I just think it might be a little more bookkeeping than the Board of Fish will want to see placed on non-resident anglers.

Thank you.

CHAIRMAN HERNANDEZ: That's a good point, John. I agree with you on, quite often proposals get looked at the first time and maybe get rejected because of details but it certainly puts them on everybody's radar that, yeah, there's a problem that needs to be addressed. And we really appreciate your expertise on this process and how things go through the Board of Fish. And it looks like Albert might also have some expertise to add here, so go ahead Albert.

MR. HOWARD: I don't know about expertise but I know we had the conversation and I brought up the fact that we had guys come in -- and I'll say this, he was from Washington State and he thought it was the coolest thing to catch and release 20 kings that were undersized. He was bragging about it on the dock with no consideration for mortality rates, and there was also no record of it. There's nothing in our log books that says that he has to say he released them. And it seems like somewhere I saw that the State is looking at going digital which means that it makes everything simple for them. Now, what I

1 appreciate about that is they get the numbers probably
2 the same day as you submit them and they're all
3 compiled into one area. I like this idea. It shows
4 that somebody's actually seeing this happening and they
5 want to address the issue. I mean I think at a future
6 meeting we ought to address the king salmon on the same
7 standing and ask the Department to close an area to
8 sport -- guided sportfishing whenever they're catching
9 too many undersized kings and letting them go. I think
10 that's for a future conversation.

11
12 Thank you, Mr. Chair.

13
14 CHAIRMAN HERNANDEZ: Thank you, Albert.
15 Any other Council members want to weigh in on this
16 proposal.

17
18 (No comments)

19
20 CHAIRMAN HERNANDEZ: Okay. I think
21 what I'm hearing here, DeAnna, is we have consensus to
22 support this proposal. So let's mark it down in the
23 support column.

24
25 MS. PERRY: Okay.

26
27 CHAIRMAN HERNANDEZ: Another proposal
28 by KIC.

29
30 MS. PERRY: Let's go back to 161.

31
32 CHAIRMAN HERNANDEZ: 161.

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34 MS. PERRY: And that's on Page 171.

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36 CHAIRMAN HERNANDEZ: Okay. No, I got a
37 different number for 161, that's Southeast Herring
38 Conservation Alliance on the page here.

39
40 MR. SANDERSON: Mr. Chairman, this is
41 Keenan.

42
43 CHAIRMAN HERNANDEZ: Yeah, go ahead,
44 Keenan.

45
46 MR. SANDERSON: So I sent DeAnna an
47 email earlier, I included this number specifically. We
48 did not submit this proposal, this is a proposal that
49 -- you did read it right -- Southeast Herring

50

1 Conservation Alliance. If you look at the reasoning
2 why they submitted this proposal, it's a direct attack
3 on the Sitka Tribe of Alaska and their tribal citizens
4 and it's mainly due to the lawsuit that Sitka Tribe put
5 against the State of Alaska and the Board of Fish over
6 the mismanagement of the herring -- sac roe herring
7 fishery management. And although I am not opposed to
8 having more data being collected for pretty much
9 anything, I feel that the way that these people are
10 going about getting this data, even though I feel like
11 it's more of an attack than actually trying to collect
12 data, the Ketchikan Indian Community is definitely in
13 strong opposition to this as well. And, although I
14 don't speak for, again, I don't speak for the Ketchikan
15 Indian Community or the Sitka Tribe of Alaska as a
16 representative, I do know for a fact that
17 representatives of both have voiced their opinions in
18 strong opposition of this proposal as well.

19
20 CHAIRMAN HERNANDEZ: Okay, yeah, thank
21 you, Keenan. Yeah, there were a number of proposals
22 that I had flagged here from the Southeast Herring
23 Conservation Alliance. I know their name makes it
24 sound like they're conserving herring but I think it's
25 actually more of a group of the herring sac roe seiners
26 so I saw this as kind of an effort to hinder the
27 subsistence harvest of the herring eggs over there. So
28 thank you for bringing it to our attention.

29
30 Without hearing from Sitka Tribe of
31 Alaska, I think we know enough that we might want to
32 oppose this proposal. Other Council members familiar
33 with this one.

34
35 MS. NEEDHAM: Mr. Chair.

36
37 CHAIRMAN HERNANDEZ: Cathy.

38
39 MS. NEEDHAM: Thank you, Mr. Chair. I
40 appreciate this proposal coming before us and Keenan's
41 bringing it to our attention. When I look at it the
42 red flag it immediately puts up to me is that it
43 creates an additional burden for subsistence users,
44 which I don't feel is necessary given the fact that the
45 issues surrounding the Sitka Sound herring and stuff,
46 probably come more out of the commercial sac roe
47 fishery than anything. So I would not support a
48 proposal and I wouldn't object to us putting in a
49 direct opposition comment regarding this specific

1 proposal since it does fall within kind of that purview
2 of subsistence.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN HERNANDEZ: Thank you, Cathy.
7 Any other Council members.

8

9 MR. WRIGHT: Yeah, this is Frank.

10

11 CHAIRMAN HERNANDEZ: Go ahead, Frank.

12

13 MR. WRIGHT: Hi, this is Frank.

14

15 CHAIRMAN HERNANDEZ: Go ahead, Frank.

16

17 MR. WRIGHT: I'm opposed to this too
18 because permit and registration, you know, in Hoonah we
19 have usually a boat goes over there and starts setting
20 branches and comes back to Hoonah with a pretty good --
21 sometimes a good pile, sometimes not, so last year was
22 nothing so we just lucked out that my brother-in-law
23 was over there and he sent us a couple of gallons. So
24 it is -- I have a hard time dealing with registration
25 and permits when it's our belief, out people.

26

27 Thank you, Mr. Chair.

28

29 CHAIRMAN HERNANDEZ: Yeah, thank you,
30 Frank. I totally agree that it's not necessary for
31 subsistence fishers to get permits or register to go do
32 that fishery. That's definitely too much of an
33 imposition for something that's been going on forever.

34

35 MS. MORENO: Mr. Chairman.

36

37 CHAIRMAN HERNANDEZ: Yeah, go ahead.

38

39 MS. MORENO: Hi, I just have a comment.
40 This is Paulette Moreno, Alaska Native Sisterhood Grand
41 President. And I come before the Board, that we are
42 with at this time, and I would like to state on the
43 record that as Alaska Native Sisterhood Grand President
44 we oppose Proposal 161. And just briefly, we do
45 support Sitka Tribe of Alaska's stance on continuing a
46 strong and rightful herring egg harvest in Sitka Sound.
47 So with that being said, part of the reason that we
48 oppose this is we also do not believe that as people of
49 this land from time immemorial that we need to have a

50

1 permit to be able to do these things, we've been doing
2 this all this time, and we also see that this as not
3 only unnecessary it would, you know, cause hardship and
4 a lot of times when herring eggs come in -- I also -- I
5 live in Sitka, I harvest in Sitka and I've been out
6 many times to harvest herring eggs and I know that when
7 we go out on our individual boats, we take care of the
8 eggs, we are very careful with them, the quality is
9 really important since it's going to our families.
10 Many of the men that go out to set for several other
11 families to go, and, of course, the same way, so when
12 we weigh the eggs and we look at them and we report
13 what we have, we do so usually with Sitka Tribe of
14 Alaska, who we feel does a very fair job of doing that.
15 So we don't want to have permits and I don't think that
16 it's necessary, so I'm happy to hear this conversation
17 and just wanted to add to the dialogue.

18
19 Thank you, Mr. Chairman.

20
21 CHAIRMAN HERNANDEZ: Thank you,
22 Paulette.

23
24 MS. MORENO: Once again we oppose.
25 Yes, thank you.

26
27 CHAIRMAN HERNANDEZ: So is there
28 consensus from the Council to oppose. I see Albert has
29 something to add. Go ahead, Albert.

30
31 MR. HOWARD: Thank you, Mr. Chairman.
32 Sitting out in camp over there in Sitka on the island
33 across from the ferry terminal, I had a lot of these
34 conversations. And you could sit there -- it's amazing
35 to see how much herring those commercial guys take out
36 of there. And that stock is never ever going to return
37 to Sitka because it's headed out somewhere else. Now,
38 they like to blame guys like me and my little 18 foot
39 boat with all our little Lunds running from Angoon to
40 Sitka and say that it's our fault we're killing the
41 herring, when, in fact, you couldn't even fill half the
42 deck of one of those seine boats with all the herring
43 we bring back to Angoon on branches and the herring
44 that spawn on our branches swim away when we're done.
45 So they're back to whatever they do between the time
46 they leave our trees until we're back there again the
47 next year. So somebody's trying to look at this and
48 find someone else to blame when, in fact, it's the
49 management. I think they should take a look at how
50

1 BC's herring population's recovering. They've changed
2 their formula on how they allow commercial fishermen to
3 fish on their herring and now they have more consistent
4 return of their herring. I think Alaska is in that
5 position now, where things are so bad you need to take
6 a look at it, and take a look at their formula and why
7 it's working.

8
9 I think we should oppose this as well.

10
11 Thank you, Mr. Chair.

12
13 CHAIRMAN HERNANDEZ: Thank you, Albert.
14 So, DeAnna, I think we have consensus to oppose
15 Proposal 161.

16
17 MS. PERRY: Okay.

18
19 CHAIRMAN HERNANDEZ: And do we have
20 another proposal that KIC would like to bring to our
21 attention?

22
23 MS. PERRY: I believe that was the last
24 on the list that Keenan provided. Just want to
25 doublecheck with Keenan that we've covered them all
26 now.

27
28 MR. SANDERSON: Yes. Outside of the
29 KIC specific proposals that we submitted and that one
30 proposal that we just went over, there is no others
31 that are of really high priority. We definitely wanted
32 to bring the attention of 161 to basically anyone and
33 everyone that we can so that we can oppose that
34 proposal specific, because that can have implications
35 for subsistence permits down in our area, too, at some
36 point in the future if that one is approved by the
37 Board of Fish.

38
39 So other than that that is all we have
40 from the Ketchikan Indian Community.

41
42 CHAIRMAN HERNANDEZ: Okay. Keenan, I
43 really want to thank you for standing by with us here
44 this afternoon, you know, having the participation of
45 folks that are writing these proposals in this process
46 is pretty invaluable really. We were kind of stumbling
47 along there until we were able to focus on your
48 proposals, and your proposals overlap with a lot of
49 other proposals that we were looking at. I really

50

1 appreciate the fact that you were right on top of that
2 Sitka Sound herring proposal. I think we would have
3 gotten to that but, yeah, having you point that out to
4 us is very helpful.

5
6 So we really appreciate your help with
7 this and thanks again.

8
9 MR. SANDERSON: Yeah, thank you for
10 allowing me to be a part of this, it's been a really
11 big honor for me. Thank you very much. Howaa.

12
13 CHAIRMAN HERNANDEZ: Council, you know,
14 as far as the rest of these comments on Fish and Game
15 proposals, I think we're pretty much out of time.
16 We've got to move on to a few other items here before
17 the meeting adjourns and we've covered quite a few now.

18
19 MS. PERRY: Mr. Chair.

20
21 CHAIRMAN HERNANDEZ: Yeah, go ahead,
22 DeAnna.

23
24 MS. PERRY: Sorry to interrupt but I
25 did just want to circle back around, Member Cathy
26 Needham did bring our attention to Proposal 210, that
27 was the last one on my list, I don't know if you want
28 to defer to discussing that at the next meeting but I
29 just wanted to remind you of that one as well.

30
31 CHAIRMAN HERNANDEZ: Yes, we have time
32 to do that, you say that was 210.

33
34 MS. PERRY: Proposal 210 on Page 203
35 and it spills over into 204.

36
37 CHAIRMAN HERNANDEZ: Was that the only
38 one that I overlooked?

39
40 MS. PERRY: That I had on my list, Mr.
41 Chair, yes.

42
43 CHAIRMAN HERNANDEZ: Okay, sure we've
44 got time to do that.

45
46 MS. NEEDHAM: Mr. Chair.

47
48 CHAIRMAN HERNANDEZ: Yeah, go ahead,
49 Cathy.

50

1 MS. NEEDHAM: Thank you, Mr. Chair. It
2 was actually two proposals, No. 177 and No. 210. Both
3 of them were submitted by the local area committee
4 formed by the Community of Hydaburg and I would
5 recommend that we defer those to the next meeting and I
6 can assure that the Chair of the subsistence committee
7 for the Hydaburg Cooperative Association can -- since
8 he's the proponent for the proposals, I think he would
9 speak better towards what the intent was and why they
10 went the direction then did, and I'll reach out to him
11 and make sure that that happens.

12
13 (Teleconference interference -
14 participants not muted)

15
16 MS. NEEDHAM: But I think -- I can only
17 answer a little bit about those proposals and I think
18 we'll just end up having questions and he would be
19 better suited.

20
21 Thank you, Mr. Chair.

22
23 CHAIRMAN HERNANDEZ: Okay. Sounds
24 reasonable Cathy, thank you.

25
26 So, DeAnna, so I think that the
27 procedure here is for the Council to have some kind of
28 a vote, a preliminary vote on kind of, I guess,
29 endorsing what we've done here today, kind of a brief
30 synopsis, is that correct we should have a vote on this
31 or.....

32
33 MS. PERRY: Yes, Mr. Chair.

34
35 CHAIRMAN HERNANDEZ:or action.

36
37 MS. PERRY: Yes, Mr. Chair. And I can
38 provide a quick overview of that to maybe speed things
39 along.

40
41 CHAIRMAN HERNANDEZ: That would be very
42 helpful.

43
44 MS. PERRY: Okay. This Council
45 reviewed the following proposals and made preliminary
46 notes.

47
48 Proposal 93. This Council supports it.
49 This is similar to this own Council's Proposal 145 but
50

1 it didn't -- our proposal did not address king salmon.

2

3 Proposal 142. This Council is in
4 support but wants to see what the implications may be.
5 The Staff will bring more information at the next
6 meeting.

7

8 Proposal 146. This Council took no
9 action. Could support. It is similar to our proposal,
10 145, but our proposal is more specific per Board of
11 Fish recommendations in the past. This Council may
12 take action on 146 at the next meeting.

13

14 Proposal 147. This Council took no
15 action. Again, 146, 147, and 148 need the comparison
16 to the Federal subsistence regulations and the Staff
17 will provide more information on the regulations -- I'm
18 sorry -- those three proposals at the next meeting.

19

20 Proposal 170. This Council took no
21 action requiring more information which Staff can
22 provide at the next meeting.

23

24 Proposal 234. This Council supports.

25

26 Proposal 161. This council opposes.
27 Finding that it creates an additional burden on
28 subsistence users.

29

30 Proposal 129. This Council supports
31 with a modification changing the date to late August.

32

33 Proposal 130. This Council took no
34 action, will need more information and possibly the
35 coordinator will reach out to the local Advisory
36 Council.

37

38 Proposal 126 and 127. The same. Need
39 more information and attempts will be made for a local
40 Advisory Committee member to speak on that next
41 meeting.

42

43 Proposal 134. This Council opposes.
44 Areas for this Advisory Committee's area has been
45 already covered and it's not supportive for Yakutat
46 users, more restrictive and Federal regulations are
47 already in place for the area in Yakutat.

48

49 Deferred to the next meeting are

50

1 Proposals 177 and 210. The president of Hydaburg
2 Association will be contacted and hopefully be able to
3 speak at the Council at the next meeting.
4

5 I believe I covered them all. Again,
6 these are preliminary notes, but if anybody has a
7 different recollection please let me know now.
8

9 CHAIRMAN HERNANDEZ: Sounds pretty
10 complete to me, DeAnna.
11

12 MS. PERRY: Okay. If there are no
13 objections, Mr. Chair, if you just want to ask the
14 Council if they would like to make a motion to adopt
15 the preliminary comments as stated I think that would
16 probably cover it.
17

18 CHAIRMAN HERNANDEZ: Okay. Would
19 somebody on the Council like to make such a motion just
20 to adopt these as the product of the Council for
21 further discussion.
22

23 MR. HOWARD: So moved, Mr. Chair.
24

25 CHAIRMAN HERNANDEZ: Thank you, Albert.
26 A second.
27

28 MR. WRIGHT: Second.
29

30 CHAIRMAN HERNANDEZ: Do we have a --
31 okay, thank you, Frank. And is there any more
32 discussion.
33

34 (No comments)
35

36 CHAIRMAN HERNANDEZ: Are we ready for
37 the question.
38

39 MR. WRIGHT: Question.
40

41 CHAIRMAN HERNANDEZ: Okay. Frank, do
42 you want to run through a roll call on this.
43

44 MR. WRIGHT: Cathy Needham.
45

46 MS. NEEDHAM: Yes.
47

48 MR. WRIGHT: Larry Bemis.
49
50

1 (No comments)
2
3 MR. WRIGHT: Larry Bemis.
4
5 (No comments)
6
7 MR. WRIGHT: John Yeager.
8
9 MR. YEAGER: Yes.
10
11 MR. WRIGHT: Harold Robbins.
12
13 MR. ROBBINS: Yes.
14
15 MR. WRIGHT: Donald Hernandez.
16
17 CHAIRMAN HERNANDEZ: Yes.
18
19 MR. WRIGHT: Albert Howard.
20
21 MR. HOWARD: Yes.
22
23 MR. WRIGHT: Bob Schroeder.
24
25 MR. SCHROEDER: Yes.
26
27 MR. WRIGHT: Michael Douville.
28
29 MR. DOUVILLE: Yes.
30
31 MR. WRIGHT: Frank Wright, yes. Motion
32 passes, one not here, Bemis.
33
34 CHAIRMAN HERNANDEZ: All right, thank
35 you, Frank. Okay. Let's break until 3:15 and when we
36 come back I think we'll talk about letters that we want
37 to generate and scoping comments. And then we have,
38 you know, a couple more action items to clean up here,
39 doing final approval on the annual report, although we
40 could still add items to the annual report if we wish,
41 and look at where we might possibly have our next
42 meeting and when they will be.
43
44 So we'll break until 3:15.
45
46 (Off record)
47
48 (On record)
49
50

1 MS. PERRY: Mr. Chair. You have eight
2 Council members on line.

3
4 CHAIRMAN HERNANDEZ: Okay, very good.
5 So as I mentioned, I think what we need to do now is
6 talk about letters that we want to generate and scoping
7 comments. I, myself, would like to recommend that we
8 put in scoping comments on the Twin Mountain II timber
9 sale. I think that the scoping process is a good
10 opportunity for the Council. The purpose of scoping is
11 to develop a range of topics in the EIS, and I think
12 relative to subsistence impacts here from these timber
13 sales on Prince of Wales, there's a number of issues
14 that I think we should request be included in the EIS,
15 so I would like to do that.

16
17 I don't know if any other Council
18 members have any other thoughts on it.

19
20 (No comments)

21
22 CHAIRMAN HERNANDEZ: Okay. And then
23 there's scoping comments, I don't know if anybody wants
24 to make any comments on the South Revilla sale, that's
25 a different stage in the process, that's in draft EIS,
26 need to comment on the EIS which I'm not prepared to
27 do, I don't know if anybody else is prepared to do
28 that.

29
30 Any thoughts on that.

31
32 MR. SCHROEDER: Mr. Chair. This is
33 Bob, can I get in there.

34
35 CHAIRMAN HERNANDEZ: Yeah, go ahead,
36 Bob.

37
38 MR. SCHROEDER: I was thinking that,
39 you know, now that the Roadless Rule is about to be put
40 into effect we see a whole raft of EIS and scoping
41 documents, I had the idea that perhaps we could use
42 much of the comments that we prepared for Roadless,
43 specifically the ones where we outlined what needs to
44 take place under the law for a Section .810. I think
45 we could work that up into two or three pages, it could
46 be slightly less or slightly more, that outline the way
47 we see the responsibilities of agencies for
48 implementing the law according to Section .810. And
49 that that would just be a standard part of what our

1 comments were.

2
3 The one thing that we didn't spend time
4 on there, which I think would be relevant for quite a
5 few of these actions that are coming up would be to
6 specify that some of the things that Council member
7 Needham brought up earlier, on how Section .810
8 hearings need to clearly state that there is a finding
9 of significant restriction on subsistence uses, that's
10 one thing, and then the other thing that reoccurs is
11 that there tends to be fewer meetings, fewer .810
12 hearings than there should be and perhaps .810 hearings
13 on really short notice.

14
15 So I'm just thinking we could -- if we
16 spend a minute on that and if the Council goes along
17 with that that could be kind of a standard thing that
18 we could put in on virtually all EIS and actions.

19
20 With respect to Greens Creek, we
21 probably have a different angle on that one. I think
22 just hearing from Council member Howard, we would want
23 to support the idea that this requires EIS treatment,
24 not just a simple environmental assessment.

25
26 Thank you, just some thoughts.

27
28 CHAIRMAN HERNANDEZ: Thank you, Bob.
29 Yeah, I was going to get to Greens Creek there. And I
30 guess the question is, do we make these known through a
31 letter, a general letter, do we address specific
32 projects or are we just sending out a letter to the
33 Regional Forester or something addressing these. What
34 are your thoughts.

35
36 MR. SCHROEDER: If I can followup. I
37 see Albert has his hand up as well. I suggest that
38 since often they are different teams operating on
39 preparing different sales and actions that we
40 specifically respond to each opportunity. I think,
41 frankly, just sending another letter to the Forest
42 Service is -- let's see, I was looking for a funny
43 analogy but I'll drop the one that came to mind, it had
44 to do with in the wind, is the last part of it -- but I
45 suggest we do it for each opportunity that we have.
46 And, you know, that we recognize that since we only
47 meet two times a year and we have limited capability
48 when we do meet, that we're not always going to be able
49 to get into the nitty-gritty EIS, but this would

50

1 empower you to send them out on virtually any action
2 that is proposed.

3

4 That's it.

5

6 CHAIRMAN HERNANDEZ: Okay. Thanks,
7 Bob. Albert, what's your input here.

8

9 MR. HOWARD: Mr. Chair. On the timber
10 sale, I think we should address their buffer zone and
11 it should be consistent. I don't agree with what was
12 said when -- you deal with the State on private land as
13 far as cutting trees and leaving such a small buffer
14 zone. There's an example, it's straight across Angoon,
15 they use the State guidelines on their buffer zone and
16 all the trees fell on to the beach and now you can see
17 everything that was cut behind those trees and if
18 there's any doubt about it I can go get pictures of it
19 tomorrow and send it to whoever's doubting what I'm
20 saying. I think I'll have to agree with you on the
21 Twin Mountain timber sale and start pursuing that. But
22 I think part of that should be we should ask them to
23 widen the buffer zone versus what the private buffer
24 zone is according to State guidelines.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN HERNANDEZ: Right. Okay,
29 thank you, Albert.

30

31 Other Council member thoughts on letter
32 writing and comments.

33

34 (No comments)

35

36 CHAIRMAN HERNANDEZ: Okay, so let's
37 take a look at what we have in front of us here and,
38 DeAnna, it looks like she put up on the screen a list
39 of projects with their comment deadlines and maybe we
40 can decide how best to address them.

41

42 We're still within the comment period
43 on the Greens Creek and Central Tongass projects.

44

45 In reference to what Bob was saying, I
46 think that's a good idea and I think if we could put
47 together such a letter outlining how we feel the ANILCA
48 statutes need to be followed, that could certainly be
49 sent to the Twin Mountain timber sale team. They

50

1 obviously have heard concerns down there. Central
2 Tongass is just getting started, we could probably send
3 that letter to that team, just kind of notifying them
4 as they move forward what we expect. As Bob pointed
5 out Greens Creek is a slightly different situation, it
6 doesn't sound like they're doing an EIS but we may want
7 to write a specific letter for Greens Creek, and we'll
8 have to discuss that. And the Twin Mountain timber
9 sale, I think the ANILCA topics that Bob was
10 discussing, we should send those to the Twin Mountain
11 timber sale, but also in the scoping process I have a
12 list of issues here that I've put together that I would
13 like to include in that scoping comments letter.

14
15 So any other Council thoughts on that
16 approach.

17
18 (No comments)

19
20 CHAIRMAN HERNANDEZ: And I'll be
21 looking for a little more guidance on Greens Creek
22 because I haven't been following that and I know,
23 Albert, you have for sure, and maybe some of the other
24 Council, but have to know how to address that
25 specifically.

26
27 MS. NEEDHAM: Mr. Chair.

28
29 CHAIRMAN HERNANDEZ: Yeah, go ahead,
30 Cathy.

31
32 MS. NEEDHAM: Thank you, Mr. Chair. I
33 like the way that you outlined how we should move
34 forward. The letter regarding ANILCA, you know, that
35 Bob pointed out, I think, you know, we can draft that
36 letter based on -- I don't think we have to do any
37 substantial work at this meeting regarding that, we've
38 done a lot of work on that, like he mentioned, through
39 a lot of our comments we made with Roadless Rulemaking,
40 make it more general, it can be as simple as starting
41 with the template from the OIRA testimony that
42 yourself, Mr. Schroeder and myself kind of put up, so I
43 think that that -- we maybe just need to vote that
44 that's how we want to move forward with that specific
45 thing, and then assure that we send that to the Twin
46 Mountain project.

47
48 I think the Twin Mountain scoping
49 comments and the Green Creek scoping comments are going

1 to take a little bit of time here so I think that we
2 should focus our time on those things now and would
3 like to hear what some of the thoughts that you put
4 together regarding Twin Mountain are.

5

6 Thank you, Mr. Chair.

7

8 CHAIRMAN HERNANDEZ: Okay, thank you,
9 Cathy. I think I would agree with all of that.

10

11 So I have my suggestions here for Twin
12 Mountain comments and maybe say, anybody who is
13 familiar with the Greens Creek, if you've got some
14 thoughts tabulated there maybe we'll get to those next.

15

16 But here's what I have on Twin
17 Mountain. Things that I would request the Forest
18 Service do as they proceed with this environmental
19 impact statement.

20

21 And first and foremost, I think that
22 the Forest Service needs to do a new subsistence uses
23 and needs survey for the communities Prince of Wales
24 Island. All of these EIS, you know, talk about
25 subsistence restr -- or significant restrictions to
26 subsistence uses are likely and we do not really have a
27 very good baseline anymore for what the subsistence
28 uses and needs are in these communities. We're dealing
29 with really old information. If they're talking about
30 restrictions to subsistence uses and needs we really
31 need to know what those uses and needs are currently.

32

33 So I really stress that we ask for new
34 surveys for our communities, that's number 1.

35

36 No. 2. I want to make sure that this
37 analysis does take into account the cumulative impacts.
38 I'm still a little bit hesitant about accepting the
39 fact that they would analyze that under these new NEPA
40 guidelines. I didn't hear real assurances there so I
41 want to make sure we put that request, specific request
42 in writing, that they do that.

43

44 No. 3. I would like to see that they
45 do a thorough examination of the climate change impacts
46 to this timber sale and, specifically a good accounting
47 for how much carbon sequestration would be lost in this
48 effort to cut old growth Forest.

49

50

1 No. 4. I want them to do some very
2 specific analysis on how wolf habitat will be impacted
3 by this timber sale.
4

5 No. 5. And of course we always want to
6 have, you know, really good analysis on the deer
7 habitat. And as part of that I would like an
8 investigation on the effectiveness of what their tree
9 thinning program has been thus far in improving
10 habitat. And the reason there is that they've done a
11 substantial amount of tree thinning on the island.
12 They like to say that, you know, this thinning benefits
13 wildlife and as they tabulate all these acres of
14 thinned second growth and then start putting that into
15 the category of good deer habitat again, I know there's
16 a lot of scientific evidence out there and research is
17 ongoing that, you know, the habitat quality of these
18 thinned second growth units is nowhere near as good as
19 what they say it is. So I want all the best new
20 information on habitat of thinned second growth.
21

22 No. 6. I also would like to see them
23 do a very thorough analysis of what timber harvest on
24 karst landscapes does in relation to the entire
25 watershed that is being affected when they harvest on
26 karst landscapes. And that would be all karst
27 landscapes, not just high vulnerability.
28

29 No. 7. And lastly I want to see a good
30 purpose and needs analysis. I want them to
31 specifically address whether or not under given market
32 conditions, whether it's still necessary to harvest old
33 growth at the rate that they intend to. And the
34 situation there is that export markets for timber have
35 declined. There has been a lot of -- there is a lot of
36 ongoing harvest of old growth on other land ownerships
37 from both the State and private land ownerships, and I
38 want them to investigate whether or not given the poor
39 market conditions of exporting that old growth timber
40 wouldn't be possible for our local mills to purchase
41 some of that timber that would otherwise be exported
42 and make it viable for them to actually be purchasing
43 timber harvested by on State and private lands as being
44 an economic viability, and make it unnecessary to
45 harvest old growth timber from the National Forest.
46

47 So that was kind of a lot there,
48 DeAnna. It looks like you were taking pretty good
49 notes there. So that's a pretty good list, I don't
50

1 know if anybody wants to comment on that or add to it,
2 if there's other thoughts.

3

4

Go ahead.

5

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MR. WRIGHT: Mr. Chairman.

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CHAIRMAN HERNANDEZ: Frank, you go
9 ahead.

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MR. WRIGHT: I was wondering about, you know, the water quality, you know, I don't know the area so I don't know if there's any streams there, but the water quality for the salmon that go in the streams there. Because I know when I was -- one of our biggest rivers, Spasski River is died up because our corporation just logged it right down to the river, so you mean water quality for salmon or whatever water -- water is needed around the area and wildlife, you know, so I know that tree thinning is nice when it starts but after it gets so far the squirrels won't even go through there.

24

But, anyway, thank you, Mr. Chair.

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CHAIRMAN HERNANDEZ: Thank you, Frank. You know I can't answer your water quality question. You know up there in the Northeast Chichagof, you have a lot of limestone as well, I believe and, you know, that's the karst, and, you know, the water issues and limestone, geology are just completely different than other places and it's been shown that the water quality for salmon spawning habitat is exceptionally good in these limestone fed systems. And also the entire water flow and the landscape it completely different from these limestone geology.

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And just as, you know, an example, a story, I took a two day hike this summer, well, it was September when we first had that nice weather, and I was heading up into the Alpine and I camped out for the night and I hiked for two days and I was kind of high elevation in the timber and I hiked through the upper elevations of the watersheds for three really major salmon spawning streams here on the north end of Prince of Wales, Calder Bay, Calder Creek watershed, Flicker* Creek watershed and Alder Creek watershed and I hiked for two days in September. This was after the wettest summer on record in Southeast Alaska and I did not

1 cross a single body of running water on this two day
2 hike. I literally would have run out of water and had
3 nothing to drink if I didn't find a patch of unmelted
4 snow up in the Alpine. And that's because all of the
5 water, almost immediately -- you could see where there
6 were water channels, lots of water channels but they --
7 the water as it falls, just immediately goes into the
8 ground and it runs underground, you know, and at some
9 point it comes out of the ground and forms these really
10 good salmon spawning streams. But, you know, you see
11 all these major sink holes and crevices and all the
12 water's going underground. And my contention has
13 always been if you start logging in that country you
14 are not just -- you don't see the water channels,
15 they're all hidden and you have no idea what you are
16 messing up when you start clear-cutting in that kind of
17 terrain. And, you know, it just has major major
18 impacts and they should just stay out of those
19 watersheds altogether. It's not like you can -- and
20 Albert I see your hand up, and you talked about buffer
21 strips, there's no buffer strips, you don't see running
22 water, it's all underground, a lot of it is
23 underground, so trying to protect that with buffer
24 strips is not even an option, you just got to stay out
25 of that country and, yeah, so that's -- and I think you
26 probably seen the same thing up there on North
27 Chichagof, there's probably a lot underground water
28 that just kind of comes out of the ground and forms
29 these salmon spawning streams.

30
31 So, Albert, it looks like you might
32 have something to add here.

33
34 MR. HOWARD: Thank you, Mr. Chairman.
35 I know that the corporation here in Angoon was looking
36 at carbon credits and I think that's something they
37 should explore as well when you talk about export
38 markets aren't being what they used to be, it may be
39 worth them considering, yeah, if you own the land then
40 maybe talk with California about carbon credits and
41 leave them standing for the next 100 years. Two
42 problems solved. You get the money out of the carbon
43 credits and the trees get to stay there.

44
45 So I think that should be something we
46 should offer them to take a look at and consider if
47 there isn't an overseas market and I think our last
48 resort is to let them cut it and then have a local
49 market. But I think we should explore -- offer them to

1 explore all options before they cut them down. I think
2 we've cut enough trees down in Southeast.

3

4 So, thank you, Mr. Chair.

5

6 CHAIRMAN HERNANDEZ: Yeah, that's a
7 good point, Albert. DeAnna, why don't you add that
8 into that purpose and need, whether or not they should
9 investigate filling carbon credits on these National
10 Forests as well, is there inventory in the carbon
11 that's sequestered.

12

13 Very good, thank you, Albert.

14

15 Bob, you got something to add.

16

17 (No comments)

18

19 CHAIRMAN HERNANDEZ: Bob, do you have
20 your hand up.

21

22 MR. SCHROEDER: I think that's a
23 leftover. Nothing at this time. I think you've
24 covered this really well. It would be good when,
25 presumably if the Council's going to vote on this, and
26 we could be setting a precedent for opposing round log
27 export. I think that's what you were talking about in
28 one of your points there.

29

30 CHAIRMAN HERNANDEZ: Yeah, thanks, Bob.
31 I guess I was hesitant to just, you know, come straight
32 out and oppose round log export. I don't know that may
33 be appropriate, you know, I just don't know if it's
34 something that's within our scope. But it certainly is
35 an option, yes.

36

37 Any other thoughts from other Council
38 members to add to these scoping comments.

39

40 MR. DOUVILLE: Mr. Chairman, Mike
41 Douville.

42

43 CHAIRMAN HERNANDEZ: Yeah, go ahead,
44 Mike.

45

46 MR. DOUVILLE: Just to add to what
47 you've already said. I like what I'm seeing here. It's
48 pretty much right in line. When they do the thinning,
49 you know, it actually destroys habitat. It makes it

50

1 worse than what it was until that flash melts down,
2 which depending on what species it is, it takes a
3 really long time and the deer actually move away from
4 those places when you do the thinning because the slash
5 is not removed. And where you see helicopter logging,
6 particularly in the cedar domes, the slash from that
7 lasts a couple lifetimes, it just doesn't go away. But
8 a example of your karst and water is -- I can show you
9 a good example of what that happens. In Bob's Bay
10 there's a creek there and it wouldn't have been
11 noticeable until everything froze up, which we don't
12 see much anymore, but there was one place in the creek
13 where it was completely open and the water was bubbling
14 up straight out of the ground into the creek, I mean it
15 was part of the creek but it was coming right out of
16 the ground and it didn't freeze because of that action.
17 But that's on the north end of Doll* Island and it's a
18 similar limestone type of country. But you are
19 absolutely correct, where the water goes it's purified
20 in the ground, it's pure when it falls or pure as it
21 can be but it's even cleaner when it comes out of the
22 ground.

23

24 Just a couple comments.

25

26 CHAIRMAN HERNANDEZ: Yeah, thanks,
27 Mike. And I do agree with you on that thinning, total
28 agreement with you on that.

29

30 Any other additions that people can
31 think of for these scoping comments.

32

33 MR. SCHROEDER: Just a note on the
34 water flow. There was a guy at the Forestry Sciences
35 Lab, who may still be there, who his specialty was
36 studying these underground water flow, and so Forest
37 Service has done work on that so you've got major
38 scientific backup there, Don, you probably know about
39 that.

40

41 CHAIRMAN HERNANDEZ: Yeah, I know
42 there's studies.

43

44 MR. SCHROEDER: He called it hyper-re-
45 flow (ph), which is kind of cool because you add a word
46 to your vocabulary.

47

48 CHAIRMAN HERNANDEZ: Okay. I'll try
49 and remember that one. Yeah, that definitely needs to

50

1 be, any new findings that they have on that new -- new
2 studies definitely need to be included in this EIS. I
3 know it's still being studied, they're still learning.

4
5 Anything else.

6
7 (No comments)

8
9 CHAIRMAN HERNANDEZ: Okay.

10
11 MS. NEEDHAM: Mr. Chair.

12
13 CHAIRMAN HERNANDEZ: Is that Cathy?

14
15 MS. NEEDHAM: Yes, Mr. Chair.

16
17 CHAIRMAN HERNANDEZ: Go ahead.

18
19 MS. NEEDHAM: I just wanted to say that
20 I think that you've done a really great job capturing
21 some of the issues of this upcoming timber sale and
22 understand that this is something that's very near and
23 dear to you, the area that you represent and so I
24 definitely trust that these items are of the utmost
25 importance. and I would like to make a motion that we
26 take this list that you have provided us and fill in
27 the necessary background to create a letter in response
28 to the scoping for Twin Mountain II EIS.

29
30 Thank you, Mr. Chair.

31
32 CHAIRMAN HERNANDEZ: Thank you, Cathy.
33 So I was going to recommend a motion when we were done
34 with the discussion so thank you for that. Do we have
35 a second.

36
37 MR. HOWARD: Second, Mr. Chair.

38
39 CHAIRMAN HERNANDEZ: Thank you, Albert.
40 Is there any further discussion on this topic.

41
42 (No comments)

43
44 CHAIRMAN HERNANDEZ: So we have a
45 motion to accept these comments to be included in a
46 scoping letter on the Twin Mountain II timber sale.
47 You ready for the question.

48
49 MR. DOUVILLE: Mr. Chairman.

50

1 CHAIRMAN HERNANDEZ: Mike.
2
3 MR. DOUVILLE: Could I make a request
4 that this list, or a draft of this go out to the
5 Council members.
6
7 CHAIRMAN HERNANDEZ: Sure, absolutely.
8
9 MS. PERRY: Mr. Chair, this is DeAnna.
10 Do you want me to take a moment to do that real quick
11 before we vote?
12
13 CHAIRMAN HERNANDEZ: Mike, were you
14 referring to when we actually have a finalized letter
15 that's ready to be sent?
16
17 MR. DOUVILLE: Mr. Chair. No, I just
18 wanted to -- it would be nice to be able to print this
19 and look at it. I don't think that it should hold up
20 our vote or anything like that, which I'm ready to do
21 at this point.
22
23 CHAIRMAN HERNANDEZ: Okay, yeah, no,
24 that sounds fine. Yeah, we can do that.
25
26 MR. YEAGER: Call for the question.
27
28 CHAIRMAN HERNANDEZ: Frank, do you want
29 to do the roll.
30
31 MR. WRIGHT: Can you hear me?
32
33 CHAIRMAN HERNANDEZ: Yep, go ahead,
34 Frank.
35
36 MR. WRIGHT: Okay. Michael Douville.
37
38 MR. DOUVILLE: Michael Douville votes
39 yes.
40
41 MR. WRIGHT: Bob Schroeder.
42
43 MR. SCHROEDER: Yes.
44
45 MR. WRIGHT: Albert Howard.
46
47 (No comments)
48
49 MR. WRIGHT: Albert Howard.
50

1 (No comments)
2
3 MR. WRIGHT: Don Hernandez.
4
5 CHAIRMAN HERNANDEZ: Yes.
6
7 MR. WRIGHT: Harold Robbins.
8
9 MR. ROBBINS: Yes.
10
11 MR. WRIGHT: John Yeager.
12
13 MR. YEAGER: Yes.
14
15 MR. WRIGHT: Larry Bemis.
16
17 (No comments)
18
19 MR. WRIGHT: Larry Bemis.
20
21 (No comments)
22
23 MR. WRIGHT: Cathy Needham.
24
25 MS. NEEDHAM: Yes.
26
27 MR. WRIGHT: Albert Howard.
28
29 (No comments)
30
31 MR. WRIGHT: Larry Bemis and Albert
32 Howard haven't answered. Motion passed.
33
34 CHAIRMAN HERNANDEZ: Okay, thank you,
35 Frank.
36
37 MS. PERRY: Mr. Chair.
38
39 CHAIRMAN HERNANDEZ: And, yes, DeAnna,
40 when you get.....
41
42 MS. PERRY: Mr. Chair.
43
44 CHAIRMAN HERNANDEZ:those typed
45 up you can send them out to the Council members, that
46 would be great.
47
48 MS. PERRY: Mr. Chair.
49
50

1 CHAIRMAN HERNANDEZ: Yes.
2
3 MS. PERRY: Just for the record, Mr.
4 Wright, how was your vote.
5
6 MR. WRIGHT: Yes.
7
8 MS. PERRY: Or did I -- thank you.
9
10 CHAIRMAN HERNANDEZ: Okay. Let's put
11 out Greens Creek, how do we want to address that?
12
13 MR. WRIGHT: EIS.
14
15 CHAIRMAN HERNANDEZ: Albert, are you
16 with us, we lost you on the vote, I don't know if you
17 had to step away.
18
19 MR. HOWARD: I'm here, Mr. Chairman.
20
21 CHAIRMAN HERNANDEZ: Okay. Do you have
22 any suggestions on how to address on the Greens Creek?
23
24 MR. HOWARD: Mr. Chairman. I believe
25 adding an additional 13 acres moving the road to the
26 other side of the tailings as well as the power lines
27 constitutes a whole new EIS. They're trying to get
28 away with a supplemental and the first meeting I
29 attended they said that they're going to go with what
30 they started in 2013. There was already a decision
31 made on 2013 so that was over and done with, they
32 shouldn't piggyback off of that like they're trying to
33 do. I think this requires a whole new EIS as well as
34 Section 18 [sic] applies because you're creating a
35 reserve of 13 acres, which is new and that's what
36 they're asking for.
37
38 CHAIRMAN HERNANDEZ: Okay, yeah, that
39 sounds like the main point we want to request a
40 complete EIS on this. And in conjunction with that I
41 guess we would also want to include that letter our
42 comments on how we feel that Title VIII of ANILCA
43 should be addressed in that EIS. Does that sound right
44 to everybody.
45
46 MR. WRIGHT: Yep.
47
48 CHAIRMAN HERNANDEZ: I think so. So I
49 think that's a fairly straightforward letter. Anybody
50

1 else have any comments or additions to what that letter
2 would include.

3

4 (No comments)

5

6 CHAIRMAN HERNANDEZ: Maybe we're ready
7 for a motion on this letter then.

8

9 (No comments)

10

11 CHAIRMAN HERNANDEZ: Is somebody ready
12 to make a motion.=?

13

14 MR. HOWARD: Mr. Chairman, I'm not sure
15 if we want to add this part, the 1980 baseline study
16 should be replicated because the baseline study when
17 the Forest Service had required it in 1980 was meant to
18 use -- and it's called the baseline study of the whole
19 area for a reason, it's a baseline, it gives you data
20 on what the area looked like before they started mining
21 and you're supposed to, according to the Forest Service
22 they're supposed to replicate it every time they want
23 to -- every five years, I believe, and they haven't
24 done that. They also haven't done underground surveys
25 so they may be farther into the Monument than they're
26 supposed to be -- than the original mining claim.

27

28 I have a hard time with them trying to
29 use economics as an excuse for not doing a lot of these
30 things when in one quarter they made \$34 million profit
31 after they paid all their bills.

32

33 MR. WRIGHT: Mr. Chairman.

34

35 MR. HOWARD: So a lot of.....

36

37 MR. WRIGHT: Mr. Chairman.

38

39 CHAIRMAN HERNANDEZ: Go ahead, Frank.

40

41 MR. WRIGHT: If we're going to have a
42 vote on this we need to have a motion.

43

44 CHAIRMAN HERNANDEZ: I know. I think
45 we're getting there but I think maybe Albert is
46 suggesting some additions to the letter here, is that
47 correct, Albert, you want to specifically address the
48 baseline studies.

49

50

1 MR. WRIGHT: Mr. Chairman. The motion
2 needs to be made before we -- and then discussion
3 starts, a motion made, a second, then discussion and
4 then we're going to go with a vote.

5
6 CHAIRMAN HERNANDEZ: Okay. That's a
7 point of order. So if you want to hang on to those
8 thoughts, Albert, let's see if we're ready to make a
9 motion here, somebody can make a motion to authorize
10 writing this letter on Greens Creek.

11
12 MR. WRIGHT: Mr. Chairman.

13
14 CHAIRMAN HERNANDEZ: Go ahead, Frank.

15
16 MR. WRIGHT: I make a motion to address
17 a letter on the issue of Greens Creek Mine.

18
19 CHAIRMAN HERNANDEZ: And a second.

20
21 MR. HOWARD: Second, Mr. Chair.

22
23 CHAIRMAN HERNANDEZ: Okay, thank you,
24 Albert. Okay, so, yeah, it sounds like, was I correct
25 is that what you were suggesting that -- DeAnna has two
26 topics listed there for us, do you want to specifically
27 address this baseline study?

28
29 MR. HOWARD: I think it's important for
30 subsistence, Mr. Chairman, on what the impact the mine
31 has had within the area since 1980, and that will give
32 us -- I know the Forest Service had migration patterns
33 somewhere in their files that, in fact, are northern
34 Southeast Alaska salmon comes in through Icy Straits,
35 hits Hawk Inlet shoreline and goes north and south.
36 It's also documented that the seiners and the
37 gillnetters had an agreement that the seiners wouldn't
38 fish Hawk Inlet because it has an impact on northern
39 Lynn Canal and that area, sockeye run. So the travel
40 patterns there, it's all documented, and so I'd like to
41 know what -- through the baseline study, what impact is
42 this having on the salmon. I mean that should be part
43 of the Section .810, is an answer to that question, as
44 to 1.1 million gallons of what they call treated
45 wastewater into Hawk Inlet everyday and what bothered
46 me in the last meeting was, I thought it was in the
47 middle of the Bay, their outfall, it isn't, it's
48 actually at the mouth of the Bay, which makes it even
49 (indiscernible - fades out).

50

1 CHAIRMAN HERNANDEZ: Okay. Unless
2 anybody has any opposition to that, DeAnna's added that
3 to the bullet points.

4
5 MS. PERRY: Mr. Chair.

6
7 CHAIRMAN HERNANDEZ: Yeah, go ahead,
8 DeAnna.

9
10 MS. PERRY: I just wanted to remind
11 this Council that in March of 2019, this Council did
12 send a letter to the Forest Service and Hoonah Ranger
13 District regarding this specific issue. So I know the
14 Council approved the wording at that time, if this
15 Council finds it appropriate, I could use some of the
16 same language from that letter to expound on the point
17 that Mr. Howard just made. I just wanted to remind the
18 Council of that letter.

19
20 CHAIRMAN HERNANDEZ: That's good
21 recollection, DeAnna. That probably would be
22 appropriate, yes, I would think so.

23
24 MR. HOWARD: Just a bit of information
25 Mr. Chair.

26
27 CHAIRMAN HERNANDEZ: Go ahead, Albert.

28
29 MR. HOWARD: They're going to say they
30 don't have everything they need to replicate the
31 baseline study. I know in 2013, a couple of different
32 groups working with -- they actually gave them all the
33 information they needed to replicate the baseline
34 study. And the reason I'm bringing this up is I don't
35 know if, in fact, they'll call board members and say
36 this is why we can't do this, or this why we're unable
37 to do that, when, in fact, we know they were given the
38 information to do a baseline study. A lot of this --
39 it's almost like they try to find a way to get out of
40 doing the full-blown EIS. It's almost like they waive
41 their left hand so you don't pay attention to the right
42 is what I got out of the meeting I attended on Monday.

43
44 I think it's important we figure out
45 the impact they're having on the Southeast Alaska
46 salmon that migrate past Hawk Inlet. I think that's
47 the important part.

48
49 CHAIRMAN HERNANDEZ: Right. Well, when

50

1 we make a specific request then they have to respond
2 and give us a good justification if they don't want to
3 do it. So all we do is make sure we make the request.
4 They have to come up with a good justification.
5

6 Any other thoughts on items to add to
7 this Greens Creek letter, and we do have a motion so
8 when we feel it's finalized, we'll call for a vote on
9 this. Any other suggestions.

10

11

MR. WRIGHT: Mr. Chair.

12

13

CHAIRMAN HERNANDEZ: Go ahead, Frank.

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MR. WRIGHT: Just that we have to have
all the environmental laws that pertain to the mining
industry, you know, and they need to follow them
because there's -- I'm certain there's laws that we
don't even know about for the environment because
they're doing a lot of stuff over there.

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Thank you, Mr. Chair.

CHAIRMAN HERNANDEZ: Yeah, thank you,
Frank. I see DeAnna is adding that as a bullet point.
Anybody else with suggestions.

(No comments)

MR. WRIGHT: Call for the question.

CHAIRMAN HERNANDEZ: Okay, question's
been called for. So the motion is to send a letter in
regards to doing an environmental impact statement for
expansion of the Greens Creek tailings, Frank, go ahead
and call the roll.

MR. WRIGHT: Okay. Michael Douville.

MR. DOUVILLE: Mike Douville votes yes.

MR. WRIGHT: Bob Schroeder.

MR. SCHROEDER: Yes.

MR. WRIGHT: Albert Howard.

MR. HOWARD: Yes.

1 MR. WRIGHT: Don Hernandez.
2
3 CHAIRMAN HERNANDEZ: Yes.
4
5 MR. WRIGHT: Harold Robbins.
6
7 MR. ROBBINS: Yes.
8
9 MR. WRIGHT: John Yeager.
10
11 MR. YEAGER: Yes.
12
13 MR. WRIGHT: Larry Bemis.
14
15 (No comments)
16
17 MR. WRIGHT: Larry Bemis.
18
19 (No comments)
20
21 MR. WRIGHT: Cathy Needham.
22
23 MS. NEEDHAM: Abstain.
24
25 MR. WRIGHT: Frank Wright votes yes.
26 Motion carried.
27
28 CHAIRMAN HERNANDEZ: Okay, thank you,
29 Frank. Let's see on the letter writing, DeAnna, could
30 you remind me, did we have a motion to write letters on
31 these other projects that we wanted to send our
32 comments in regards to complying with Title VIII of
33 ANILCA, did we have a vote on that?
34
35 MS. PERRY: No, not a vote, Mr. Chair,
36 just mentioned when we first started the discussion.
37 And, again, we're just using the resource that I had
38 just to remind you of current projects going on.
39
40 CHAIRMAN HERNANDEZ: Okay. So I think
41 we need to have a motion in that regard.
42
43 MS. NEEDHAM: Mr. Chair.
44
45 CHAIRMAN HERNANDEZ: Yeah, go ahead, is
46 that Cathy.
47
48 MS. NEEDHAM: Mr. Chair. I'm thinking
49 we might need two votes. One to actually write the
50

1 blanket letter that we authorized for you to submit for
2 the future actions and then maybe the second vote
3 identifying the actual projects that we want that sent
4 out to right away.

5
6 CHAIRMAN HERNANDEZ: Good point, Cathy,
7 I think you're probably right. Yeah, let's get a
8 motion out there for writing the letter and we'll need
9 probably a little bit more discussion on that letter so
10 maybe we better get a motion and then we'll go into
11 discussion.

12
13 MS. PERRY: Mr. Chair.

14
15 CHAIRMAN HERNANDEZ: Go ahead, DeAnna.

16
17 MS. PERRY: I think I'm a little lost
18 with which letter. I know we've talked about Greens
19 Creek and Twin Mountain and earlier in the conversation
20 when we were talking about ANILCA and .810 and taking
21 some of the roadless language and reusing that. I was
22 under the impression that we would include that in the
23 Twin Mountain and the Greens Creek letter, am I
24 misunderstanding, were we going to do one blanket
25 letter about ANILCA, just for clarification.

26
27 Thank you.

28
29 CHAIRMAN HERNANDEZ: Yeah, maybe we got
30 a little bit ahead of ourselves because we want to kind
31 of consolidate our comments, you know, on the ANILCA
32 procedures and we want to include those in the letters
33 that we send and that would be included in the Twin
34 Mountain scoping letter, it'd be included in the Greens
35 Creek letter. But we'd also want to send that
36 specifically to the South Revilla project and the
37 Central Tongass project. But, you're right, DeAnna, we
38 haven't really finalized and voted on what that letter
39 entails. So we do need a little bit of work there and,
40 you know, like I said we have to backtrack a little
41 bit. We've already voted to include those comments in
42 the two letters we just discussed. But, yeah, I think
43 we're okay if we clean that up a little bit and get
44 approval for what the actual content of those comments
45 would be. So maybe Cathy or Bob, maybe you have a good
46 motion to put forward on how to address the language on
47 those -- let's just refer to them as, you know, Council
48 position on .810 procedures and then we'll just include
49 that position in letters that we're sending.

50

1 MS. NEEDHAM: Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
4
5 MS. NEEDHAM: Thank you, Mr. Chair.
6 You know I think the intent of this letter was
7 specifically to specifically authorize you to send that
8 letter on our behalf when NEPA actions -- when the
9 schedules don't allow for us to meet and supply
10 specific comments on things. So I don't think this
11 letter specifically needs to go to Twin Mountain or
12 Greens Creek, you know, because we're able to actually
13 respond during the process at the appropriate time.
14 But for the case of South Revilla we are not because
15 that period will be afterwards and so the letter would
16 go to a project such as that.
17
18 So with that being said, I make a
19 motion that we write a letter that addresses this
20 Council's concerns about how the Forest Service follows
21 ANILCA procedures and that we authorize the Chairman to
22 send that letter on our behalf outside of scoping
23 periods when our Council meetings don't coincide for us
24 to make more specific comments on NEPA actions.
25
26 Thank you, Mr. Chair.
27
28 CHAIRMAN HERNANDEZ: Thank you, Cathy.
29 That's a real good clarification there, appreciate
30 that. So do we have a second on that motion.
31
32 MR. HOWARD: Second.
33
34 CHAIRMAN HERNANDEZ: Thank you, Albert.
35 Okay, DeAnna's typing up on the screen of what this
36 general letter would look like and like I say, it's key
37 that you're authorizing the Chair to send this letter
38 when we're outside of a comment period, that's
39 important. So any other discussion from the Council on
40 this motion.
41
42 MS. NEEDHAM: Mr. Chair.
43
44 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
45
46 MS. NEEDHAM: Thank you. Just in the
47 interest of making sure that we have this in the
48 justification part of the motion -- or the discussion
49 part, you know, we have made very specific comments
50

1 under the Roadless Rule about, you know, our intent
2 with ANILCA, the process that the Forest Service takes
3 in addressing ANILCA Section .810 and making those
4 determinations. And we've been concerned about how
5 that hasn't necessarily always been applied in the way
6 that we feel, or has taken our Council's comments into
7 consideration in a way that we feel has been meaningful
8 for the constituents that we represent across the
9 region. And so I want the letter to include language
10 with respect to that, and I think that language could
11 be pulled from some of our roadless comments as well as
12 the testimony that yourself, Mr. Schroeder and I put
13 together for the OIRA testimony that we gave regarding
14 roadless. So I think that would be a good starting
15 point and be a bulk of this blanket ANILCA letter, and
16 then there might be a few other specific points that we
17 want to add to it, but I think that's a good starting
18 point.

19

20 Thank you, Mr. Chair.

21

22 CHAIRMAN HERNANDEZ: Okay, sounds good.
23 Thank you, Cathy. Other comments or suggestions.

24

25 MR. KRON: Mr. Chair. I think you need
26 a second to Cathy's motion. Thank you, Mr. Chair.

27

28 CHAIRMAN HERNANDEZ: Tom, I believe I
29 heard Albert second that, is that correct, Albert?

30

31 MS. PERRY: That's what I have Mr.
32 Chair.

33

34 CHAIRMAN HERNANDEZ: Okay.

35

36 MS. PERRY: Cathy moved and Albert
37 seconded.

38

39 MR. KRON: Sorry, I missed that.

40

41 CHAIRMAN HERNANDEZ: Yeah. Yeah, it
42 was kind of in the background there. Other questions,
43 additions or comments.

44

45 MR. HOWARD: Mr. Chairman. On No. 2.

46

47 CHAIRMAN HERNANDEZ: Go ahead, Albert.

48

49 MR. HOWARD: I'm wondering what was

50

1 taken into consideration on No. 2 because it says, not
2 always taken into consideration by the Forest Service
3 in a meaningful way, I'm wondering if they've even
4 taken anything into consideration in any way. I don't
5 know, just thoughts.

6

7 CHAIRMAN HERNANDEZ: Well, I think,
8 yeah, you know, we may not.....

9

10 MR. SCHROEDER: Could I get in there.

11

12 CHAIRMAN HERNANDEZ: Is that Bob?

13

14 MR. SCHROEDER: Yeah, that's Bob.

15

16 CHAIRMAN HERNANDEZ: Go ahead, Bob.

17

18 MR. SCHROEDER: I think Cathy
19 summarized it, the intention here is we really did a
20 lot of work on roadless and we really fleshed out what
21 we believe is required by Section .810 of ANILCA and
22 that's definitely within our purview. What we are
23 brainstorming on was some way that we could provide
24 comments on Forest Service actions outside our normal
25 meeting schedule and so this would empower Don to, say,
26 when an action comes up to say, the Council is very
27 concerned about the blank, blank, blank EIS process and
28 these are some guidelines that we believe you need to
29 follow when you're undertaking a Section .810 analysis.
30 And then it goes on from there to include a lot of the
31 language that we developed from the roadless rule, as
32 well as saying that we believe that findings need to be
33 presented in Section .810 hearings, so that people know
34 why they're there, and that hearings need to take place
35 in all affected communities. And so this would give
36 Don and the Council a way to be heard because a lot of
37 these things, especially with the much more efficient
38 NEPA procedures won't take place when we're able to
39 comment on them directly.

40

41 So this would not be simply a blanket
42 letter that goes out, it would be customized for each
43 timber sale or other EIS action.

44

45 That's where I think we're going with
46 this. It's basically building on all the work that we
47 did on roadless for the last couple of years.

48

49 Thank you.

50

1 CHAIRMAN HERNANDEZ: Yeah, I agree,
2 Bob, I think you pretty well summarized that. Other
3 comments or suggestions.

4
5 (No comments)

6
7 CHAIRMAN HERNANDEZ: Are we ready for
8 the question.

9
10 MR. YEAGER: Call for the question.

11
12 CHAIRMAN HERNANDEZ: Okay, thank you.
13 So the motion is to authorize the Council Chair to
14 respond to public comment periods in a timely manner
15 when they fall outside of the timing for SERAC meetings
16 to express our concerns regarding Title VIII
17 procedures, I think that basically summarizes the
18 motion.

19
20 Frank, do you want to call the roll on
21 this.

22
23 MR. WRIGHT: All right. Cathy Needham.

24
25 MS. NEEDHAM: Yes.

26
27 MR. WRIGHT: Larry Bemis.

28
29 (No comments)

30
31 MR. WRIGHT: Larry Bemis.

32
33 (No comments)

34
35 MR. WRIGHT: John Yeager.

36
37 MR. YEAGER: Yes.

38
39 MR. WRIGHT: Harold Robbins.

40
41 MR. ROBBINS: Yes.

42
43 MR. WRIGHT: Donald Hernandez.

44
45 CHAIRMAN HERNANDEZ: Yes.

46
47 MR. WRIGHT: Albert Howard.

48
49 MR. HOWARD: Yes.

50

1 MR. WRIGHT: Bob Schroeder.
2
3 MR. SCHROEDER: Yes.
4
5 MR. WRIGHT: Michael Douville.
6
7 MR. DOUVILLE: Yes.
8
9 MR. WRIGHT: Frank votes yes. Motion
10 carried. Larry Bemis is not here.
11
12 CHAIRMAN HERNANDEZ: Yeah, thank you,
13 Frank. Are there any other letters that the Council
14 wants to send out after this meeting.
15
16 MR. SCHROEDER: Mr. Chair, this is Bob
17 Schroeder.
18
19 CHAIRMAN HERNANDEZ: Go ahead, Bob.
20
21 MR. SCHROEDER: I believe -- I'm trying
22 to recall whether we supported, as a Council, the
23 special permit for Kake to food for emergencies. I
24 know you attended that meeting, Don, but I think it
25 might be useful to reinforce that with a letter to Kake
26 and to the Federal Subsistence Board supporting that
27 action and recognizing Kake's -- or Kake is doing
28 exactly what Kake should do and exactly the intent of
29 what the Federal Subsistence Program is about, which is
30 providing food for people who need and use it. So
31 perhaps we can leave the crafting of what we say on
32 that -- we don't have to do that right now -- and, you
33 know, we should recognize that Kake is under assault by
34 the State government on this -- or the Federal
35 Subsistence Board is being sued on this.
36
37 CHAIRMAN HERNANDEZ: Right.
38
39 MR. SCHROEDER: So I suggest we do
40 that. Thank you.
41
42 CHAIRMAN HERNANDEZ: Okay. That sounds
43 fairly straightforward. Are you making that as a
44 motion, Bob?
45
46 MR. SCHROEDER: Yes. I make a motion to
47 write an appropriate letter outlining our involvement
48 with the emergency order allowing Kake to harvest
49 additional animals to provide for subsistence needs of
50

1 the community and that we wholeheartedly support that
2 decision by the Federal Subsistence Board. And I
3 believe you were at that meeting, Don, so there are
4 things I don't know that could be added to that.

5
6 CHAIRMAN HERNANDEZ: Yeah. Sure, I
7 could assist in writing that letter. Do we have a
8 second on that motion.

9
10 MS. NEEDHAM: Second.

11
12 CHAIRMAN HERNANDEZ: Second by Cathy.
13 Other discussion.

14
15 MR. SCHROEDER: If I could do a comment
16 on that.

17
18 CHAIRMAN HERNANDEZ: Go ahead, Bob.

19
20 MR. SCHROEDER: Quite often and very
21 justifiably many of our words at our meeting are
22 somewhat either imploring or critical of our Federal
23 Subsistence Program but I think we need to give support
24 and recognition when they actually do the right thing,
25 in our opinion. So I think that's really a good idea
26 to do.

27
28 Thank you.

29
30 CHAIRMAN HERNANDEZ: Thank you, Bob.
31 And like you say this letter would go to the Board as
32 well as Organized Village of Kake, I assume, so, yeah.

33
34 Other discussion.

35
36 (No comments)

37
38 CHAIRMAN HERNANDEZ: Okay, it sounds
39 like a fairly straightforward letter to write. Are we
40 ready for the question.

41
42 MR. ROBBINS: Question.

43
44 CHAIRMAN HERNANDEZ: Okay, question's
45 been called for. Frank, the motion is to send a letter
46 to the Federal Subsistence Board and Organized Village
47 of Kake in support of the special action to harvest out
48 of season for emergency needs, you want to do the roll
49 on that.

50

1 MR. WRIGHT: Okay. Mike Douville.
2
3 MR. DOUVILLE: Mike Douville votes yes.
4
5 MR. WRIGHT: Bob Schroeder.
6
7 MR. SCHROEDER: Yes.
8
9 MR. WRIGHT: Albert Howard.
10
11 MR. HOWARD: Yes.
12
13 MR. WRIGHT: Don Hernandez.
14
15 CHAIRMAN HERNANDEZ: Yes.
16
17 MR. WRIGHT: Harold Robbins.
18
19 MR. ROBBINS: Yes.
20
21 MR. WRIGHT: John Yeager.
22
23 MR. YEAGER: Yes.
24
25 MR. WRIGHT: Larry Bemis.
26
27 (No comments)
28
29 MR. WRIGHT: Larry Bemis.
30
31 (No comments)
32
33 MR. WRIGHT: Cathy Needham.
34
35 MS. NEEDHAM: Yes.
36
37 MR. WRIGHT: Frank Wright votes yes.
38 Motion passed.
39
40 CHAIRMAN HERNANDEZ: Okay, thank you,
41 Frank. Any other letters that the Council wants to
42 send.
43
44 (No comments)
45
46 CHAIRMAN HERNANDEZ: I'm not hearing
47 any at this time and I'm not thinking of any. So very
48 good that was productive. We still have two more
49 action items. One of those being finalizing -- well, I
50

1 won't say finalizing but approving what we have so far
2 for the annual report. And we still have an
3 opportunity this afternoon if any issues have come up
4 since we previously discussed this, if we want to add
5 to that list we can do that and then approve it as a
6 draft.

7
8 So, DeAnna, it looks like you're
9 putting up the items that we have thus far and let's
10 take a quick look at those.

11
12 MS. NEEDHAM: Mr. Chair.

13
14 CHAIRMAN HERNANDEZ: Go ahead, Cathy.

15
16 MS. NEEDHAM: Should we make a motion
17 to work with this and then add items to it or do you
18 want to add items to it first and then approve it at
19 the end.

20
21 CHAIRMAN HERNANDEZ: I think.....

22
23 MR. WRIGHT: Mr. Chair.

24
25 CHAIRMAN HERNANDEZ: Go ahead, Frank.

26
27 MR. WRIGHT: If we're going to vote on
28 this we need to make a motion and then a second and
29 then discussion and then we vote on it.

30
31 CHAIRMAN HERNANDEZ: Right. Yeah, I
32 could go either way on that, you know, we could either
33 get it on the table and then add to it or add to it and
34 then get it on the table, doesn't matter to me. I
35 think either one's appropriate. I'll leave that up to
36 the Council here.

37
38 MR. HOWARD: Mr. Chair, this is Albert.
39 For the sake of discussion I move the items one through
40 eight with possible additions to be approved as our
41 annual report.

42
43 CHAIRMAN HERNANDEZ: Thank you, Albert.

44
45 MS. NEEDHAM: This is Cathy, I'll
46 second.

47
48 CHAIRMAN HERNANDEZ: Okay, thank you,
49 Cathy. Okay. So we have eight items.

50

1 MS. NEEDHAM: Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Go ahead, Cathy.
4
5 MS. NEEDHAM: Thank you. I don't have
6 an additional item but for Item No. 3, I just wanted to
7 bring forward and would like to add a specific example.
8 We have brought this up to the Federal Subsistence
9 Board in the past and when we get responses back from
10 them, basically they give us an accounting of the Staff
11 who has been there and it's generally usually something
12 like you had 8 Forest Service representatives at your
13 meeting, even though they might not necessarily be
14 biologists and might not have spent the entire time
15 with us or whatever. So I think giving an example of
16 -- you know, we've given examples of why we need the
17 support Staff but something that came out of this
18 meeting that struck me as, yet, another example is that
19 we had a lot of work to do on these Board of Fish
20 proposals, there were a lot of proposals to go through
21 that were of interest to our constituents and our
22 region and I think that we would have benefitted from
23 having a few more biologists at the table to help walk
24 us through this. In the years past we have been able
25 to do work groups and had numerous Staff people, and
26 I'm talking about like when I first got on the Council,
27 we would have work groups and have Staff folks broken
28 out with us in these work groups so that we could
29 tackle large volumes of information at one time and
30 bring recommendations back to the Council as a whole,
31 and I understand that we couldn't do that at this
32 meeting because everything is telephonically, but I
33 also feel like we did -- we're going to have a lot of
34 work to do at the next meeting on this and what makes
35 it even more critical is normally when we do this part
36 of the process we don't have two working meetings to
37 give comments on proposals in our region, and the Board
38 of Fish proposals only come before us every three
39 years. And so I'm using that as an example and an
40 effect of the under Staffing that we see at these
41 Council meetings. We had to put a lot of work off this
42 time because we didn't have the support we needed so
43 that we could go and do this again next time and ask
44 for, you know, some questions and stuff to be cleared
45 up. And so I'd like to see that example added into
46 that bullet item in our annual report.

47
48 Thank you, Mr. Chair.
49
50

1 CHAIRMAN HERNANDEZ: Thank you, Cathy.
2 I see DeAnna is adding that. Any other Council members
3 want to comment on Cathy's addition.

4
5 (No comments)

6
7 CHAIRMAN HERNANDEZ: Not hearing
8 anybody. I wanted to add one item. In our meeting
9 discussion I wanted to put in the annual report that we
10 would like to see Council meetings take place in
11 smaller communities that are not hubs, at least on some
12 occasions, to have that option.

13
14 Okay, thanks, DeAnna.

15
16 I don't know if anybody has anything to
17 add to that or objections.

18
19 (No comments)

20
21 CHAIRMAN HERNANDEZ: Okay, that's been
22 added. Any other additions.

23
24 (No comments)

25
26 CHAIRMAN HERNANDEZ: And of course.....

27
28 MS. NEEDHAM: Mr. Chair.

29
30 CHAIRMAN HERNANDEZ: Yeah, go ahead,
31 Cathy.

32
33 MS. NEEDHAM: Sorry, thank you, Mr.
34 Chair. You might be better versed at this, I think I
35 only attended one of the meetings that there is an
36 effort on Prince of Wales Island for doing some
37 additional Unit 2 deer planning and I kind of don't
38 remember where that part of it is at, in terms of
39 whether or not they got the funding to have a deer
40 funding to talk about habitat on Prince of Wales, but
41 I'd like maybe to see that we support that action since
42 we've been working -- you were working with them
43 specifically so maybe you could provide better
44 information regarding that bullet point. I think I
45 only attended one meeting.

46
47 Thank you, Mr. Chair.

48
49 CHAIRMAN HERNANDEZ: Yeah, thank you,

50

1 Cathy. I believe -- I don't know if that was something
2 in our last annual report, or it might have been a
3 specific letter requesting support to undertake that
4 deer summit, is what we're calling it, and we did get a
5 response on that letter and it was pledging support.
6 Certainly definitely in Staff and they were -- also
7 said it was quite likely that they would be able to
8 come up with some financial support as well. So, yeah,
9 I took that as the response we were looking for and as
10 you mentioned we are moving forward with some planning
11 on that effort but everything is on hold until the
12 pandemic eases because we do recognize that that
13 meeting pretty much has to take place in person. So
14 there's other -- I think we got support from Fish and
15 Game as well, that letter went to both Forest Service
16 and Fish and Game, so, yeah, we're on track there. I
17 don't think we need to address it any further at this
18 point.

19

20

Albert.

21

22

23

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49

50

Thank you, Mr. Chair.

CHAIRMAN HERNANDEZ: Thank you, Albert.

Yeah, that might be a difficult one to find the right
wording for but I think DeAnna's coming up with
something there. I know what you're saying. There
were definitely a number of communities affected, you
know, a lot of these smaller communities we don't hear
from all the time, you know, I'm thinking Tenakee and,
of course if Patty was with us we'd be hearing from

1 Pelican but I'm pretty sure they had a real hard time
2 and Gustavus and, yeah, it was pretty wide spread, and
3 I don't know how best to deal with it.
4

5 MR. HOWARD: Mr. Chairman. I think we
6 have enough time to look at this and maybe work with
7 the State on what they consider and what we consider
8 reasonable manner. I think what I like about what Kake
9 has done is they're a good example of we need a moose
10 and five deer and they utilized every bit of it. So it
11 isn't like they were asking for, well, we need 50 inch
12 antlers and a 1,200 pound moose so we can take it and
13 hang it on the wall, that's different. This fed a
14 community. And I think just putting it as part of the
15 annual report trying to find a way to determine
16 reasonable access to the resource and being responsible
17 for the fish and game taken during that time, I think
18 if we do it right, it's possible. I can't see them
19 saying no when Kake demonstrated exactly how this is
20 supposed to be done and there was no waste or anything.
21 And sometimes the only way to make a case is by just
22 getting it done so it's something to think about.
23

24 Thank you, Mr. Chair.
25

26 CHAIRMAN HERNANDEZ: Yeah, thank you,
27 Albert. Yeah, I think we should all keep in mind that
28 we're entering into the fall and winter here with some
29 depleted resources, definitely on the fisheries end of
30 things, yet to be seen how the fall hunts are going to
31 go but we're certainly concerned here on Prince of
32 Wales Island. You know this pandemic is not over, it's
33 raging throughout the Lower 48 and Alaska cases are
34 increasing almost every day, 150, you know, we're
35 tracking them. Here in Point Baker, we have one of our
36 residents is tapped into the State reporting and kind
37 of keep track of where all the cases are and what's
38 going on and I think yesterday there were 205 new cases
39 and another death, Juneau has increasing cases, you
40 guys got to be really careful up there. I know,
41 Angoon, you've had some real scares. Everybody's got
42 to be really vigilant here this fall and winter and
43 we're in a vulnerable situation and how this all
44 progresses between now and next March, yeah, remains to
45 be seen.
46

47 DeAnna, kind of added that as a bullet
48 point. By the time we reconvene in March we may need
49 to add to that. Like I say this is just a draft,
50

1 we're, you know -- we'll have opportunity to.....

2

3 (Teleconference interference -
4 participants not muted)

5

6 CHAIRMAN HERNANDEZ: Excuse me. I
7 thought I heard somebody on the line there.

8

9 So, yeah, Albert, yeah, we have some
10 preliminary wording there. It's an idea that might
11 have to be fleshed out but it's on the list.

12

13 MR. HOWARD: So maybe the one bullet
14 point, any mechanism or can we create a mechanism that
15 will be available to subsistence users in rural
16 communities that don't have access to, oh, as an
17 example, Fred Meyers, Costco.

18

19 CHAIRMAN HERNANDEZ: Yeah, right.

20

21 MR. HOWARD: Thank you.

22

23 CHAIRMAN HERNANDEZ: If it happens with
24 the ferries this winter, it'll be a bad situation. We
25 may be looking for more emergency actions even before
26 we have a meeting. So, okay, like I say we still have
27 this as a motion under discussion so any other topics
28 to add or topics to expand on.

29

30 (No comments)

31

32 CHAIRMAN HERNANDEZ: Maybe we're ready
33 for a vote on this motion and this is a draft, or
34 excuse me -- yeah, a vote on this motion, right.

35

36 MR. YEAGER: Call for the question.

37

38 CHAIRMAN HERNANDEZ: Okay. Question's
39 been called for. The motion is to approve a
40 preliminary draft of items to be included on the annual
41 report. Frank, you want to do the roll.

42

43 MR. WRIGHT: Michael Douville.

44

45 MR. DOUVILLE: Mike Douville votes yes.

46

47 MR. WRIGHT: Bob Schroeder.

48

49 MR. SCHROEDER: Yes.

50

1 MR. WRIGHT: Albert Howard.
2
3 MR. HOWARD: Yes.
4
5 MR. WRIGHT: Don Hernandez.
6
7 CHAIRMAN HERNANDEZ: Yes.
8
9 MR. WRIGHT: Harold Robbins.
10
11 MR. ROBBINS: Yes.
12
13 MR. WRIGHT: John Yeager.
14
15 MR. YEAGER: Yes.
16
17 MR. WRIGHT: Larry Bemis.
18
19 (No comments)
20
21 MR. WRIGHT: Larry Bemis.
22
23 (No comments)
24
25 MR. WRIGHT: Cathy Needham.
26
27 MS. NEEDHAM: Yes.
28
29 MR. WRIGHT: Frank Wright votes yes.
30 Motion carried.
31
32 CHAIRMAN HERNANDEZ: Thank you, Frank.
33 We're getting close to the end here. We have one more
34 action item and that would be confirming next meeting
35 times and locations. DeAnna's putting that up on the
36 screen so we don't have to find it in our book.
37
38 So right now for our winter meeting it
39 is scheduled to be, it looks like in Juneau March 16,
40 17 and 18. Of course locations are all dependent on
41 how things are looking health-wise and I don't think
42 we're going to be getting together in person unless we
43 have an available vaccine, personally, so that
44 everybody can be assured that they're safe. I don't
45 know if that's going to happen but it does sound like
46 it might be possible. So let's be optimistic and
47 confirming or making changes to our March meeting.
48
49 And I would like to suggest a change
50

1 myself. I think, of course, with this pandemic we've
2 missed an opportunity to meet in Sitka and I think
3 Sitka is a good place to get together in the middle of
4 March. It's right before the herring egg harvest, and
5 of course that herring egg harvest is of prime interest
6 to the Council right now and the folks over there in
7 Sitka. So I'd like to propose that we move our meeting
8 to Sitka in March.

9

10 Albert, I see you have your hand up.

11

12 MR. HOWARD: I'd like to make that
13 motion, Mr. Chair.

14

15 CHAIRMAN HERNANDEZ: Thank you very
16 much.

17

18 MR. WRIGHT: I'll second that.

19

20 CHAIRMAN HERNANDEZ: Thank you, Frank.
21 Any other discussion.

22

23 MR. HOWARD: Do we need to bring our
24 boots.

25

26 (Laughter)

27

28 CHAIRMAN HERNANDEZ: I would.

29

30 (Laughter)

31

32 MR. WRIGHT: Yeah, bring your boat over
33 too Albert.

34

35 CHAIRMAN HERNANDEZ: Yeah, good idea.

36

37 MR. HOWARD: That might work out just
38 right, I may bring my crew over there and save you guys
39 some money on travel and hotel, I'll just stay on the
40 island.

41

42 CHAIRMAN HERNANDEZ: Okay. Is there
43 any other discussions or objections to that motion.

44

45 (No comments)

46

47 MS. NEEDHAM: Question.

48

49 CHAIRMAN HERNANDEZ: Question's been

50

1 called for. Frank.
2
3 MR. WRIGHT: Michael Douville.
4
5 MR. DOUVILLE: Aye.
6
7 MR. WRIGHT: Robert Schroeder.
8
9 MR. SCHROEDER: Aye.
10
11 MR. WRIGHT: Albert Howard.
12
13 MR. HOWARD: yes.
14
15 MR. WRIGHT: Don Hernandez.
16
17 CHAIRMAN HERNANDEZ: Yes.
18
19 MR. WRIGHT: Harold Robbins.
20
21 (No comments)
22
23 MR. WRIGHT: Harold Robbins.
24
25 (No comments)
26
27 MR. WRIGHT: John Yeager.
28
29 MR. YEAGER: Yes.
30
31 MR. WRIGHT: Larry Bemis.
32
33 (No comments)
34
35 MR. WRIGHT: Larry Bemis.
36
37 (No comments)
38
39 MR. WRIGHT: Cathy Needham.
40
41 MS. NEEDHAM: Yes.
42
43 MR. WRIGHT: Yakutat's missing.
44 Frank's yes. Motion carried.
45
46 CHAIRMAN HERNANDEZ: Thank you, Frank.
47 Yeah, let's hope for Sitka in the springtime. Now, fall
48 meeting, DeAnna, if you want to scroll down to that
49 schedule.
50

1 MS. PERRY: Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Go ahead, DeAnna.
4
5 MS. PERRY: For those who aren't on
6 teams and can see this live, your calendar can be found
7 in the meeting book on Page 87 but there have been a
8 few dates that have been picked, and I can give those
9 to you to mark in your books so you're kind of looking
10 at the same thing we are.
11
12 October 6th and 7th YK-Delta has taken.
13
14 October 7th and 8th Eastern Interior.
15
16 So that makes the week of October 5th
17 through the 8th -- or October 4th through the 8th off
18 the table. There can only be two meetings in one week.
19
20 Also the following week we have two
21 meetings scheduled for both October 13th and 14th,
22 that's Western Interior and Southcentral, so that week
23 is out.
24
25 Also Kodiak/Aleutians has taken
26 September 27th and 28th. Possibility for that week.
27
28 And then Eastern Interior is October
29 19th and 20th but that's the only meeting that week so
30 that is available as well.
31
32 And as you can see the window opens
33 August 8th and closes on November 5th.
34
35 Thank you, Mr. Chair.
36
37 CHAIRMAN HERNANDEZ: Thank you, DeAnna.
38 Suggestions from the Council on time of the meeting,
39 let's just deal with the time first.
40
41 MR. WRIGHT: Mr. Chair.
42
43 CHAIRMAN HERNANDEZ: Go ahead, Frank.
44
45 MR. WRIGHT: First week that's open.
46
47 CHAIRMAN HERNANDEZ: August? Are you
48 talking about August, Frank?
49
50

1 MR. WRIGHT: I don't know if we can do
2 that, September, October.

3
4 CHAIRMAN HERNANDEZ: You have to be
5 more specific, are you talking about the first
6 available week in October or first.....

7
8 MR. WRIGHT: In October.

9
10 CHAIRMAN HERNANDEZ: Oh, in October,
11 okay. First available week in October looks like
12 October the 19th is that what I'm seeing DeAnna?

13
14 MS. PERRY: Yes, Mr. Chair.

15
16 CHAIRMAN HERNANDEZ: For a minute
17 there, Frank, I thought you were talking about not
18 fishing again next year and having our meeting in
19 August, and I was almost going to go for that just to
20 get out of fishing, but okay.

21
22 MR. WRIGHT: The 19th.

23
24 CHAIRMAN HERNANDEZ: October 19th has
25 been suggested. Thoughts from Council members on that.

26
27 MR. DOUVILLE: Mr. Chair. I make a
28 motion for October 19th.

29
30 CHAIRMAN HERNANDEZ: Okay, thank you,
31 Mike.

32
33 MR. HOWARD: Second.

34
35 CHAIRMAN HERNANDEZ: Thank you, Albert.
36 Any other discussion on October 19th.

37
38 MR. WRIGHT: Where are we going to go?

39
40 CHAIRMAN HERNANDEZ: Should we make
41 that all part of the same motion?

42
43 MR. WRIGHT: I don't see why not.

44
45 CHAIRMAN HERNANDEZ: Sure, okay. Well,
46 I'll throw out Juneau seeing as how we just had Juneau
47 on the schedule there and changed it to Sitka, so
48 Juneau in the fall.

49
50

1 MS. NEEDHAM: Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Cathy.
4
5 MS. NEEDHAM: I would counter your
6 Juneau and throw out a rural area such as Prince of
7 Wales.
8
9 CHAIRMAN HERNANDEZ: Okay.
10
11 MR. SCHROEDER: This is Bob, I note
12 that we had many years ago we had very successful
13 meetings, and there was a meeting in Hoonah, there was
14 a meeting in Angoon which coincided with the return of
15 the piragua (ph), which saved Angoon, the piragua is a
16 canoe that saved Angoon after the bombardment in -- not
17 so long ago, and we also had a wonderful meeting in
18 Kake at one time. Melinda Hernandez helped arrange the
19 Kake meeting so we could call on her to help us again.
20
21 MS. HERNANDEZ-BURKE: I'm here Bob, I'm
22 happy to help.
23
24 (Laughter)
25
26 CHAIRMAN HERNANDEZ: We don't.....
27
28 MS. PERRY: Mr. Chair.
29
30 CHAIRMAN HERNANDEZ: We don't want to
31 get Melinda drenched again, though, Bob, so.....
32
33 MS. PERRY: Mr. Chair, this is DeAnna.
34
35 CHAIRMAN HERNANDEZ: Okay. So I'm
36 going to point out that as of right now I don't think
37 we're allowed to meet in Kake according to their policy
38 of meeting in hub communities but.....
39
40 MS. PERRY: Mr. Chair.
41
42 CHAIRMAN HERNANDEZ:we've made
43 the request to change that. Next fall's a long ways
44 away, we have a meeting in March where, of course,
45 plans could be altered but I'd be all for putting in
46 that request to meet in Craig and see where it goes.
47
48 MS. PERRY: Mr. Chair.
49
50

1 CHAIRMAN HERNANDEZ: Go ahead, DeAnna.
2
3 MS. PERRY: Just wanted folks to keep
4 in mind as we're looking at smaller communities, one of
5 the things that we will probably have to consider is
6 venue availability and the opportunities we will have
7 to social distance. And I did want to address the non-
8 hub communities. Mr. Chair, we would follow the same
9 procedure that we did with having our meeting in Craig,
10 I do some paperwork, I put together a cost analysis and
11 send that to OSM, so their current policy does allow
12 for us to meet in non-hub communities, it just requires
13 more effort on our part to submit the right paperwork
14 and crunch the numbers for the Assistant Regional
15 Director to consider and then decide. So I wanted to
16 make sure that that is a possibility under our current
17 policy it just requires a little bit more process. But
18 I didn't want you to discount that.
19
20 CHAIRMAN HERNANDEZ: Oh, okay, thank
21 you for that clarification DeAnna. And, yeah, it
22 wasn't that long ago we met in Craig, it's really not
23 that hard of a place to get to.
24
25 MR. SCHROEDER: If I could make a
26 comment on that.
27
28 CHAIRMAN HERNANDEZ: Go ahead, Bob.
29
30 MR. SCHROEDER: By meeting over
31 teleconference meetings, we've saved the Federal
32 government, the Office of Subsistence Management a
33 great deal of money, and I really feel our ties with
34 real people in rural communities is getting pretty
35 attenuated so I think we have a strong case to be made
36 for getting out there. You know very specifically
37 subsistence -- Federal subsistence doesn't happen in
38 Juneau, even though I live here.
39
40 CHAIRMAN HERNANDEZ: Yeah. Okay, all
41 good discussion points there. So I don't remember who
42 made the motion but if that person would like to add
43 the location of Craig to that motion for the week of
44 October 19th that'd be appropriate.
45
46 MR. DOUVILLE: Yes, Mr. Chair, I made
47 the motion for the time and I would like to, if it's
48 not out of order, to include Craig.
49
50

1 CHAIRMAN HERNANDEZ: Okay. Do we have
2 the concurrence of the second.
3
4 MS. PERRY: That was Albert.
5
6 MR. HOWARD: Yes.
7
8 CHAIRMAN HERNANDEZ: Okay, thank you,
9 Albert. So are we ready for the question on this.
10
11 MR. DOUVILLE: Call for the question.
12
13 CHAIRMAN HERNANDEZ: Okay, thank you,
14 Mike. Frank.
15
16 MR. WRIGHT: Cathy Needham.
17
18 MS. NEEDHAM: Yes.
19
20 MR. WRIGHT: Larry Bemis.
21
22 (No comments)
23
24 MR. WRIGHT: Larry Bemis.
25
26 (No comments)
27
28 MR. WRIGHT: John Yeager.
29
30 MR. YEAGER: Yes.
31
32 MR. WRIGHT: Harold Robbins.
33
34 MR. ROBBINS: Yes.
35
36 MR. WRIGHT: Don Hernandez.
37
38 CHAIRMAN HERNANDEZ: Yes.
39
40 MR. WRIGHT: Albert Howard.
41
42 MR. HOWARD: Yes.
43
44 MR. WRIGHT: Bob Schroeder.
45
46 MR. SCHROEDER: Yes.
47
48 MR. WRIGHT: Michael Douville.
49
50

1 MR. DOUVILLE: Aye.

2

3 MR. WRIGHT: Frank votes yes. Motion
4 carried, and Larry Bemis is not here.

5

6 CHAIRMAN HERNANDEZ: Okay, thank you,
7 Frank. Well, let's take a quick review here, DeAnna, I
8 think that's all I had left on the agenda unless I have
9 missed something. You keep better track than I do.

10

11 MS. PERRY: Mr. Chair. Those were all
12 of the action items. I did make note this Council had
13 talked about maybe discussing delegations of authority
14 if there was time. And I also wanted to swing back,
15 Nathan Stinson, who talked to us on the first day and
16 mentioned his wilderness research, I wonder if there
17 might be a volunteer or two from this Council who would
18 be interested in speaking with Mr. Stinson on his
19 research and giving some feedback since we didn't have
20 time as a Council to do that. Other than that, I think
21 we've covered all agenda items, Mr. Chair.

22

23 CHAIRMAN HERNANDEZ: Okay, thank you,
24 DeAnna. Yeah, I don't remember myself what the
25 discussion was on delegations of authority so I don't
26 know, were there other Council members if that was a
27 burning issue for them we could still take that up, but
28 I don't recall.

29

30 (No comments)

31

32 CHAIRMAN HERNANDEZ: I guess I'm not
33 hearing anything. So that's 'something we can bring up
34 again at our next meeting. And, yes, I was going to go
35 back to the Nathan Stinson issue there. I know,
36 Albert, he would probably love to talk to you if you
37 want to volunteer to be in touch with him.

38

39 MR. HOWARD: I think I'm all
40 volunteered out, Mr. Chair, but that's fine.

41

42 CHAIRMAN HERNANDEZ: Yeah, I don't
43 think it would be that long of a discussion but I'm
44 sure he'd really appreciate your expertise on the
45 National Monument. So if you would be willing to do
46 that, that would be great.

47

48 MR. HOWARD: I'll make you a promise
49 not to volunteer me for anything in the next meeting,

50

1 Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Okay, you
4 have.....
5
6 MS. NEEDHAM: Mr. Chair, don't make
7 that promise.
8
9 CHAIRMAN HERNANDEZ:my word.
10
11 (Laughter)
12
13 MR. WRIGHT: Is that a motion?
14
15 CHAIRMAN HERNANDEZ: Do we need a
16 motion on that.....
17
18 MR. WRIGHT: No.
19
20 CHAIRMAN HERNANDEZ:no, I think
21 that was just a request for a volunteer.
22
23 MR. HOWARD: Don't make a motion and I
24 don't know if Cathy has any say in it.
25
26 (Laughter)
27
28 CHAIRMAN HERNANDEZ: I don't think we
29 need a motion.
30
31 MR. WRIGHT: No, we don't.
32
33 CHAIRMAN HERNANDEZ: No, I don't think
34 so. So, yeah, I think we can consider wrapping up this
35 meeting. I guess somebody needs to make a motion to
36 that effect, correct.
37
38 MR. WRIGHT: Move to adjourn.
39
40 MR. HOWARD: Second.
41
42 CHAIRMAN HERNANDEZ: Okay, moved and
43 seconded that we adjourn. I will adjourn the fall 2020
44 Southeast Regional Advisory Committee meeting and if
45 there's anybody that would like to make any comment
46 before we all hang up I will offer that opportunity.
47
48 MS. NEEDHAM: Mr. Chair.
49
50

1 MR. HOWARD: This is Albert, Mr. Chair.
2
3 CHAIRMAN HERNANDEZ: Go ahead, I think
4 I heard Cathy and maybe Albert.
5
6 MR. HOWARD: Yep.
7
8 MS. NEEDHAM: I'll let Albert --
9 Albert, go ahead.
10
11 CHAIRMAN HERNANDEZ: Go ahead, Albert.
12
13 MR. HOWARD: I just wanted to thank the
14 Staff for all their time and effort they put into this
15 so that's all I had. Everybody stay healthy, and
16 hopefully we get to meet soon. That's all I had.
17
18 CHAIRMAN HERNANDEZ: Cathy.
19
20 MS. NEEDHAM: Thank you, Mr. Chair. I
21 just wanted to acknowledge the 10 years of service that
22 Mr. Yeager gave to this Council. Many of you may know,
23 or may not know, but this was his last meeting and I
24 just really appreciate the opportunity to have been
25 able to work along side him.
26
27 And with that, to the rest of the
28 Council, I hope that you continue to stay safe over the
29 winter and we'll talk to you soon.
30
31 CHAIRMAN HERNANDEZ: Thank you for that
32 Cathy. You know I'd heard rumors that John had not
33 reapplied so I guess you just confirmed that. I would
34 like to also add that it's been real pleasure working
35 with John, he added a tremendous amount of expertise to
36 our proceedings and all of our social encounters at the
37 meetings. He's always been just really enjoyable to be
38 around and he's hosted, I think, twice, social
39 gatherings at his home in Wrangell, both of which were
40 just, you know, really appreciated and a lot of fun.
41 So, John, I know we're probably going to see you around
42 but I'll certainly miss seeing you around the table at
43 our future meetings so thank you, and you have my
44 greatest appreciation.
45
46 MR. YEAGER: Thank you, Don. I sure
47 appreciate that and the kind sentiments there from
48 Cathy as well. I just want to say quickly it's been a
49 real honor to work with all of you on the Board, and
50

1 also all the Staff. The Staff are absolutely
2 incredible and amazing people and we always hit on the
3 aspect that how important the Staff is having at the
4 meetings and they are. To have that one on one, face
5 to face with the Staff and talk over things, it's a
6 vital role in the success of our acknowledged and very
7 accomplished Council. So I was very proud to be a part
8 of it. I hope that the Council will find its way to
9 Wrangell someday as part of their selection of meeting
10 places and, all of you, you always have a friend and a
11 contact in Wrangell if you ever need one, and you can
12 also call on me if I can help you in any way in the
13 future.

14
15 So I will see you all again at some
16 time and I also hope everyone stays healthy over the
17 winter and safe. So, thank you, very much.

18
19 CHAIRMAN HERNANDEZ: Thank you, John.
20 Any other Council members.

21
22 MR. WRIGHT: We'll be counting on you
23 to feed us.

24
25 (Laughter)

26
27 MR. YEAGER: Not a problem.

28
29 CHAIRMAN HERNANDEZ: And, you know,
30 it's really unfortunate we're doing this over the
31 telephone, yeah, it would have been great to all be
32 together when we say goodbye to a Council member, it's
33 really unfortunate, John, but, yeah, next time I see
34 you there in Wrangell I'm going to buy you a beer and
35 so I hope it's not too far in the future.

36
37 MR. YEAGER: Same here, thank you.
38 Good night everyone.

39
40 (Off record)

41
42 (END OF PROCEEDINGS)

