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SOUTHEAST ALASKA FEDERAL SUBSISTENCE
REGIONAL ADVISORY COUNCIL MEETING

PUBLIC MEETING

VOLUME II

Sheet'ka Kwaan Naa Kahidi
Sitka Tribal Community House
Sitka, Alaska
October 17, 2018
8:30 a.m.

COUNCIL MEMBERS PRESENT:

- Donald Hernandez, Chair
 - Michael Douville
 - Albert Howard
 - Harvey Kitka
 - Cathy Needham
 - 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

(Sitka, Alaska - 10/17/2018)

(On record)

CHAIRMAN HERNANDEZ: Okay. Good morning, everybody. Council members can find your seats, we'll get started.

Okay. This morning we will be taking on new business which is our fisheries proposal and we'll also be talking about the Fisheries Resource Monitoring project. We have a presentation on the Roadless Rule that will happen this afternoon; that was kind of a time specific agenda item, because we have a person here for the day.

But before we start any of that, I just want to ask and see who might be on the telephone this morning.

REPORTER: And also ask them to mute their phone when they're all done.

MS. CELLARIUS: This is Barbara Cellarius with Wrangell-St. Elias National Park and Preserve. I'm just listening in.

CHAIRMAN HERNANDEZ: Good morning.

MR. REEVES: Mr. Chair.

CHAIRMAN HERNANDEZ: Somebody else.

MR. REEVES: Jeff Reeves, Craig.

MS. OEHLERS: Good morning. Susan Oehlers, Forest Service from Yakutat.

MR. BURCH: Good morning. This is Mark Burch with the Department of Fish and Game.

CHAIRMAN HERNANDEZ: Okay. It sounds like that's it.

MR. BRADY: And I'm Cate Brady (ph) and I'm listening in (indiscernible).....

UNIDENTIFIED VOICE: What?

1 MR. BRADY: I'm Cate Brady. I'm
2 assuming that they're talking about my proposal.

3
4 UNIDENTIFIED VOICE: (Indiscernible)

5
6 REPORTER: Hello. So for the folks on
7 line, we're having conversations going on, so if you're
8 on the line to listen to this meeting, could you please
9 mute your phone so we don't have that interference.
10 We're hearing other office talk, typing. Please mute
11 your phones.

12
13 Thank you.

14
15 CHAIRMAN HERNANDEZ: Thanks, Tina.

16
17 So just a quick announcement first.
18 The people that run the building here asked me to
19 remind everybody that this is a non-smoking facility,
20 and that means no smoking anywhere in the building,
21 including the restrooms.

22
23 And we will be starting this morning
24 with public testimony. And I have a number of blue
25 cards here, so if anybody is in the audience hasn't
26 submitted a blue card and would like to, let us know.
27 Is there anybody on the telephone. I think I heard
28 some tribal representatives. Does anybody on the phone
29 want to testify or make public comments this morning.

30
31 (No comments)

32
33 CHAIRMAN HERNANDEZ: Okay. Hearing
34 nobody on the phone, we'll start with people in the
35 room. The first one I have is Laila Itta-Tomas.

36
37 MS. BAUSCHER: Can we flop the order?
38 The students wanted to speak, and I'll just give a
39 little introduction, if that's okay.

40
41 CHAIRMAN HERNANDEZ: Yeah, okay. I see
42 that some of these are from our students. I realize
43 that now, so.....

44
45 MS. BAUSCHER: Do you want to flip the
46 orders of the speakers.

47
48 CHAIRMAN HERNANDEZ: So, yeah, Heather,
49 if you want to -- I think one of them is your name as
50 well. If you want to start us off, and bring down the

1 students that want to testify or ask questions or
2 whatever, that would be great.

3

4 MS. BAUSCHER: Hello again. My name is
5 Heather Bauscher, and I'm with the Sitka Conservation
6 Society and the University of Alaska Southeast. I'm
7 the instructor for our policy and procedures class. We
8 have a number of students here that are dual
9 enrollment. Some are from Edgcumbe. We have one from
10 Pacific High, and a home-school student.

11

12 Yesterday afternoon during lunchtime we
13 had a really nice conversation with some Board members,
14 and the kids really enjoyed hearing the report outs
15 from all the members on the Council and what they were
16 seeing or experiencing in their communities, which led
17 to some interesting conversations at lunch, asking that
18 maybe the Board would like to hear what the kids have
19 seen or observed in their areas and what their concerns
20 are, and why they were interested in taking this class
21 in the first place. And because it seems -- I always
22 really appreciate this processes, because it gives
23 everybody a chance to be heard. And people lose faith
24 in some of these things at times, but I think the more
25 we can educate and connect people to these
26 opportunities and the more opportunities people have to
27 speak up, the better everything could really be, or
28 everything would be done better. So that's why I think
29 this class is important in terms of teaching how the
30 process works so that kids or people can feel more
31 confident to come forward. So this is also an
32 opportunity to give students a chance to testify so
33 that when they are in an opportunity where they care
34 strongly about an issue, they have more confidence to
35 be able to do it.

36

37 Thank you for allowing us take a little
38 time to do that.

39

40 Do you want to call them up or.....

41

42 CHAIRMAN HERNANDEZ: Sure. Anybody
43 that wants to come down, feel free. We're friendly.

44

45 MS. BAUSCHER: They're fighting over
46 who should go first.

47

48 (Laughter)

49

50 MS. ITTA-TOMAS: Good morning. My

1 name is Laila, and I'm from Barrow. And I took this
2 class, because I wanted to see how things were made,
3 like the laws. And to physically be here is a great
4 opportunity and I find it very interesting.

5
6 And something I wanted to talk about
7 that go on at home is like with climate change you see
8 like in our ice tunnels underground, they're melting,
9 which doesn't help, because it spoils like the meat we
10 put under there.....

11
12 (Unidentified voice on teleconference)

13
14 MS. ITTA-TOMAS:and you see
15 erosion on the beach and the icecap melting. Do you
16 want me to repeat the whole thing? Sorry.

17
18 I just came here today to talk about
19 what happens at home subsistencely, or like how things
20 are affected subsistencely. And we see things like our
21 ice always melting underground which spoils the whale
22 meat, and erosion, and our polar icecap melting which
23 affects us a lot with like whaling and things like
24 that.

25
26 And I took this class because I wanted
27 to see how the laws were made, and I think it's a great
28 opportunity for me to be here -- or physically be here
29 and see how you guys do things. And that's all I
30 wanted to say.

31
32 CHAIRMAN HERNANDEZ: Thank you.

33
34 Do you want to take one question from
35 Mr. Schroeder?

36
37 MS. ITTA-TOMAS: Yeah.

38
39 MR. SCHROEDER: Yes. Thanks so much
40 for coming, and I appreciate your words. Can you tell
41 us how important subsistence is to you and your family:

42
43 MS. ITTA-TOMAS: It's actually -- it is
44 pretty important, because we can't get everything from
45 the store. And it's part of your culture. And without
46 it I.....

47
48 MR. SCHROEDER: Do you think when you
49 get older and maybe you're raising a family or in your
50 career that subsistence will be important to you then,

1 or will you just kind of go off and be eating from Fred
2 Meyer's and Costco and things like that?

3
4 MS. ITTA-TOMAS: No, I feel like it
5 will be important, because it's a part of who you are,
6 and it really defines you.

7
8 Are there any more questions.

9
10 (No comments)

11
12 CHAIRMAN HERNANDEZ: That's a great
13 answer, yeah. Thank you very much.

14
15 MS. ITTA-TOMAS: Thank you.

16
17 MS. MARTINEZ: Hello. My name is
18 Jaylynn Martinez, and I'm from Tuluksak.

19
20 I'm here to talk about some of the
21 issues that's been happening back home, and so like we
22 haven't been seeing much king salmon back home, and
23 this year -- or last year we haven't seen much chum as
24 well, but this year we caught more chum, but when we
25 caught chum, there's been like yellow-whitish gunk in
26 the fishes, so we weren't able to put those away.

27
28 And, yeah, I took this class to see
29 like compare and contrast the similarity of the issues
30 that's been going on in Southeast and back home.

31
32 CHAIRMAN HERNANDEZ: Frank.

33
34 MR. F. WRIGHT: Thank you for being
35 here. You know, whenever I come to these meetings, you
36 know, one of the things I miss is throwing a fish on
37 the stove and cooking it myself, and I get pretty darn
38 tired of restaurant food, you know.

39
40 So do you miss your food?

41
42 MS. MARTINEZ: Oh, yes. Yeah. Usually
43 when we come to school, we just all like we want our
44 Native food, but sometimes we get it sent out to us,
45 yeah.

46
47 CHAIRMAN HERNANDEZ: Albert, go ahead.

48
49 MR. HOWARD: Good morning. Thank you,
50 Mr. Chair.

1 What do you see the solution to the
2 problem in your area concerning the fish as far as them
3 making it back to where you can utilize then? Is there
4 -- if you had a solution and something we can do as a
5 Board, what are your thoughts? I know she's young, but
6 I also have a son that's 19 years old, and you should
7 hear the conversation that comes from him, so I kind of
8 want to see what your thoughts are. This is the part
9 of the process she was mentioning, is if you have a
10 solution, we can use the existing laws that are on the
11 books to address those types of things.

12

13 Thank you, Mr. Chair.

14

15 MS. MARTINEZ: I'm not too sure, but I
16 believe that we all could -- like everywhere else, we
17 could just all limit on how much fish we could get so
18 that later in the future we'd have more fish for the
19 other people.

20

21 MR. HOWARD: Thank you, Mr. Chair.

22

23 I think you could take this on your own
24 a step further. What I've learned is to read the State
25 and Federal Constitution. The State Constitution gives
26 clear direction on resource management. So if you're
27 looking at resource management, the State Constitution
28 states that the resource belongs to everyone equally.
29 Now, you can look at the numbers, and the numbers will
30 tell you that it's not equal. The subsistence user may
31 take only one percent of the resource, and the rest
32 gets commercialized.

33

34 I mean, your voice is stronger than you
35 think it is. When someone hears that a young person
36 has the same perspective as everyone else, and that
37 this is important to you, they tend to listen --
38 they'll listen more to the young adults than they will
39 to someone like myself. So just something to consider.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN HERNANDEZ: Thank you, Albert.

44

45 Anybody else, questions.

46

47 (No comments)

48

49 CHAIRMAN HERNANDEZ: Yeah. Thank you,

50 Jaylynn.

1 MS. MARTINEZ: Thank you.
2
3 MS. ROME: Hi. My name is Gracie, and
4 I'm from Hydaburg. And this summer I've seen wolves
5 out on the roads when we haven't seen any in the past
6 years. And the fish came very late and we had no
7 salmonberries and barely any thimbleberries. The
8 huckleberries and the blueberries were really and most
9 of them were dried up. It was really hot and dry, and
10 the water was a strange Caribbean green.
11
12 And I took this class because I'm from
13 Prince of Wales and I wanted to learn more about the
14 laws and the problems there.
15
16 CHAIRMAN HERNANDEZ: Yeah. Thank you,
17 Tracy. Any questions for Tracy.
18
19 MS. ROME: It's Gracie.
20
21 CHAIRMAN HERNANDEZ: Albert.
22
23 MR. HOWARD: Thank you, Mr. Chair.
24 Hi. I think you have a valuable resource there in Tony
25 Christianson. I have a lot of respect for him. He has
26 a lot of knowledge concerning how to address these
27 types of issues. I'd recommend having a conversation
28 with him.
29
30 Thank you, Mr. Chair.
31
32 MS. ROME: Thank you.
33
34 CHAIRMAN HERNANDEZ: Frank.
35
36 MR. WRIGHT: Thank you, Mr. Chair.
37 Thank you for speaking as a young person. You know,
38 your observation of the things that are changing in
39 your region is very important, because when you speak,
40 people listen, especially young people. You know, when
41 you talk to your elders and then you tell them stuff
42 because they can't go out there to pick the berries or
43 process fish or whatever, it's important that you
44 notice these things and thank you for coming.
45
46 MS. ROME: Thanks.
47
48 CHAIRMAN HERNANDEZ: Yeah. Thank you.
49
50 MR. KLUSHKAN: Hi. My name is Gabriel

1 Klushkan and I'm from Yakutat. And the reason I took
2 this class is to kind of get a look at how things are
3 done in these meetings, because at home I hear a lot of
4 people complaining about problems or issues they think
5 are important, like the kings not returning, which is
6 kind of like happening everywhere, but in Yakutat a lot
7 of people are worried about that, and they're not
8 really sure what's happening with them. And the
9 subsistence and commercial fishing like issues, the
10 battling between them. And I just want to be able just
11 like to how to -- how things are done here so in the
12 future if I have any issues that I want to take part in
13 or kind of help resolve, that I'd be able to come in
14 and talk about how I feel things should be done.

15

16 I think that's it.

17

18 CHAIRMAN HERNANDEZ: Any questions for
19 Gabriel. I was just wondering, Gabriel, I know up in
20 Yakutat area there was some pretty severe fisheries
21 restrictions this year to both commercial and
22 subsistence fishing. Did that affect you personally at
23 all.

24

25 MR. KLUSHKAN: It affected my family,
26 because my father's a fisherman, and him not being able
27 to fish -- there was really any kings, and he wasn't
28 able to fish for those, or he wasn't -- and he also
29 wasn't able to fish in the summer. So there's not
30 really any other way for us to get any fish or food
31 other than that. And that kind of really impacted our
32 life.

33

34 CHAIRMAN HERNANDEZ: Yeah. I imagine
35 that probably affected a lot of people in Yakutat, so
36 we hope things improve in the future.

37

38 So anybody else, questions.

39

40 (No comments)

41

42 CHAIRMAN HERNANDEZ: Thank you very
43 much for stepping forward.

44

45 Okay. Thank you, students. You did a
46 real good job. Might have some more questions or
47 comments before the meeting's over as well, so maybe
48 tomorrow morning as well we'll hear from you.

49

50 How about Jeff Feldpausch. Are you

1 ready to testify.

2

3 MR. FELDPAUSCH: Good morning, Mr.
4 Chair. Members of the Council. I apologize for my
5 scribbling. I knew it was tough to read.

6

7 At the request -- I guess I should back
8 up. My name is Jeff Feldpausch. I'm the resource
9 protection director for the Sitka Tribe of Alaska. I'm
10 also the subsistence rep for the Sitka AC.

11

12 At the request of Harvey Kitka, I
13 wanted to bring a matter to your attention that took
14 place at this last Board of Fish meeting in Sitka in
15 January. Starting about this time last year, the Sitka
16 AC began to review proposals and prepare comments for
17 input to the Board.

18

19 It was brought to the attention of the
20 committee by the commercial shellfish representative
21 that there was issues with the District 13C shrimp
22 stock. There was a conservation concern on the part of
23 that individual that stock assessment done by ADF&G did
24 indicate that the stock was in decline. The AC chose
25 to write a letter to the Board requesting emergency
26 action under conservation concern. It ended up going
27 to the Board and the Board's reaction was to limit the
28 possession limit on shrimp in 13A, B and C to two five-
29 gallon buckets per trip, or bag in possession limit.

30

31 The issues are that at the AC meeting
32 there were anecdotal reports of subsistence harvesters
33 harvesting up to 500 pounds of shrimp per trip in 13C.
34 Hoonah Sound has a much denser shrimp population or
35 larger and denser shrimp population than 13A and B, so
36 it's a very utilized subsistence area. When you go
37 there, you're going to spend about two hours to get
38 there. You know you're going to get shrimp. Most
39 subsistence harvesters harvest multiple species.
40 They'll go out on a couple of day deer hunt; they'll
41 get their shrimp; they'll set for -- set their skates
42 for halibut, trying to maximize the harvest on minimum
43 dollar cost.

44

45 But at the AC level there were
46 anecdotal reports of 500 pounds of shrimp being
47 harvested. I believe some of the comments on and off
48 the record were blaming lodge owners, or some of the
49 charter operators that were going out harvesting large
50 quantities, and then feeding clients the shrimp and

1 then sending them home with some shrimp. Again, this
2 is all anecdotal. There is no ANS established for
3 shrimp in 13A, B, or C.

4

5 So I guess I can read from our minutes
6 here that I presented to our natural resource
7 committee, and the concerns that came out of this whole
8 action taken by the Board.

9

10 Number 1. The amount necessary for
11 subsistence was not established as required by law.
12 While the data shows that stock is in decline, there is
13 also some subsistence use data that was collected from
14 the Division of Subsistence in its 2013 subsistence use
15 surveys. I believe -- and don't quote me on these
16 numbers, but I believe it was in the 40,000 pound
17 range. The issue with that is we don't know where
18 those shrimp came from. They could have come from
19 another district. So that while we do have some data
20 on subsistence use of shrimp, there is zero, no data
21 available on the amount that's of subsistence harvest
22 that occurs within the district.

23

24 The restrictions were based on
25 anecdotal information. The Sitka AC discussed
26 anecdotal reports of some subsistence harvester
27 harvesting 500 pounds of shrimp in one trip. Again,
28 there is no data that supports the rumors, and even if
29 harvest -- even if the harvester did catch 500 pounds
30 of shrimp, if it was used for subsistence purposes and
31 allowed the subsistence harvester to meet their needs,
32 the harvest is a moot point as long as it does not
33 affect the health of the stock.

34

35 The restrictions violate the Alaska
36 subsistence statute that provides for a subsistence
37 priority.

38

39 I think the thing that finally got the
40 Sitka Tribe to begin taking action on this, we felt if
41 the restrictions were to address a conservation
42 concern, the Sitka Tribe has made conservation of the
43 resource as one of its top priorities. It wasn't until
44 the State decided -- or announced that they were going
45 to have a commercial shrimp fishery in District 13, the
46 contested area that GHF was set at 16,000 pounds. End
47 of the season they harvested 14,000 pounds. Again, the
48 subsistence harvesters were restricted to two five-
49 gallon buckets on a trip up to Hoonah Sound.

50

1 Basically what occurred was a
2 reallocation of the resource away from a subsistence
3 harvester to the commercial industry. Although there
4 were restrictions, bag and possession limits in place,
5 access was not denied. You can still get as many
6 shrimp as you need, you just have to make a lot more
7 trips now to do it. And for most of you who live a
8 subsistence lifestyle, you know that's not cost-
9 effective.

10
11 And the other concern that I have, they
12 are requiring subsistence harvesters to fill out
13 harvest reports, date, location and volume harvested.
14 We have a definite concern that they're going to use
15 this information then to establish an ANS. The problem
16 is, they've already restricted the fishery, so it would
17 be a biased ANS if that's what's done.

18
19 So I think I've covered most of the
20 bases.

21
22 That's all I have.

23
24 CHAIRMAN HERNANDEZ: Yeah. Thank you.
25 Questions from the Council.

26
27 Harvey.

28
29 MR. KITKA: Jeff, at the AC meeting did
30 they discuss what the bag limit was for personal use
31 fisheries on shrimp?

32
33 MR. FELDPAUSCH: I think -- well, what
34 the final outcome was, I think it's subsistence and
35 personal use is lumped into one category, and then they
36 have the sportfish limit that I think is still at a
37 gallon of cleaned shrimp per trip. So they basically
38 have lumped personal use and subsistence into the one
39 category.

40
41 And I think this is important, just to
42 share with you folks right now. Most of you come from
43 rural communities that certain actions like this may
44 have already taken place or they could take place. The
45 area management biologist did confirm that Sitka does
46 have a C&T listing for all of Southeast Alaska, so if
47 it's happening here in Sitka, it could be happening
48 other places, or may be happening right now, or it
49 could be happening to you in the future.

50

1 CHAIRMAN HERNANDEZ: Anybody else,
2 questions.

3
4 Mike Douville.

5
6 MR. DOUVILLE: Yea. This brand new,
7 the getting a permit. You can do it online to -- in
8 fact, you must do that in order to subsistence shrimp
9 legally. And I think part of it perhaps may be aimed
10 at curbing some of the -- you mentioned the charter
11 boat operators harvesting. We know where that goes,
12 stuff like that. But some of that information may be
13 useful there, but I would not like to see it used to
14 restrict on a subsistence user.

15
16 MR. FELDPAUSCH: And through the Chair,
17 there are regs on the book that do prohibit that kind
18 of illegal use of subsistence harvest. I guess my
19 frustration here is instead of enforcing those laws
20 they chose to put additional restrictions on the
21 legitimate or legal subsistence harvesters and make it
22 tough for them to meet their needs.

23
24 CHAIRMAN HERNANDEZ: Albert Howard.

25
26 MR. HOWARD: How are you planning to
27 address this, because I'm sitting here thinking of all
28 the possibilities that Fish and Game could be using to
29 start restricting what I do at home, things I've done
30 forever with my parents, my grandparents. They're
31 trying to lump us all into -- to where we fall under
32 the guidelines of just a regular user of the resource,
33 not given any consideration for our subsistence rights.
34 I mean, I don't agree with how they're approaching
35 this. What bothers me about what you're saying is
36 they're taking the resource that subsistence user's
37 already been using and they're adding a commercial
38 industry to that resource. And that concerns me,
39 because at the end of the day, when the commercial guys
40 need more, as an example herring, the subsistence
41 user's voice is gone. So I'm really interested in how
42 you're going to address this and so I can apply it in
43 other areas.

44
45 Thank you, Mr. Chair.

46
47 MR. FELDPAUSCH: Through the Chair.
48 After I drafted the letter, it was held up for a
49 review. We were originally -- we had missed the agenda
50 change request deadline for the Board of Fish meeting

1 that just happened a couple of days ago. We were going
2 to write a letter to the Board requesting that they
3 revisit the issue, and then -- we'll have to see where
4 it goes. Unfortunately the next Southeast cycle is
5 another two years away. Whether we can get the Board
6 to take action before then.

7
8 The other issue that I'm concerned
9 about is this -- I won't say this came through real
10 hush, hush or real quiet, but it was fast tracked and a
11 lot of subsistence harvesters didn't know this was
12 coming. I have been approached by one individual at
13 another meeting who mentioned that his family would
14 save up their money to make a trip to Hoonah Sound to
15 go get their shrimp and do their other subsistence
16 harvesting, and it was a one-time thing per year. They
17 won't be doing that, because it's not cost-effective
18 for them to get the shrimp they need from that area.
19 And to get it closer to town requires much more effort
20 and more trips and frequent use. So it is going to
21 affect the subsistence harvest overall I think.

22
23 And I think the best route is to go try
24 to get through the Board of Fish process, try to get it
25 more in public view. Since it was an emergency
26 request, it went through -- I won't say behind the
27 scenes, but it didn't get a lot of attention and a lot
28 of notice. So if we can get it back into the public
29 preview for comments, that would be great. Again,
30 that's the 2000 -- maybe 2021 I think before they'll be
31 back in Southeast. If they hear the proposal say at
32 Anchorage and review it there, it's very tough for
33 people to fly all the way to Anchorage to comment in
34 person. So it's going to be challenging. Hopefully we
35 can get it back in front of the public though for more
36 comments and rectify the situation.

37
38 And just on the State level, they have
39 three tiers under their subsistence regs -- or the
40 subsistence statute. If there's enough of a resource
41 to meet everyone's needs, there's no problem. If you
42 don't have enough of a resource to meet everyone's
43 needs, you need to begin eliminating other user groups
44 or restricting them before you restrict the subsistence
45 harvest. And then tier 3, if there is not enough to --
46 not enough of an allowable harvest to meet all user
47 groups, subsistence would be the last one to be
48 restricted. And it seems like we've gone out of
49 process on this.

50

1 CHAIRMAN HERNANDEZ: Go ahead, Albert.

2

3 MR. HOWARD: Again the -- Mr. Chair.

4 Thank you.

5

6 The State does say resources belong to
7 all of us equally, so when you take 14,000 pounds
8 versus how many buckets I'm allowed to take, that
9 doesn't seem equal to me. That seems like you could
10 challenge it that way based on their own constitution.
11 You're supposed to manage for abundance, and in my
12 mind, abundance means like when I was kid. You walk
13 across a river, and there's not way you couldn't step
14 on a salmon. Now you're lucky to see a salmon. So I
15 think this has me concerned on so many levels, Mr.
16 Chair.

17

18 Thank you.

19

20 CHAIRMAN HERNANDEZ: Yeah. Thank you,

21 Albert.

22

23 Any other questions.

24

25 (No comment)

26

27 CHAIRMAN HERNANDEZ: Thank you, Mr.
28 Feldpausch for bringing that to our attention.

29

30 MR. FELDPAUSCH: Thank you.

31

32 CHAIRMAN HERNANDEZ: Larry Edwards.

33

34 MR. EDWARDS: Mr. Chairman and members
35 of the Council. My name is Larry Edwards. I live here
36 in Sitka and I've followed forest and game issues
37 throughout the region for many years.

38

39 I'd like to say a few words about the
40 deliberations you're making over wolf regulations, and
41 particularly concerns about numbers that might find
42 their way into the draft letter that you started
43 working on yesterday.

44

45 I'd like to read a few things from the
46 1997 decision by Fish and Wildlife Service on the ESA
47 (ph) petition for the Alexander Archipelago wolf. And,
48 of course, that petition was denied at that time, but it
49 does have some reflections on science and has some
50 concerns that it reflects concerning populations and

1 viability of populations. And, of course, the Game
2 Management Unit 2 population is an isolated one.
3 There's very little, if any, genetic interchange with
4 other populations in the region. So I'll just briefly
5 read a few things from this decision.

6
7 It says it's widely accepted that
8 small, isolated populations have a higher probability
9 of extinction than large connected populations. The
10 term minimum viable population assumes there's a
11 threshold above which a population has a higher
12 probability of persistence despite genetic, demographic
13 and environmental uncertainties.

14
15 And I'm just going to skip through some
16 of this just to get to a few numbers, just to give you,
17 you know, a little basis of what some of my concerns
18 are.

19
20 Theoretical estimates of a minimum
21 viable population have generally considered isolated
22 populations and assumed that a one percent level of
23 inbreeding per generation is the maximum acceptable for
24 short-term viability. For long-term viability, an
25 effective population, which is distinct from what a
26 total population is, so this gets down to the number of
27 breeding individuals, but it says, for a long-term
28 viability, an effective population of 500 has been
29 suggested, and it gives some citations here. And it
30 says that Thomas, 1990, concluded that a population of
31 10 is too few, 100 is usually inadequate, 1,000 is
32 adequate for vertebrate species of normal genetic
33 variability in a stable environment. Surray and
34 Simbuloff (ph), 1986, observed that effective
35 populations of at least a few hundred are necessary,
36 and this corresponds to actual populations of about
37 1,000. And, of course, you know, we're well below that
38 level, so -- and this is all, you know, risk-based kind
39 of stuff, that we're getting down to the level where
40 the risks are higher in Game Management Unit 2.

41
42 So continuing here, several minimum
43 viable population estimates have been made for gray
44 wolves, and it gives citation there. This person
45 estimated that an effective population of 200 wolves
46 and a total population of 600 is needed to overcome
47 loss of genetic variability. Assuming a ratios of
48 effective population to total population of 1 to 3, and
49 he gives a citation, then effective population of 50
50 individuals and 500 individuals would require total

1 populations of 150 and 1500 respectively.

2

3 Then from Fritz, 1994, it says that
4 Fritz concluded that 10 breeding pairs of wolves in
5 isolation would not comprise a viable population, but
6 30 or more breeding pairs, i.e. 300 or more wolves in a
7 meta population with genetic exchange between
8 subpopulations, should have a high probability of long-
9 term persistence. So when they're talking a meta
10 population, we don't have a meta population of Unit 2
11 with other wolves in the region, so if you're looking
12 at a meta population, you're just talking about among
13 all the wolf packs in the unit. And it says that
14 Fritz, 1994, surveyed a number of wolf experts, and 80
15 percent of them, 20 out of 25, believed that three
16 groups of 100 wolves each in a meta population would
17 meet a definition of a viable wolf population.

18

19 In 1982 the Mexican wolf recovery plan,
20 which is down in the New Mexico/Arizona area, that plan
21 recommended the reestablishment of a wild population of
22 at least 100 wolves, and in combination with a
23 genetically diverse captive population of at least 240,
24 which would -- they'd be, you know, making releases
25 from that captive population into the wild population
26 to build things up. So they're looking there at a meta
27 population of about 340.

28

29 So, you know, these get back to
30 reaching historic numbers in Game Management Unit 2.
31 You know, we're well below those now. The harvest
32 objective that -- or population objective that Ryan
33 Scott put on the screen yesterday, you know, tops out
34 at 200, but, you know, could accommodate populations
35 above that.

36

37 And then last night I sent an email to
38 Dave Person. I'd hoped to talk with him this morning.
39 And I'd like to acknowledge that I do know that there's
40 friction between some of the Council members and Dave,
41 but I just want you to know where this information
42 comes from. I'd hoped to talk with him this morning.

43

44 In my message to him last night, I just
45 gave him -- I sent a photo of the harvest objective
46 slide and gave him a quick description of what was
47 being considered, and that the Prince of Wales trappers
48 would like to see the numbers managed between 100 and
49 150, and I asked him, you know, what's your view of
50 this kind of a management scheme and these kinds of

1 numbers. And he replied this morning saying that he
2 was headed out the door, he's gone for a week; he
3 doesn't have a cell phone. So all I have is a
4 collection of a few things that he provided, and that
5 I'd like to just read a few notes from that.

6
7 So first he addressed the numeric
8 objective. He said, first, are these numbers, and he's
9 referring to the 100 to 150 that Mr. Douville yesterday
10 suggested the trappers would like to see. He said,
11 first, are these numbers for a spring, pre-parturition
12 population of fall numbers. A 100 to 150 range in
13 spring before pups, which amounts to a maximum
14 population in the fall which includes new pups of about
15 150 to 200, would likely be adequate, but it also needs
16 to specify the number of packs, which is something that
17 Mr. Scott didn't really talk about yesterday. So it's
18 something that perhaps the Council would like to ask
19 some questions about.

20
21 And then he says, but if the 100 to 150
22 is intended to be the fall maximum population, which is
23 how the management has been done based on the DNA
24 surveys, he says that in that case that's an inadequate
25 objective. So he's saying that you should at least be
26 managing for the 150 to 200 range for being your actual
27 objective.

28
29 And then as far as number of packs, he
30 says that having the bulk of your wolves in a few packs
31 is not good, so the number of packs also needs to be
32 specified, in the regulation in other words. At least
33 15 to 20 packs should be the goal based on population
34 modeling from my thesis and our ESA modeling. So Mr.
35 Person did his Ph.D. thesis, it was published in 2001,
36 on Prince of Wales and Kosciusko wolves and the
37 dynamics between them and deer. And the ESA modeling
38 he's referring to is that he and some other scientists
39 were contracted by Fish and Wildlife Service in the
40 wolf petition that was considered between 2011 and
41 2016, and they reached some conclusions in the work
42 they did for that agency.

43
44 And then he talked about harvest cap,
45 but I think he didn't realize that the idea is for the
46 cap to go away. So you might think of what he said
47 here in terms of maybe there should be a harvest
48 objective rather than a cap if you're doing away with
49 the cap. But what he said on this is for an autumn
50 population of 100 to 150 that would amount to a cap or

1 a harvest objective of 37. And he's using the 30
2 percent approach for that rather than the 20 percent
3 one. So that's 30 percent of 125, so the mid range of
4 that number. And then he said -- and that's just to
5 maintain the population stable at that level. It's not
6 saying that that's the level that it ought to be at.
7 Then he said for an autumn population of 150 to 200,
8 applying that 30 percent, that would be a harvest
9 objective of 52, just to put some perspective on how
10 the numbers work out.

11
12 And then kind of integrating all this
13 stuff as a conclusion, he said that all the numbers,
14 for number of packs, spring versus fall population, and
15 a harvest cap, that needs to be considered together or
16 the whole exercise is useless.

17
18 So I just wanted to present to you, you
19 know, my views on numbers and viability, and what I
20 learned from Dave, and just leave it to you from there.

21
22 Thank you.

23
24 CHAIRMAN HERNANDEZ: Yeah. Thank you,
25 Mr. Edwards.

26
27 Any questions. Albert.

28
29 MR. HOWARD: Thank you, Mr. Chair. And
30 a couple of questions I guess.

31
32 What is your personal interest in
33 wolves that are on Prince of Wales? And the same
34 question applies for who is he and what is his
35 interest?

36
37 See, in my mind, you're comparing two
38 different types of wolves, some that are in Arizona.
39 And it's easy to track those, because I actually spent
40 seven months in a desert when I was in the army, so you
41 could see a long ways. So you can't do that on Prince
42 of Wales, because there's trees everywhere.

43
44 So those two questions.

45
46 I may follow up with other questions.

47
48 Thank you, Mr. Chair.

49
50 MR. EDWARDS: Thank you, Mr. Howard. I

1 guess there's three things there in your question. The
2 material I read from, Fish and Wildlife Service is just
3 addressing wolf population dynamics and genetics
4 viability generally. So the information about the New
5 Mexico wolves is just, you know, one among many in
6 there. And, of course, that information was specific
7 to the Lower 48 wolves, you know, in a lot of different
8 contexts, not just the New Mexico wolves.

9

10 As far as Dr. Person, he was a research
11 biologist with Fish and Game for many years after he
12 completed his Ph.D. which he did at UAF. And he was
13 based out of Ketchikan, and his work was focused quite
14 a lot on Game Management Unit 2, both deer and wolves,
15 and I think he worked on other things, too, like flying
16 squirrels and I can't remember what all.

17

18 As far as myself, my interest is in
19 maintaining an ecological balance that includes people
20 and provides for subsistence and other types of hunting
21 and, you know, keeping meat in the freezers and just
22 keeping the whole system functioning for all the
23 animals we depend on and our sustenance from them.

24

25 CHAIRMAN HERNANDEZ: Follow up, Albert.

26

27 MR. HOWARD: Thank you, Mr. Chair.

28

29 So based on your answer, you hunt down
30 on Prince of Wales then?

31

32 MR. EDWARDS: I've hunted on Prince of
33 Wales once. I've only -- other than that, I've hunted
34 in Unit 4.

35

36 CHAIRMAN HERNANDEZ: Cathy, you have a
37 question, or are you still.....

38

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

40

41 Are Prince of Wales wolves considered
42 an isolated population? I'm asking, because I'm not
43 sure that I -- for some reason I think that there were
44 actually ruled an isolated population in the last ESA
45 petition that had gone through, and some of the
46 information that you read was from the first ESA
47 petition I believe.

48

49 MR. EDWARDS: Yeah.

50

1 MS. NEEDHAM: And then I'm also
2 wondering whether or not recent DNA work has confirmed
3 whether not they are an isolated population.

4
5 MR. EDWARDS: Yeah. Well, in the final
6 conclusions from the most recent ESA petition, the
7 subspecies was considered to include all wolves in
8 Southeast plus coastal British Columbia.

9
10 As far as the isolation, the scientific
11 information is that there's essentially no exchange.
12 There's, you know, some potential for that through the
13 Snow Pass area, Bushy Island, and, you know, between
14 there and Zarembo. There's anecdotal information that
15 people have raised that, yeah, they think that there is
16 exchange, but there's been no proof that there is, and
17 that's about all I can really say about it myself.
18 You'd have to consult with biologist on that.

19
20 CHAIRMAN HERNANDEZ: Mr. Howard.

21
22 MR. HOWARD: Thank you, Mr. Chairman.

23
24 We heard that guy was a biologist for
25 Fish and Game. Well, I don't have a degree, but I've
26 learned through my life that these animals can get down
27 to 15 based on the information given, and they'll make
28 a comeback. I think there's a lot of time and energy
29 put into what the data we supported and what they're
30 getting at.

31
32 I guess what I'm trying to get at is I
33 wish this type of effort was put towards fish. You
34 could hear from the young people all the way up north
35 all the way to here, there's concerns about fish. I
36 mean, this is -- and I remember talking about this at
37 the other meaning. My son's mother is from the Yukon
38 River area. I enjoyed that area. We'd trap up there
39 in the wintertime. And I remember the father-in-law
40 saying, it's going to be a good year for lynx. I'm
41 like, okay. He's like, see all the rabbits? Going to
42 be a lot of lynx around, because there's a lot of
43 rabbits.

44
45 It's the same thing for deer on
46 Admiralty. There's a lot of bear on Admiralty. It's
47 concerning to the point where we're concerned for our
48 kids when they're going to school.

49
50 Wolves are the same way. It's in their

1 genetics. If there's a lot of deer around, they're
2 going to have a lot of pups. If there isn't much deer
3 around, they're not going to have very many. It's
4 common sense, high school science they teach you. And
5 it's things our elders have taught us.

6

7 I wish, you know, someone would take
8 this type of effort and address the salmon issue and
9 the herring.

10

11 Thank you, Mr. Chair.

12

13 CHAIRMAN HERNANDEZ: Yeah. Thank you,
14 Albert.

15

16 Larry, before you move on.

17

18 MR. EDWARDS: Yeah. I'd like to see
19 the salmon issue addressed a lot more in those regards,
20 too.

21

22 And thank you for raising the point
23 about how quickly wolves can rebound. It's very true.
24 The concern when they get down to very low numbers
25 though is what's referred to often as a genetic
26 bottleneck where you lose a lot of genetic diversity,
27 and then you get into the difficulties of that -- the
28 material I read from the 1997 decision's referring
29 where you lose genetic diversity, and even though the
30 population builds back up to a larger number, it's
31 prone to extinction, because it's inbred basically. So
32 thanks for raising that point.

33

34 CHAIRMAN HERNANDEZ: Yeah. So, Larry,
35 we are going to be, you know, addressing this issue
36 through the letter probably at the latter part of the
37 meeting when we kind of review any letters we generate
38 and approve them and discuss them. Can you make what
39 you presented here this morning available to us before
40 the end of the meeting so we can review some of that in
41 regards to our letter. And I don't know if you're
42 going to be available. I guess tomorrow's our last
43 day. I don't know if, you know, you have -- want any
44 more input into this before we actually finalize the
45 letter, but it would be helpful if we had that
46 information you have presented this morning.

47

48 MR. EDWARDS: Yes, you bet, Mr.
49 Chairman. I will make some copies at lunch and bring
50 them by early afternoon. And I'll endeavor to be here

1 when I think you might be bringing it up tomorrow. I
2 can't be here all the time, but I'll do my best to get
3 back.

4

5 Thank you.

6

7 CHAIRMAN HERNANDEZ: Yeah, we would
8 appreciate getting a chance to review that. So, yeah,
9 appreciate that.

10

11 One more thing from Albert.

12

13 MR. HOWARD: Thank you, Mr. Chairman.

14

15 I asked what his ties were to Prince of
16 Wales for a reason. I mean, I'm looking at this and it
17 asked for tribal or ANCSA corporations, and we have a
18 responsibility to subsistence users. And I'm a firm
19 believer, and I don't want anyone telling me what to do
20 in my back yard. There's several examples we can use
21 when it comes to our resources and the impact that
22 other decisions have been made by someone else that has
23 an impact in our back yard in Angoon.

24

25 Thank you, Mr. Chair.

26

27 MR. EDWARDS: Yeah. Thank you, Mr.
28 Howard. All I can say to that is I've been to Prince
29 of Wales many, many times. It's a very different and
30 special place compared to a lot of other places in
31 Southeast. You know, the vegetation's different. The
32 wildlife communities are different. It's a place I
33 love. It's a great place. That's all I can say I
34 think.

35

36 MR. HOWARD: I have a brother that
37 lives in Hydaburg; he passed away, and he also loved
38 Hydaburg so much that he asked us to bury him there.
39 And I would never tell him how to manage his resource.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN HERNANDEZ: Thank you, Mr.
44 Howard.

45

46 MR. EDWARDS: Mr. Howard, I just hope
47 you'd understand that I'm not trying to say how to
48 manage; I'm just trying to provide information here
49 that the Council can use in coming up with its draft
50 letter and whatever numbers it might recommend to the

1 Board of Game.
2
3 CHAIRMAN HERNANDEZ: Yes. For that, we
4 appreciate that, Larry.
5
6 So anybody else with questions.
7
8 (No comments)
9
10 CHAIRMAN HERNANDEZ: Okay. Yeah.
11
12 MR. EDWARDS: Thank you.
13
14 CHAIRMAN HERNANDEZ: Thank you, Larry.
15 We'll look forward to seeing copies of that later in
16 the day.
17
18 Albert, one more thing to say.
19
20 MR. HOWARD: Just real quick, Mr.
21 Chair. The letter is from the RAC. So thanks, Mr.
22 Chairman.
23
24 CHAIRMAN HERNANDEZ: That is correct.
25
26 We have one person on the phone who
27 kind of has a commitment at 10:00 o'clock this morning,
28 and that would be Cal Casipit who has one of the
29 proposals before us this morning, and he wanted to have
30 a chance to say something before we start deliberating
31 on that proposal. So I give him the opportunity to
32 meet his prior engagement here. So, Cal, are you on
33 the telephone?
34
35 MR. CASIPIT: Yes, I am. I'm here. I
36 hope everybody can hear me.
37
38 CHAIRMAN HERNANDEZ: You're coming in
39 loud and clear. So hopefully you have enough time to
40 say what you need to say.
41
42 MR. CASIPIT: Okay. Great. Well,
43 thanks for making time for the agenda. And I had a
44 meeting that has been moved so I'm glad that you're
45 able to put me in here. So I just had two comments.
46
47 I'm going to comment on two of the
48 proposals actually, on 19-17 and FP19-19. So I wanted
49 to hear 19-17 first.
50

1 And I just want to thank the Council
2 for doing the hard work and putting this proposal in.
3 I support the preliminary conclusion 100 percent. I
4 think that's the way we should have gone a long time
5 ago. When I was Staff for the Council, many, many
6 years ago, (indiscernible) had support back then
7 (indiscernible) hope that we pass that on to the Board
8 with a positive recommendation as well.

9
10 For 19-19, I think the Staff analysis
11 lines out, you know, the concerns that I've heard, that
12 I've had with the Neva Creek situation. You know, I
13 know there's some statements I there, you know, that on
14 paper they may be viewed as anecdotal evidence, but
15 that's something that I have observed, that other
16 people from Gustavus have observed for many years now.
17 And you know, unfortunately for this, I would have
18 liked to have been online to answer questions that the
19 Council may have of me on that one. And maybe I can
20 get done with this meeting in time and maybe I'll call
21 in when I get back and see where you're and if you guys
22 are looking at 19, you know, I can answer some
23 questions about that.

24
25 Again I support the preliminary
26 conclusion there 100 percent. I think the Staff
27 analysis does an excellent job laying out the issue,
28 and I think something needs to be done. I mean, you
29 know, this is just one little sockeye system that a lot
30 of people in Gustavus use. And I know this can be
31 repeated throughout Southeast Alaska for a lot of small
32 communities and they're seeing their sockeye being
33 depleted. And it isn't being depleted because of
34 subsistence users. Anyway.

35
36 With that, I guess I'll just close and
37 if you guys have any questions, I'll answer them, but I
38 do have to get off of this meeting here pretty quick.

39
40 CHAIRMAN HERNANDEZ: Okay. Available
41 for question if anybody has one.

42
43 Any questions.

44
45 (No comments)

46
47 CHAIRMAN HERNANDEZ: I'm not seeing
48 anybody with any questions right now, Cal. If you are
49 available and back on the phone when we do the
50 deliberations on this, if you'd like to say something

1 more then, I'll check to see if you're there.

2

3 MR. CASIPIT: Okay. Well, thank you,
4 Mr. Chairman. I appreciate that.

5

6 CHAIRMAN HERNANDEZ: Okay. Thank you
7 for calling in.

8

9 MR. CASIPIT: Okay. Thank you.

10

11 CHAIRMAN HERNANDEZ: Next we have a
12 request for testimony from Harvey Kitka. Sure, if you
13 want to go to the front desk, that might be
14 appropriate.

15

16 MR. KITKA: Thank you, Mr. Chair and
17 Council. My name is Yanshkaowoo. I'm a Sitka
18 Kaagwaantaan, and I come here and speak on behalf of
19 the Kaagwaantaan.

20

21 For a lot of years we've asked the
22 State of Alaska to be more conservative with our
23 herring. Probably for the first 15 years we asked it
24 for subsistence. Basically we were trying to have a
25 subsistence where we can get subsistence in the style
26 that we used to do it. Probably for the last two years
27 we've been asking them to be more conservative for the
28 herring for everything else. We didn't want them to
29 ever close the fishery; we wanted them to be more
30 conservative. And over the years they keep taking more
31 and more. As a result, all the fish in the ocean are
32 going to suffer because of this loss of the herring.
33 It has gotten to the point where so much of our other
34 animals that feed on this as well as our people, it's
35 not there any more.

36

37 This last year was probably the worst
38 year we ever saw. The miles of spawn was probably the
39 lowest we ever saw in miles of spawn. And Fish and
40 Game said it was 32 miles of spawn. We have trouble
41 believing it was even 10.

42

43 For this reason, Sitka Kaagwaantaan is
44 asking the Federal Government to take over subsistence
45 on herring. We are hoping that we can get some help in
46 filing that extraterritorial jurisdiction. And I speak
47 of this as a Sitka Kaagwaantaan.

48

49 Thank you.

50

1 CHAIRMAN HERNANDEZ: Thank you, Harvey.
2 Questions for Harvey.

3
4 Mr. Douville.

5
6 MR. DOUVILLE: Thanks, Mr. Chairman.

7
8 I understand totally where you're
9 coming from, you know. It's an important resource.
10 It's an important resource. It's why Sitka is even
11 here. And I think you're on the right track, and
12 certainly that's where I would go if I were the tribe
13 here.

14
15 But it's not only here that we're
16 having this problem. It's also where I live. You
17 know, it used to spawn for two weeks, there is never
18 any hurry to get your batches, because there was plenty
19 of time. But now it's two to three days of spawn, too,
20 you know, and if you're not right at the ground floor,
21 you're not going to get any. You've missed. And
22 fortunately I have a user friend that shares, you know.
23 That's part of our culture.

24
25 In our neighborhood, the -- in the 60s
26 they had a wild harvest on kelp which took 150 tons of
27 -- 100 to 150 tons of raw wild kelp and harvested. And
28 they stopped it. And I asked John Balentine a couple
29 years ago why, and he said because it was killing the
30 resource. Today we have herring pounds there that are
31 taking near and sometimes more than 100 tons out of
32 their herring pounds. It's doing the same thing. So
33 it doesn't spawn on fish egg any more. It's restricted
34 to one little tiny area, and I think last year they
35 said there was 15 miles, and how they got 15 miles out
36 of that little place is beyond me.

37
38 But I fully understand, but here you
39 may have an opportunity to do an extraterritorial
40 jurisdiction thing, but in Craig we don't have that
41 opportunity. But we're fearful for the resource. We
42 have a bait fishery on it and a herring pound fishery
43 on it.

44
45 And historic -- there's a book that
46 documents salmon and salmon fisheries of Alaska that
47 documents Klawock Inlet being full of herring in the
48 wintertime. There was sea lions, whales there. It was
49 pretty common. We don't see any of that. The resource
50 is significantly diminished. But I would certainly

1 encourage you to follow your idea.

2

3 CHAIRMAN HERNANDEZ: Thank you, Mike.

4

5 Harvey, you have a comment.

6

7 MR. KITKA: And thank you, Mike.

8

9 As you know, Sitka is a little
10 different than a lot of places. We have one area
11 that's -- in our waters that is Federal property. This
12 is an area where the herring used to start spawning.
13 Since the fishery has started, they've kind of pushed
14 them away from this area. In the Makhnati Island area,
15 on both sides of that place was probably a starting
16 point of herring that spawned on both sides of our
17 sound. When the herring disappeared on the southside,
18 then we only had the one on the west side that came in
19 as a body. The ocean herring then used to come in on
20 both sides of our sound. It was a tremendous amount of
21 herring. I don't know where you got the baseline from,
22 but it's nowhere near what it used to be.

23

24 We had herring that came in in February
25 that stretched from Middle Island to Inner Point in the
26 deep Huntershatum (ph) trough. And it was so thick,
27 it's just unbelievable. And probably a million black
28 ducks out there, herring ducks that fed on them through
29 the winter. And on the south side it was the same way
30 in a deep trough. They'd come in in winter and then
31 they -- and then in the spring when it came time to
32 spawn, they herring that were in our bays came out and
33 started to false spawn, and the ocean herring came in
34 and mixed with them.

35

36 The older herring that were used to be
37 here, and that's -- some of our elders will tell us
38 that some of the older herring were 16-year-old
39 herring, and they were big herring. Now you're lucky
40 to get four-year-olds.

41

42 So for this reason, being as we've got
43 some Federal property that we can ask for
44 extraterritorial jurisdiction, so that will bring the
45 herring back within our sound, within our subsistence
46 areas. This is why we're asking for ETJ.

47

48 CHAIRMAN HERNANDEZ: Frank Wright.

49

50 MR. WRIGHT: Thank you, Mr. Chairman.

years ago my daughter came home. You know,
3 she came home from college, and I was cooking some
4 seaweed. And she was sitting there, and she just
5 stared at her plate and she says, Ummmmmm, can't wait.
6 You know, what's happening here is more than just
7 herring. By the way, my name is Shaaxunga from
8 Kaxatjaa hit, which our house is down the road here.
9 I'm a Klutnakati (ph) and Chookanidi. The reason why
10 I said that I talked to my daughter is that the seal
11 meat she was eating, if she lived in Anchorage, she
12 would never have eaten it. And my sister, her boys
13 never eat seal meat. My sister walked up to my
14 daughter and says, do you eat that? And I just looked
15 at my sister, and I almost said something to her, but I
16 just, my daughter eats that.

17
18 This herring thing is more that just
19 herring. It's survival of a culture. When this
20 herring is gone, which it sure looks like it's going to
21 happen, our young kids that are going to be wondering
22 what that is that's coming in. Are they going to be
23 eating it? Each time -- I always bring this up. Each
24 time one thing is eliminated from our culture, it
25 diminishes our culture. There are many thing that are
26 happening to our culture right now that are diminishing
27 us. Our true identity is disappearing because of the
28 way things are happening right now.

29
30 I know the herring -- you know, I'm a
31 fisherman. You know, I'll probably get in trouble,
32 because some of my friends are herring fishermen, for
33 speaking like this. But I have to -- I have to listen
34 to who I am as a Tlingit. Is a dollar more important
35 than who I am? I say not. My friendship to some of my
36 friends that are herring fishermen, I love them dearly,
37 but I'm more important, and my people are more
38 important.

39
40 So being a Tlingit and being a person
41 that eats herring, herring eggs as much as I possibly
42 can, I'm not going to diminish myself, or my grandkids.
43 My grandkids are coming up from Missouri. I give them
44 as much food as I can from my freezer. They may be
45 only a quarter, but they are part of me.

46
47 So the herring issue is a herring
48 issue, but survival of a people that is diminishing is
49 more important to me than the State saying, no, we've
50 got to keep it upon because of financial -- for

1 finances for the fishermen.

2

3 I always bring up the subject about
4 when I lived in Hawaii. You know what the people did
5 there? They brought mongoose on the big island. Now
6 most of the indigenous plants and birds are
7 disappearing because of the mongoose. They got
8 mongoose on the island because the mongoose was
9 supposed to take care of the rats. But mongoose play
10 during the day, the rats come out at night.

11

12 So whenever anyone messes with Mother
13 Nature, they screw it up. Look at the sea otter thing.
14 Here we're struggling to keep them out of Port
15 Fredrich, you know. I'm worried about the cockle bed
16 that's up the bay, you know. Don't screw with Mother
17 Nature. Look at the years ago that -- with the quota
18 was so high, and how many years in a row have they got
19 their quota since four or five years ago, and the
20 quotas always been high, but they never catch their
21 quota, but they still go after the quota. Last year I
22 think the quota was pretty -- wasn't that high, but
23 they still didn't get it. Well, (in Native tongue)
24 what's the matter, can't they figure it out?

25

26 Anyway, I think you should continue in
27 pushing where you are, going after territorial.

28

29 Gunalcheesh for listening to me.

30

31 CHAIRMAN HERNANDEZ: A comment, Harvey.

32

33 MR. KITKA: I probably have -- I could
34 probably talk for a long time, but I'll try to keep it
35 short.

36

37 Almost everything we eat in Southeast
38 has been hit by the commercial industry on herring.
39 There used to be a lot of herring around Ketchikan, and
40 then they fished that, and they fished it out. They
41 fished out the herring around Juneau. Some of the big
42 fisheries that happened within Hoonah and Pelican is
43 gone. Angoon the same way. Kake hasn't seen a herring
44 spawn in a long time. Craig has suffered because of
45 the fishery that happened there. Hydaburg, they fished
46 it out. It just took one time. Yakutat, the early
47 reduction plan fishery wiped that out, and it really
48 fluctuates trying to come back from that. It was so
49 long that they hadn't saw herring spawn within the
50 Yakutat bay, that after 50 years there was no little

1 kids that knew how to set the trees any more. It just
2 so happened that one of our people, that his wife came
3 from Yakutat, that he moved back to talk and show the
4 kids how to set the branches again. So this can
5 happen. And down in Puget Sound a lot of the Native
6 people down there don't even remember eating herring
7 eggs. So this is something of a big concern, and I
8 hope we can get something done here.

9

10 Thank you.

11

12 CHAIRMAN HERNANDEZ: Other questions
13 from -- Mr. Schroeder.

14

15 MR. SCHROEDER: Well, Harvey, thank you
16 so much for once again bringing this issue before the
17 Council. I see the inability and unwillingness of the
18 Federal program and the State program to address
19 customary and traditional use of herring roe to be a
20 major failure of both the State program, the State
21 subsistence law, and the Federal program.

22

23 I had the good fortune, as I mentioned
24 yesterday, to do a little bit of documentation on
25 herring roe harvest, and mainly to hear from elders
26 about what took place, including we have to mention
27 your father who was so wonderful in explaining
28 traditional harvest and methods and means to those of
29 us who were new to this area.

30

31 So this has been something that's been
32 going on for a really long time. As Harvey points out,
33 herring roe harvest in most of Southeast is just
34 history. You know, it's something where you kind of
35 have to look in the book and find out, oh, that's why
36 the -- that's why the Auke Tlingit were rich. They
37 used to have this great herring spawn in Auke Bay.

38

39 In Sitka, I went around with -- an
40 elder showed me herring trees. I'm not sure if they
41 were called herring trees, but for drying roe, branches
42 were trained out so they'd be kind of straight out like
43 a drying rack on islands, because the wind was really
44 good. And so then you'd have this great dried herring
45 roe. I'd never had dried herring roe, although I've
46 always looked around, you know. I always look like I
47 -- why don't you give me some of that. If it's really
48 good, why don't you let me taste it. But I don't know
49 if anybody's drying herring roe any more, and that was
50 a big piece of what Sitka was about, because that was a

1 trade good that went all over in Southeast, at least
2 from what I heard from I believe your dad and other
3 elders who are no longer with us.

4
5 So I just again highlight I think this
6 is like a -- we've had many successes on this Council
7 and through the Federal program, and also under the
8 State subsistence law. I think this is a major
9 failure, and I don't believe that we should take, oh,
10 well, we tried that last year and it didn't work as the
11 end of the story. I think that this Council should
12 push as hard as we can for using whatever means are
13 possible, and I think ETJ is about -- is one thing
14 that's on the table. I'd prefer if there could be some
15 negotiated and less confrontational solution to this.

16
17 Again, Harvey, thank you so much for
18 bringing this up and I hope you bring it up until it's
19 resolved. So the next generation keeps bringing it up,
20 and we'll get there.

21
22 Thank you.

23
24 CHAIRMAN HERNANDEZ: Harvey, do you
25 have a response.

26
27 MR. KITKA: Yeah, I'd like to respond
28 to Bob.

29
30 For the last 20 years we've been going
31 through the process of the State of Alaska with the
32 Board of Fish. We told them at this last Board of Fish
33 meeting that we've exhausted all our options. We
34 forgot about asking for a change in course on this last
35 one. The Kiks.adi clan put in an RC for, you know -- a
36 change request for herring and asking for a closure on
37 the herring. Monday of just last -- this week, they
38 voted on it at the Board of Fish meeting in Anchorage
39 and they shot it down six to one. So they're still not
40 listening to us.

41
42 Thank you.

43
44 CHAIRMAN HERNANDEZ: Mr. Howard, do you
45 have a question.

46
47 MR. HOWARD: Not so much a question,
48 Mr. Chair, as more of an observation.

49
50 Many on this -- in the RAC know that

1 I've taken a person's place when he passed away. And a
2 lot of his words still stay with me, and I thought of
3 it when I heard the gentleman speak about the wolves.
4 And this can apply straight across the board. I
5 remember at a meeting my first term as mayor, and we
6 were feeling bad, because all these young kids were
7 being introduced, because they have college degrees.
8 He said, you know, -- and he gets up in front of the
9 conference at the time and he said, some people are
10 educated beyond their intelligence. Some people
11 chuckled and some people got offended. But that's what
12 Floyd did. He told it like it was. And he said, let
13 me explain to you what I mean by that. He said, you
14 could have all the education you need, but if you don't
15 know how to apply it to life, people suffer. Our
16 resources are suffering.

17
18 Someone goes up in a plane and looks
19 down and says, oh, there's a lot of herring down there.
20 We'll let them catch a lot of it. It's interesting,
21 because while people are going to college, some of us
22 are living the life and pay attention to what nature's
23 telling us. That's part of the conversation I have
24 with my son. Pay attention to nature, it's going to
25 tell you. What do all these gears tell you we're
26 seeing this year? So expect not only to be careful,
27 but next year we're not going to have that many deer
28 because of the bear population.

29
30 So science is okay, but it can't be the
31 end-all, be-all to answer what's happening in nature.
32 Herring is a good example of why science-based, they
33 don't even know. Mr. Kitka's lived here his whole life
34 and he can tell you that the returns are diminishing.

35
36 I like my phone, because I can Google
37 stuff and when a herring spawns, it doesn't die, which
38 means it will come back next year. When you catch that
39 herring and put it in your boat, sell it to somebody in
40 Japan, that herring is never going to spawn again.

41
42 See, when Fish and Game comes and tells
43 you you've -- I've seen them do this to my brother-in-
44 law up north. This moose is -- this moose based on
45 science would have had this many calves, but since you
46 killed it, those calves are never going to exist. The
47 same thing applies to herring. When you take the
48 herring and all that herring roe and put it in the
49 boat, that herring's never going to spawn again. When
50 you take and allow it to spawn on kelp and then let it

1 go, by golly, they'll be back next year to do it again.

2

3

4 We have to change our way of thinking,
5 the economy-based way of thinking isn't working. I'm
6 in agreement with Mr. Wright. I'm a full-blooded
7 Tlingit in the Angoon Xudzidaa Kwaan Deisheetaan (ph),
8 because in the Tlingit way, an eagle is supposed to
9 introduce me, because I'm a raven. I'm full-blooded
10 Tlingit. You can even check some DNA, check see if my
11 food's in my DNA. Our elders talk about it being in
12 our DNA, and they're taking it out of there.

13

14 I'll give you an example. I heard the
15 young lady missing her food. I served in the 1st clef
16 (ph) 4. There's no fish, no trees, no none of that out
17 there. And my happiest memory of that time, my parents
18 sent me our food. They sent me dry fish, they sent me
19 everything they could send me that wouldn't spoil on
20 the way over. They sent me seaweed. They sent me
21 everything they could think of. That was my happiest
22 time over there. Everything else I'd rather forget.
23 So we have to do something.

24

25 It's our responsibility to our
26 grandchildren. Our children. To each other more than
27 anything.

28

29 And I appreciate the position you're
30 taking. And this takes me to a time when Angoon used
31 to come and help Sitka against the Russians. It's part
32 of our history. And we're going to be at the table.
33 I've talked to our tribal council, and it's part of
34 what we have to do for the next generation.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN HERNANDEZ: Thank you, Albert.

39

40 Harvey.

41

42 MR. KITKA: Thank you, Mr. Chair.

43 Thank you guys for listening to me.

44

45 Thank you.

46

47 CHAIRMAN HERNANDEZ: Yeah. Thank you,
48 Harvey, for making that declaration to us here today.
49 I guess we heard that you do intend to file a petition
50 and you -- I think I heard you say that you would be

1 asking for the Council's help on this. I guess I have
2 one question. I mean, what -- you've been on the
3 Council for a long time, and many of us on this
4 Council, maybe not all of us, have been through this
5 petition process before with the people from Angoon
6 when they filed. So what do you envision for the help
7 of the Council on this.

8

9 MR. KITKA: Thank you, Mr. Chair. In
10 the early times of coming to the Council meetings, the
11 Staff has always offered help to individuals or groups
12 that needed help in filing petitions or making up
13 petitions. So this is why we're -- the Kaagwaantaan is
14 asking for help on this.

15

16 Thank you.

17

18 CHAIRMAN HERNANDEZ: Okay. Thank you.
19 And, yes, the Council does have a role in this process,
20 and we will be asked to weigh in on it at some point,
21 and we'll be asked to look at all of the relevant
22 information, which is extensive, but I think one thing
23 I can assure you is that we will definitely be
24 listening to the log history of the Kiks.adi
25 Kaagwaantaan people in this issue. You will be hears,
26 so you can be assured of that.

27

28 Thank you.

29

30 I think that was all the people that
31 wanted to testify this morning. We need to take a
32 short break and then start deliberating on proposals.

33

34 (Off record)

35

36 (On record)

37

38 CHAIRMAN HERNANDEZ: Okay. The first
39 proposal is Fisheries Proposal 19-17. Analysis can be
40 -- Staff analysis can be found on Page 21 of our
41 Council books. And we have Pippa Kenner in front of us
42 here to give the analysis, so whenever you're ready,
43 Pippa.

44

45 MS. KENNER: Thank you, Mr. Chair and
46 members of the Council. Again my name is Pippa Kenner,
47 and I'm an anthropologist with the Office of
48 Subsistence Management. And again the beginning of the
49 analysis for FP19-17 is on Page 21.

50

1 So this proposal was submitted by the
2 Southeast Alaska Council, and it requests to modify the
3 customary and traditional use determinations for all
4 fish in the Southeast region to include all residents
5 of the Southeast region.

6
7 The Council stated that many existing
8 customary and traditional use determinations for fish
9 were carried over from State regulations and used
10 commercial fishing districts as boundaries. This
11 requested change will better reflect the actual
12 patterns of fish use in the Southeast region and reduce
13 unnecessary regulatory complexity. The proponent
14 states that the take of fishes is not managed by
15 customary and traditional use determinations. And it
16 realizes there should be no direct effect on the
17 conservation of fish populations, nor on sport,
18 recreational, and commercial uses. Subsistence users
19 will be able to continue their historical fish harvest
20 and use patterns without worrying about restrictive
21 geographic boundaries of existing customary and
22 traditional use determinations that defined where they
23 are eligible to fish under Federal regulations.

24
25 Now, for the purposes of fisheries
26 management, it is important to know that the Southeast
27 region is comprised of two fisheries management areas.
28 There's the Yakutat fisheries management area, what
29 I'll be calling the Yakutat area, and then there's the
30 Southeastern Alaska fisheries management area, what
31 I'll be calling the Southeastern area.

32
33 Now let's talk about the extent that
34 Federal regulations apply and therefore this customary
35 and traditional determination request.

36
37 For the Yakutat area, Federal public
38 waters are comprised of fresh waters running into the
39 Yakutat area. For the Southeastern area, Federal
40 public waters are comprised of fresh waters running
41 into the Southeastern area, except for areas up near
42 Haines, and some marine water, including in the
43 Makhnati Island area in Sitka Bay.

44
45 I'm going to go on and give a little
46 history. The regulatory history is long, and I'm going
47 to give you a summary of important points.

48
49 In 2010 the Secretary of the Interior
50 asked the Board to review the regional -- with Regional

1 Advisory Council input the customary and traditional
2 use determination process and present recommendations
3 for regulatory changes. In April 2014 as part of its
4 review of the process, the Southeast Council sent a
5 letter to the Board requesting an analysis of the
6 effects of possible changes to the customary and
7 traditional use determination process. The Southeast
8 Council observed that some customary and traditional
9 use determinations have resulted in unnecessary
10 closures to rural residents when no concerns for the
11 viability of a fish population existed; and that if
12 these concerns did exist, there was already a process
13 in regulation to restrict who can fish, hunt, or trap.
14 The process involved a determination of who is most
15 customarily dependent on the fish resource based on
16 three criteria found in ANILCA Section .804.

17
18 The Office of Subsistence Management
19 reported back to the Council in winter 2015 in a
20 briefing that was presented to all 10 Regional Advisory
21 Councils. The briefing indicated that Councils have
22 recommended and the Board has adopted determinations
23 that include entire management units or entire
24 management areas when residents of a community have
25 demonstrating taking fish or wildlife in only a portion
26 of a management unit or a management area.

27
28 The Council has not submitted a request
29 to the Secretary of the Interior to modify the
30 customary and traditional use determination process in
31 Federal regulations. Instead, the Council's stated
32 intent is to submit regulatory proposals to the Board
33 requesting to broaden the patchwork of customary and
34 traditional use determinations that currently exist in
35 the Southeastern area. Recently the Council submitted
36 Wildlife Proposal WP18-02 to expand the customary and
37 traditional use determinations for deer to include all
38 the Southeast region rural residents for deer in Units
39 1 through 5, which comprises the Southeast region, and
40 the Board adopted that proposal at it April 2018
41 regulatory meeting.

42
43 Now, there are certain criteria that we
44 use when we're evaluating proposals. And when we
45 evaluate customary and traditional uses, we don't use
46 the criteria for evaluating other harvest regulations
47 which are is the Council's recommendation to the Board
48 supported by substantial evidence. Does the
49 recommendation violate recognized principles of fish
50 and wildlife management, or would the recommendation be

1 detrimental to the satisfaction of subsistence uses and
2 needs.

3

4 Instead, we use eight factors, and I'm
5 looking on Page 33 of the analysis. A community or
6 area's customary and traditional use is generally
7 exemplified through these eight factors, and this is
8 the framework we'll be using to evaluate customary and
9 traditional uses for fish in Southeast Alaska.

10

11 One, a long-term, consistent pattern of
12 use excluding interruptions beyond the control of the
13 community or area.

14

15 Two, a pattern of use recurring in
16 specific seasons for many years.

17

18 A pattern of use consisting of methods
19 and means of harvest which are characterized by
20 efficiency and economy of effort and cost conditioned
21 by local characteristics.

22

23 Four, the consistent harvest and use of
24 fish or wildlife as related to past methods and means
25 of taking near or reasonably accessible from the
26 community or area.

27

28 A means of handling, preparing,
29 preserving and storing fish or wildlife which has been
30 traditionally used by past generations, including
31 consideration of alteration of past practices due to
32 recent technological advances where appropriate.

33

34 Six, a pattern of use which includes
35 the handing down of knowledge of fishing and hunting
36 skills, values and lore from generation to generation.

37

38 Seven, a pattern of use in which the
39 harvest is shared or distributed within a definable
40 community of persons.

41

42 And, eight, a pattern of use which
43 relates to reliance upon a wide diversity of fish and
44 wildlife resources of the area, and which provides
45 substantial cultural, economic, social and nutritional
46 elements to the community or area.

47

48 Now, I want to tell you further that
49 the Federal Subsistence Boards takes customary and
50 traditional use determinations, considers them based on

1 a holistic application of these eight factors. The
2 Board makes customary and traditional use
3 determinations for the sole purpose of recognizing the
4 pool of users who generally exhibit the eight factors.
5 The Board does not use such determinations for resource
6 management or for restricting harvest. If a
7 conservation concern exists for a particular fish
8 population, the Board will address that concern through
9 the imposition of harvest limits or seasonal
10 restrictions rather than through adjustments to
11 customary and traditional use findings.

12

13 So now I'm going to go and -- I'm
14 summarizing the analysis and I'm going to Page 35.

15

16 The list of customary and traditional
17 use determinations for fish is earlier in the analysis
18 and consumes three pages. I'm going to try to give you
19 an overview so you can understand them.

20

21 Okay. So the customary and traditional
22 use determination for fishes in the Southeast region
23 generally included only salmon, Dolly Varden, trout,
24 smelt, and eulachon, because these fishes are present
25 in fresh waters. And customary and traditional use
26 determinations in Federal regulations are primarily in
27 fresh water. Other communities have customary and
28 traditional use determinations for only salmon, Dolly
29 Varden, trout, smelt and eulachon.

30

31 For the backup. So customary and
32 traditional uses recognized by the Board form a complex
33 patchwork and briefly I will describe the
34 determinations in the following four points.

35

36 Okay. Angoon, Hoonah, Tenakee Springs,
37 Elfin Cove, Pelican, and Gustavus have a customary and
38 traditional use determination for all fish. The
39 Council seeks to expand these determinations
40 geographically to include all of Southeast Alaska.
41 Right now they've just been the community areas.

42

43 Two. Other communities have customary
44 and traditional use determinations for only salmon,
45 Dolly Varden, trout, smelt, and eulachon. The Council
46 seeks to expand these determinations geographically to
47 include all of Southeast Alaska.

48

49 Number 3. There's areas that you can
50 see on Page 36 and 37 in Figures 1 and 2 where -- well,

1 for instance, in District 1 Remainder, 4, 9B Remainder,
2 10 Remainder, 11, 13B Remainder, and 15 in the
3 Southeastern Alaska area, and the remainder area of the
4 Yakutat area have no customary and traditional use
5 determinations for salmon, and all rural residents of
6 Alaska are Federally-qualified subsistence users. And
7 the Council seeks to limit eligibility to include only
8 residents of Southeast Alaska. So let me go to those.

9
10 So I'm on Page 36, and I'm looking at
11 the map of the Southeastern Alaska management area and
12 what is -- mine is in black and white. So what I'm
13 highlighting here is this area called the remainder
14 area. In those areas the customary and traditional use
15 determination only includes salmon -- includes salmon,
16 but for all rural residents of Alaska. And then on the
17 Yakutat area, on Page 37 I'm looking at the dotted
18 portion which says all rural residents. So there's no
19 C&Ts for salmon there, so all rural residents are
20 eligible right now.

21
22 And finally, Point 4, customary and
23 traditional use determinations for marine fishes have
24 not been adopted for Southeast Alaska, and all rural
25 residents of Alaska are Federally-qualified subsistence
26 users. The Council seeks to limit eligibility to
27 include only residents of Southeast Alaska.

28
29 The C&Ts in Southeast Alaska for fish
30 are complicated, and that was my attempt to summarize
31 it.

32
33 Now we have these eight factors, but
34 for many if not most of the communities in Southeast
35 Alaska, there is an existing customary and traditional
36 use determination. The Board has recognized customary
37 and traditional uses of fish, and for the purposes of
38 this presentation, we're going to really focus on the
39 area of use, it's expanding those to areas beyond what
40 they are now.

41
42 And so historically -- I'm looking at
43 Page 38. So historically people in the Southeast
44 region have taken fish from bays and streams that they
45 either traditionally owned or had permission to use.
46 Traditional claims made to specific streams and clan
47 leaders controlled access and use of the resources
48 there. Infringement on streams was a serious offense
49 and could result in retribution. These clan-owned
50 areas are documented in many forms, including in

1 Goldschmidt and Haas' report, Haa Aani, Our Land, and
2 many ethnographies. Not all of the streams that were
3 traditionally used were adjacent to villages, and
4 historically people sometimes traveled quite far to get
5 fish or they acquired fish while engaged in hunting or
6 trapping. As people throughout the Southeast region
7 began taking part in commercial fisheries, subsistence
8 fishing often took place immediately before, during, or
9 after commercial openings.

10

11 This pattern of harvest, including
12 fishing in streams closely accessible, and those in
13 different parts of the region persist in contemporary
14 life. People in the Southeast region travel from home
15 to other communities for many reasons, such as to visit
16 family and friends and to harvest wild resources, to
17 commercial fish, for potlatches and other cultural
18 celebrations, and to return to traditional clan and
19 Kwaan territories.

20

21 Page 38 begins a part of the analysis
22 that is the harvest and use of fish estimates. And
23 just to kind of punctuate how important fish is in this
24 area I'll do a really quick summary of it.

25

26 So the harvest estimates that are
27 readily available were collected by the Alaska
28 Department of Fish and Game, Division of Subsistence in
29 collaboration with rural communities in the Southeast
30 for specific study years between 1983 and 2015. During
31 those surveys, annual community harvest of fishes have
32 consistently been over 50 percent of all wild resources
33 harvested for subsistence by community in pounds edible
34 weight. Salmon were used by over 80 percent of
35 community households in all but six of 70 survey years.
36 And results for non-salmon fishes are similar.

37

38 Salmon were and continue to be the
39 mainstay of the economy, and the most important group
40 of subsistence species for Southeast region communities
41 compared to other categories such as land mammals,
42 marine mammals and birds and eggs. Halibut, herring,
43 including roe and spawn, rockfish, including black and
44 yellow eye, are harvested at the highest levels
45 compared to other fishes. In some communities smelt,
46 eulachon, cod, both Pacific and tom, Dolly Varden,
47 Trout, including cutthroat, rainbow, and steelhead, and
48 sole are also harvested at higher levels compared to
49 other fishes. Smaller numbers of sable fish, which is
50 black cod, grayling, ling cod, shark and sculpin are

1 also harvested.

2

3 The OSM preliminary conclusion is on
4 Page 40 and it's to support Proposal FP19-17. And I'll
5 summarize why.

6

7 Rural residents of the Southeast region
8 have demonstrated customary and traditional uses of
9 fishes in the Southeast region according to
10 ethnographic descriptions and harvest documentation.
11 Currently there's a confusing regulatory complexity in
12 which it has been difficult for subsistence users to
13 know where they can fish under Federal regulations.
14 People in Southeast Alaska travel from home to other
15 communities for many reasons, such as to visit family
16 and friends, to harvest wild resources, to commercial
17 fish, for potlatches and other cultural celebrations.
18 At these times they need to be able to continue long-
19 standing patterns of fishing. Expanding Southeast
20 Alaska customary and traditional use determinations for
21 fish to include all rural residents of Southeast will
22 allow for these uses.

23

24 Again, I'm Pippa Kenner and I work for
25 OSM, and that's the end of my presentation, and I'm
26 prepared to answer questions.

27

28 CHAIRMAN HERNANDEZ: Yeah. Thank you,
29 Pippa. You did a real good job of summarizing a huge
30 amount of information and kind of boil it down to some
31 essential things we need to know, so appreciate that.

32

33 Questions from the Council.

34

35 Harvey Kitka.

36

37 MR. KITKA: Thank you. I'm noticing
38 that there was no mention of herring that's taken on
39 Federal public lands. I realize that maybe National
40 Parks aren't Federal public lands, but there are a lot
41 of places where the herring are taken that are adjacent
42 to so many places. And herring has always been part of
43 our early subsistence, so I just wanted to mention
44 that.

45

46 CHAIRMAN HERNANDEZ: Yeah. Do you have
47 a response for Harvey, or it's just an observation I
48 guess.

49

50 Any other questions.

1 Albert.

2

3 MR. HOWARD: Thank you, Mr. Chair.

4

5 Is there a reason why king salmon isn't
6 on this list. It seems to me that -- Mr. Chairman.
7 The reason I ask is because king salmon was closed when
8 everyone in Angoon was excited to go try their luck,
9 because there wasn't any other resource available in
10 the spring. So if possible, I'd like it added to this
11 list.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN HERNANDEZ: Okay. Thank you,
16 Albert.

17

18 Other questions.

19

20 Mr. Schroeder.

21

22 MR. SCHROEDER: Thank you, Pippa. I
23 think you had to go through a lot of material for this,
24 for doing something that's really simple and probably
25 should have been done many, many years ago.

26

27 I think when you look at the complexity
28 of the regulations, either Page 26 through 28 with the
29 strikeouts or the previous without the strikeouts, 23
30 through 25, if we're talking about a bureaucratic mess,
31 this is a bureaucratic mess. And from my experience
32 when I was working in this field, even though this was
33 our job to know what C&T things applied, nobody could
34 remember them. Like you'd have to get out the book.
35 And, you know, this is just really an example of
36 government gone bad.

37

38 I do have one correction for you on
39 Page 29, and it -- a historic note, the joint Boards of
40 Fisheries and Game, they don't -- the joint Boards
41 didn't make customary and traditional use
42 determinations. Those were made by individual boards.
43 What the joint boards did was they sat down and they
44 decided who -- which communities were rural
45 communities, and then the individual Boards went their
46 way to do customary and traditional use determinations.

47

48 I don't -- another point. I don't now
49 if we need to change this. Just looking at Page 35,
50 the Council idea for this proposal was based on our

1 many years, I think going back probably six years or
2 so, of working on the general question of customary and
3 traditional use determinations and how they should be
4 made. I don't really think that it's necessary to
5 document our effort. It would be good to reference
6 that somewhere in this analysis, because this Council
7 spent a lot of energy on trying to figure out what to
8 do with C&T determinations.

9
10 In that respect, the points 1, 2, 3,
11 and 4 are accurate in that they say what the effect of
12 the regulation would be, but this Council didn't want
13 to expand anything or limit anything. What this
14 Council wanted to do was rationalize C&T
15 determinations, get rid of the complexity, and
16 recognize what people actually do out there. So we had
17 no discussion on specifically how we wanted to limit
18 anybody, and we definitely didn't want to expand
19 anybody. So we could take that as just wording or that
20 could be an action to more clearly reflect what the
21 Council had in mind.

22
23 Thank you.

24
25 CHAIRMAN HERNANDEZ: Do you have a
26 response, Pippa, or is it just for your information.

27
28 MS. KENNER: I don't. Again, this is
29 Pippa Kenner with OSM. Thank you very much for the
30 question. Mr. Chair.

31
32 I understand precisely what the member
33 was pointing out, and I think this can be I'm going to
34 fix this with no action necessary. And probably we
35 won't even need an addendum, because my statement that
36 the Council seeks is clearly wrong, but we can just say
37 the effect of this would be to. So I really appreciate
38 the member pointing that out, and the importance of
39 what the member's saying that what the Council was
40 seeking was a -- I'm not going to say a new way, but a
41 better way for the Board to respond to requests for
42 customary and -- for requests for the Board to
43 recognize customary and traditional uses.

44
45 So thank you.

46
47 CHAIRMAN HERNANDEZ: Could you tell us
48 specifically where we're looking at there? I can't
49 find it.

50

1 MS. KENNER: Thank you for the
2 question, Mr. Chair. We're on Page 35. Under the
3 introduction, there's four points. The last sentence
4 in each of those four points says the Council is
5 requesting. And what the member explained is that that
6 would be an effect of the Council's request, but that's
7 not what the Council -- it doesn't accurately reflect
8 the Council's request.

9
10 CHAIRMAN HERNANDEZ: Okay. Thank you.
11 I wanted to see it here in writing so I'd know what we
12 were talking about.

13
14 Any other questions.

15
16 Mr. Howard.

17
18 MR. HOWARD: Thank you, Mr. Chairman.

19
20 I've been in front of the Board of Fish
21 and you say that this isn't going to be used to
22 determine bag limits or anything else. But what
23 happens is someone from -- oh, as an example, since I
24 have trolling permit, someone from the Trolling
25 Association will come in and say, based on your report,
26 Angoon only used so much fish, so why do they need so
27 much fish? You should allocate more king salmon to the
28 trollers based on your report. So in a way you're not
29 going to use this by any agency to regulate it, but a
30 user group's going to use it to make their point. The
31 local IRA in Angoon no longer wants to give Fish and
32 Game or anyone or anyone else any kind of information
33 on what we use in Angoon. So you're not going to get
34 an accurate customary and traditional use determination
35 out of Angoon, because we've seen this type of
36 information used against us to regulate us.

37
38 So I have concerns about even creating
39 a document of this type based on that alone. I mean,
40 it just causes concern that somebody's going to use it.
41 It may not be a regulatory agency, but it may be
42 someone who's trying to make their point. It's
43 documented, this is what it says. It's science is what
44 they're going to say.

45
46 Well, my science is going down on the
47 beach, because my parents told me to when I was a young
48 kid, and seeing a gentleman, George Stroy Meyer with a
49 boat load of fish. The boat was probably 16 feet long
50 and I was surprised it floated back to the beach it was

1 so full of salmon.

2

3 So that's our economy. When you have
4 80 percent unemployment, what do you do? You go
5 fishing and you get as much as you can to make it
6 through the winter, because you have kids to feed.
7 Everything has a reason and a purpose, and we adjust
8 our lives based on what's available to us. If we don't
9 have construction jobs in the summer we fish more, we
10 hunt more, we put things away more.

11

12 So this isn't very accurate, and I
13 still have concerns about even the information I'm
14 reading. Two and a half pounds of rockfish. If I came
15 across rockfish and I needed food, I guarantee you it
16 would be more than two and half pounds I'd take home,
17 because there's people that have to eat.

18

19 So I'm hoping this doesn't come back
20 and bite our community. This could be another one of
21 those unintended consequences, but we decided to do it
22 anyway.

23

24 So thank you, Mr. Chair.

25

26 CHAIRMAN HERNANDEZ: Thank you.

27

28 Response, Pippa.

29

30 MS. KENNER: Thank you, Mr. Chair, and
31 thank you, Mr. Howard, for your comment.

32

33 That was such an important comment I
34 feel like I really want to respond to it. I'm very
35 sympathetic to the experience of Angoon. And this is a
36 concern all across rural Alaska.

37

38 And so the first thing that I'd like to
39 say is that ANILCA Title 8 and the subsistence priority
40 isn't based on need. It's based on opportunity. And
41 it's based on the opportunity to be able to fish, hunt,
42 or trap. And the only time that opportunity should be
43 restricted is during specific situations when -- one of
44 those reasons is for conservation, for the viability of
45 the resource. So it's not based on need.

46

47 So when the Alaska Department of Fish
48 and Game Subsistence Division does these survey's,
49 first of all I want to tell you we consider them the
50 gold standard. They are done with not only permission

1 from regional tribal groups or organizations, but down
2 to the community and then based on the informed consent
3 of each individual. There are people who don't
4 participate in the surveys. You know, people are
5 welcome to decline, there are people who we can't find
6 when we do the surveys. And additionally, in the
7 reports it will explain that these are generally
8 considered minimum estimates, and that what we know
9 about subsistence harvest is that they fluctuate
10 between species and from year to year based on the
11 availability of the species, and whether or not people
12 have enough money for the equipment they need to go out
13 and get them. So generally those numbers are hedged
14 with a lot of explanation of what they mean.

15
16 The primary reason why Subsistence
17 Division collects the information is to document
18 customary and traditional uses. That's to show that
19 there is harvest, there is use, period. That's what
20 they're used for.

21
22 There are other questions about
23 sharing, where did you get it in use areas, but the
24 harvest numbers themselves are used primarily to just
25 document use. So that's not countering your
26 statements, it's just giving you a little more
27 information about how we -- we do understand what
28 you're saying and we try to be careful when we use
29 these numbers.

30
31 The other thing was the harvest per
32 pound -- the harvest by pound per person, by community,
33 by year. It's important to remember that's just a
34 measurement. It's not saying that everybody in the
35 community uses two pounds of rockfish. It's saying if
36 you considered everybody in the community at that time
37 and averaged it out, the harvest rate is two fish per
38 person in the for example. What that does, it helps us
39 correct for populations. So one year you see a harvest
40 of 100 rockfish, for example, and the next year you see
41 a harvest of 200 rockfish, for example. And when you
42 see those numbers, you want to know, well, did the
43 population grow, is that why they harvested more? Or
44 were more available or did they want more. And so when
45 you demonstrate that harvest by person, it lets you
46 correct for that population to see why; it's one view
47 into why the rate of harvest might have increased or
48 decreased.

49
50 So thank you very much for letting me

1 explain that.

2

3 Thank you.

4

5 CHAIRMAN HERNANDEZ: Yeah. Albert, I
6 think that was a pretty good explanation. I might want
7 to point out that I think some of what you are
8 concerned about kind of involves more with what State
9 management has been in your area. And the State will
10 be up to testify here shortly, so if you want to
11 revisit it then perhaps. Okay.

12

13 MR. HOWARD: Thank you, Mr. Chair.

14

15 The point I was making was if I wanted
16 to testify and say that the trollers needed more fish,
17 and based on their numbers, that it shows that Angoon's
18 only used so much fish, so why do they need what they
19 need; why am I as a troller being told I can't catch as
20 much when it shows that there's no conservation concern
21 for this population or this species of fish. That's
22 how it's going to be used is what I'm saying. I'm not
23 -- you know, I'm not saying the agency is going to use
24 it that way, but other user groups are going to use it
25 that way. As an example, the herring. When we go
26 there and say there's a conservation concern, they're
27 going to say, well, customary and traditional use was
28 they only put two trees out. So in that regard, we
29 should still be allowed to catch 30 tons of herring.
30 So that's the point I'm making is at some point
31 somebody is going to use this information in that
32 capacity. I mean, I have to think of -- I probably
33 spend more time than I should, but I have to look at it
34 from all angles.

35

36 I sit and think of my grandfather one
37 day standing on the river fishing like he's done for
38 entire life to take care of his family. He knows what
39 he needs exactly. It may be 1,000 sockeye or 1,000
40 pinks for the -- to get his family through the winter.
41 And somebody came along and says you can no longer do
42 that. That's gradually happening in every aspect of
43 who we are.

44

45 As an example, I mention my son's
46 mother is from the Yukon River. My first impression of
47 going up there, Garfield George asked me, so how was
48 it. I said, if it flies, swims, walks or runs, they
49 shoot it, take it home and eat it, and nobody tells
50 them otherwise. To me, that should be customary and

1 traditional use down here. I should be able to go out
2 and get what I need to feed my family. It's human
3 nature. It should be a human right. It's something
4 we've done forever. You shouldn't tell us you can't do
5 that any more. That's customary and traditional use in
6 my mind, something I have always done.

7
8 You don't have king salmon on here. I
9 hear stories of Liz Frank going out in a rowboat, hand-
10 lining king salmon that nowadays people are excited to
11 take pictures with. They did it and took it home and
12 ate it. They didn't take pictures. They didn't
13 glorify it or anything, but it's part of who we were,
14 and it's not being recognized. And in my mind, if it
15 isn't recognized, if it isn't in black and white, then
16 it's not true.

17
18 So that's the point I'm trying to make,
19 Mr. Chairman.

20
21 Thank you.

22
23 CHAIRMAN HERNANDEZ: Yeah. And thank
24 you for that, Albert.

25
26 And I guess I would like to point out,
27 you know, to everybody on the Council as we enter into
28 this, you know, proposal phase here, that, you know,
29 Pippa's here to provide information and we, you know,
30 ask her questions. Some of what, you know, you're
31 telling us there is things that we probably need to
32 discuss when we actually deliberate on the proposal
33 itself amongst the Council. So, you know, this is a
34 reminder, let's try and keep it to an informational
35 basis in this portion, and discuss merits of the
36 proposal when we go into deliberations. And we do have
37 other people that are going to be coming before us here
38 commenting on this.

39
40 Any other questions for Ms. Kenner.

41
42 Comment.

43
44 MS. KENNER: Thank you, Mr. Chair.
45 This is Pippa Kenner with OSM.

46
47 I'd like to answer one of Mr. Howard's
48 questions. And that is I just want to point out that
49 we talk about salmon in the analysis; we don't
50 specifically about king or Chinook salmon, but we do

1 talk about -- it is included in the C&T. And that Mr.
2 Howard's interpretation of what's customary and
3 traditional is exactly the information that we're
4 looking for, and that's what we're trying to respond to
5 in this analysis, that's it broader than a number or an
6 area, or one observation. It's a way of life.

7

8 So thank you, Mr. Chair, for letting me
9 state that.

10

11 CHAIRMAN HERNANDEZ: Yeah. Thank you.

12

13 Other questions.

14

15 (No comments)

16

17 CHAIRMAN HERNANDEZ: I have one. Going
18 back to Page 35 on point number 4 on the introduction
19 there, when it says customary and traditional use
20 determinations for marine fishes have not been adopted
21 for most of the Southeast region and all rural
22 residents of Alaska are therefore Federally-qualified
23 subsistence users. The Council seeks to limit
24 eligibility to include only residents of Southeast
25 Alaska. When you say -- when we're talking about
26 marine fishes, would that be all the other species like
27 the rockfish, black cod, all of those things?

28

29 MS. KENNER: (Nods affirmatively)

30

31 CHAIRMAN HERNANDEZ: Okay. And those
32 species are only found in marine waters.

33

34 MS. KENNER: (Nods affirmative)

35

36 CHAIRMAN HERNANDEZ: We're -- you
37 know, we do not have direct jurisdiction over those
38 types of fishes except for apparently -- you say up in
39 the introduction, some marine waters are Federal public
40 waters, such as around Makhnati Island. So it sounds
41 to me like just very small examples of near Sitka here
42 where we actually do have jurisdiction over management
43 of those marine fishes; is that what that's saying?

44

45 MS. KENNER: Thank you, Mr. Chair.
46 This is Pippa Kenner with OSM.

47

48 Yes to all your questions, and in
49 Federal public waters the subsistence harvest, there is
50 -- it is managed by the Federal Subsistence Board, yes.

1 CHAIRMAN HERNANDEZ: One other question
2 to go along with that. So when you say customary and
3 traditional use determinations have not been adopted,
4 is that the same thing as saying that there are
5 customary and traditional uses?
6

7 MS. KENNER: Thank you for the
8 question, Mr. Chair. No, it is not -- it does not mean
9 that.
10

11 CHAIRMAN HERNANDEZ: Do you want to
12 kind of explain the wording of this maybe. Kind of the
13 difference between not having a customary and
14 traditional finding and a customary and traditional use
15 not existing?
16

17 MS. KENNER: Thank you for that, Mr.
18 Chair.
19

20 I was just thinking about how far to go
21 back, you know. The beginning of the earth or maybe
22 just what's happened the last few years. We still have
23 areas, geographic areas that contain species for which
24 the Board has never recognized customary and
25 traditional uses. Didn't come over from State
26 regulations, and nobody's ever asked for it. In most
27 of those cases, what the Board determined would happen
28 is that those so-called C&T determinations would come
29 across as open to all rural residents. So there hasn't
30 been a determination; however, it is assumed those
31 customary and traditional uses exist, and until they're
32 identified, all rural residents are eligible to hunt,
33 fish, and trap under Federal regulations.
34

35 CHAIRMAN HERNANDEZ: Thank you. Very
36 good explanation. I appreciate it.
37

38 Any other questions.
39

40 (No comments)
41

42 CHAIRMAN HERNANDEZ: Okay. Thank you,
43 Ms. Kenner.
44

45 MR. KITKA: I think time for a break
46 again.
47

48 CHAIRMAN HERNANDEZ: You need another
49 break?
50

1 MR. KITKA: Yeah.
2
3 CHAIRMAN HERNANDEZ: Yeah. It's
4 turning out to be lengthy. We could take a short
5 break. Let's kind of keep it to five minutes though.
6
7 (Off record)
8
9 (On record)
10
11 CHAIRMAN HERNANDEZ: Okay. We'll get
12 back to our fisheries proposal here. And do we have
13 some -- well, let's see. First off we want to ask if
14 there's any reports on tribal or corporation
15 consultation in regards to this proposal. And I don't
16 know if anybody's on the phone with any testimony from
17 tribal or corporation consultations.
18
19 I see Carl Johnson coming to the table.
20
21 Carl.
22
23 MR. JOHNSON: Yes. Thank you, Mr.
24 Chair. And good morning. Carl Johnson for the record.
25
26 This part on your procedures is
27 actually if there is a report on the tribal and ANCSA
28 consultations that were conducted on behalf of the
29 Board previously. So there's always an advance
30 consultation session in advance of the fall meeting
31 cycle. And we have not received the report for those
32 consultations, so later on in the procedure is when
33 you'll call from tribal comment.
34
35 This is just for that report.
36
37 CHAIRMAN HERNANDEZ: Okay. Thank you.
38 Then I think next up would be Alaska Department of Fish
39 and Game.
40
41 Go ahead.
42
43 MS. SILL: Thank you, Mr. Chair.
44 Members of the Council. My name is Lauren Sill. I'm a
45 subsistence resource specialist with the Department of
46 Fish and Game. I have some comments to provide on
47 FP19-17.
48
49 ADF&G is neutral on eligibility
50 requirements for participation in the subsistence

1 program provided under ANILCA; however, we do recommend
2 a thorough and careful review of the data relevant to
3 the eight criteria for those areas that currently lack
4 a C&T finding.

5
6 And actually I had some additional
7 background information on C&T findings from the State
8 side. Subsistence fishers are provided throughout the
9 Southeast and Yakutat area under State regulations.
10 Federally-qualified users are also subsistence users
11 under State regulations and are able to fish in any of
12 the State subsistence fisheries.

13
14 Federal C&Ts were adopted from State
15 C&Ts, and the State C&Ts were originally determined
16 based on a community's local resource uses. The local
17 harvest patterns took into account a community's
18 traditional use areas as well as their more
19 contemporary use areas.

20
21 Some areas were not included in State
22 C&T determinations. There are two non-subsistence
23 areas under State regulation. One around Ketchikan,
24 and one around Juneau. And the Juneau one includes the
25 transboundary Taku River which is managed under the
26 auspices of the Pacific Salmon Treaty. And
27 additionally there were no C&T findings found for
28 waters that were outside of local community's areas.

29
30 While salmon are found and harvested
31 throughout Southeast Alaska and Yakutat, steelhead
32 trout and eulachon in particular are found in discrete
33 systems and not all residents have traditionally
34 harvested these species.

35
36 Adoption of this proposal would
37 increase the pool of subsistence users eligible to
38 participate in opportunities provided under ANILCA. If
39 the proposal were adopted, users from outside local
40 communities will be able to harvest fish from systems
41 potentially unable to provide the desired amounts,
42 challenging the State's ability to manage fishery
43 resources sustainably.

44
45 Impacts to other users if this proposal
46 were adopted would depend on future actions taken by
47 the Federal Subsistence Board.

48
49 Conservation concerns exist throughout
50 Southeast and Yakutat for certain populations of

1 Chinook and sockeye salmon, steelhead trout and
2 eulachon. Several Chinook salmon systems, the Chilkat
3 king salmon and Unuk Rivers were defined as stocks of
4 concern by the State Board of Fisheries and detailed
5 management plans were adopted limiting harvest
6 opportunities and subsistence, personal use,
7 recreational and commercial fisheries.

8

9 And those are all the comments, so
10 thank you for the opportunity to provide a comment.

11

12 CHAIRMAN HERNANDEZ: Any questions for
13 Ms. Sill.

14

15 (No comments)

16

17 CHAIRMAN HERNANDEZ: I'm not seeing
18 any. Thank you very much.

19

20 So any other Federal agencies that wish
21 to comment on this.

22

23 (No comments)

24

25 CHAIRMAN HERNANDEZ: Tribal entities in
26 the house want to comment.

27

28 (No comments)

29

30 CHAIRMAN HERNANDEZ: Do we have any
31 written comments from advisory groups, other Regional
32 Councils.

33

34 (No comments)

35

36 CHAIRMAN HERNANDEZ: Do we have any
37 written public comments. I'm looking to our
38 coordinator here to see if we have any of these.

39

40 MS. PERRY: We do not have any written
41 public comments.

42

43 Mr. Chair. Thank you.

44

45 CHAIRMAN HERNANDEZ: Any further public
46 testimony on this proposal.

47

48 (No comments)

49

50 CHAIRMAN HERNANDEZ: Okay. Seeing

1 none, what's the wish of the Council regarding
2 Fisheries Proposal 19-17.

3
4 Harvey.

5
6 MR. KITKA: Thank you, Mr. Chair. I
7 move we adopt FP19-17.

8
9 MS. NEEDHAM: Second.

10
11 CHAIRMAN HERNANDEZ: Second by Cathy.
12 Ms. Needham.

13
14 Okay. It's open for discussion.

15
16 Harvey.

17
18 MR. KITKA: I believe when we talked
19 about this last time I said it was long overdue. Most
20 of the regulations like this were at kind of limited
21 places. It's always been our custom when our clans
22 have memorial parties that some of our clan brothers
23 and sisters come from other communities and be allowed
24 to hunt or fish now. It is very important to help the
25 clans that are having the party. The way the
26 regulations were before, we couldn't do that in some
27 places. This kind of will bring it back to where our
28 brothers and sisters can help us as we need it.

29
30 Thank you.

31
32 CHAIRMAN HERNANDEZ: Thank you, Harvey.

33
34 Anybody else want to weigh in on this
35 one.

36
37 Mr. Schroeder.

38
39 MR. SCHROEDER: Thank you, Mr. Chair.

40
41 This proposal, if adopted, I think
42 would be the -- we could see it as a culmination of
43 this Council's really careful work on reviewing the C&T
44 determination process, and really it's the culmination
45 of six or seven years of work in trying to get the C&T
46 process to accurately reflect both, as Harvey said,
47 what people do as well as to be in line the clear
48 intent of ANILCA, which authorizes our existence. So I
49 think we should give ourselves a pat on the back with
50 this, and I'll certainly be supporting this proposal.

1 CHAIRMAN HERNANDEZ: Anybody else.

2

3 Mr. Douville.

4

5 MR. DOUVILLE: Thank you, Mr. Chair.

6

7 I'll be supporting this proposal.

8 We've been working on this for a very long time,

9 probably almost as long as I've had a seat on this

10 Council. And I'm happy to see it progress this far.

11 One of the main reasons was that it was restrictive to

12 users in times of abundance. And this will take care

13 of that. And that was one of the main reasons that we

14 are here was because of that particular reason.

15

16 Thank you.

17

18 CHAIRMAN HERNANDEZ: Thank you, Mike.

19

20 Anybody else.

21

22 (No comments)

23

24 CHAIRMAN HERNANDEZ: I would like to

25 just say myself that in order to address, you know,

26 some of the requirements here for adopting a proposal,

27 should we decide to do this, were there any

28 conservation concerns addressed in this proposal.

29

30 Wait a minute, I see a hand from Ms.

31 Kenner. Go ahead.

32

33 MS. KENNER: I'm really sorry to

34 interrupt, Mr. Chair. This is Pippa Kenner with OSM.

35

36 So for the purposes of customary and

37 traditional uses, we are now going to look at eight

38 factors instead of the three you have on your card, and

39 those eight factors were on Page -- is it 33 I think.

40 I just wanted you to be aware of that, because you're

41 -- the three factors for -- the three issues for

42 adopting other harvesting regulations have a lot to do

43 with things like conservation. And for purposes of the

44 C&T, we're not going to be looking at that, at

45 conservation.

46

47 CHAIRMAN HERNANDEZ: Thank you very

48 much for pointing that out. I should have realized

49 that. I was kind of forgetting some basic procedures

50 here. So, yeah.

1 So does anybody -- would anybody like
2 to address how this -- how the eight factors kind of
3 weigh in on our process here for this proposal.

4

5 Mr. Schroeder.

6

7 MR. SCHROEDER: Hopefully I can do
8 that. We heard in the Staff presentation a summary of
9 the eight factors for determining customary and
10 traditional use. And in our documentation and previous
11 actions on the way we believe our customary and
12 traditional use determinations should be made, or how
13 the eight factors should be considered, we have a good
14 record on that. The Council says that they will look
15 at these things and consider them when it examines
16 customary and traditional use.

17

18 The analysis provided by OSM is pretty
19 complete in that respect. And I'd also note that if we
20 look at the bibliography, the literature cited on Page
21 40, 41, and 42, there are approximately 10 in-depth
22 studies of community studies that lay out what
23 subsistence use patterns happened in different
24 communities around Southeast, as well as other studies
25 that summarized subsistence use in the region or for
26 particular communities.

27

28 So in my view that we have considered
29 the eight factors, and we considered the eight factors
30 when we developed this proposal, and we've heard the
31 Staff analysis that does a really good job of laying
32 out those eight factors, and we have reference material
33 before us. So I have no qualms in saying that we can
34 support the proposal on that basis.

35

36 Thank you.

37

38 CHAIRMAN HERNANDEZ: Yeah. Thank you,
39 Mr. Schroeder.

40

41 Mr. Douville.

42

43 MR. DOUVILLE: I agree with mr.
44 Schroeder. And without listing eight factors, I have
45 gone through them and I don't see where this proposal
46 has conflict with any one of them.

47

48 CHAIRMAN HERNANDEZ: Very good. Thank
49 you.

50

1 MS. NEEDHAM: Question.

2

3 CHAIRMAN HERNANDEZ: The questions been
4 called for.

5

6 Oh, Albert, did you have something.

7

8 MR. HOWARD: Just real quick.

9

10 Things are done different in each
11 community. This is a broad -- as an example, I went to
12 Hoonah and hunted. They hunt different there, so eight
13 of those things are probably different in Hoonah than
14 they are in Angoon is what I'm saying. I've learned
15 some things from my uncles in Hoonah that I've never
16 seen before on how things were done there. So there is
17 a conflict between how things are done in Angoon and
18 how things are done in Hoonah.

19

20 I appreciate all the work that's gone
21 into this, but we're taught at home that this type of
22 document speaks for Angoon, but this type of document
23 doesn't have input from Angoon.

24

25 I mentioned a gentleman, Garfield
26 George. He always tells me, that's not my house, so
27 that's none of my business. Don't speak for them.
28 It's like when my father passed away. He's Eagle/Shark.
29 I'm Raven/Sea Pigeon, so whatever happens with my dad's
30 possessions is none of my business. That's how I
31 looked t this document, is everyone should have their
32 own determination of customary and traditional use. So
33 that was the only point I was trying to make was that
34 Angoon's numbers aren't reflected in here for the
35 reason I have mentioned, because those types of numbers
36 have been used against us in the past to determine what
37 someone else thinks is best for us, what someone else
38 thinks we should use.

39

40 In my mind, customary and traditional
41 use should be worded what is necessary to feed your
42 family based on human rights. We've done it forever,
43 and now things we've always done we could possibly go
44 to jail for if we continue to do that. And people at
45 home know that. So everyone as their own definition of
46 customary and traditional uses, and I'm taught if I
47 don't say something, I agree with what's in front of
48 me. I don't think this adequately represents Angoon as
49 a customary and traditional use.

50

1 It's interesting that you recognize our
2 traditional use areas when it comes to this, but they
3 don't recognize our traditional use areas when it comes
4 to resource management. If you allow us to manage our
5 customary and traditional use areas, and the resources
6 within it, I guarantee you you'll see a difference.
7 You will see a resource tat's managed for abundance.

8
9 Thank you, Mr. Chair.

10
11 CHAIRMAN HERNANDEZ: Thank you, Mr.
12 Howard. I think Cathy was calling for the question.

13
14 Are you ready to vote, Mr. Howard.

15
16 MR. HOWARD: Yeah.

17
18 CHAIRMAN HERNANDEZ: Okay. Could we do
19 a roll call vote on this, Harvey.

20
21 MR. KITKA: Frank Wright.

22
23 MR. WRIGHT: Yes.

24
25 MR. KITKA: Michael Douville.

26
27 MR. DOUVILLE: Yes.

28
29 MR. KITKA: Harvey Kitka votes yes.
30 Robert Schroeder.

31
32 MR. SCHROEDER: Yes.

33
34 MR. KITKA: Albert Howard.

35
36 MR. HOWARD: No.

37
38 MR. KITKA: Donald Hernandez.

39
40 CHAIRMAN HERNANDEZ: Yes.

41
42 MR. KITKA: John Yeager

43
44 MR. YEAGER: Yes.

45
46 MR. KITKA: Cathy Needham.

47
48 MS. NEEDHAM: Yes.

49
50 MR. KITKA: Mr. Chair. We voted eight

1 for and one against.

2

3 CHAIRMAN HERNANDEZ: Thank you, Harvey.
4 And, Albert, your nay vote is recognized, is recorded
5 there.

6

7 I see Mr. Johnson coming forward again.

8

9 MR. JOHNSON: Thank you, Mr. Chair.
10 Again I'm Carl Johnson. I didn't want to interrupt the
11 Council's deliberative process, but I just want to make
12 a clarification for the record regarding the eight
13 factors versus those factors that are on the back of
14 your card.

15

16 Now, the eight factors determine
17 whether or not there is a sufficient record for the
18 Board to recognize a customary and traditional use of
19 fish or wildlife, but those factors on the back of your
20 card relate to something completely different. And
21 that's the criteria in Section .805(c) of ANILCA which
22 empower the Board to consider the recommendations of
23 the Regional Advisory Council.

24

25 So two different issues.

26

27 One establishing a record for C&T, but
28 the other one whether or not there is a record to
29 support the Council's recommendation. So both still
30 apply; they just apply in different ways.

31

32 CHAIRMAN HERNANDEZ: Okay. Anybody
33 have a question on that.

34

35 Mr. Schroeder.

36

37 MR. SCHROEDER: So, Carl, do we need to
38 have a record on the -- what we have on our card here
39 in your opinion.

40

41 MR. JOHNSON: Through the Chair. And,
42 Mr. Schroeder, no. If you look at the three factors in
43 Section .805(c), one of them is, is the recommendation
44 based on substantial evidence in the record. In this
45 case here, your substantial evidence that you've
46 already discussed are the eight factors.

47

48 So that record has been established.

49

50 CHAIRMAN HERNANDEZ: Okay. That is

1 helpful. Thank you.

2

3 Anybody else.

4

5 (No comments)

6

7 CHAIRMAN HERNANDEZ: Thank you, Mr.

8 Johnson.

9

10 Okay. I think we have time to move on
11 to the next proposal. If we don't get through it
12 before everybody gets too hungry, we can always pick it
13 up after lunch. That would be Fisheries Proposal 19-18
14 I believe.

15

16 And we have Mr. Suminski coming forward
17 to present on that one. Go ahead, Terry.

18

19 MR. SUMINSKI: Good morning, Mr.
20 Chairman. Council members. I'm Terry Suminski with
21 the Forest Service. I'm here to speak to FP19-18. The
22 executive summary for this proposal starts on Page 53
23 of your books, and the analysis starts on Page 54.

24

25 Proposal FP19-18 was submitted by Chris
26 Ottesen of Wrangell, Alaska and requests that the
27 gillnet stretched mesh size for the Stikine River
28 sockeye and coho salmon subsistence fisheries be
29 changed from a maximum of 5.5 inches to a maximum of
30 6.25 inches.

31

32 The proponent stated that six and a
33 quarter-inch mesh gillnet is standard gear for coho
34 salmon. The larger mesh size is more efficient for
35 catching coho salmon, and allowing it would provide
36 Federally-qualified subsistence user an opportunity to
37 use their existing gear rather than buying new nets.

38

39 The proponent believes there would be
40 no effect on sockeye salmon catch, because many will
41 pass through the larger mesh.

42

43 There will be no changes to the Chinook
44 salmon regulations. However, Chinook salmon are
45 present in the Stikine River Federal subsistence
46 fishing area during the Federal subsistence sockeye
47 salmon season. In fact, more large Chinook salmon are
48 harvested during the sockeye salmon fishery with the
49 five and half-inch maximum stretched gillnet mesh than
50 the Chinook salmon fishery which has an eight-inch

1 maximum gillnet mesh size. And you can see that in
2 Tables 5 and 6. This reflects the fact that the
3 Stikine River subsistence fishers focus primarily on
4 harvesting sockeye salmon.

5
6 Increasing gillnet mesh size during the
7 sockeye salmon season may result in substantially
8 increased Chinook salmon incidental catch regardless of
9 the health of the stock or if there is an allowable
10 catch of Chinook salmon.

11
12 Modifying this proposal to keep the
13 five and a half-inch mesh size during the sockeye
14 salmon season and eliminate the maximum mesh size for
15 coho during the coho season may better address the
16 proponents intent and results in simplified regulations
17 while alleviating the possibility of extensive Chinook
18 salmon incidental catch.

19
20 Few Chinook salmon are present in the
21 main stem of the Stikine River during the coho season,
22 so incidental catch of Chinook salmon is expected to be
23 negligible to non-existent.

24
25 Justin Koller contacted the proponent
26 in early June to see what he thought of that
27 modification, and without hesitation indicated that was
28 satisfactory.

29
30 So the OSM preliminary conclusion is to
31 support Proposal 19-18 with modification to keep the
32 five and a half-inch maximum stretched mesh size
33 restriction during the sockeye season, but to eliminate
34 the gillnet mesh size for coho during the coho season.

35
36 Depending on what is included in the
37 newly regulated -- or newly negotiated Pacific Salmon
38 Treaty, the Federal Subsistence Board may choose to
39 seek concurrence with the Trans Boundary Panel before
40 implementing this change.

41
42 Thank you, and I'm ready for questions.

43
44 CHAIRMAN HERNANDEZ: Any questions for
45 Terry on this.

46
47 Cathy.

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

50

1 Mr. Suminski, can you explain to me how
2 the process works for coordinating with the
3 Transboundary -- I guess I'm kind of wondering if that
4 should happen before this body makes a decision about
5 the proposal or makes a recommendation about the
6 proposal of whether or not the TBR should be contacted
7 that this proposal is even in the works.

8

9 MR. SUMINSKI: Through the Chair. Ms.
10 Needham.

11

12 Typically what happened at the Board
13 stage, there is -- I believe the previous treaty, it
14 had a provision in there under this fishery that any
15 changes to the Federal fisheries in the Stikine River
16 would have to be, I don't know the exact term, but
17 basically reviewed and concurred with by the
18 Transboundary Panel. Now that's all been renegotiated,
19 and that as far as I know is negotiations are final,
20 but the wording has not been publicly released yet as
21 to how the Stikine fishery is handled in the new
22 treaty.

23

24 So I think -- I would hope that by the
25 Board meeting we would know what that language looks
26 like. And then the Board may or may not have to do
27 that consultation. For example, if we are written out
28 of the treaty, there's no mention of it, and we're just
29 part of the U.S. allocation, that requirement wouldn't
30 apply. The Board could do as it chose.

31

32 Does that.....

33

34 MS. NEEDHAM: (Nods affirmatively)

35

36 MR. SUMINSKI: Thank you.

37

38 CHAIRMAN HERNANDEZ: Good. Any other
39 questions for Terry.

40

41 (No comments)

42

43 CHAIRMAN HERNANDEZ: I have one, Terry.
44 The regulation references a coho season. Is there a
45 clearly defined coho season in regulation.

46

47 MR. SUMINSKI: Mr. Chair. Yes there is
48 and I can find it. It should be in the analysis, too,
49 but would you like the dates?

50

1 CHAIRMAN HERNANDEZ: No, I just wanted
2 to make sure there is a clearly defined date for that
3 season.

4
5 MR. SUMINSKI: Yeah, there's clearly
6 defined dates for the Chinook season, then followed by
7 the sockeye season and then the coho season.

8
9 CHAIRMAN HERNANDEZ: Thank you.

10
11 Mr. Douville.

12
13 MR. DOUVILLE: I'm not a gillnetter,
14 but I guess my question would be, they were restricted
15 to the five and a half-inch mesh during the coho
16 season. This is requesting a little bit larger mesh
17 size for that particular season. Obviously more
18 efficient or something, but still maintain the five and
19 a half for the sockeye fishery. It makes sense to me.
20 It's fine, you know, if that's what it is.

21
22 MR. SUMINSKI: Through the Chair. Mr.
23 Douville. That's exactly correct.

24
25 And I can -- just for your information,
26 I do have the semi-final results of the Stikine
27 fishery. This last year there's 117 permits issued.
28 Let's see. There was a harvest of 19 large Chinook, 45
29 coho, and 1820 sockeye salmon.

30
31 The participation in the coho fishery
32 is pretty low. The Stikine fishery is mainly focused
33 on sockeye.

34
35 Thank you.

36
37 CHAIRMAN HERNANDEZ: Yeah. Thank you
38 for that most recent information.

39
40 Any other questions.

41
42 Mr. Wright.

43
44 MR. WRIGHT: Thank you, Mr. Chair. I'm
45 also not a gillnetter, but I'm curious. When I go
46 fishing, I try to catch everything. So I was wondering
47 why we're reducing to five and a half and six and a
48 half, six and a quarter. So is there a reason why
49 they're doing it? Because it was a different part of
50 the season that sockeyes get through and cohos.

1 MR. SUMINSKI: Through the Chair. Mr.
2 Wright. The issue is mainly with king salmon,
3 especially recently with low returns of king salmon to
4 the Stikine River. During the king season, the mesh
5 size is eight inches, which is pretty effective for
6 large Chinook. The five and a half -inch mesh was set
7 up originally when they originally set up the Stikine
8 regulations for sockeye so that it would be more
9 specific to catching sockeye and not so much for kings.
10 And then the coho was just part of the same gear type
11 size as sockeye. And so what the proponent's asking is
12 that he believes that a little bit larger mesh size is
13 better for coho, and there's no -- by the time you get
14 to the coho season, there's no concerns about kinds, so
15 there's -- it could make sense to just allow whatever
16 mesh size that people prefer during the coho season.
17 But the mesh size restrictions are basically or mainly
18 set up to help manage the king salmon fishery.

19
20 Thank you.

21
22 CHAIRMAN HERNANDEZ: Any other
23 questions for Terry.

24
25 (No comments)

26
27 CHAIRMAN HERNANDEZ: Seeing none, thank
28 you for your presentation.

29
30 MR. SUMINSKI: Thank you, Mr. Chair.

31
32 CHAIRMAN HERNANDEZ: Do we have
33 comments from Alaska Department of Fish and Game on
34 this. Is there somebody on the phone for Alaska
35 Department of Fish and Game.

36
37 MR. SILL: There should be someone on
38 the phone.

39
40 MR. THYNES: Mr. Chair. This is Troy
41 Thynes, Alaska Department of Fish and Game out of
42 Petersburg.

43
44 CHAIRMAN HERNANDEZ: Okay. Go ahead.
45 What was your name again?

46
47 MR. THYNES: Troy Thynes. I'm the area
48 management biologist for commercial fisheries, and I'm
49 also involved with the Transboundary Technical
50 Committee, of the transboundary rivers for the Pacific

1 Salmon Commission, so I do have some dealings with the
2 Pacific Salmon Treaty.

3

4 CHAIRMAN HERNANDEZ: Okay. Go ahead,
5 Troy.

6

7 MR. THYNES: And as Mr. Suminski said,
8 you know, that we do have a new treaty. I don't think
9 that language has gone public yet. But just in
10 reference to at least to the old language as a point of
11 clarification, is that within the old language of the
12 treaty, there was specific dates set out for the three
13 salmon species, Chinook salmon, sockeye salmon, and
14 coho salmon as for windowed seasons for the subsistence
15 fishery on the Stikine to take place occur. And there
16 was also harvest limits set for those species; however,
17 there was no reference or no direction within the
18 treaty as far as what gear sizes were to be used and
19 what net lengths and that sort of thing, just as a
20 point of clarification, Mr. Chair.

21

22 CHAIRMAN HERNANDEZ: Okay. Thank you.
23 Have any other comments on other topics.

24

25 (No comments)

26

27 CHAIRMAN HERNANDEZ: Okay. Apparently
28 not. Thanks for clarifying the treaty language for us,
29 though.

30

31 Any questions.

32

33 (No comments)

34

35 CHAIRMAN HERNANDEZ: Okay. Any other
36 Federal agencies or tribal entities want to testify in
37 this one.

38

39 (No comments)

40

41 CHAIRMAN HERNANDEZ: DeAnna, do we have
42 other comments from advisory committees.

43

44 MS. PERRY: There were no written
45 public comments from Fish and Game advisory committees
46 or anyone else for this proposal.

47

48 Mr. Chair.

49

50 CHAIRMAN HERNANDEZ: Thank you. Is

1 there any public testimony in room on this proposal.

2

3 (No comments)

4

5 CHAIRMAN HERNANDEZ: Seeing none, I'll
6 turn it over to the council.

7

8 Cathy.

9

10 MS. NEEDHAM: Mr. Chair. I move to
11 adopt Proposal 18-18 as modified on Page 66 -- yeah, as
12 modified on Page 66, so with the OSM modification is
13 what my motion includes.

14

15 CHAIRMAN HERNANDEZ: Okay. Thank you.
16 Moved to adopt with the modification.

17

18 MR. YEAGER: Second.

19

20 CHAIRMAN HERNANDEZ: John Yeager
21 seconds. Okay. Open for discussion, deliberation.

22

23 Mr. Yeager.

24

25 MR. YEAGER: Thank you, Mr. Chair.

26

27 Mr. Suminski, he covered all the bases
28 on this with his presentation. And I support this with
29 the modification. The concerns that I had originally
30 with this were that the primary focus of the fishers up
31 on the Stikine are for the sockeye and that they could
32 maintain the five and a half-inch mesh size and not
33 have to purchase new nets at a significant cost in
34 order to partake in the fishery itself, so that the
35 modification deals with that in an acceptable manner.

36

37 Also the majority of the effort is done
38 in June for sockeye, and the author of this proposal
39 does I believe more fishing in the fall time when there
40 would be more coho present on the river. So this makes
41 sense to me, and I think he has no intentions of
42 limiting opportunity for any subsistence fishing to
43 take place during the sockeye season.

44

45 And lastly, it also addresses the
46 protection of Chinook on the Stikine. And the smaller
47 mesh, believe it or not, actually allows during the
48 sockeye season for us to release kings that may become
49 entangled in there that are in good shape to release as
50 well.

1 So I think that this is a very
2 acceptable proposal and I support it.

3
4 Thank you.

5
6 CHAIRMAN HERNANDEZ: Yeah. Thank you,
7 John. Anybody else, comments on this proposal.

8
9 (No comments)

10
11 CHAIRMAN HERNANDEZ: I'd just like to
12 make a comment myself. I agree with everything Mr.
13 Yeager said. But, you know, as a long-time gillnetter
14 of 30-some years, I think I do understand what the
15 proponent was asking for. He's looking for some more
16 efficient gear. I'm glad to hear that he recognized
17 that there is a conservation concern with large king
18 salmon early in the season, and was willing to modify
19 the proposal to avoid that conservation concern.

20
21 Mr. Yeager made a good point. I mean,
22 you do catch large kings in a small mesh net, but if
23 the fish is -- if the mesh is small enough that the
24 fish doesn't have a chance to get its gills caught in
25 the net, chances are it's just going to be hooked by
26 the mouth parts and you will be able to release it
27 unharmed, which I have heard from anecdotal talk that
28 people are concerned about the Stikine kings and
29 fishing up there are releasing large kings that they
30 catch during the sockeye season. I have heard that, so
31 that's good.

32
33 I personally, you know, would maybe
34 disagree that you need a larger mesh net to catch
35 cohos, because you do catch, you know, large fish in
36 small mesh net, but if there is a group of people that
37 prefer the more efficient larger net, and it doesn't
38 impact other fishers or users, I see no reason why we
39 should be opposed to it, so I would be in favor of this
40 motion.

41
42 Ready for the question.

43
44 MR. YEAGER: Question.

45
46 CHAIRMAN HERNANDEZ: Question's been
47 called for. All in favor of the proposal signify by
48 saying aye.

49
50 IN UNISON: Aye.

1 CHAIRMAN HERNANDEZ: Anybody opposed to
2 the proposal say no.

3
4 (No opposing votes)

5
6 CHAIRMAN HERNANDEZ: The proposal
7 passes. Unanimous.

8
9 I think it's close enough to lunch
10 where we could break for lunch, and we have one more
11 proposal. That would be the proposal that's dealing
12 with a closure to non-subsistence users. It might take
13 a bit more time. And also might give an opportunity if
14 somebody has a telephone number for Mr. Casipit in
15 Gustavus if he wants to come back and have more to say
16 in the course of the deliberations, we might try and
17 get ahold of him and let him know that we'll be
18 discussing this after lunch at say -- let's try and be
19 back at -- since we're breaking a little early, let's
20 try and be back by 1:00 o'clock. So we're recessed
21 until 1:00 o'clock.

22
23 (Off record)

24
25 (On record)

26
27 CHAIRMAN HERNANDEZ: Very good. Okay.
28 We're going to pick back up where we left off with
29 proposals. One more to do.

30
31 CONFERENCE OPERATOR: The conference is
32 now in silent mode.

33
34 CHAIRMAN HERNANDEZ: For the last
35 proposal. Is that somebody on the telephone.

36
37 CONFERENCE OPERATOR: The conference is
38 now in talk mode.

39
40 REPORTER: No, it's just an automated
41 voice that shouldn't be on here.....

42
43 (Laughter)

44
45 CHAIRMAN HERNANDEZ: Okay, thanks Tina.

46
47 Okay. It looks like we have Terry
48 Suminski up to present on this proposal, so I'll turn
49 it over to him.

50

1 MR. SUMINSKI: Good afternoon, Mr.
2 Chairman. Council members. Terry Suminski with the
3 Forest Service. I'm here to present FP19-19. Your
4 executive summary begins on Page 69, and the analysis
5 begins on Page 70.

6
7 Proposal FP19-19 was submitted by
8 Calvin Casipit of Gustavus. It requests that the
9 Federal public waters of Neva Lake, Neva Creek, and
10 South Creek be closed to the harvest of sockeye salmon
11 by non-Federally-qualified users.

12
13 The proponent states that over the past
14 few years the subsistence harvest limit for sockeye has
15 been reduced from 40 to 10 salmon at the same time
16 sport harvest and use by non-residents and unguided
17 charter boat renters from urban areas and the Lower 48
18 have continued uncontrolled and unabated. He further
19 states that this is a clear violation of Title 8 of
20 ANILCA and that a meaningful preference for Federally-
21 qualified subsistence users is not being provided in
22 this area.

23
24 When contacted by telephone, the
25 proponent further stated that the combination of
26 reduced limits, low abundance, and harvest by non-
27 Federally-qualified users prevents subsistence users at
28 Neva Creek from meeting their needs, and that there's a
29 meaningful -- that there must be a meaningful
30 preference for Federally-qualified subsistence users.

31
32 The Neva Creek watershed is located
33 near the community of Excursion Inlet across Icy
34 Straits from Hoonah. Neva Lake drains into Neva Creek,
35 which flows into South Creek before emptying into the
36 marine waters of Excursion Inlet.

37
38 A Fisheries Resource Monitoring Program
39 funded weir project estimated the annual escapement of
40 sockeye salmon into Neva Lake from 2002 to 2005 and
41 from 2008 to 2018. Sockeye salmon escapements have
42 trended downwards over the years of escapement
43 monitoring with some indication of improvement in the
44 last few years. The positive trend appears to be
45 continuing based on a preliminary weir count for 2018
46 of approximately 5,000 sockeye.

47
48 Residents of Icy Strait community,
49 primarily Hoonah, Gustavus and Excursion Inlet and
50 Angoon, are the principal Federally-qualified

1 subsistence users for Neva Lake sockeye salmon, as well
2 as non-Federally-qualified residents of the Juneau
3 area.

4
5 Most subsistence fishing at Neva is
6 done under the State permit system, so harvest reports
7 from State permits were used to analyze the proposed
8 regulation. The permit holder's community of residence
9 and gear type are recorded on the State permits, but
10 not whether salmon were harvested in fresh or marine
11 waters. However since some gear types are typically
12 used in marine waters, such as beach seines and
13 gillnets, and some gear types only in fresh water, such
14 as gafts, dipnets, and spears, the water type can be
15 inferred by the gear type in most cases.

16
17 Excuse me. Table 2 in the draft Staff
18 analysis lists the harvest of sockeye salmon by
19 community of residence. Over the past 10 years about
20 43 percent of the harvest of Neva sockeye has been by
21 non-Federally-qualified users from the Juneau area.

22
23 Figure 4 depicts the inferred location,
24 salt water or fresh water, of harvest by qualified and
25 non-qualified users. From 2008 to 2017, an average of
26 74 sockeye salmon were harvested annually in fresh
27 water by non-Federally-qualified users out of a total
28 annual harvest of 438. The reported harvest of sockeye
29 salmon by all users as declined sharply since 2015
30 along with sockeye salmon returns to the system.

31
32 The Alaska Department of Fish and Game
33 estimates sport catch from an annual statewide mail
34 survey. In recent years an average of less than one
35 surveyed angler reported fishing at Neva or South
36 Creek, which does not provide enough data to make a
37 statistically valid estimate of effort or catch.

38
39 Charter boat operators and fishing
40 guides are required to record all salmon caught in the
41 ADF&G logbook program; however, angler from the lodges
42 at Excursion Inlet are unguided, so the number of
43 sockeye salmon caught by clients of the lodge would
44 have to be estimated in the statewide harvest survey.
45 Guided fresh water effort and harvest in the general
46 area is low.

47
48 Anthropological studies have found some
49 indication of user conflict regarding salmon fishing in
50 the Neva Lake/South Creek area. In one study by Ratner

1 and Dizard in 2006, several respondents noted avoidance
2 of the Neva Creek area because of competition among
3 users. Contentions have also been documented regarding
4 monitoring and enforcement. The same researchers noted
5 that some Hoonah residents felt that their subsistence
6 harvests are monitored and restricted much more closely
7 than non-resident clients of the Excursion Inlet Lodge.
8

9 The Federal Subsistence Board closure
10 policy states that the Board will only restrict the
11 taking of fish and wildlife by users on Federal public
12 lands, other than National Park and Monuments, unless
13 necessary for the conservation of healthy populations
14 of fish and wildlife resources, or to continue
15 subsistence uses of those populations or for reasons of
16 public safety or administrative purposes pursuant to
17 other applicable law. In this case, the combination of
18 low abundance, reduced harvest limits and perceived
19 user conflict may be discouraging the continued
20 subsistence use of the Neva Lake sockeye salmon
21 population as described by the proponent.
22

23 The proposed regulation would likely
24 have only a modest effect on the abundance of sockeye
25 salmon available to users, but it would provide primary
26 access to Federally-qualified subsistence users and
27 help reduce conflicts in the area.
28

29 The OSM preliminary conclusion is to
30 support Proposal FP19-19.
31

32 Thank you, and I can try to answer your
33 questions.
34

35 CHAIRMAN HERNANDEZ: Okay. Any
36 questions for Terry on this proposal.
37

38 (No comments)
39

40 MR. SUMINSKI: Thank you.
41

42 CONFERENCE OPERATOR: The conference is
43 now in talk mode.
44

45 CHAIRMAN HERNANDEZ: Okay.
46

47 (Laughter)
48

49 CHAIRMAN HERNANDEZ: Does Fish and Game
50 Department have comments on this proposal.

1 MS. SILL: There may be someone on
2 line.
3
4 CHAIRMAN HERNANDEZ: I understand there
5 might be somebody.....
6
7 MR. TESKE: Yeah. This is Daniel Teske
8 here. I'm sportfish area (indiscernible --
9 interference on teleconference).
10
11 And the Department is opposed to this
12 proposal. We recommend that the proponent take this up
13 with the Board of Fisheries if they wish to change
14 regulations in the sport or subsistence, the personal
15 use fishing regulations, and I'll be happy to answer
16 any questions.
17
18 CHAIRMAN HERNANDEZ: Any questions for
19 the State biologist.
20
21 (No comments)
22
23 CHAIRMAN HERNANDEZ: I'm not seeing
24 any. Okay, thank you very much.
25
26 MR. TESKE: Thank you.
27
28 CHAIRMAN HERNANDEZ: Any other Federal
29 agencies or tribal entities that have comments on this
30 proposal.
31
32 (No comments)
33
34 CHAIRMAN HERNANDEZ: Nobody on the
35 telephone.
36
37 (No comments)
38
39 CHAIRMAN HERNANDEZ: Do we have any
40 comments from advisory groups, advisory committees.
41
42 MS. PERRY: Mr. Chair. We've received
43 no advisory group comments nor public comments on this
44 proposal.
45
46 CHAIRMAN HERNANDEZ: Oh, sorry. Do we
47 have anybody else from the public who would like to
48 testify on this proposal.
49
50 (No comments)

1 CHAIRMAN HERNANDEZ: Anybody on the
2 telephone.
3
4 MR. CASIPIT: Mr. Chair.
5
6 CHAIRMAN HERNANDEZ: Yes, go ahead.
7
8 MR. CASIPIT: This is Calvin Casipit.
9 I'm the proponent.
10
11 CHAIRMAN HERNANDEZ: Hello again, Cal.
12 Do you want to.....
13
14 MR. CASIPIT: Yes. I'm having real
15 trouble hearing the Chair, and I really don't know if
16 this is the time I was supposed to comment but I can
17 hardly hear the proceedings. I did hear the previous
18 -- I did hear the presentation by Staff on the
19 proposal, on the Staff analysis. I did hear the State
20 input.
21
22 I just wanted to say that I thought
23 that the Staff did a great job providing the
24 information and summarizing my concerns. And so I was
25 just chiming in to answer any questions that the
26 Council had; otherwise, I'm just available to answer
27 anything that comes up in the session.
28
29 CHAIRMAN HERNANDEZ: Okay. Thank you,
30 Cal. Hopefully you can hear me better now.
31
32 So what's the wish of the Council.
33
34 Ms. Needham.
35
36 MS. NEEDHAM: Mr. Chair. I move to
37 adopt Proposal 19-19 as written on Page 70.
38
39 MR. HOWARD: Second.
40
41 CHAIRMAN HERNANDEZ: Okay. Motion by
42 Cathy, second by Albert. So discussion.
43
44 Mr. Wright.
45
46 MR. WRIGHT: Mr. Chair. I speak I
47 favor of this motion. You know, sometimes our people
48 have to go across Icy Straits and it can be a pretty
49 rough place to go.
50

1 But, you know, I know when the -- some
2 of the cannery workers that work in Excursion Inlet are
3 not members of -- or citizens of the State, so they end
4 up going up into the rivers. And I know that, because
5 some of the guys that work over there tell me about it.
6 And I always wonder about that camp that's there that
7 has a bunch of skiffs running around with people that
8 don't know where they're going, and stopping in front
9 of the river to catch a fish. And I know they're not
10 residents, because they're on a charter skiff running
11 around crazy out there.

12
13 So a lot of the people that go over
14 there, sometimes go over there and never catch
15 anything, but then they have to run back, and that's a
16 20-mile, 40-mile round trip boat ride.

17
18 And I think that in order to build that
19 stock in that river, we need to keep it to the
20 qualified people.

21
22 Thank you, Mr. Chairman.

23
24 CHAIRMAN HERNANDEZ: Yeah. Thank you,
25 Frank.

26
27 Anybody else want to weigh in on this
28 proposal.

29
30 Mr. Yeager.

31
32 MR. YEAGER: Thank you, Mr. Chair. A
33 few of the points that Cal mentioned in this, and Terry
34 also mentioned in the proposal, are a mirror of what
35 our former Chair, Mr. Bangs, brought up several times
36 to our Board about Kasheets (ph), and this really hit
37 home with me for several reasons, but a couple of the
38 indicators here that I read are this is not an uncommon
39 practice. And I know that there are some lodges that
40 offer this type of activity as kind of an extra for
41 their clients to go do.

42
43 I've actually had a client myself this
44 summer that harvested 150 pounds of sockeye filets out
45 of Kasheets in a skiff with he and his son, which
46 actually set me back quite a bit there. I was really
47 surprised about that. And he felt that was a great
48 experience, which I'm sure it was at the time for them,
49 but not thinking of the outcome.

50

1 But, anyway, so I can definitely see
2 the competition here and the lack of opportunity for
3 subsistence users, and particularly on sockeye. And so
4 I think we should take a careful look at this, because
5 I think there's a lot of merit to this. These are fish
6 that are not counted other than in kind of a generic
7 term. They're not logged in a logbook, they're not
8 written on the back of a fishing license. And a survey
9 is only as good as the person that takes the time to
10 fill it out.

11
12 Anyway I think that we should put some
13 worthy discussion into this proposal.

14
15 Thank you.

16
17 CHAIRMAN HERNANDEZ: Thank you, Mr.
18 Yeager. Anybody else.

19
20 I have a -- oh, excuse me, Mr. Kitka.

21
22 MR. KITKA: Thank you, Mr. Chair. I
23 guess I was wondering, basically, you know, non-
24 Federally-qualified, is there a differentiation between
25 that and out-of-state licenses.

26
27 CHAIRMAN HERNANDEZ: I think we have
28 somebody coming to answer that question.

29
30 MR. SUMINSKI: Through the Chair. Mr.
31 Kitka. This is Terry Suminski with the Forest Service.

32
33 The term non-Federally-qualified
34 includes everyone except people that are considered
35 Federally-qualified, so people with rural -- or people
36 that live in a rural community, are Alaska residents,
37 and with cultural and traditional use determination.
38 So, yes, I think your question, non-residents of the
39 State would be non-Federally-qualified.

40
41 Thank you.

42
43 CHAIRMAN HERNANDEZ: Thank you, Terry.

44
45 Mr. Douville.

46
47 MR. DOUVILLE: It looks like the
48 success rate in recent times is not that great, and
49 there's a difference between State permits and Federal
50 permits, which I only see one for last -- or 2016, and

1 24 for the State-issued permits. My curiosity is where
2 the State permits are fished, are they fished below
3 mean high water, and the Federal permits I assume would
4 be fished above mean high water.

5
6 MR. SUMINSKI: Through the Chair. Mr.
7 Douville. That's correct. The State permit is
8 actually good in both fresh and salt water where the
9 Federal permit is only good, you know, above mean high
10 tide and fresh waters or Federal public waters. So a
11 lot of people do just get the State permit, because it
12 works for both places. There's a couple advantages in
13 getting the Federal permit that include gear type, such
14 as spears, and what's it called, the -- what's the
15 other gear type? With toss a hook out and.....

16
17 MR. DOUVILLE: On a hand line?

18
19 MR. SUMINSKI: Hand line, sorry.

20
21 MR. DOUVILLE: Hand line or snagging,
22 yeah.

23
24 CHAIRMAN HERNANDEZ: Yeah, Mike, follow
25 up.

26
27 MR. DOUVILLE: Yeah, I guess I'm
28 interested in how much effort there is with the State
29 permits to venture into above mean high water.

30
31 MR. SUMINSKI: Through the Chair. Mr.
32 Douville. Jake might -- Jake's the one that did the
33 analysis. Jake Musslewhite. Jake, are you on line?

34
35 MR. MUSSLEWHITE: Yes, I am.

36
37 MR. SUMINSKI: Can you speak to that,
38 please.

39
40 MR. MUSSLEWHITE: Yeah. We have really
41 bad audio right now, and I didn't hear the question.
42 If you can say it kind of loud and clear, that would be
43 great.

44
45 MR. DOUVILLE: Okay. You want me to
46 talk louder then? I guess my question is with the
47 State permit, do those fishers venture into waters say
48 above mean high water, like up into the stream or the
49 lake or whatever.

50

1 MR. MUSSLEWHITE: Yes. This is really
2 bad audio and I could still only barely hear that.
3 We've got kind of terrible audio here on the
4 teleconference.

5
6 But I mean in terms of general
7 patterns, it seems like most people are fishing kind of
8 the mouth of the streams, you know, where I've the
9 graph there, a lot of knowledge of -- with like beach
10 seines or gillnets and that type (indiscernible --
11 teleconference) people who go up into the stream and,
12 you know, kind of get a net and (indiscernible) the
13 stream and kind of go right along (indiscernible) you
14 know, from Excursion Inlet proper, because it's really
15 accessible. You can, you know, take coolers (ph) up
16 there on a four-wheeler and everything, so it's pretty
17 well set up to fish in the fresh water.

18
19 Did that help? I'm not sure I answered
20 your question.

21
22 MR. DOUVILLE: Okay. I guess I want it
23 clear in my mind what closing Federal Water to
24 everybody but rural users, what real effect that would
25 have, because it doesn't look like a lot of the fishery
26 is happening -- until it's explained to me, that it's
27 happening in Federal water.

28
29 MR. MUSSLEWHITE: Yeah. Through the
30 Chair. Mr. Douville. Yeah, that's actually a really
31 great observation.

32
33 When I first started looking at this
34 issue, I originally thought, you know, that it is not
35 necessary because there's very little harvest in fresh
36 water by non-Federally-qualified users. But I think it
37 (indiscernible) that closing it to non-Federally-
38 qualified users isn't really getting the stock that
39 much harvest at least at the levels of abundance that
40 we've seen recently. However, if we get more and more
41 sockeye into the Neva system, you know, abundance of it
42 increases, then we're talking about more pressure. But
43 right now including (indiscernible) non-Federally-
44 qualified users here and you're really taking 30, 40,
45 50 fish a year honestly.

46
47 Did that help.

48
49 MR. DOUVILLE: I'm having a hard time
50 understanding you, but I'm kind of getting the idea

1 what we're looking at here.

2

3 CHAIRMAN HERNANDEZ: Yeah, I think what
4 Mike is trying to get out of this is what would be the
5 impacts to the non-subsistence users, how extensive
6 would be, and, I don't know, did you address that
7 somewhere in your analysis, Terry, we could go back and
8 look at.

9

10 MR. SUMINSKI: Mr. Chair. If you look
11 on Page 77, there's a table that shows, you know, where
12 the distribution of harvest between Federally-qualified
13 and non-Federally-qualified. I'm just trying to find
14 where it breaks it out between fresh water and marine
15 waters. Yeah. Here. Just in the description of
16 Figure 4 towards the bottom of Page -- the last
17 paragraph on Page 77. It says from 2008 to 2017 an
18 average of 74 sockeye were harvested annually in fresh
19 water by non-Federally-qualified users out of a total
20 of annual harvest of about 438.

21

22 Is that what you're looking for, Mr.
23 Douville.

24

25 (Pause)

26

27 CHAIRMAN HERNANDEZ: Yeah. Okay.

28

29 While we're studying that, Mr. Howard.

30

31 MR. HOWARD: Thank you, Mr. Chairman.
32 The numbers we aren't seeing, and Mr. Yeager referenced
33 it before, is as charter boat captains, you have to log
34 every single salmon you catch. And what Mr. Wright
35 referenced here, there are -- it sounds to me like
36 there's a camp where I can go, as an example, if I'm a
37 Washington state resident, I can go there and I can
38 fish every day and catch the State limit in sockeye all
39 day every day for six days in a row, and that's not
40 documented. That's not even part of the 70, because
41 there's no record of it. There's no -- we call them
42 self-guides at the lodge I work at, and they're getting
43 away from that, because a self-guided person, you don't
44 have to document anything. As a guide, I have to
45 document everything. So we're looking at this, we're
46 looking at information that doesn't exist. I have to
47 support this to protect the resource which is our
48 responsibility is resource and subsistence first. I
49 think asking if a majority of -- is the majority of the
50 effort fishing this system done in Federal waters. If

1 it is, then that's our jurisdiction and within our
2 right to ask for a closure.

3

4 Thank you, Mr. Chair.

5

6 CHAIRMAN HERNANDEZ: Thank you, Albert.

7

8 Does anybody else want to weigh in on
9 this proposal.

10

11 (No comments)

12

13 CHAIRMAN HERNANDEZ: And I would remind
14 the Council that in order to adopt a proposal like
15 this, we have to look at the criteria involved, and
16 that would be, is there a conservation concern, and is
17 there substantial evidence. Will the recommendation
18 benefit subsistence users. And how will it affect non-
19 subsistence users. So if we could make sure that we
20 address those factors.

21

22 Yeah. A question from Mr. Kitka.

23

24 MR. KITKA: Thank you, Mr. Chairman.
25 I'm still unclear and I heard it asked several ways as
26 just how much of an impact will it have on Federally-
27 qualified users in Federal waters, where it seemed like
28 most of the fish are being taken in State waters which
29 we have no control over. If it's only going to be a
30 very few fish in Federally-qualified waters, then I
31 don't see the problem with this.

32

33 MR. SUMINSKI: Through the Chair. Mr.
34 Kitka. And kind of related to Mr. Howard's question.
35 The majority of the harvest does take place in marine
36 water outside of Federal jurisdiction. Just touching
37 again on Mr. Howard's comment, the only way that the
38 unguided anglers' harvest is picked up is in that
39 statewide sport fish survey that's done each year. I
40 think it's done each year. And in the analysis it
41 talks about less than one respondent has reported
42 fishing in that area. So it's basically you can't gain
43 much from it other than one person fished there.

44

45 But the -- and it comes out in the
46 conclusion as well in Mr. Kitka's comment, closing it
47 to non-Federally-qualified will probably not save a
48 whole lot of sockeye from being harvested by non-
49 Federally-qualified, but there's other issues going on
50 here with user conflict, and I think that comes out in

1 the justification. And some of those are well
2 documented in some research done by -- I'm sorry.
3 Well, there's documented conflicts through research.
4 Ratner and Dillard -- or Dizard, sorry.

5
6 Thank you.

7
8 CHAIRMAN HERNANDEZ: Thank you.

9
10 Mr Douville.

11
12 MR. DOUVILLE: Well, you might have
13 been speaking to some of it, but anyway it doesn't --
14 there must be some other issue like sportfishing in the
15 river for sockeye, whether guided or unguided that is
16 not indicated with this permit graph. I don't think
17 anybody's spoken to that perhaps part of the issue, if
18 you will, because I know that most of the State permits
19 are harvested in salt water. And that was why I was
20 asking how far up into the system that they go, but
21 then we have this other issue which is sportfishing in
22 the system that could affect rural users.

23
24 CHAIRMAN HERNANDEZ: Okay. I think
25 what I'm hearing here is that we have a subsistence
26 fishery managed by the State taking place in marine
27 waters. We have a fair number of non-Federally-
28 qualified participants in that, but we also have quite
29 a few Federally-qualified participants in the fishery
30 in the State-managed marine waters. This proposal
31 would not affect that fishery. That would continue.
32 But there is also a fresh water fishery which some
33 subsistence people choose to take part in, but there's
34 also what sounds like a fairly high amount of non-
35 Federally-qualified sportfishing that goes on in marine
36 waters -- or, excuse me, in the fresh waters,
37 Federally-managed, that is poorly documented, known to
38 exist, anecdotal evidence say there's a fair impact on
39 the subsistence fishers that are trying to take
40 advantage of that Federally-managed fishery in the
41 fresh waters, and that's the situation where the
42 proponent is asking us to deal with.

43
44 Anybody else have any -- that's kind of
45 the gist of what I'm getting here from all these
46 discussions.

47
48 Anybody need to add to that.

49
50 Mr. Douville.

1 MR. DOUVILLE: Only part of it. I
2 haven't thought it clear through, but to me there
3 appears to be a conservation concern, particularly when
4 you have a bag limit of annual of 10, and these scales
5 are indicating to me that you're lucky to get five or
6 six fish. So you can't even fill your permit for an
7 annual, at least in 2016. So to me that does indicate
8 a conservation concern.

9
10 CHAIRMAN HERNANDEZ: Yes. And I'd
11 point out that in the Staff analysis Staff kind of
12 characterized that as a moderate conservation concern,
13 so that as been identified that there is a conservation
14 concern with that stock. So that is part of our
15 conclusion here.

16
17 Mr. Howard.

18
19 MR. HOWARD: I wasn't sure there was
20 levels of conservation concern. So I don't know, is
21 there moderate, medium, and very concerned kind of
22 concern, or is there just a conservation concern.

23
24 CHAIRMAN HERNANDEZ: Do you want to
25 address that, Terry.

26
27 MR. SUMINSKI: Through the Chair. Mr.
28 Howard. Yeah, ANILCA doesn't provide us with a
29 definition of conservation concern. And this situation
30 is not unusual on these smaller escapement sockeye
31 systems. And I think it's just given the size of the
32 system, the recent escapement and the harvest, there is
33 some concern about it, you know, and I wouldn't
34 characterize it as an eminent failure of the fishery or
35 the stock, but there's definitely some concerns with
36 just the numbers of fish are not huge, so we have to be
37 a little more careful.

38
39 Thank you.

40
41 CHAIRMAN HERNANDEZ: Thank you for that
42 explanation, Terry.

43
44 Mr. Schroeder.

45
46 MR. SCHROEDER: Well, I'm just
47 following on the discussion of conservation concerns.
48 Just looking at the graph, Figure 3 on Page 75, we see
49 that escapements look like they're down. I mean, of
50 course, we'll all like 50 years of data and standard

1 deviations around them, but they're definitely down.

2

3 Looking at the State regulatory
4 history, the bag limit went up on 2002, because we had
5 a bunch of fish there. Then it even went up to 40 in
6 2004. And now it's racheded down to 10 fish.

7

8 I don't know. Just if you're talking
9 about a really long way across that Council Member
10 Wright talked about, boy, that's a long ways to go for
11 10 fish, so it's a bit like we're in a real difficult
12 situation for subsistence fishers.

13

14 So I believe that this is something of
15 a conservation concern, although we don't have a clear
16 definition for that. Any time that you rached a bag
17 harvest that much, that's a conservation concern.

18

19 And I really was thinking about that,
20 because our job is to look at tat as well as to provide
21 subsistence opportunity. Simply because there are
22 other people fishing there and perhaps local people
23 don't like that so much, well, that isn't what we pass
24 regulations on, just a perception that, you know, you
25 go over there and you don't like that somebody else is
26 fishing, well, we don't do that,

27

28 But given that the harvest limit has
29 been racheded way down and escapements are kind of low,
30 I think it's time for us to take actio, and I'll be
31 supporting this proposal.

32

33 CHAIRMAN HERNANDEZ: Thank you, Bob.

34

35 And I guess I should make mention that
36 I did have a request before this meeting that the Board
37 members would like to see that if we do identify a
38 conservation concern, that we give them some, you know,
39 detail as to why we are making that conclusion, so I
40 think Bob just did that quite well.

41

42 So any other deliberations on this
43 proposal.

44

45 (No comments)

46

47 CHAIRMAN HERNANDEZ: Ready for the
48 question.

49

50 MR. KITKA: Question.

1 CHAIRMAN HERNANDEZ: The question's
2 been called for. I'll do a voice vote. All in favor
3 of adopting the proposal as written signify by saying
4 aye.

5
6 IN UNISON: Aye.

7
8 CHAIRMAN HERNANDEZ: Anybody opposed
9 say no.

10
11 (No opposing votes)

12
13 CHAIRMAN HERNANDEZ: No opposed. The
14 proposal is adopted.

15
16 Yes, Mr. Schroeder.

17
18 MR. SCHROEDER: Just to make sure that
19 we have a good record, perhaps we should -- the second
20 criteria is it's supported by substantial evidence. We
21 have someone who has life-long experience with Neva
22 Creek in the room here, and I really value
23 Representative Wright's information that he provided.

24
25 There are also illustrious studies of
26 Hoonah that document the use of Neva Creek, including
27 my study from 1990, but there's also an update on that
28 I noted in the bibliography from Ratner and Dizard in
29 2006, as well as in passing we've heard a good deal
30 from Staff who through our support for monitoring
31 programs has paid a lot of attention to what's going on
32 in sockeye streams.

33
34 So I believe that we have a lot of
35 biological and traditional ecological knowledge in this
36 area. I believe that this would be beneficial,
37 although it may not solve the problems of people mainly
38 in Hoonah and in Gustavus getting the sockeye salmon
39 they need, I believe that this would be beneficial for
40 them. And I don't believe that keeping people out of
41 the stream who aren't Federally-qualified is an
42 unnecessary restriction.

43
44 Thank you.

45
46 CHAIRMAN HERNANDEZ: Thank you very
47 much, Dr. Schroeder. I refer to you as doctor when you
48 mention your research work at the table.

49
50 MR. SCHROEDER: I retired from that.

1 (Laughter)

2

3 CHAIRMAN HERNANDEZ: Thank you. Okay.
4 I think that concludes our deliberations on proposals.

5

6 We're going to take a short break. We
7 might need to resolve some audio issues with our
8 teleconference, and then we will commence with the
9 review of the Roadless Rule. So we can make it a short
10 break. Let's try and keep it short.

11

12 (Off record)

13

14 (On record)

15

16 CHAIRMAN HERNANDEZ: Okay. It looks
17 like we got everybody back. We're going to have a
18 little information and discussion on the proposal to
19 modify -- we'll just say modify the Alaskan Roadless
20 Rule. And we have Nicole Grewe here from the Forest
21 Service to inform us and answer our questions.

22

23 Go ahead, Nicole.

24

25 MS. GREWE: Good afternoon. My name is
26 Nicole Grewe. I am a regional economist for the Forest
27 Service. I work out of the Alaska Regional Office in
28 Juneau. Yeah, I live in both Juneau and Gustavus,
29 depending on the season, and I'm a 17 year resident of
30 Southeast Alaska. And I think for the purpose of this
31 talk I am a team member of the Alaska Roadless
32 rulemaking team. It's a small core team comprised of
33 some Alaska-based Forest Service employees and also
34 Washington-based Forest Service employees that have
35 been tasked with considering whether an Alaska Roadless
36 Rule could be potentially crafted. And so I'm going to
37 give the presentation here, if you could hold your
38 questions.

39

40 We just finished 17 public meetings, 15
41 across this region, one in Washington, D.C., and one in
42 Anchorage Alaska. So we just closed that, literally
43 last week. And this is the presentation that I have
44 been giving across the region that was also delivered
45 in D.C., and also in Anchorage, and it's the Forest
46 Service's overview of Alaska Roadless rulemaking.

47

48 (Phone interference)

49

50 REPORTER: Go ahead, I'll mute them,

1 and redial.

2

3 MS. GREWE: A project that if you've
4 been following the media is complex and controversial
5 and has been controversial this far and I expect
6 nothing less from the future.

7

8 So with that, I'll give you the Forest
9 Service overview, and I'm hoping by the end of this you
10 understand what we're trying to do here, that you have
11 a general idea of the process; how you can participate
12 and next steps in the Alaska Roadless Rulemaking.

13

14 So for those that are generally not
15 very familiar with the 2001 Roadless Rule I'll provide
16 a little bit of context here.

17

18 (Phone interference)

19

20 MS. GREWE: Should I take a pause
21 or.....

22

23 REPORTER: It's not you, go ahead.
24 Sorry. It's the phone participants. Please, people on
25 the phone, mute yourselves, we are getting a lot of
26 interference, star-6, to mute.

27

28 MS. GREWE: No, no, it's okay?

29

30 REPORTER: Yes, please, go ahead. It's
31 a telephone participant problem.

32

33 MS. GREWE: So in 2001 the U.S.
34 Department of Agriculture issued a regulation to manage
35 roadless areas nationally. The full name of it is The
36 Roadless Area Conservation Rule. We call it 2001
37 Roadless Rule, the National Roadless Rule, sometimes we
38 just call it Roadless in my office. I've kind of, in
39 my public meetings, I've been saying that the 2001
40 Roadless Rule like we use, Roadless Rule, that word as
41 an adjective, a noun, a verb, it's all encompassing
42 and, just a little bit of a personal note on this, I
43 moved to Southeast Alaska in 2001 and I've worked for
44 both the State of Alaska and the Forest Service and
45 ever since arriving to Southeast, the 2001 Roadless
46 Rule has been part of my vernacular and my work
47 process, public meetings, it's just been ongoing for 17
48 years. Anyway, this National Rule, it is really a
49 conservation rule.

50

1 (Phone interference)

2

3 MS. GREWE: It's purpose is to protect
4 social and ecological values and characteristics by
5 prohibiting with some exceptions timber harvest, road
6 construction and road reconstruction in inventoried
7 roadless areas. So a really important part of the 2001
8 rule is these inventoried roadless rules, we call them
9 IRAs for short, the acronym, or IRAs, across the
10 Tongass National Forest there are 110 of these
11 inventoried roadless areas. So I'll just note that
12 nationally -- this national rule basically there are 59
13 million acres of inventoried roadless areas across all
14 the National Forests so about 30 percent, a little less
15 than one-third of all Forest Service lands are set
16 aside as inventoried roadless areas essentially set
17 aside for conservation, and in the Tongass National
18 Forest, 55 percent of the National Forest is considered
19 inventoried roadless area, about 9 million acres, like
20 I said a little over half of the Tongass National
21 Forest. I'll say that we also have an anomaly in the
22 Tongass National Forest that we call -- there's about
23 80,000 acres that actually are inventoried roadless
24 areas but they have roads, and I'll talk about that a
25 little bit later. For short we call them roadless
26 roadless. It's like how many times can you say the
27 word, road, in different ways. But nonetheless.

28

29 So what is a roadless area.

30

31 Roadless areas are National Forest
32 system lands. Does not include Congressionally
33 designated Forest Service wilderness areas. There's
34 some overlap with land use designation to areas that
35 are managed for roadless characteristics. 80 percent
36 of inventoried roadless areas exceed 5,000 acres and
37 are normally without roads. And if you read the
38 original National Rule from 2001, there isn't
39 necessarily like an explicit super strict definition of
40 a roadless area, but it does go into extreme detail
41 around nine characteristics of these tracts of land
42 that generally do not have roads. So there's nine
43 characteristics that range from high quality natural
44 resources, public drinking water sources, rich bio-
45 diversity, large tracts of undisturbed lands, natural
46 landscapes, areas that provide -- that have significant
47 traditional cultural properties and scared sites and
48 other locally unique characteristics. And like I said
49 about 30 percent of Forest Service lands nation-wide
50 are covered by this rule and about 55 percent of the

1 Tongass.

2

3 So our journey. I kind of call it
4 Alaska's journey.

5

6 So the rule was promulgated in 2001 and
7 ever since that time, the Tongass National Forest, in
8 particular, has sort of been myriad in conflicting
9 controversy around this rule. As soon as the rule was
10 promulgated the State of Alaska challenged the
11 inclusion of both the Chugach and the Tongass National
12 Forest, 2003, the Department of Agriculture, so US
13 Department of Agriculture exempted the Tongass National
14 Forest from the National Rule, so for a period of time
15 the National Rule was not implemented across the
16 Tongass. In 2011 Federal District Court vacated the
17 exemption so the rule was reinstated on the Tongass.
18 In 2015 Ninth Circuit Decision upheld the Federal
19 District Court ruling to vacate the exemption. Today
20 the 2001 Roadless Rule remains in effect across
21 Alaska's National Forest, both the Chugach and the
22 Tongass. There is still litigation pending. The State
23 of Alaska has a lawsuit pending in the District of
24 Columbia Circuit Court of Appeals challenging the
25 National Rule's application in Alaska and there was
26 supposed to be oral arguments heard on this on October
27 22nd, but the Court is basically holding any further
28 proceedings around this lawsuit in abeyance until this
29 roadless rulemaking process has come to completion at
30 the Forest Service.

31

32 So I think my end note there is that
33 we've had a challenging journey and the State of Alaska
34 has been consistent through the years in their fight
35 for an exemption for the Tongass National Forest.

36

37 So why are we here -- why are we
38 talking about roadless rulemaking.

39

40 I think if you read a lot of the news
41 and media around the National Roadless Rule you'll see
42 that there has been mounting criticism in certain
43 states, rural communities, policymakers, land managers
44 have questioned whether a one size rule fits all
45 states, fits all National Forests. And so there's kind
46 of been building momentum, especially over the past
47 decade that perhaps this one size fits all national
48 rule should not be applied in the same manner in all
49 National Forests across the nation, that perhaps it's
50 -- while it's conserving land, it's perhaps not

1 providing enough economic opportunity.

2

3 So Western states, in particular, have
4 been asking, could management of roadless areas be done
5 in a different way, in a multi-use Forest that is more
6 responsive to local needs and preferences. So we're
7 not the first state to go through this. Colorado and
8 Idaho have gone before us and developed what we're
9 calling a state-specific roadless rule. So Colorado
10 and Idaho have gone through the same process and at the
11 other end of it, they've had their own state-specific
12 roadless rule that basically replaces the National
13 Rule. So I don't think we're really talking about a
14 modification of the National Rule for Alaska, we're
15 talking about developing a rule that is specific to
16 Alaska that will replace the National Rule.

17

18 So why an Alaska Roadless Rule.

19

20 There's recognition, the Tongass
21 National Forest, in particular, is unique from other
22 National Forests. It's the largest in the Forest
23 Service system. The percent roadless, inventoried
24 roadless is at 55 percent, so more than half of the
25 Forest is being conserved through the National Rule.
26 Community dependency.

27

28 The Tongass National -- we have 32 to
29 34 communities across the region that are generally,
30 you know, located within the National Forest. And
31 there's also a recognition that we have unique
32 statutory considerations that are at play here. The
33 Tongass Timber Reform Act, and the Alaska National
34 Interest Lands Conservation Act, and that sort of --
35 yeah, the unique nature of the Tongass, in particular,
36 may warrant consideration of an Alaska-specific
37 roadless rule.

38

39 So we're also here because in January
40 of 2018 the State of Alaska petitioned the USDA,
41 Department of Agriculture, Secretary Sonny Perdue,
42 petitioned -- he petitioned -- the State petitioned the
43 Secretary and generally asked for two items; for the
44 exemption to the National Rule to be put back into
45 place for the Tongass National Forest, and that the
46 Forest Plan Amendment, that we just signed in 2016,
47 that transitions the timber harvest from predominately
48 old growth to young growth harvest, that that plan
49 amendment be revisited. In April, so four months
50 later, the Secretary of Agriculture generally replied

1 and noted that there's a lot of common interest between
2 the State of Alaska and the USDA, a lot of interest
3 around rural community well-being, ensuring that there
4 is economic opportunity for future generations, and
5 that the Forest Service, in particular, desired a long-
6 term and durable approach to addressing roadless issues
7 in Alaska.

8

9 So where we're at right now, is this
10 proposed Alaska Roadless Rule.

11

12 So in concept right now we're -- you
13 know the Forest Service, I'll say, has been charged by
14 the US Department of Agriculture, so kind of the, you
15 know, the Forest Service is located within the USDA,
16 and the Secretary has charged the Forest Service now
17 with considering whether there is a better path forward
18 for Alaska than the National Roadless Rule, and so the
19 Forest Service is now carrying out what it's been
20 charged with. And we have some notions around what an
21 Alaska Roadless Rule could potentially look like. It
22 would be specific to Alaska. It would replace the
23 National Rule in Alaska. Currently the Chugach
24 National Forest is outside area of focus. The
25 Tongass National Forest is primarily the focus of this
26 project and we would consider changing roadless area
27 managed.

28

29 The way I've been describing it in
30 public meetings, in the most simple sense, is that it's
31 a land reallocation process, of potentially up to 55
32 percent of the Tongass.

33

34 And there's generally two components to
35 land reallocation.

36

37 There's a geographic component. So of
38 these inventoried roadless areas, of the 110, should it
39 really be 55 percent of the Tongass, should it be 110
40 areas, should the boundaries of these areas change. I
41 mean we're -- the ideas that we're considering, we
42 don't have a whole lot of structure to it at this point
43 and I just want you to know that we're thinking about
44 geography and we're also thinking about the second
45 component, which is a narrative that would go with the
46 geography. So the narrative, I think an easier way of
47 explaining that is what activities would be allowed or
48 not allowed in these geographic areas. And with the
49 National Rule we kind of speak to them as prohibitions
50 and exceptions. I think it's a little more clear to

1 just say what's allowed and what's not allowed.

2

3 So we have some side -- you know, not
4 firm side boards, but we are operating -- we are
5 operating knowing that this is a regulatory rulemaking
6 process that does not amend or revise the 2016 Tongass
7 Land Management Plan. Now, with that said, I'll tell
8 you that there's been a lot of questions from the
9 public. All of our public -- I think it has been
10 mentioned at all of our meetings about concern
11 regarding the current Forest Plan Amendment, having
12 just been signed, that was also an extensive effort for
13 the Forest Service and for our communities. We just
14 signed that decision. But I'll just tell you in this
15 thinking about whether we can develop a new management
16 regime for these roadless areas in Alaska, there's kind
17 of these side boards we're operating between. There's
18 full exemption. So keep in mind the State of Alaska
19 petitioned the USDA Secretary for a full exemption.
20 And on the other end of the continuum is the National
21 Roadless Rule. And what the Secretary has charged us
22 with, is taking a look at both of those ideas but also
23 a continuum between. And I think that that is sort of
24 where we're at right now, we're looking at this
25 continuum, what could that look like. Is there a
26 better way between full exemption and the National Rule
27 that still conserves roadless areas for the future,
28 while also providing more economic opportunity for
29 small communities, or really all the communities of the
30 Tongass. And so when it comes to the Forest Plan
31 Amendment, that is not being immediately changed by
32 this effort, that would be -- you know, we don't know
33 where we're going to end on this continuum, we don't
34 know if it will require an amendment or revision to the
35 Forest Plan, it could, we just don't know until we get
36 to the end. I've been noting that, you know, when we
37 get to the end of this and if we do come up with an
38 Alaska Roadless Rule there likely will be some sort of
39 reconciling with the Forest Plan, what that will be, I
40 don't know. And also Alaska roadless rulemaking does
41 not authorize any ground disturbing activities. It's a
42 regulatory rulemaking process.

43

44 Can you hit forward for me DeAnna, I
45 think the battery might be -- or maybe I'm pointing it
46 -- or maybe your computer slowed.

47

48 (Pause)

49

50 There we go, thank you.

1 So I'll tell you as a resident of both
2 Juneau and Gustavus, this has been -- this journey of
3 these public meetings has been controversial, complex
4 and also highly rewarding. And I'll just tell you
5 trying to describe to the public what this could be,
6 what this could look like is a difficult task and the
7 way that I've wrapped my brain around it is really to
8 think about the other two states that have gone before
9 us. So I mentioned there were two other states that
10 have successfully gone before us, Colorado and Idaho.
11 I'll just speak to them very briefly.

12
13 They both had inventoried roadless
14 areas and instead of just having one category
15 inventoried roadless area where you could not build
16 roads, reconstruct roads, or timber harvest, they took
17 that one category and that geographic, you know, those
18 areas across the National Forest in those two states
19 and they developed a different land allocation proc --
20 a different land categorization or land allocation.
21 And so in Idaho they come up with five land management
22 categories, they call them management themes. So
23 instead of just having one where you can't build roads,
24 or reconstruct roads or timber harvest, they ended up
25 with five and very -- and those five range, and it
26 ranges on its -- they range from wild lands/recreation,
27 which is actually more restrictive than the current
28 National Rule all the way down to general Forest, which
29 generally allowed road construction, reconstruction.
30 And there were three other categories in the middle
31 there that were different, you know, each of these
32 categories had their uses that were allowed and uses
33 that were prohibited. And so there's a range in there.
34 Colorado did the same thing, except they divided their
35 inventory roadless areas into two tiers. One tier is
36 more restrictive than the current National Rule and one
37 is less restrictive. And in both these states they
38 updated boundaries, they excluded some lands from the
39 roadless inventory and at the end of the day they ended
40 up with their own State-specific roadless rule with
41 their own definitions of roadless areas.

42
43 So public participation.

44
45 So on August 30th a notice of intent
46 was issued, published in the Federal Register that the
47 USDA is initiating an environmental impact statement
48 and public rulemaking process to address the management
49 of inventoried roadless areas on the Tongass. We call
50 this the NOI, or notice of intent. It starts a 45 day

1 scoping period, which just closed on Monday, so two
2 days ago, 48 hours ago. And I just wanted to note that
3 there are going to be additional opportunity for public
4 participation. The general schedule here is to publish
5 a draft environmental impact statement by next summer,
6 I want to say June 2019, which will start another
7 public comment period and another round of public
8 meetings across the region. We are also carrying out
9 our government to government consultations at the
10 request of the tribal governments across the region.
11 We've also invited each of the tribes across Southeast
12 Alaska to sit with us as a cooperating agency so the
13 nut of that is that we develop a memorandum of
14 understanding with tribes that are interested and that
15 we work together on this process and essentially the
16 tribes sit with us as partners at the table and we've
17 had several serious inquiries, we're in discussions
18 with several tribes across the region. As you know
19 this process is moving pretty quickly but -- so we're
20 doing our due diligence here with the tribes across the
21 region. In the same way that we have invited the
22 tribes to sit with us as a cooperating agency, the
23 State of Alaska signed a memorandum of understanding
24 with the Forest Service in August of 2018 that also
25 established the State of Alaska as a cooperating
26 agency, essentially sitting with us at the table as a
27 partner in this process. There was a recognition that
28 the State has expertise and specific input regarding
29 State interests and I'll just want to mention that, you
30 know, the USDA Agriculture accepted the State's
31 petition in January of 2018, which initiated this
32 process. We were charged, the Forest Service was
33 charged with carrying out its environmental analysis
34 and in coming up with -- trying to come up with a
35 different management regime for inventoried roadless
36 areas across the Tongass, that ranges from full
37 exemption to the National Rule, keeping the National
38 Rule in place, which technically is the no action
39 alternative, for those that are well versed in NEPA
40 analysis. But at the end of the day and at the end of
41 this process, we're trying to conclude all of this by
42 June of 2020 and the Secretary of Agriculture retains
43 decisionmaking authority. This is not a decision that
44 will be made by the Regional Forester, Dave Schmid nor
45 the Forest Supervisor Earl Stewart, not by the
46 Interdisciplinary Team.

47
48 We have two parallel tracks of work
49 that are happening here. We're going to have the
50 environmental analysis, the environmental impact

1 statement process that we always do at the Forest
2 Service, but at the same time we're drafting a
3 potential rule, a potential Alaska roadless rule. And
4 the Secretary of Agriculture will make the final
5 decision. It's going to be different than other --
6 than the business we usually do at the Forest Service
7 in projects, in that there's no objection period. So
8 the rule will be published and any discord in the
9 public, it will just go straight to litigation.

10

11 So next steps.

12

13 So our comment period closed on October
14 15th for the scoping period. I've been asked many
15 times how many comments we've received, the number has
16 been growing every week, but I think we received about
17 430,000 comments in just 45 days. And so I'll tell you
18 that the small group of us reported to work at 3:00
19 a.m., yesterday to process the 300,000 that were
20 delivered to the Chief's office that they found in her
21 email, or probably multiple emails, but, yeah, it's
22 been -- this has been definitely an expedited timeframe
23 with scheduling troubles, but I think that the input so
24 far, the volume of it has probably surpassed what we
25 expected.

26

27 So proposed rule and draft
28 environmental impact statement by next summer. Summer
29 following, summer 2020 is the final environmental
30 impact statement. And then like I said during summer
31 2020 the Secretary will make a final decision. There
32 is no objection period. There's no route of
33 administrative objection.

34

35 So how to comment. So while the
36 scoping period has ended, there is also different ways
37 you can participate. Like I said, the next logical
38 period here is really after the publishing of the draft
39 environmental impact statement next summer and the
40 additional rounds of public meetings that will be held
41 at that time. I'm already in conversation with DeAnna
42 around scheduling a special meeting, I guess, of this
43 group, to weigh in on the DEIS. I also want to mention
44 that the State of Alaska has -- part of their agreement
45 with the Forest Service, or part of the process is they
46 have established a Citizen's Advisory Committee by
47 administrative order, it's an administrative order of
48 Governor Walker's and that committee met last week,
49 they're meeting again next week but at every one of
50 their meetings they have public comment as well so you

1 can outreach that way. I believe they're going to have
2 an email address set up, it probably is already set up
3 but I just don't know the address of the top of my head
4 that you can submit comments to. That committee will
5 inform the State of Alaska, the State of Alaska will
6 provide input to this process. So I think there's --
7 while the scoping period has ended, there's multiple
8 other venues that folks can still participate in. And
9 I've always encouraged the communities to provide any
10 type of comment they would like regarding Alaska
11 Roadless Rulemaking, but if you are curious of this
12 continuum between what I call these book ends, really
13 think about geography and activities, what inventory
14 roadless areas are most important to you, your
15 community, what should be included or excluded, if
16 you'd like to see boundary changes made. And then
17 activities. What type of activities should be allowed
18 or prohibited in these roadless areas.

19
20 So this is ways to contact the project
21 team.

22
23 So I think if you can path your way
24 through that project comment website, while the scoping
25 period has ended, you will find other information there
26 on how to participate and such.

27
28 And that's my physical address that's
29 up there.

30
31 And then Alaska Roadless Rule at
32 fs.fed.us.

33
34 I will note through this process that
35 we created a bunch of maps that are on the wall over
36 here starting with the full region, kind of moving
37 north to south that show you the land status and of
38 particular interest the roadless areas are well marked
39 up there, plus the 80,000 acres of roadless and
40 development land use designations are up there as well.
41 And then on line you can find your way through to our
42 website there's a mapping tool, these are our two
43 websites around this project, there's this mapping tool
44 on line where you can go on line and submit comments
45 really specific to a certain area that is important to
46 you and that gets logged with us with like -- it's
47 essentially like a push pin almost on a map. I was
48 pretty excited at our last public meeting, it was in
49 Kake actually, and after the Kake meeting, before that
50 night closed we had 20 comments left on that mapping

night.

3

4

And that's really all that I had.

5

6

7

I would love to take any questions now
or hear any discussion that you have.

8

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50

So questions for Nicole first.

Ms. Needham.

MS. NEEDHAM:

Thank you, Mr. Chair. I

appreciate you coming in and talking. I actually was

able to attend one of the public meetings that you guys

had and then more the second time around so it's, yeah,

the same presentation, and I was like, oh, I didn't

quite catch that the first time.

But one of my questions is the first

public meeting that I attended that I think about with

respect to this Council and the work that we do, is do

you know at this time, like, how ANILCA .801, the

ANILCA .810 analysis will be handled under the

rulemaking -- the EIS rulemaking process, and whether

or not you'll have formal subsistence hearings

associated with that, or involve this body in any part

of that analysis?

MS. GREWE:

We are going to have

subsistence hearings. We've already been talking about

that. That will be held in conjunction with the public

-- most likely in conjunction with the public meetings,

after the publishing of the draft environmental impact

statement. I'm looking to like June, July, early

August timeframe. And, DeAnna and I have already been

discussing making sure that there is a -- if this body

is, you know, interested, having a special meeting,

because I understand you're quarterly, or are they

semi-annual meetings aren't very well aligned with our

timeframe on this project, but that a special meeting

was possible so that you could work together as a group

and address the draft environmental impact statement.

1 CHAIRMAN HERNANDEZ: Anybody else.

2

3 MS. NEEDHAM: Followup.

4

5 CHAIRMAN HERNANDEZ: Yeah, followup,
6 Cathy.

7

8 MS. NEEDHAM: I guess I've never --
9 I've only been on the Council for almost 10 years now,
10 but -- and I've never heard of us having a special
11 meeting so that might be a question for one of our
12 Staff, or Office of Subsistence Management, what that
13 would entail.

14

15 So what you're saying, the analysis
16 will actually be done in draft form before you'll
17 actually take or have any type of subsistence-based
18 hearings prior to that, under -- I'm just thinking of
19 the .810 analysis, specifically.

20

21 MS. GREWE: Yeah, you know, I have not
22 been involved with the .810 analysis, and I'm going to
23 have to get back to you on that one. I don't think
24 they're -- I don't think there is any reason to believe
25 that this group is looking past subsistence, I will say
26 it's an aggressive timeline we've been given to carry
27 out this project and that's been a concern across this
28 region as we've conducted these public meetings. But I
29 don't know if DeAnna would be the one I work with on
30 that, but I mean I think I could report back to this
31 group on the path forward.

32

33 MS. NEEDHAM: I have -- I mean I don't
34 have a question, this is just a comment back on that.
35 I, personally, feel that this particular thing could
36 affect subsistence because you're talking about a
37 change in access, and so I think a change in access to
38 subsistence resources would probably be a pretty -- I
39 don't want to say controversial but there seems like
40 there should be some thought and discussion put into
41 that ahead of time, before just making a decision about
42 what you think those impacts may or may not be.

43

44 So that's just a comment that I would
45 add, and that's why I'm asking that question
46 specifically about .810.

47

48 Thanks.

49

50 CHAIRMAN HERNANDEZ: Thank you, Cathy.

1 Before I go to Mr. Schroeder, DeAnna, do you have
2 something you wanted to tell us about meeting schedules
3 and what not.

4

5 MS. PERRY: Yeah, thank you, Mr. Chair.
6 As Nicole has mentioned back when the notice of intent
7 public comment period began, I have been in contact
8 with the team about how to make sure that this Council
9 has an opportunity to comment. We couldn't make a
10 special meeting happen prior to the close of this
11 current public comment period because of the amount of
12 time it takes to get a Federal Register published, and
13 we have to give a 15 day notice before a public
14 meeting. So I've been in contact with Nicole and some
15 other folks to make sure that we can anticipate when we
16 might be able to see the public comment period open for
17 the draft EIS, and then make sure that a Federal
18 Register gets posted providing the amount of public
19 notice that we need to before our public meeting.

20

21 So I just wanted to address Cathy's
22 comments regarding how that might pan out.

23

24 And then it looks like Carl might have
25 a bit more information. And I have confirmed this
26 through Theo Matuskowitz at OSM as well.

27

28 CHAIRMAN HERNANDEZ: Go ahead, Mr.
29 Johnson.

30

31 MR. JOHNSON: Thank you, Mr. Chair.
32 Carl Johnson with OSM. So one of the things we're
33 trying to get advance approval of now is adding some
34 additional language to our standard Federal Register
35 notice. So when we announce in January of each year
36 that there is a proposed rulemaking for this program,
37 for either fisheries or wildlife regulatory proposals,
38 we also include in that Federal Register notice a
39 schedule for that entire calendar year for the RAC
40 meetings. And one of the things we're trying to get
41 approved for inclusion in that Federal Register notice
42 is language that puts the public on notice that at a
43 RAC meeting, there may be a discussion of a need to
44 have a continuation of that RAC meeting during a
45 teleconference at a later time in order to receive
46 additional information, or to address a particular
47 issue.

48

49 So we're hoping that the inclusion of
50 that language will provide adequate notice to the

1 public that would obviate the need for an additional
2 Federal Register notice just for a RAC meeting, as
3 we're trying to do at this time, and we'll definitely
4 have a clear understanding of that for your winter
5 meeting. So your winter meeting would definitely be
6 the time when you will have a better understanding, I'm
7 sure, of what the draft EIS timeline will be for this
8 process, but also we'll be able to better advise you as
9 to how to go about scheduling a special meeting if -- a
10 special meeting if you need to during the draft EIS
11 public comment period.

12
13 And I just wanted to add just to
14 followup on the Section .810 discussion. Section
15 .810(a) of ANILCA does require, if the proposed action
16 would significantly restrict subsistence uses, that the
17 agency taking that action has to give notice of and
18 hold a public hearing on that issue, and give notice to
19 the Regional Councils. But that's only if there is a
20 conclusion that the proposed action would significantly
21 restrict subsistence uses.

22
23 Thank you, Mr. Chair.

24
25 CHAIRMAN HERNANDEZ: Thank you, Mr.
26 Johnson. You might want to stay there for a little
27 longer.

28
29 Mr. Schroeder, you have a question.

30
31 MR. SCHROEDER: Yeah, just following up
32 on the Section .810. I just -- your statement that
33 perhaps there will be something that looks like a
34 Section ,810 hearing or meeting after a DEIS is out is
35 completely new territory. This isn't at all what was
36 envisioned by ANILCA and this is a very strong
37 subsistence protection. My anticipation would be that
38 you'll lose very big time if you take that approach.
39 Section .810, people who have been around for awhile
40 are very familiar with that section and it isn't just
41 another check box on the list of planning.

42
43 It does call for, I don't believe a
44 hearing, but I believe that there need to be hearings
45 in all the affected communities. This is really a big
46 deal. And there needs to be significant analysis
47 before that. So it just will not cut it, absolutely
48 not cut it to have the Governor's office come up with
49 alternatives that then find their way into a DEIS and
50 then on the notice for meetings on the DEIS there's a

1 footnote that says, yes, this is also an .810 hearing.
2 This absolutely is not going to work.

3
4 Now, my second question is, what is the
5 logic of having a non-FACA group develop alternatives
6 that will be presented in a Federal document?

7
8 If you can answer that question.

9
10 MS. GREWE: Let me just back up for a
11 moment on the .810 analysis. I don't want to
12 communicate to this group that it's a check box or that
13 we're not going to comply with ANILCA, I'll just tell
14 you that I'm an economist and have not been as active
15 in subsistence matters as others and that this is an
16 expedited timeframe and we're literally just now
17 putting together our thoughts on how we're going to
18 comply with all of this and the scheduling of
19 subsistence hearings and the DEIS, and it's -- by no
20 means did I want to, you know, suggest that we're not
21 going to comply, it's just I'm not sure how it's going
22 to happen yet, and this is partially due to timeframe of
23 this project.

24
25 MR. SCHROEDER: Well, our job
26 as the FACA committee in Alaska, in Southeast Alaska
27 concerned with ANILCA and concerned with all things
28 that affect subsistence, we will not meet until after
29 you've made a decision so if you're not prepared to say
30 how you're dealing with .810, I don't know what we're
31 talking about.

32
33 Getting back to me later and possibly
34 having a teleconference meeting at some time in the
35 future simply, it just doesn't cut it. That's not what
36 we're here for, and not what we're doing.

37
38 Could you address the second question,
39 which is how you're developing alternatives or if
40 you're just going to import them in from the Governor's
41 group, which we'll point out is not a FACA group, but
42 definitely seems like it's in a position of advising
43 the Federal government, which, I don't know how many
44 balls can you juggle at a time to make that work.

45
46 MS. GREWE: Sure. Through the Chair.
47 The State Citizen Advisory Committee is not -- is not a
48 FACA group and they are -- they're only being assembled
49 to advise the State of Alaska, they are not submitting
50 alternatives to the Forest Service in the manner that

1 you just stated. They are advising the State's Tongass
2 Team and I don't know what that Tongass Team will
3 provide to the Forest Service, some sort of input.

4

5 CHAIRMAN HERNANDEZ: Keep going Bob.

6

7 MR. SCHROEDER: Could you describe how
8 alternatives are being developed?

9

10 MS. GREWE: First of all we're not --
11 we haven't started developing alternatives yet. Our
12 scoping period just closed on Monday. I don't have the
13 analysis of the scoping comments that will help us
14 develop issues. I mean the Forest Service has
15 assembled an InterDisciplinary Team, as we always do,
16 to carry out a NEPA project. So the alternatives will
17 be developed through that process.

18

19 MR. SCHROEDER: And I'm obviously
20 really heated about this issue. I recognize your
21 position as a planner so this is nothing personal with
22 respect to your very well organized report. But these
23 are things that need to be voiced and they need to be
24 put on the record.

25

26 Another area, which I was thinking,
27 well, what's different now from 2001 in terms of what
28 we know about subsistence. And the thing is we really
29 know a lot more about subsistence than we did at that
30 time. We also have much greater recognition of tribes
31 and tribal territories in Southeast Alaska than was
32 going on in 2001. And I believe that affected tribes,
33 since -- basically a great expense to Forest Service,
34 subsistence use areas have been mapped out as well as
35 clan territories and tribal territories, and this is
36 Forest Service data and I believe that at, bare
37 minimal, analysis has to show how the clan and tribal
38 territories that may be included in the -- what do we
39 call them, research areas, I forgot, the 110 -- there
40 are 110 areas for consideration; is that true? Am I
41 missing some -- it was in your presentation.

42

43 MS. GREWE: Yeah, through the Chair.
44 There's 110 inventoried roadless areas.

45

46 MR. SCHROEDER: I really think that
47 this is so important that special attention be made to
48 see which of those areas are in what tribe and what
49 clan's territory and to contact the clan and tribe as
50 that may apply.

1 And so that is something that's very
2 different from 2001.

3
4 I also believe that since 2001, there's
5 been a real growth of community and tribal expertise on
6 land use matters and that I'd expect that there should
7 be and could be a great deal more involvement of tribes
8 and communities in this area.

9
10 And I'll probably have lots of other
11 things because I'm really upset about this.

12
13 CHAIRMAN HERNANDEZ: Thank you. Mr.
14 Yeager.

15
16 MR. YEAGER: Thank you. Mr. Chair. A
17 couple of the concerns that I have right off the bat is
18 that the -- who will be determining the impact on
19 subsistence users and who justifies what is going to be
20 deemed an impact, will it be us, will it be a team from
21 the Forest Service or not, and I feel that maybe we
22 would be a good body to run some of those ideas
23 through. And also if we are talking about some kind of
24 a conference or special meeting, and I thought I heard
25 maybe sometime around the summer, July or August, most
26 of us will be in a boat. So I'm worried about having
27 the opportunity for a legitimate involvement in
28 something like that and I feel that it's our Regional
29 Advisory Council's duties to make sure that we have
30 substantial time and substantial input on a topic like
31 this.

32
33 CHAIRMAN HERNANDEZ: Thank you, John.
34 And there was a question there about making the
35 determination that there is a significant impact to
36 subsistence; who makes that determination, how is that
37 done?

38
39 MS. GREWE: Sure. Through the Chair.
40 I'll just say I am not sure how that determination will
41 be made. I recommend that, as Carl noted, and I said
42 I've been having conversations with DeAnna, I totally
43 understand your concern about not being circled back to
44 until after the publishing of the DEIS, I think, mid-
45 winter, or, you know, if you wanted to -- you have a
46 mid-winter meeting, you could schedule a special
47 meeting, I would be happy to come back and consider
48 this further with you. I do think this is important
49 and you have input and it's really just a matter of
50 trying to figure out how this can work on the schedule.

1 So scoping comments ended on Monday,
2 we're going to have a report within two weeks of what
3 those comments said, we're going to be developing issue
4 statements that will guide our analysis, and I think it
5 would behoove you to schedule another meeting for
6 further consult before the DEIS gets along too far, and
7 I don't know when that is because I literally just got
8 the timeline for where we're -- I've been focused on
9 the public meetings and we're just now looking at what
10 the next year and a half is going to look like.

11
12 So I just don't know how you schedule
13 those meetings and how that's done but I think that it
14 would be wise to consider an additional meeting.

15
16 CHAIRMAN HERNANDEZ: Cathy.

17
18 MS. NEEDHAM: Thank you, Mr. Chair.
19 One thing that -- in what you just said in terms of
20 being willing to -- or encouraging us to be involved at
21 that level, is that, we've passed one significant
22 deadline already and I'm afraid that your process is
23 not -- it's not going to slow down, I think we all
24 understand that. The team has made that pretty clear
25 on the ground with the community visits that you have
26 done and I want to make sure that this discussion that
27 we're having now, which is most likely what we would
28 have put together into comments that we would have
29 given the Forest Service on the NOI, that -- how we
30 feel about, us, as a FACA committee and our
31 responsibilities under ANILCA and how they would
32 benefit the analysis that's going to be done.

33
34 I want to make sure that that message
35 gets passed through because we weren't allowed to put
36 -- or we didn't have the timeframe, it wasn't -- they
37 didn't align in able to make that a written comment
38 that could be objectionable, or for the notice of
39 intent to begin with. So we're telling you this after
40 the comment -- is you're telling us that you don't know
41 how it's going to go because you have to go through the
42 -- all of the public comments that were submitted but
43 we're not a part of that so I want to make sure that we
44 -- that we can make sure that this conversation that's
45 on the record actually gets incorporated into that
46 process somehow. And I don't know if that is -- can we
47 do some followup letter to make sure that it's clear to
48 the leading cooperating agencies that this FACA
49 committee is a venue for gathering public record and
50 helping or being some part of the analysis that happens

1 when it comes to subsistence resources.

2

3 So would a letter be appropriate, even
4 if -- it wouldn't be a scoping comment but to assure
5 that our message from today's discussions get heard
6 essentially.

7

8 CHAIRMAN HERNANDEZ: Thank you. Mr.
9 Wright.

10

11 MR. WRIGHT: Thank you, Mr. Chair. You
12 know this group here is called Southeast Regional
13 Advisory Council and we are here to make decisions on
14 issues for the Tongass. You know, so when we're here
15 to make decisions on the Tongass we should be able to
16 make comments on issues as important as this and be put
17 in an official letter so that we don't get pushed
18 aside. Because when this is a Federal -- this is a US
19 Forest Service put together the subsistence group, you
20 know, so it feels like we're going to be pushed aside,
21 you know, because this group here is a hardworking
22 group and I've been here for almost 15 years and to
23 feel like something as important as this doesn't mean --
24 I mean you're being pushed aside it's kind of, what am
25 I doing here. What am I doing here.

26

27 I mean there's some people that are in
28 the communities that depend on subsistence, like she's
29 talking about, ANILCA .810, you know, and that's so
30 important to us that it's going to hurt. All of a
31 sudden there's something going on that's going to hurt
32 our area, you know, so you look at -- you look at the
33 way fishing's going on right now and then all of a
34 sudden they're going to be doing things with the Forest
35 that's going to be -- probably going to hurt it, hurt
36 it more, the environment, you know.

37

38 So, thank you, Mr. Chair.

39

40 CHAIRMAN HERNANDEZ: Bob, did I see
41 your hand up?

42

43 MR. SCHROEDER: I've had my hand up a
44 lot on this one.

45

46 Just, there's some perception -- maybe
47 you can clear this up for me. There's a perception
48 that the Governor's Citizen Advisory Committee, well,
49 what are they doing and the impression is that they're
50 developing alternatives. Now, if they're doing

1 something really different and they're not coming up
2 with alternatives, then please correct me, but that is
3 what is kind of out there on the street. And this
4 would be kind of a new territory for Forest Service in
5 planning to, whether you call it subbing it out or not,
6 but not to have an internal team in Forest Service do
7 the alternative preparation.

8

9 Thank you.

10

11 CHAIRMAN HERNANDEZ: Thank you, Bob.

12

13 I'd also like to point out that, as
14 Bob's already said, you know, we are a FACA committee.
15 We are authorized under Title VIII of ANILCA, Section
16 .805, and in that section it says that we will report,
17 make recommendations on management plans, policy,
18 regulations to the Secretaries and nowhere does it say
19 that we have to make our reports to any committee
20 within the Forest Service or anybody else. We report
21 to the Secretaries. And we have public meetings that
22 are noticed and on the public record for people to come
23 and make comments and us to do our business, and I
24 would assert that we operate under our own schedule,
25 separate from anybody else's schedule in regards to any
26 matter dealing with subsistence. So I actually
27 question whether there's any need for us to have any
28 special meetings at all, if we want to weigh in on this
29 at our winter meeting and make comments, make comments
30 now, we'll do so, and those comments will go to the
31 Secretaries through the normal channels, through the
32 Board.

33

34 But we may want to have a special
35 meeting to address a particular concern but in the
36 meantime your deadline of Monday the 15th means nothing
37 to this Council. We're doing business now. It's been
38 publicly noticed. We published an agenda. And if we
39 want to make a comment about the whole process and
40 what's going on we'll do so, and so I don't know if
41 anybody would disagree with that.

42

43 Mr. Howard.

44

45 MR. HOWARD: Thank you, Mr. Chairman.
46 There's a couple of things that I'm concerned with. I
47 mean the fact that there's no real information that
48 says whether or not there's going to be an impact to
49 the subsistence user, that's one concern.

50

1 The other concern is I've been a part
2 of the Forest Service's process. Being a former
3 president of the local IRA we went through a process
4 concerning a tailings expansion. I caught a word there
5 that maybe no one else has caught, she's an economist.
6 She's -- no offense, but this is what I grabbed when I
7 heard that. We asked, let's put the tailing site on
8 the capital of Alaska's side, not on Angoon's side,
9 because we knew and Guy Archibald's going to talk about
10 this here sometime, but we knew what was happening.
11 The water quality standard was -- at the time when the
12 mining companies couldn't afford to maintain the water
13 quality standard, based on an economist's findings, so
14 what they did was, they used the same findings and they
15 said the mine's can't afford to move the tailings to
16 the other side, to Juneau, and pollute that side,
17 because Juneau was getting -- at the time the tribal
18 council said, well, Juneau's getting all the money, let
19 them deal with the water pollution and everything else,
20 quit dumping it into Chatham and Icy Strait, and Lynn
21 Canal. The EIS was geared to show that the mining
22 company couldn't economically afford to move the
23 tailings to Youngs Bay.

24
25 Now, in my mind hearing she's an
26 economist, somebody is sitting back there saying, what
27 impact is the roadless rule having on Alaska's economy,
28 they're not saying, what is the impact on the
29 subsistence users.

30
31 So we have to keep in mind that when
32 this comes back around we need to make sure we're
33 paying attention to the impact, if there's going to --
34 if they're going to show any. See what I'm saying is,
35 you can gear an EIS to -- at that time, have the
36 outcome you want it to. Now, I don't know the funding
37 source behind changing the roadless rule so it becomes
38 an Alaska rule, is it -- I'll say it, is it Native
39 Corporation driven, so they can have access to timber.
40 Now, we have to be honest with ourselves because as
41 Natives we're honest with each other, we'll talk to
42 each other however we feel, that's just how we are, you
43 know, when it concern -- and I've -- I've addressed
44 this on another level.

45
46 I go hunting across Chatham all the
47 time and I get over there and I couldn't believe the
48 buffer zone was so close to the beach that the trees
49 fell over on to the beach and you could see the clear-
50 cut, to me that's not a buffer zone. I asked the

1 Forest Service, and the Forest Service said we have our
2 standard of a buffer zone and the State has their
3 standard. Now, if it's on private land it's State
4 standards. So I think part of this process is, if
5 they're ever going to open any more logging, that we
6 need to ask them, do we go by the Forest Service
7 standard, which moves the buffer zone back a little
8 further from the beach or any salmon stream.

9
10 This is something you learn growing up
11 from the elders. You don't just give something away
12 and not get something. So keep that in the back of
13 your mind in case I miss the next meeting, that we want
14 a bigger buffer zone if they're going to open more land
15 for logging.

16
17 This is an important matter.

18
19 Angoon. I don't think the Roadless
20 Rule affects us because Admiralty Island falls in the
21 National Monument under different criteria. If we want
22 to build a road you have to go through transportation
23 utility corridors and it's Title XI. We have to go
24 back to Congress ourselves if we want a road, or if we
25 want power lines to go through.

26
27 So I think we need to pay close
28 attention to this and see where the funding is coming
29 from to change this. I agree with changing it. I
30 agree with the concept of Alaskan's should decide
31 what's best for Alaskans. I don't want my Army buddy
32 in Arkansas to tell me how to live my life up here so I
33 don't need some Congressman or Senator from Arkansas
34 deciding that the Roadless Rule should apply in Alaska
35 as well, but we should do it responsibly.

36
37 Thanks, Mr. Chair.

38
39 CHAIRMAN HERNANDEZ: Thank you, Albert.

40
41 Anybody have any more questions.

42
43 Mr. Schroeder.

44
45 MR. SCHROEDER: I'll try not to get
46 into polemics here. Just, you did speak of how there
47 would be alternatives between it's all open and current
48 situation and so my question is, how are these
49 alternatives developed and restating what I asked
50 before, the perception is, is that the Governor's

1 Citizen's Advisory Committee will be a main force in
2 presenting alternatives. Could you tell me if that is
3 a correct perception or if there's another process to
4 develop alternatives?

5
6 MS. GREWE: Sure. Through the Chair.
7 I think there has been a confusion in language used
8 around the State Citizen Advisory Committee. They're
9 going to provide input to the State's Tongass Team and
10 that committee will decide what moves forward to the
11 Forest Service as a recommendation. I don't -- I have
12 the -- I'm actually an ex-officio member of the State
13 Advisory Committee, I -- and I'm also an
14 Interdisciplinary Team member for the Forest Service, I
15 don't expect to receive an alternative from that
16 committee, from the State -- from that committee
17 through the State. I think that if you have problems
18 with the State of Alaska's committee you should
19 communicate that to Governor Walker and State Forester
20 Chris Maisch. They're going to be submitting, the
21 State will submit -- the State submitted comments
22 through the notice of intent, it was five pages of
23 comments and like two inches of litigation history.
24 The State will submit their input as they always do,
25 this time they happened to compile a citizen's advisory
26 committee to inform their -- their process in
27 responding to Alaska Roadless Rulemaking. So -- and I
28 tell you it's a diverse group and they're going to have
29 trouble coming to agreement on some issues.

30
31 So I -- you know, I think that's the
32 best answer I can give you. I don't -- you know,
33 they're going to provide input to Governor Walker, and
34 that input will probably be changed a bit per the
35 administration and then it will be submitted to the
36 Forest Service. I wouldn't call it an alternative.

37
38 CHAIRMAN HERNANDEZ: Any other
39 questions.

40
41 Mr. Wright.

42
43 MR. WRIGHT: Thank you, Mr. Chair. I
44 just missed, your EIS is going to be done when, and
45 then your -- that's your draft EIS, and then after
46 that, how long does the record of decision come out,
47 because I'd sure like some kind of, you know, some kind
48 of schedule of where we stand because if we are going
49 to have some kind of -- I don't know if we can ever
50 have a special meeting or anything like that then,

1 anyway.

2

3 MS. GREWE: So the way to think about
4 -- through the Chair. The way to think about the
5 timeframe for Alaska Roadless Rulemaking is that the
6 major milestones are around summers. So scoping period
7 just closed. Next summer there will be a draft
8 environmental impact statement published, likely June,
9 it could be plus or minus a month. That's what we're
10 shooting for. The summer following -- there'll be a
11 public comment period associated with that. The summer
12 following there'll be a final environmental impact
13 statement published. And you also have to think of
14 there's two products associated with this process.
15 There's the environmental impact statement, and then
16 the proposed rule, so what does the rule -- what it
17 will look like. And if anybody is curious, I do have
18 the National Rule in my bag, and I also have copies of
19 the Colorado and Idaho Roadless Rules, so you're going
20 to have two products to be looking at. But your
21 timeframes are generally around June 2020 -- or June
22 2019 for the draft environmental impact statement, June
23 2020 for the publishing of the final environmental
24 impact statement and the rule and the Secretary's
25 decision on it all.

26

27 As far as your internal process, and
28 how that aligns, I'm not sure and I will leave that to
29 your own internal deliberations. I think Chair
30 Hernandez made a great point, that your input could go
31 directly to the Secretary. I mean it's a good thing to
32 keep in mind. I also am open to ongoing meetings with
33 this group. Like I said I don't believe that anybody
34 felt it was checking the box on ANILCA requirements.
35 It's really -- yeah, it's an expedited timeframe and
36 trying to get through this first round of public
37 meetings and then circling around again.

38

39 So -- and, also on a final note, I'm
40 going to leave these maps over on the wall here. I
41 think you've made some really points about subsistence
42 resources and your ability to provide input for the
43 analysis on that. Those are free for you to take home
44 to your communities and your subregions and to pour
45 over where these roadless areas are and where you feel
46 the most valued subsistence resources are located.

47

48 So, thank you.

49

50 CHAIRMAN HERNANDEZ: How about one more

1 question.

2

3 Ms. Needham.

4

5 MS. NEEDHAM: It's actually two
6 questions rolled into one.

7

8 (Laughter)

9

10 MS. NEEDHAM: Do you expect that you'll
11 have the alternatives before our next meeting, which
12 will probably be in -- well, currently it's scheduled
13 in February and then the second, what -- the second
14 question was, after the Draft EIS is released in June,
15 was it '19 or 2020, after the Draft EIS is turned in,
16 how long is the comment period after that, at the Draft
17 EIS?

18

19 MS. GREWE: So on the developing of
20 alternatives, that's -- I mean that's going -- you
21 know, I don't -- I don't have -- this timeframe is
22 pretty fluid at this point. We've been pretty focused
23 on getting these public meetings done in the 45 day
24 scoping -- getting through the end of this 45 day
25 scoping period, your meeting's in February, right --
26 February is your winter meeting -- I -- I would think
27 that we would likely have alternatives by then and be
28 analyzing them, for sure.

29

30 So I think when DeAnna and I were
31 talking about a special meeting, we were thinking about
32 it in terms of the Draft EIS, because you'll have your
33 mid-winter meeting in February and then you won't meet
34 again until October; is that right? Yeah. And so I
35 can work further with DeAnna and Chair Hernandez on
36 good places to have input, good timing on input. And,
37 then, yes, the draft environmental impact statement,
38 June 2019 with another 45 day period, probably, comment
39 period. And it does fall during the summer season.

40

41 I will note that we have undergone a
42 lot of criticism regarding the timeframe at the public
43 meetings and in written comment and -- from tribes as
44 well, significantly, and the Forest Service is also
45 recognizing with this expedited timeframe, that we've
46 also been criticized for taking too long on projects as
47 well, we've had some timber sales that have taken seven
48 years. So I think there's a National -- I mean in
49 addition to Roadless Rulemaking, there's a National
50 effort to kind of rethink how we do NEPA, and seeing if

1 we can do it more efficiently and not let these
2 projects span so many years that we are wearing the
3 public out and Staff and -- so it's like either too
4 slow or way too fast. You know, it's hard to find the
5 middle ground sometimes.

6
7 CHAIRMAN HERNANDEZ: Thank you.
8 Anybody else.

9
10 (No comments)

11
12 CHAIRMAN HERNANDEZ: Don't see any more
13 questions. We can thank you for answering all of our
14 questions very, very well, too, so thank you very much.

15
16 I think we'll probably want to have a
17 discussion here amongst the Council about what action
18 -- probably make this an action item. We'll probably
19 want to address it in some way before the meeting. So
20 let's go ahead and move into that discussion now and
21 see what the Council feels about taking action on this
22 item.

23
24 Mr. Schroeder.

25
26 MR. SCHROEDER: Well, I wasn't thinking
27 about a special meeting so much but hearing what you
28 had to say I think I'm pretty much in accord with you
29 on, you know, we do have responsibilities and we do
30 report directly to the Secretaries, and potentially,
31 you know, if we jump through all these hoops and we
32 have some teleconference meeting someplace, we just get
33 watered down and I, frankly, would just feel like I was
34 being jerked around. So I'm not wildly in favor of
35 some special meeting to address this artificial
36 deadline.

37
38 CHAIRMAN HERNANDEZ: Thank you, Bob.

39
40 Cathy.

41
42 MS. NEEDHAM: Thank you, Mr. Chair. I
43 would almost argue for a special meeting after the
44 Draft EIS is released in order to hit that 45 day
45 comment period. I think that having our meeting in
46 Wrangell in February where we may or may not have --
47 get to see what the alternatives are at that point in
48 time, that we could actually get a lot of public
49 testimony, and -- which might mean that we have
50 comments on how the Draft EIS turns out based on what

1 we hear from users that testify at that meeting. So we
2 meet in February, the Draft EIS doesn't come out until
3 June and then, again, we'll miss the -- the comment
4 period will end before we meet again to be able to
5 decide whether or not there's anything that we should
6 be commenting on in terms of that Draft EIS.

7

8 CHAIRMAN HERNANDEZ: Anybody else.

9

10 Mr. Howard.

11

12 MR. HOWARD: I've been trying to keep
13 everything to a minimum but then he picked up my slack
14 for me.

15

16 (Laughter)

17

18 MR. HOWARD: Mr. Chairman. I agree
19 with her comment that I think something this important
20 we may have to have a special meeting so we can
21 properly represent the people that we're supposed to be
22 representing. I also agree with a letter being sent to
23 the Secretary with our concerns that this process is
24 just -- sometimes leaves the feeling of just checking
25 off the box when we're charged with a responsibility as
26 important as our responsibility, I think we should be
27 given more consideration than we're being given.

28

29 So, thank you, Mr. Chair.

30

31 CHAIRMAN HERNANDEZ: Thank you, Albert.

32

33

34 My own feeling on this is that we
35 should make some kind of a report at this meeting. I
36 guess the avenue that's kind of in our agenda is kind
37 of the annual report where we report, you know, to the
38 Secretaries through an annual report. We could make it
39 an annual report item but kind of an extensive annual
40 report item. I think we should have a discussion here
41 as to establish whether or not we feel any changes to
42 the Roadless Rule would have impacts to subsistence
43 uses in Southeast. I think we need to establish that,
44 have that discussion. And then proceed from there on a
45 number of, you know, procedural issues and how the
46 process is being planned and how that relates to
47 participation by this Council, other subsistence users
48 affected in the region. So I think we should
49 essentially draft a letter, call it an annual report,
50 whatever, but kind of lay out those boundaries and just

1 let them know where we stand on this, at this, kind of
2 a preliminary point, but it is an important point in
3 the process to just establish, you know, our concerns
4 and we can discuss, you know, special meetings,
5 responding to alternatives, all of that.

6

7 I think we have time at our next
8 meeting as this progresses to address further
9 questions, but for now that would be my recommendation.

10

11 Any comments. Questions.

12

13 Mr. Douville.

14

15 MR. DOUVILLE: Well, certainly changing
16 of the Roadless Rule would open up more land for like
17 the gentleman, Craig, said, development, and he's a
18 logger, but we already have -- I guess my question
19 would be, is this okay to make these comments.

20

21 CHAIRMAN HERNANDEZ: My feeling on that
22 is that we kind of have a long record here on the
23 Council, just look at our business over the last number
24 of years where we spend most of our time discussing
25 issues, Prince of Wales Island, the most heavily roaded
26 island in the region and a lot of the impacts are
27 directly related to access and development and timber
28 harvest and all of those things. And, you know, the
29 importance to the residents of Prince of Wales that,
30 you know, you and I are hearing that the remaining
31 roadless areas are pretty vital to a lot of people's,
32 you know, continuation of their uses. I mean that's
33 one thing.

34

35 In my past experience here on the
36 Council I remember we had those really severe winters
37 of 2006, 2007 when we had a whole bunch of regulations
38 and we spent most of our time during -- trying to sort
39 out how we were going to deal with, essentially the
40 Northeast Chichagof portion of Unit 4, which is the
41 roaded portion of Unit 4 that was seeing the heaviest
42 impacts from the heavy winter and, you know, how we
43 were going to provide for the people of Hoonah to make
44 sure they could get what they need and we put on
45 restrictions, you know, to other users. You know we
46 have this long record of how, you know, roading and
47 timber harvest and all those directly affect
48 subsistence users and, you know, we know it, we've been
49 hearing it for years. It's obvious to us. But, you
50 know, I think we need to point those out and make them

1 part of the public record.

2

3 Mike.

4

5 MR. DOUVILLE: I can speak specifically
6 to Prince of Wales, I've lived there all my life. We
7 have over a million acres that have been logged, much
8 of it into stem exclusion. We're worried about deer
9 habitat, particularly winter habitat and that takes old
10 growth timber. We already know that the biggest, and
11 the best and the easiest accessible timber has already
12 been logged, so we have these patches of timber that we
13 would like to see for wildlife purposes not be molested
14 or harvested, if you will.

15

16 To me the Roadless Rule is doing its
17 job.

18

19 And you're in a big hurry to fix
20 something that's not broken. We like it the way it is.
21 That's the feedback that I get from my tribe, which, by
22 the way did not have the opportunity to have a
23 government to government meeting, even though it was
24 requested and even published in the Federal Register.

25

26 So far as I know plus 50 permits have
27 been issued in the Tongass for -- in the roadless areas
28 for various things, transportation, power lines or
29 whatever, none of them have been denied so that is not
30 a reason to revisit the Roadless Rule.

31

32 My biggest concern is the stem
33 exclusion we have now is impacting the number of deer
34 that we're able to have on Prince of Wales, we're
35 seeing a decline and it's not because of wolf alone,
36 it's because of stem exclusion and the high harvest
37 rate and this is going to continue for many years to
38 come. We're just getting a good start because the
39 private enterprise has logged more than half a million
40 acres under State regulations, which is no wildlife
41 corridors and no buffer strips, log within 65 feet and
42 then select log within that of streams. I don't know
43 what impact Proposition 1 may have but that may pass
44 and that's going to change a lot of things in the
45 state. So, you know, it could even impact what we're
46 talking about here right now.

47

48 It's not broken so don't try to fix it,
49 and if we can divide these places up, like you're
50 saying Idaho did this for this section, well, we'll

1 take Prince of Wales and we'll just leave it alone and,
2 you know, I can't speak for the rest of the Tongass.

3

4 CHAIRMAN HERNANDEZ: Thank you, Mike.
5 I'd also like to point out that over the years this
6 Council has heard, you know, substantial scientific
7 testimony from the Forest Service Forest Sciences Lab
8 people who have done research, we have heard research
9 from the Alaska Department of Fish and Game, you know,
10 all informing us of impacts of, you know, timber
11 harvest and development and, I don't know, we've heard
12 a lot of it, maybe the general public hasn't heard a
13 lot of it but we certainly have. We should make that
14 knowledge known. The testimony we've heard over the
15 years from subsistence users, all the local knowledge,
16 traditional ecological knowledge, the awareness we have
17 within this Council of how the situations used to be
18 before everything got roaded, you know, that's all
19 valuable knowledge that's contained within this
20 Council. We need to have an opportunity to voice that
21 in this process.

22

23 I question, you know, the scientific
24 validity of any alternatives that may be developed by
25 citizen advisory councils who don't necessarily, you
26 know -- look at economic interests and not necessarily
27 scientific research and facts and impacts. So, yeah, I
28 think we -- I think we definitely have a meaningful
29 role here that we need to exercise.

30

31 I don't intend to maybe, on the last
32 day of this meeting compile all of that and make
33 comments but we certainly ought to make it known that
34 we want our input in this process for all of those
35 reasons. So that's where I think we ought to begin.

36

37 Mr. Douville.

38

39 MR. DOUVILLE: I just got one more
40 thing I forgot to mention, is, there was mention of the
41 wilderness areas and stuff like that but no mention of
42 LUD II's, and I feel that they may even be up for
43 consideration and they should be completely off the
44 table.

45

46 CHAIRMAN HERNANDEZ: Thank you.

47

48 Mr. Yeager.

49

50 MR. YEAGER: Thank you, Mr. Chair.

1 Just forward thinking here a little bit. When Nicole
2 and her team came through, which, thank you again, and
3 I learned more this time than the first time in
4 Wrangell, it was a nice refresher, but I don't know how
5 many Regional Advisory Councils will have a chance to --
6 will meet after having a presentation again like we
7 had and so coming to Wrangell, and having attended that
8 meeting, I know that if we make this an agenda item or
9 not, we will have probably a lot of public testimony
10 because this is dire -- there wasn't a lot of and it
11 was not any fault of the presenters, it was just the
12 subsistence aspect was not really touched on a lot
13 there, and I know timing was a lot of that issue --
14 part of that as well, so just trying to keep that in
15 mind that we will probably have -- or could have
16 substantial testimony in Wrangell just because we show
17 up, we're meeting there and this was a very -- a large
18 topic for that community.

19
20 CHAIRMAN HERNANDEZ: Thanks. Thanks
21 for pointing that out.

22
23 So should we make this an annual report
24 topic for kind of an expanded annual report topic?

25
26 Opinions from the Council.

27
28 MR. WRIGHT: Mr. Chair.

29
30 CHAIRMAN HERNANDEZ: Go ahead, Frank.

31
32 MR. WRIGHT: Yeah, just a comment, Mr.
33 Chairman. You know I was -- I used to be a logger for
34 Hoonah Totem Corporation and I also worked for
35 Sealaska, but after I saw what they were doing to our
36 area, I was -- all of a sudden I turned into somebody
37 that was opposed to logging. And now you look at the --
38 I think there was a guy in Auke Bay that did a study
39 on when you cut down the trees and then it rains, all
40 the plants that are in the -- or the young plants and
41 the young trees that are coming out through the Forest
42 sucks up the water. If you look at our Spasky River
43 where Hoonah Totem had decimated, that river used to be
44 a really running hard river and now that we got the
45 young trees that are coming up after they had logged
46 the place, you rarely ever see that river coming hard
47 down again.

48
49 You think about them trying to fix
50 something that's not broke, my dad always says, don't

1 fix it if it's not broken, leave it alone.

2

3 So, you know, I had asked Hoonah Totem
4 when they were doing that to us, what is the impact
5 going to be on our people, how is it going to affect
6 our people, have you done a study on it, it took me
7 five times to ask them that question before they even
8 said we have to make money. And then Sealaska came to
9 our town too, in the ANB Hall, I asked the same
10 question, what is the impact going to be on our people,
11 no answer. If you look on the other side of the
12 mountain in front of Hoonah, it looks like someone
13 nuked the place, it's embarrassing. Our Native
14 Corporation did that to that land. If you look at
15 Humpy Creek where they -- that water shed's supposed to
16 come down, you hardly ever see water coming out of that
17 place anymore. We wonder about -- and here we are,
18 we're talking about changing what's working. Something
19 wrong with this picture. And here we are, we're a
20 group of people that are concerned about our Forest,
21 and we're having to try to make a decision on when we
22 can make a comment that's going to mean anything,
23 there's something wrong with this picture. We're part
24 of the Federal government, I believe, it would seem
25 like that we would be able to -- they should be able to
26 listen to us. What is our purpose, our purpose is to
27 take care of the land and take care of the people of
28 this area, the Tongass National Forest.

29

30 I remember when I was a kid walking --
31 a tourist walking down the street in Hoonah when there
32 was rain all the time, the lady asked that young kid,
33 does it rain here all the time, the kid says, I don't
34 know, I'm only 10.

35

36 (Laughter)

37

38 MR. WRIGHT: But now, you know, we get
39 so much sunshine now that because we don't have the
40 trees to -- and things to make it rain, look at this
41 summer, scared the hell out of me. I was worried that
42 someone was going to burn down our Forest because it
43 was so dry.

44

45 But I think that we, as a group, should
46 be able to make a comment, and a comment in the
47 timeframe that it's going to mean something, not a
48 comment where we have to scramble to make that comment
49 to make it mean something, otherwise what is our
50 purpose. We have to ask ourselves, what is our

1 purpose, we have to make all these decisions on a
2 schedule.

3

4 Thank you.

5

6 CHAIRMAN HERNANDEZ: Thank you, Frank.

7

8 Does anybody else have anything to say
9 on this topic. I have a note here that Nicole would
10 like to add one thing.

11

12 MS. GREWE: One quick correction it's a
13 60 day comment period after the DEIS. IT was just a
14 slip of the tongue, sleep deprivation.

15

16 And then on a different note, you know,
17 while the scoping period has ended, these avenues for
18 providing input remain open. I think that Chair
19 Hernandez is wise in pointing out the path directly to
20 the Secretary but I also think you shouldn't let
21 deadlines necessarily constrain any input you want to
22 provide, especially if it helps the subsistence
23 resource analysis.

24

25 And I think I'm missing one point here,
26 mostly I wanted to make sure you knew about the 60 days
27 instead of 45, an extra 15 days. And I think your next
28 February meeting will align well with a really rough
29 timeline I have here helping with analysis so the
30 special meeting would be around the DEIS.

31

32 I just wanted to provide some clarity
33 there.

34

35 Thank you.

36

37 CHAIRMAN HERNANDEZ: Thank you. Any
38 more on this topic for now -- I'll stress, for now.

39

40 (No comments)

41

42 CHAIRMAN HERNANDEZ: Okay. I think we
43 have another item of business here before -- we'd like
44 to get to before the end of the day, the Fisheries
45 Resource Monitoring Project Priority needs discussion.
46 We'll take a quick break and then we'll come back and
47 switch topics.

48

49 (Off record)

50

1 (On record)

2

3 CHAIRMAN HERNANDEZ: Let's get back to
4 the table and continue on here.

5

6 (Pause)

7

8 CHAIRMAN HERNANDEZ: Okay. You know, I
9 see Terry came up to the table and I said we were going
10 to get into the Fisheries Resource Management, but, you
11 know, kind of a bit of an apology because I announced
12 at the start of our meeting that would allow some
13 public testimony after lunch.....

14

15 (Laughter)

16

17 CHAIRMAN HERNANDEZ:and I kind of
18 spaced it out but we do have a blue card here and it
19 was in regard to the Roadless Rule, so I think I ought
20 to give the opportunity for somebody to testify that
21 wanted to on the Roadless Rule, and that would be Katie
22 Riley.

23

24 Okay.

25

26 MS. RILEY: For the record I am Katie
27 Riley and I am speaking as a private citizen.

28

29 So I just wanted to say that that was a
30 very illuminating discussion and I wanted to thank you
31 guys for bringing forward a lot of those really
32 relevant concerns because I do believe that this
33 rulemaking process will impact our access to
34 subsistence resources, the availability of those
35 resources, and, you know, for generations to come, I
36 think it will have a big effect on that. So thank you
37 guys for taking a lot of consideration in that regard.

38

39 This is more of a comment, I suppose,
40 and less of a question.

41

42 But I think that, you know, reading
43 over the cooperating agency status requirements, it
44 says that Federal, State, local and tribal governments
45 and State agencies, you know, with particular knowledge
46 to this process are pursued as collaborating agency
47 partners. And to the best of my knowledge there's no
48 one with more knowledge of subsistence management or
49 regulations or experience as -- than this Board right
50 here, so I would say that you guys have particular

1 knowledge that is extremely relevant to this process
2 and I don't know if, legally, you can be included as a
3 cooperating agency but that might be something that you
4 would want to refer to in your report to the Secretary
5 there because there's just no one with more relevant
6 knowledge than you guys in that regard especially for
7 this region. So I think it's really important to, not
8 only have that knowledge included in the analysis, but
9 have it come from a very trusted body, such as
10 yourselves, you guys have a long record of being on
11 this committee, or working together and, you know,
12 might have a little more credibility in that regard
13 than comes with a self-selected committee chosen by the
14 Governor that is that roadless advisory committee.

15
16 And just a comment about hearing about
17 the book ends, I've heard about the book ends, you
18 know, in this meeting, in all the public meetings of
19 the Forest Service and a good friend of mine made a
20 comment at the Anchorage meeting, that these book ends
21 are not exactly correct, they're sort of false book
22 ends. The 2001 alternative and the full exemption does
23 not actually belay the true range of options that we
24 have in front of us because we can make a rule that is
25 more restrictive than the 2001 rule and that's
26 evidenced in the discussion about the Colorado and the
27 Idaho, in which, they both did that, but that does not
28 seem to be evidenced by the Forest Service in their
29 discussions when they go around talking about book
30 ends, repeatedly, it's the no action alternative or the
31 full exemptions. So I would just like to say that for
32 the record these book ends are inaccurate and are, you
33 know, could be causing a lot of confusion among people
34 who don't think that being able to put more restrictive
35 rules in place is an option, so that's definitely
36 confusing and (indiscernible) in this already confusing
37 process that's happening very quickly.

38
39 So, yeah, I guess that's what I would
40 like to say and I'd like to thank you guys again for
41 bringing subsistence concerns to the forefront, that's
42 definitely a lot of what I've heard talking to
43 Sitkians, very concerned about how this is going to
44 affect the availability of subsistence resources and
45 also how -- you know, affecting development in one
46 region or one area, it's not just going to have a
47 localized impact that's going to affect subsistence
48 Tongass-wide. If people have to move, start hunting
49 elsewhere, start foraging elsewhere because their
50 subsistence resources are not available due to

1 increased logging, or due to increased development, you
2 know, that's going to have impacts throughout the
3 Tongass.

4

5 So thank you guys for your concern.

6

7 CHAIRMAN HERNANDEZ: Thank you, Katie.
8 I think we might have a question for you if you want to
9 take that.

10

11 MR. SCHROEDER: Katie, thanks so much
12 for your comments. And just so that we're real clear
13 on the record, could you state what your preference
14 would be with respect to the Roadless Rule.

15

16 MS. RILEY: Yeah, I would be happy to.
17 I would like to see a more restrictive roadless rule
18 that applied -- an Alaska-specific roadless rule that
19 applied roadless protections to Tongass 77 top salmon
20 producing water sheds and also the Nature Conservancy
21 and Audubon Society conducted a conservation assessment
22 report in 2007 and I would like to see those
23 conservation priority areas protected under any new
24 Alaska Roadless Rule. I don't think it's unreasonable
25 that we need flexibility for communities and
26 development, especially as we move towards, you know,
27 hydropower and converting communities from diesel to
28 hydropower, I think that's extremely important,
29 especially in regards to, you know, facing the future
30 effects of climate change and we need to make those
31 projects feasible, but they also need to be done in a
32 way that conserves the roadless characteristics of the
33 land. And, you know, the Tongass is the only thing
34 that is protecting us from the effects of climate
35 change as all of you guys have described; the hot
36 summers, those are just going to get hotter and drier
37 as time goes on and as we progress in climate change,
38 so really chopping down the only thing that's, you
39 know, giving us any conservation in that regard to our --
40 to our ability to adapt and mitigate climate change
41 just seems like a very short-sighted idea that doesn't
42 have a lot of basic and scientific fact, and that's
43 also evidenced by the lack of a scientific seat on that
44 roadless advisory committee that the Governor put
45 together.

46

47 CHAIRMAN HERNANDEZ: Thank you.
48 Anybody else with a question.

49

50 (No comments)

1 CHAIRMAN HERNANDEZ: Don't see any,
2 thank you, Katie.

3
4 Okay, Terry, you can come on back down.

5
6 MR. SUMINSKI: Goof afternoon, Mr.
7 Chairman and Council members. This is Terry Suminski
8 with the Forest Service. I'd just like to talk to you
9 about the Fisheries Resource Monitoring Program and
10 your role in putting together the priority information
11 needs.

12
13 So a little background.

14
15 The Fisheries Resource Monitoring
16 Program was established in 2000. One of its purpose is
17 to provide information for the management of
18 subsistence fisheries on Federal public lands in
19 Alaska. We encourage partnerships between tribes,
20 rural organizations, universities and Federal and State
21 agencies. You can see a list of the ongoing projects
22 in this region on Page 88 of your Council books.
23 There's also a poster on the wall that was put together
24 by Justin Koller, Rob Krauss, Jake Musslewhite and Jeff
25 Reeves that shows the location of current projects and
26 highlights four of them, and that's right over there if
27 you haven't seen it yet.

28
29 Now for a brief overview of the
30 process.

31
32 In November a call for Fisheries
33 Monitoring proposals will be issued. Two types of
34 research projects will be solicited, harvest monitoring
35 and traditional ecological knowledge projects as well
36 as stock, status and trend projects. Investigators
37 will then submit proposals to the Office of Subsistence
38 Management. The Technical Review Committee will
39 evaluate and rate each proposal based on five criteria
40 which are strategic priority, technical scientific
41 merit, investigator ability and resources, and
42 partnership capacity building and cost benefit. This
43 Council will provide recommendations and public comment
44 is invited. And then finally the Federal Subsistence
45 Board will consider recommendation and comments and
46 forward the successful proposals to the Forest Service
47 for funding.

48
49 At this point we're asking the Council
50 for its recommended list of priority information needs

1 to be included in the request for proposals that will
2 go out this November. Input and guidance from the
3 Regional Advisory Council is critical in developing
4 these priority information needs by identifying issues
5 of local concern and knowledge gaps related to
6 subsistence fisheries.

7
8 To give you a starting point, please
9 refer to the supplemental handout titled Fisheries
10 Resource Monitoring Program possible 2020 priority
11 information needs, and if you haven't seen it it's
12 probably in your supplemental folder handout that
13 DeAnna put together, and it kind of looks like this.

14
15 I'll give you a minute.

16
17 CHAIRMAN HERNANDEZ: Blue folder that's
18 on the desk, kind of towards the back, DeAnna tells me.

19
20 (Pause)

21
22 MR. SUMINSKI: It kind of looks like
23 this.

24
25 (Pause)

26
27 MR. SUMINSKI: So while you're looking
28 for that, so this Council has developed a list of
29 priority information needs over the years and the first
30 part of that handout shows what the priority
31 information needs for the last cycle in 2018 were. And
32 then in addition to consideration, earlier this year I
33 sent a request for ideas for priority information needs
34 to the Federal and State managers in the Southeast and
35 Yakutat areas, and in response the Alaska Department of
36 Fish and Game responded with the ideas that are also on
37 that handout. And instead of reading them, I'll just
38 point them out -- have you found it yet Don -- maybe
39 I'll pause here and DeAnna can put it up on the screen.

40
41 (Pause)

42
43 MS. PERRY: Council members, if you'll
44 look on the right side of your blue folder when you
45 open it up, it'll be towards the back, it's a single
46 sheet and, Terry, would you like me to put that on the
47 screen in case everyone can't find it.

48
49 MR. SUMINSKI: (Nods affirmatively)

50

1 (Pause)
2
3 MR. SUMINSKI: Okay, it looks like most
4 people have found it.
5
6 So in addition to those project ideas
7 that were recommended by the Department of Fish and
8 Game, Meredith Porcharadt, she's the executive director
9 of the Takshanuk Watershed Council in Haines, also had
10 a suggestion that she would like you to consider. I
11 believe she was going to talk to the Council a little
12 bit about that.
13
14 MS. PERRY: (Nods affirmatively)
15
16 MR. SUMINSKI: Okay. So this is an
17 action item to finalize the list of recommended
18 priority information needs. And I'd suggest if the
19 Chair's amenable, I recommend that the Council form a
20 working group to draft the list of priority information
21 needs with Staff, and the working group could then
22 report back to the Council for its final
23 recommendation.
24
25 Thank you, Mr. Chair, and I'd welcome
26 any questions.
27
28 CHAIRMAN HERNANDEZ: Thank you, Terry.
29 Anybody have any questions for Terry on this.
30
31
32 (No comments)
33
34 CHAIRMAN HERNANDEZ: Not seeing any
35 questions, I think -- oh, excuse me, Mr. Kitka.
36
37 MR. KITKA: Hi Terry. I just -- Harvey
38 Kitka. I just was curious on the Klagg Bay, what was
39 the total escapement and what was the amount taken?
40
41 MR. SUMINSKI: Through the Chair. Mr.
42 Kitka. Unfortunately I don't have the final numbers
43 with me right now but I can find that out and get it
44 back to you before this meeting's over, or at least the
45 draft final numbers.
46
47 MR. KITKA: Thank you.
48
49 CHAIRMAN HERNANDEZ: Thank you.
50 Anybody else with a question.

1 (No comments)
2
3 CHAIRMAN HERNANDEZ: Not seeing any
4 more questions, Terry suggested that a working group
5 would be an efficient way to look over this list. The
6 Council -- with a nod or something, does the Council
7 agree that that would be a good idea.
8
9 (Council nods affirmatively)
10
11 CHAIRMAN HERNANDEZ: It looks like it,
12 so, volunteers. The group would have to get together
13 this evening so we could finalize this tomorrow, on our
14 last day of the meeting, so knowing that, any
15 volunteers.
16
17 I see one hand, Mr. Yeager. Mr. Howard.
18
19 MR. KITKA: I have another meeting.
20
21 CHAIRMAN HERNANDEZ: You have another
22 meeting.
23
24 MR. KITKA: Yeah.
25
26 CHAIRMAN HERNANDEZ: Yeah. How about
27 you Frank.
28
29 MR. WRIGHT: I guess.
30
31 CHAIRMAN HERNANDEZ: You think so. I
32 think a lot of them are in your area, it kind of looked
33 like, just at a glance, some of them.
34
35 Okay, we have Mr. Yeager, Mr. Howard,
36 Mr. Wright, that should be adequate. If we -- yeah, I
37 could probably join in just kind of see what's going on
38 so I'll know where we are tomorrow. And, Terry, can
39 you get together with us this evening and help out on
40 that?
41
42 MR. SUMINSKI: Definitely, Mr. Chair.
43
44 CHAIRMAN HERNANDEZ: Okay. Mr. Howard,
45 question.
46
47 MR. HOWARD: Just a quick question or
48 comment. The data that comes out of this fish
49 monitoring, we need to find a way to use that to help
50 better manage the resource. The reason I'm saying that

1 is we have all this data for Kanalku but this year, I
2 guarantee you, I'd gone up there four times and came
3 out of there with 10 sockeyes all together for the four
4 trips up there. What I'd like to see from this data is
5 why -- I mean there's so many variables, it could be
6 the parent year had low streams, it could be a direct
7 correlation between the seining and the interception of
8 -- see, because there was always -- we don't do
9 anything with it, and in order to do something with it
10 you have to understand why this is happening, otherwise
11 we're basically the guy in the bank in the commercial
12 that says, I'm just here to monitor and tell you the
13 bank's being robbed, oh, by the way the bank's being
14 robbed. So that's kind of what we're dealing with
15 here, is, oh, by the way the fish aren't making it back
16 and we've confirmed it, now what.

17
18 So I'd like to take this a step further
19 and the reason I mention this is, is we have all this
20 data that's one piece of a puzzle, we need the rest of
21 the puzzle to why are these sockeye not returning.
22 This year is the worst I've seen it up there and I seem
23 to be the guy that they tell that this is happening,
24 whether I want to hear about it or not, we went up
25 there and we didn't get anything, we went up there, we
26 didn't see anything, and this is -- it's something
27 that's happening throughout Southeastern. I think we
28 need -- if there isn't anyone out there that's going to
29 come up with the answers to why this is happening, I
30 think maybe we should take on that role and figure out
31 what's causing this. It could be anything. Like I
32 said there's so many variables. Like this year I'm
33 concerned about the returning salmon for this parent
34 year because the streams are so low.

35
36 As an example, September and October
37 you can count on being wet in Angoon, sometimes soaking
38 wet, it's not even raining there yet. I'm concerned
39 the fish are stuck on the outside of the stream. So we
40 need things like that, whether you call me up and say,
41 hey, what's going on in the streams, is it raining like
42 you usually see it, and if I say no you write that down
43 and then that becomes one of the variables of why,
44 maybe, there's no return. We don't have any of that
45 kind of information yet. When the ETJ petition went
46 forward, we had the information but the person that had
47 it was told, if you allow Angoon to use this
48 information you better go find another job. We had the
49 information to justify everything on that petition.
50 And that information wasn't allowed to be used because

1 the guy's job was on the line. And as the corporation
2 and the tribe we weren't going to put that person's
3 livelihood on the line, he had a family to take care
4 of. So I think we need to get this figured out and
5 stop monitoring it and figure out why things are
6 happening the way they are, because it's not just
7 happening in Angoon anymore, everybody, it's happening
8 everywhere.

9

10 So that's just a suggestion, Mr. Chair.

11

12 Thank you.

13

14 CHAIRMAN HERNANDEZ: Thank you, Albert.
15 I don't know, Terry, you want to maybe tell us a little
16 bit more about how this information is used or what we
17 can do with it.

18

19 MR. SUMINSKI: Sure, Mr. Chair. And,
20 Mr. Howard's got a good observation. We don't always
21 know the why's. What the Monitoring Program does is
22 just monitor how many fish are coming back, and that is
23 a big step after that, is, figuring out why, you know,
24 they're high or low or whatever, we don't always know
25 that. But this is a -- the information gathered is
26 very important for establishing where we're at,
27 establishing if there is a problem, and being able to
28 document that problem, if there is a problem, or
29 document if there isn't a problem. But you see the
30 Neva proposal, we used that information to help give
31 you a little bit more information to make a decision.
32 And the information is not only used by the Board and
33 the Council to inform their decisions, but the in-
34 season managers use it in case they have to do an in-
35 season action of some sort.

36

37 There's side benefits to the program as
38 well as far as we have extremely good cooperators with
39 the tribes and the State and others. So there's some
40 buy-in to the numbers if we're working with other
41 people to gather those numbers, rather than us just
42 gathering them and saying this is what it is.

43

44 So I think the -- yeah, the why
45 question is huge, I mean there's big questions right
46 now with where are the king salmon. And, you know,
47 there's a lot of people a lot smarter than me looking
48 at it and I don't think anybody knows so it's -- but
49 the purpose of this program is more of a monitoring
50 program, it's less about research and more about

1 monitoring so that we do have a handle on where we're
2 at with the status of different sockeye systems and
3 eulachon systems throughout Southeast and Yakutat.

4

5 So I don't know how satisfactory that
6 answer is but that's about all I can offer at this
7 point.

8

9 Thank you.

10

11 CHAIRMAN HERNANDEZ: Yeah, very
12 helpful, and we got to keep all those kind of factors
13 involved, like you said, you mentioned the capacity
14 building and communities and all of that. It's all
15 kind of part of our decisionmaking process here on
16 deciding what priorities are. So thank you.

17

18 Albert.

19

20 MR. HOWARD: I'm trying to stay real
21 quick, Mr. Chair, but I think, you know, maybe part of
22 data gathering is, is working with the State and
23 finding a direct correlation between the commercial,
24 the charter boats -- because they're logged, they do
25 have numbers to support what they're taking out of a
26 resource. So I mentioned this at one meeting one time
27 where the seiners and the gillnetters had an agreement,
28 where the seiners wouldn't take over 5,000 sockeye out
29 of Hawk Inlet and one year they've done that, and it
30 was proven. Now, the reason I mention that is the
31 sockeye's pass Hawk Inlet to get to Angoon, they pass
32 Hawk Inlet to go North through Lynn Canal, so that type
33 of information wasn't allowed to be used and I think
34 having that kind of information to manage the resource
35 better, not necessarily to shut any one user group
36 down, but to figure out how we can help the State
37 manage the resource better. There's travel patterns to
38 salmon that were out there, that we were made aware of,
39 but we weren't allowed to use because the guy was -- he
40 was told his job was on the line and we can't use his
41 information but the -- and once you get past the point
42 of where Albert's trying to shut down the commercial
43 guys, once you get past that idea that I can't do that
44 by myself, but what I want to do is protect the
45 resource so we don't wonder what happened to the king
46 salmon, so we don't wonder how come you're not getting
47 all these cohos back to Angoon that used to be there,
48 or what's intercepting the sockeye. With all that
49 information on the table we can actually figure out how
50 to solve this. And the gentleman had solutions to this

1 but then he was told to go away and quit talking to us.

2

3

4 So, thank you, Mr. Chair.

5

6 CHAIRMAN HERNANDEZ: Yeah, thank you,
7 Albert.

8

9 I just had a note passed to me that
10 there may be somebody on line from Haines or Upper Lynn
11 Canal that had a request for a priority information
12 need, I think it might have to do with the one on the
13 bottom of the page from the Takshanuk Watershed
14 Council. Is Meredith on the line.

15

16 (No comments)

17

18 CHAIRMAN HERNANDEZ: Apparently not.

19

20 But in the supplemental materials,
21 there is a separate little -- I don't know if it's a
22 letter about that particular one. So we will take that
23 into consideration this evening, I guess.

24

25 So I think -- anybody else have any
26 more questions for Terry.

27

28 (No comments)

29

30 CHAIRMAN HERNANDEZ: Comments.

31

32

33 (No comments)

34

35 CHAIRMAN HERNANDEZ: Okay, I think
36 we're good on that for now. We'll make a decision on
37 that tomorrow.

38

39 Excuse me a minute, I just got to check
40 the agenda here and see where we are now.

41

42 (Pause)

43

44 MS. PERRY: Annual report.

45

46 CHAIRMAN HERNANDEZ: Yeah, annual
47 report issues. We might have a preliminary discussion
48 on annual report items. That's an action item. We
49 might not get it finished up until tomorrow but we
50 could maybe start some discussion there. But also

1 while we're forming committees, in our opening
2 comments, Mr. Schroeder kind of made a request for a
3 committee dealing with climate change. And if we're
4 going to do anything with that I think this afternoon
5 would be a good time to at least talk about it, in case
6 we want to revisit it tomorrow.

7

8 Bob, what did you have in mind.

9

10 MR. SCHROEDER: Well, when we went
11 around and gave our member reports quite a few people,
12 including me, had things to say about climate,
13 particular this unusual summer that we had, low water
14 levels, et cetera, et cetera. And what I was thinking
15 was it might be good if we had a committee that looked
16 at that a little bit to make suggestions on getting
17 some presentation at our next meeting concerning
18 climate change. The goal would be not to come up with
19 some Council recommendation to end climate change and
20 to stop climate change, that's a little bit beyond what
21 we can do, but what I was thinking was we should get a
22 better idea of what's coming at us in Southeast Alaska
23 and what may come at us with respect to -- particularly
24 the subsistence uses, subsistence resources that are
25 used. So ideally we get someone who'd say, well, listen
26 this is the situation with salmon, and then they'd give
27 us something that gave us like most likely outcome,
28 high and low, for things that are likely to occur in
29 coming years. Or what is the danger of fire in the
30 Tongass. So I haven't thought about this that much, so
31 that's what the committee would do, would be to come up
32 with some notion of questions that then could be
33 addressed by the appropriate experts at our next
34 meeting.

35

36 It'd be a little bit like, I think,
37 tomorrow we get Guy Archibald coming to tell us about
38 water, and this would be a perspective to say, okay,
39 listen you guys, this is what may well occur in the
40 Tongass over the next years.

41

42 So that was my idea.

43

44 CHAIRMAN HERNANDEZ: Thank you, Bob. I
45 think that is a good idea. I'm thinking that kind of
46 what you're suggesting doesn't really lead to any
47 action items, you're looking for information so I am
48 thinking if we were to form such a committee, it could
49 essentially be kind of a standing committee that, you
50 know, would -- I'll get some other opinions on this,

1 but wouldn't necessarily have to have their discussions
2 at our meetings but could, you know, communicate, get
3 together by telephone, and then make recommendations
4 that would be sort of considered when putting together
5 agendas and stuff like that, that might be helpful.
6 And like I say, it could be a standing committee that
7 could might rotate through people but, you know, would
8 stay informed on this issue and maybe make
9 recommendations on how the Council can gather
10 information and what not, things like that, that might
11 lead to action items. But, you know, the committee
12 would not be doing anything that would be considered an
13 action.

14
15 So I see Mr. Johnson is here to advise
16 on that point.

17
18 MR. JOHNSON: Thank you, Mr. Chair.
19 Again, Carl Johnson, for those in telephone land.
20 Yeah, this Council has a history of having longstanding
21 working groups to deal with complex issues. This
22 Council's work on customary and traditional use
23 determinations comes to mind, you had a working group
24 that worked on that issue for some time over a period
25 of several years. So I would just caution the use of
26 word working group instead of committee because
27 committee's in FACA have a specific meaning and require
28 Board approval and all of that.

29
30 And also, you know, there's no need to
31 limit yourself on what this working group can do.
32 Among the various things that have already been
33 suggested, if there are rulemaking or other things that
34 the Council might comment on as part of its normal
35 business that touch on climate change related issues,
36 this working group would be the kind of expertise for
37 the Council on developing recommendations to then bring
38 to the Council for discussion and action. Just like
39 having a working group on coming up with PINS, or
40 developing letters, there could conceivably be issues
41 that do come before the Council as part of its regular
42 business that may touch on climate change related
43 issues and this working group would be a good
44 foundation of expertise for the Council.

45
46 CHAIRMAN HERNANDEZ: Very good. I kind
47 of like the concept, thank you, Carl.

48
49 So I don't think we have to do this
50 right now but before the end of the meeting we might al

1 sleep on it, think -- maybe a few people can decide if
2 they might want to be involved in such a working group
3 and before the end of the meeting maybe we'll form
4 something up. How does that sound, Bob?

5
6 MR. SCHROEDER: That sounds great. And
7 really what I'm thinking of is more that we set
8 something up for our next meeting but we have to
9 explore a little bit to see who's out there. Wayne did
10 say that he's in touch with people who do climate
11 change stuff with Forest Service and, you know, so need
12 to look around a little bit for who -- first, what sort
13 of information we'd like and then who can provide it.

14
15 CHAIRMAN HERNANDEZ: Right. Very good.
16 Okay. We'll go back to this before we adjourn the
17 meeting.

18
19 Mr. Howard.

20
21 MR. HOWARD: Thank you, Mr. Chairman.
22 I think some of the information we'd like is what
23 impact is climate change causing or happening to fish,
24 salmon. I guess salmon's a fish. I know you're
25 thinking that.

26
27 (Laughter)

28
29 MR. HOWARD: All the subsistence
30 resources. What impact is climate change having on
31 that. And in the next meeting we could, as a Board,
32 recognize that these certain environmental changes are
33 having impacts on whether or not the salmon are
34 returning, our ability to harvest deer, harvest
35 berries, and everything else like that. So I think
36 anything surrounding our salmon and resources as far as
37 subsistence goes, I'd like to see what impact it's
38 having on those resources. And someone must have a
39 report to tell us what's causing that and as a group we
40 can say this is our concerns with environmental climate
41 change and this is why we're concerned for the
42 subsistence.

43
44 Thank you, Mr. Chair.

45
46 CHAIRMAN HERNANDEZ: Thank you, Albert.
47 And the Council, you know, due to a lot of experiences
48 and observations we may have the information in the
49 form of traditional knowledge and experience that we
50 might want to pass on ourselves to the Board and what

1 not. So that could be a part of it.

2

3 Okay, so we'll go back to that before
4 we adjourn the meeting and come up with something.

5

6 And I'm just looking here at the agenda
7 to see what's coming up. I don't know, we have a
8 presentation tomorrow on water quality, that would be
9 tomorrow for sure. How about -- we got committee
10 reports ahead of us that don't require action.

11

12 MS. PERRY: Do you want to do annual
13 report items, do you want to start listing any of
14 those.

15

16 CHAIRMAN HERNANDEZ: And we have annual
17 report items. We may have enough time to at least
18 start identifying annual report items here this
19 afternoon. I see that's an action item. Maybe we
20 should attempt to get to that.

21

22 So why don't we do that. And I think
23 DeAnna Perry, our coordinator, informs us on the annual
24 report so go ahead, DeAnna.

25

26 MS. PERRY: Thank you, Mr. Chair. For
27 the record this is DeAnna Perry, coordinator for the
28 Southeast Regional Advisory Council.

29

30 It's time for the Council to decide on
31 what issues to include in its annual report. ANILCA
32 established the annual reports as a way to bring
33 regional subsistence uses and needs to the attention of
34 the directors of each of the four Department of
35 Interior Agencies and the Department of the Agriculture
36 Forest Service, in their capacity as members of the
37 Federal Subsistence Board. For your information
38 guidelines for the annual reports can be found on Page
39 89 of your meeting books and on Page 91, maybe for your
40 evening reading you'll see the Board's reply to this
41 Council's last annual report. And if I could ask you
42 to all look behind the supplemental materials tab of
43 your meeting books, the second item should be a list of
44 topics, I just kind of went through the transcript of
45 the last two meetings and pulled out some of the most
46 discussed topics just to sort of kick off conversation
47 and discussion.

48

49 So I offer that as a potential starting
50 point for the discussion and as you guys consider

1 topics for the annual report, and as those ideas come
2 forth I can just go ahead and put those on the screen
3 and we can work on that tonight and possibly approve
4 that list tomorrow.

5
6 Thank you, Mr. Chair.

7
8 CHAIRMAN HERNANDEZ: Thank you, DeAnna.

9
10
11
12 (Pause)

13
14 CHAIRMAN HERNANDEZ: Go ahead, DeAnna.

15
16 MS. PERRY: It should be, I believe,
17 the second item behind your supplemental tabs in the
18 book, not in the folder, but in your book.

19
20 (Pause)

21
22 MS. PERRY: My goal is to send you all
23 home with a ream of paper each.

24
25 (Pause)

26
27 CHAIRMAN HERNANDEZ: Okay, the heading
28 on that item is topics discussed by the SERAC members
29 in the fall 2017 and winter 2018 meetings and it's got
30 some blue highlighted topics.

31
32 (Pause)

33
34 CHAIRMAN HERNANDEZ: Cathy.

35
36 MS. NEEDHAM: Thank you, Mr. Chair. A
37 couple of items that I kind of wrote down during this
38 meeting that might be good annual report items include
39 Sitka Tribe of Alaska's concerns about the subsistence
40 shrimp that we heard from Jeff from Sitka Tribe of
41 Alaska in his public testimony.

42
43 I know that we might be also doing
44 something more, but also I'm wondering if the Sitka
45 Tribe of Alaska's potential, or upcoming ETJ might be
46 something that we want to add into the report for
47 herring. At least that it's something that was brought
48 to our attention during this meeting on the record,
49 that it's coming, and what that might entail and also
50 this Council's standing -- not standing, but we've

1 always supported the work that we've done and Mr.
2 Schroeder's comments about how this Council has felt
3 that we've kind of failed to do our job in the past and
4 so you know something along those lines on that
5 particular topic.

6
7 And the third topic I jotted down was
8 the Roadless Rule, I mean I think we should do a letter
9 to the Secretary as well, but I think it also should be
10 in our report, it's kind of a tactic that we should try
11 to get our message across in multiple venues in the
12 hopes that we'll be heard at the level that we need to
13 be heard on that.

14
15 Those were just to get us started.

16
17 CHAIRMAN HERNANDEZ: Okay, thank you,
18 Cathy. DeAnna is trying to capture those up on the
19 screen there. We'll give her a minute.

20
21 (Pause)

22
23 CHAIRMAN HERNANDEZ: But is there
24 anybody else that's going to have any other topics
25 here.

26
27 (Pause)

28
29 CHAIRMAN HERNANDEZ: It looks like
30 Albert and Bob both have suggestions but let's give
31 DeAnna a.....

32
33 MR. HOWARD: I'm not sure what the rest
34 of the Council's feeling on this one but I'd like to
35 have king salmon recognized as a subsistence resource,
36 because it was taken away without due process.
37 Residents in Angoon were ready to fish and then they
38 were told they couldn't.

39
40 Thank you, Mr. Chair.

41
42 CHAIRMAN HERNANDEZ: Okay, we have that
43 one.

44
45 Bob, do you have one.

46
47 MR. SCHROEDER: Well, it's almost one
48 we put in every annual report, which is how we really
49 appreciate the support we receive from Federal -- from
50 OSM Staff and from Forest Service Staff, however, we

1 note that over time we see fewer faces and less of an
2 opportunity for long discussions with the biologists
3 who actually do a lot of the work for us and who write
4 things up. So for me I appreciate having Jeff Reeves
5 on the phone and I've known him for many years, so
6 maybe I have some connection there, but I much rather
7 have him here. If he's giving a presentation on
8 something that's important enough for us to be
9 considering a regulatory change or a funding action.
10 So I guess this is -- we need to get back to previous
11 levels of Staff support.

12
13 And I don't know -- I don't think this
14 is really an annual report item but just because it's
15 in my mind, we'll do this when we talk about the wolf
16 proposal and the Board of Game, but we definitely need
17 to have our volunteer Council members be able to attend
18 Board of Fish and Board of Game meetings when there's
19 some that's real important for us. So that's attending
20 Board of Fish and Game meetings. And that's just real
21 important because the Board of Fish and the Board of
22 Game won't do anything if you're not there.

23
24 CHAIRMAN HERNANDEZ: Very good, thanks
25 Bob.

26
27 Cathy.

28
29 MS. NEEDHAM: Thank you, Mr. Chair. I
30 want to second what Mr. Schroeder is saying but I also
31 want to point out that this was an annual report topic,
32 both of those items were annual report topics for our
33 last annual report and when it came to the Staffing,
34 the Federal Subsistence Board agreed with us that Staff
35 should be here and, yet, we don't really have them here
36 at this meeting, or at least the ones that we're
37 thinking of in terms of this was a fisheries meeting,
38 you know, the one person that we had that could answer
39 and help us with fisheries proposals was Terry
40 Suminski, but we have other Federal Staff -- Federal
41 biologists that we've worked with in the past and built
42 relationships with, that we can interact with that
43 weren't at this meeting. And so we put it in our
44 annual report, the Board agreed that they should be at
45 this meeting and I believe one of those sentences in
46 that was to also, you know, just let us know if this is
47 not -- I guess it should have been taken care of but it
48 really hasn't. And so if we're going to put it in our
49 annual report again it needs to be, I don't know how
50 much clearer we have to be, because we talked to the

1 Board, the Board says yes and it's not happening.

2

3 And then with respect to the second
4 item of attending the meetings, the Board's response in
5 our annual report last time was that there was not --
6 you know, they basically just said it was a funding
7 issue or a product of having funding to do it and we
8 can keep -- I agree that we should keep putting the
9 issue at the forefront in our annual reports, but I
10 just also don't see anything substantially happening,
11 and so I don't know if that means that we're going to
12 have to do maybe the next level or not, but so I agree
13 putting it in the annual report, but also remind
14 everybody that we've done this and we've kind of gotten
15 stonewalled.

16

17 CHAIRMAN HERNANDEZ: Bob, do you have
18 something to add.

19

20 MR. SCHROEDER: Just to add under the
21 Staffing support. We might point out that the reason
22 quite a few people have jobs is because of the Federal
23 Subsistence Program, that their funding source is from
24 Federal subsistence dollars and if they don't show up
25 and report to us I think there's something a little bit
26 out of line there. So that's kind of into the weeds a
27 little bit there, but depending on how strident we care
28 to be. I'm kind of in a strident mood today.

29

30 CHAIRMAN HERNANDEZ: Right. Thank you,
31 Bob. So I think it would be a good idea to, you know,
32 look over again the responses to the previous annual
33 report and, you know, see if we want to stress anything
34 that we may have in the past.

35

36 Cathy.

37

38 MS. NEEDHAM: I think a good example
39 from this meeting, specifically, is that, we formed a
40 working group yesterday to address the wolf issue and
41 the proposals that are going before the Board of Game
42 and we had Ryan Scott available to us in that working
43 group to help us understand so we could make better
44 comments but we had no Staff from -- there wasn't
45 really any Federal Staff in the room that stepped up to
46 help us about that and, you know, I mean we're still
47 going to have questions about how the Federal side of
48 this new potential -- the proposal that's going before
49 the Board of Game, how it's going to mirrored on the
50 Federal side. So just kind of the ways of process.

1 And if we would have had a subsistence wildlife
2 biologist that could have worked with us on that, I
3 think it would make the process go smoother and we
4 could have answered those questions at the forefront.
5 I think we're going to be able to, hopefully, do that
6 at the table tomorrow when we talk about it, but it's
7 just an example of why having biologists here with us
8 is important.

9

10 CHAIRMAN HERNANDEZ: Very good, thank
11 you. I see Albert wants to say something. John, you
12 had your hand up earlier, did you want to add.....

13

14 MR. YEAGER: It was covered, thank you.

15

16 CHAIRMAN HERNANDEZ: Okay. Albert.

17

18 MR. HOWARD: Thank you, Mr. Chair. I
19 believe Mr. Suminski gave us an idea yesterday that we
20 could parallel what we supported through the State's
21 process on the wolves. I think we should revisit that
22 and make that happen. He told us there's a process we
23 can go through that brings us parallel with the State
24 concerning wolves and I think we should do that and
25 that will send a message to the State we support the
26 work that has been done between the residents of POW
27 and the State.

28

29 Thank you, Mr. Chair.

30

31 CHAIRMAN HERNANDEZ: Thank you, Albert.
32 I see Mr. Johnson is up again with something to add.

33

34 MR. JOHNSON: Yes, Mr. Chair, thank
35 you. Actually the reason I'm here is it's always --
36 something I'll always encourage the Council's to do
37 when you really want to make your case, those of you
38 who are not familiar with me, in a past life I was a
39 litigation attorney, and of course you always start
40 with the law, and one thing that Mr. Schroeder's also
41 been relying on heavily today and that is what does
42 Title VIII say. And Title VIII of ANILCA, as Ken Lord,
43 who is a solicitor for this program will often say,
44 that the brain of Title VIII is Section .805, which
45 deals with Regional Advisory Councils. And, in
46 particular, Section .805(b) calls upon the Secretary to
47 assign adequate qualified Staff to the Regional
48 Advisory Councils and make timely distribution of all
49 available relevant, technical and scientific support
50 data and the interpreting regulation for that goes into

1 a little bit more detail, in that, it calls upon the
2 Board to provide available and appropriate technical
3 assistance to the Regional Advisory Councils. So if
4 you want to make a point in, kind of a stronger point
5 than what you may have made in your previous annual
6 report, start citing statutes and the regulations when
7 you're making your case about the need for more Staff
8 support.

9

10 It's just a suggestion, Mr. Chair.

11

12 CHAIRMAN HERNANDEZ: Good suggestion,
13 thank you for that.

14

15 Anybody else want to add any ideas to
16 the annual report right now.

17

18 MR. KITKA: Mr. Chair.

19

20 CHAIRMAN HERNANDEZ: Harvey.

21

22 MR. KITKA: I've been trying to figure
23 out how to phrase this. It had to do with the climate,
24 it had to do with our melting glaciers, it had to do
25 with our sockeye streams, realizing there's an awful
26 lot of sockeye streams in danger right now. More
27 because our streams have gotten warmer. The habitat
28 has changed. I'd like to know more about it but I feel
29 that if the sockeyes can't adapt then we're going to
30 lose a lot of sockeyes too.

31

32 Thank you.

33

34 CHAIRMAN HERNANDEZ: Thank you, Harvey.
35 We will be considering that for sure.

36

37 So any other topics.

38

39 Bob.

40

41 MR. SCHROEDER: Well, maybe I'm
42 stimulated by having students here this time, and I
43 really like that we had some student visitors,
44 observers and people who are seeing how we operate.

45

46 Our recruitment for Regional Advisory
47 Councils is really heavily weighted to people who are
48 old and have many years of experience. When candidates
49 are evaluated you have to sort of check boxes off, it's
50 kind of like a higher process, which I used to do and

1 now DeAnna's doing. And you get points for the more
2 years you've done something. So if you're really old
3 you had a lot of years to do things, but if you're 20
4 it's pretty hard to have 10 years of experience at
5 anything. So I'm not exactly sure how to do this, but
6 something about recruitment because I would really like
7 to see in the next cycle of appointments, that we
8 actively encourage someone who is a youth, we'll say
9 under 40, but I'd really like to see something change
10 there so that someone who doesn't have 20 years
11 experience at everything that they have done in their
12 life can participate in the Council process.

13

14 So I'm not exactly sure how we do that
15 here, or if other people agree. If we don't agree then
16 don't put it in there, but if there's a little bit of
17 sense of the Council, it'd be like facilitating Council
18 recruitment of -- I don't like to say younger people
19 because that's so totally patronizing, you know,
20 somebody who's 25 doesn't -- when I was 25 I didn't
21 think I was a younger person, I thought I was smarter
22 than the rest of everybody, you know.

23

24 (Laughter)

25

26 MR. SCHROEDER: But I don't know how to
27 put that in words exactly.

28

29 CHAIRMAN HERNANDEZ: Yeah, well, we'll
30 finalize this tomorrow and maybe, DeAnna, you could put
31 up something to the effect of -- yeah, we'll leave it
32 at that, facilitation of youth in Council membership
33 for now and we can flesh it out tomorrow.

34

35 Albert.

36

37 MR. HOWARD: Thank you, Mr. Chair.
38 I've been sitting here this whole meeting trying to
39 support and be nice to Bob, then he called me old.

40

41 (Laughter)

42

43 MR. HOWARD: On the report, Mr.
44 Chairman, I'd like to change the king salmon closure in
45 Angoon to have king salmon recognized as a subsistence
46 use consistent with the customary and traditional use
47 determination passed by this group.

48

49 MS. PERRY: Could you say that one more
50 time.

1 MR. HOWARD: Have king salmon
2 recognized as a subsistence resource consistent with
3 the customary and traditional use determination passed
4 by this Council.

5
6 CHAIRMAN HERNANDEZ: Okay, we have
7 that.

8
9 Any other topics.

10
11 (No comments)

12
13 CHAIRMAN HERNANDEZ: Okay, we'll -- I
14 see DeAnna's been busy kind of trying to capture some
15 of our discussion on this, she has the topics up there
16 to be revisited tomorrow for finalization. So if
17 everybody's satisfied that -- Harvey, you have
18 something else to add.

19
20 MR. KITKA: Thank you, Mr. Chair. I
21 know I'm going to miss tomorrow, I have to go to
22 another meeting. But I hope that all goes well with
23 you guys, and have a good year.

24
25 CHAIRMAN HERNANDEZ: Okay, thank you,
26 Harvey. We're getting kind of down to the bare bones
27 by tomorrow but we'll see how we do.

28
29 (Laughter)

30
31 CHAIRMAN HERNANDEZ: But, yeah, I think
32 we can recess for this evening and tomorrow we have
33 several presentations. We have a presentation on water
34 quality. And, DeAnna, is that kind of a time specific
35 on the water quality, do we know what time Mr.
36 Archibald is going to be here.

37
38 MS. PERRY: Mr. Chair, it will need to
39 be after 11:00, he's flying in tomorrow morning.

40
41 CHAIRMAN HERNANDEZ: Okay, that's good.
42 Then we also have more information on Prince of Wales
43 Landscape Level Analysis, possibly Central Tongass
44 Landscape Level Analysis. We have Staff reports. So,
45 yeah, we'll probably get started tomorrow with more
46 information on landscape level analysis, I'm thinking
47 first.

48
49 So, Mr. Yeager.

50

1 MR. YEAGER: Thank you, Mr. Chair.
2 Would the Fisheries Resource Monitoring work group like
3 to just hang here and run through this and get it done
4 here, or do we want to move locations.

5
6 CHAIRMAN HERNANDEZ: That's a good
7 thought. Albert. Frank. What do you think.

8
9 MR. WRIGHT: We think yes.

10
11 (Laughter)

12
13 MR. HOWARD: My old bones think, yeah,
14 too.

15
16 (Laughter)

17
18 CHAIRMAN HERNANDEZ: Okay, I'm good
19 with that, yeah, that might be a good idea. We're
20 recessing a little before 5:00 so, sure, we've got
21 time.

22
23 Okay, recess until 8:30 tomorrow
24 morning.

25
26 (Off record)

27
28 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

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THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 9th day of November 2018.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/22